



Agenda

Planning Committee

Date:	Wednesday, 5 September 2018 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</p>

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 1 August 2018 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23.	1
	DECISION ITEMS:	
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The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan

- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2018
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request at the Town Hall, St Annes Road West, St Annes.

Planning Committee Schedule

05 September 2018

Item Number: 1 **Committee Date:** 05 September 2018

Application Reference:	18/0373	Type of Application:	Full Planning Permission
Applicant:	Mr MARTIN	Agent :	ML Planning Consultancy Ltd
Location:	LAND ADJACENT STANLEY LODGE - FIELD 5562, SALWICK ROAD, TREALES ROSEACRE AND WHARLES		
Proposal:	ERECTION OF AGRICULTURAL STORAGE BUILDING - PART RETROSPECTIVE APPLICATION		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	15	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8040321,-2.8231059,1402m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to the provision of an agricultural storage building within a prominent rural field that lies immediately to the north of the M55 motorway and the south of Salwick Road north of Treales.

The field is agricultural in character and has recently been in use for grazing sheep and some production of hay, although it also forms the site for the annual Fylde Vintage & Farm Show. The building would provide a covered storage facility for agricultural equipment associated with both hay production and the field show, and also for other equipment associated with the show.

With the site being located in the Countryside there is a general presumption against new buildings unless they are associated with a number of restrictive uses. One of these is that the building is essential for agriculture, with others including small scale tourism uses, and development that is essential to the continuation of an existing operation.

There is some agricultural need for this building given that the site is located remotely from the farmstead which is in Clifton, and there is also a need associated with the storage of equipment that supports the well-establish Farm Show. With these needs and the relatively sensitive siting of the building against the tree backdrop on the Dagger Road boundary of the site it is considered that the building accords with the aims of Policy SP2 of the adopted Fylde Borough Local Plan and with Policy GD4 of the emerging Fylde Local Plan to 2032. The building is considered to be appropriately designed and sited and thus accord with the aims of policy EP11 of the adopted Fylde Borough Local Plan and policy GD7 of the emerging local plan to 2032. For these reasons the application is recommended for approval.

The building construction has commenced, although the materials used do not accord with the submission and are not appropriate. As such a condition is proposed to ensure that appropriate timber boarding materials are used to be reflective of a farm building in this location.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the objections raised by the Parish Council and so the Scheme of Delegation requires that the application is determined by Committee.

Site Description and Location

The application relates to an open agricultural field located between the M55 motorway to the south, Salwick Road to the north, Dagger Road to the east, and Blue Moor to the west. For ease of identification the nearest property to the site is Stanley Lodge Farm which is located approximately 400 metres to the north west.

The field comprises of approximately 25 acres of grassland and is used by the applicant for the grazing of sheep and for the annual Fylde Vintage & Farm Show held every summer for the past 9 years. The site is within Countryside as designated in both the adopted Fylde Borough Local Plan and the submission version of the emerging Fylde Local Plan to 2032.

Details of Proposal

Planning permission is sought for the erection of an agricultural storage building. The building would be sited towards the eastern boundary of the field and adjacent to a wooded/grassed embankment that marks the boundary limit. It would have a ground footprint measuring 17.3ms by 12.1 metres, and have a mono-pitched roof that rises from a height of 3.6m up to 4.5m.

The application is largely retrospective as the building appears to be in the final stages of construction, albeit it is constructed in horizontal metal sheeting whereas the submitted plans indicate vertical sheeting to the lower portion of the building and timber boarding above.

Relevant Planning History

Application No.	Development	Decision	Date
17/1011	APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT FOR PROPOSED PORTAL FRAMED AGRICULTURAL STORAGE BUILDING.	Planning Permission Required	12/03/2018
15/0850	AGRICULTURAL BUILDING FOR STORAGE OF MACHINERY AND FODDER	Refused	20/01/2016
13/0589	RE-SUBMISSION OF 13/0055 - PROPOSED STEEL FRAMED AGRICULTURAL BUILDING	Refused	02/12/2013
13/0055	PROPOSED STEEL FRAMED AGRICULTURAL BUILDING	Refused	14/06/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Treales, Roseacre & Wharles Parish Council** who were notified on 22 May 2018 and comment:

“Object to the application as it conflicts with policy SP2 of the adopted Fylde Borough Local plan and policy GD4 of the emerging local plan (to 2032) for the following reasons:

- 1. From the applicant’s Design and Access Statement, the applicant makes it clear that “There are numerous dilapidated structures on site, along with a number of pieces of agricultural machinery, some of which is vintage machinery”. The applicant then states that they are “keen to remove all temporary structures and unnecessary equipment/scrap from the site and the subject building will provide under cover storage for the remaining items.” The logical conclusion is that the building’s principal purpose is for storage of the various items already strewn across the site. There is no agricultural activity actually described. It is of note that the outcome of the application has no relevance to the removal of material not essential for the purposes of agriculture.*
- 2. We note that Lancashire County Council Land Agent Mr Wayne Selway (ref application 13/0055 22April 2013) in his assessment for a similar building on the same location in 2013, considered that “the use of the building is primarily associated with this show (Fylde Vintage & Farm Show), and the fact that the show does not currently have a permanent structure on the site, is one of the principal reasons for the proposed building”. He also considered that hay would be more appropriately stored at the applicant’s main operation at Clifton. At that time, it would appear that the applicant’s land was principally used for growing potatoes on a contract basis and for the overwintering of sheep belonging to other farmers. It was unclear then and now, the actual scale of farming activity undertaken by the applicant, as opposed to those of a landlord to others undertaking farming activity.*
- 3. For haylage, a single tractor with cutting, turning & collecting equipment is all that could be used on the field 2-3 times per annum. A 12.1m x 17.3m building to store that small amount of equipment would appear excessive, inefficient and unnecessary.*
- 4. We note that from the data provided by the applicant’s agent (on the 9th July 2018) that: of the 180 acres the applicant holds on 3 sites at Clifton, Newton and Salwick Road, Treales; some 87 acres are apparently used as grassland at the three locations. Given that a field may yield 2-3 cuts per year and that 22 acres are at Clifton and 30 acres at Newton, it would not be efficient or effective to store a tractor and/or hay making machinery for the 25 acres at Treales, since that would create extra & unnecessary longer journeys.*
- 5. We also note that the applicant has indicated that he has security concerns at the location the subject of this application (ref 5th Jan 2013 “Farming statement of needs”, application ref 5/2013/589), so it would appear highly ineffective to store valued items in an isolated location away from his main operation at Clifton.*
- 6. It is also noted that it is not normal practice in the Fylde to provide such large permanent buildings in such small fields in association with grazing of sheep or haylage activity, in such prominent positions. The Parish Council has a concern that a precedent may be created, that the authority would have difficulty in resisting should further similar applications come forward across the Fylde.*

7. *Separately, as per multiple exchanges with FBC, the Parish Council wishes FBC to now enforce the restoration of the field with the removal of the unsightly, non-rural detritus and materials left over from the various events that the applicant, Mr Martin, is now facilitating on the land."*

The site is close to the boundary with **Newton with Clifton Parish Council** who were also notified on 22 May 2018 but have not made any comments.

Statutory Consultees and Observations of Other Interested Parties

National Grid

No objection

HM Inspector of Health & Safety

No interest

Highways England

No objection

Greater Manchester Ecology Unit

The site of the new agricultural building is very close to a pond, in an area known to support the specially protected species great crested newt. The Access and Design Statement submitted as part of the application states that the pond will not contain newts because sheep graze the field. In fact, many great crested newt breeding ponds are located in pastoral landscapes and within grazed fields. But in this case I note that:

8. The pond is very heavily shaded, significantly reducing the likelihood of newts using it
- The development proposal will not result in the loss of, or direct harm to, the pond
- The development proposal will not result in any substantive losses to terrestrial habitat of value to newts

I would conclude that the application poses a low risk to great crested newts and I therefore have no objections to the proposal on nature conservation grounds.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed erection of agricultural building and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified:	22 May 2018
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP09	Diversification of the rural economy

EP11	Building design & landscape character
EP19	Protected species

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within countryside area
Pipelines
Shell North Western Ethylene Pipeline

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

Relevant Policy Considerations

The application site is located within open countryside as allocated in both the adopted Fylde Borough Local Plan (ALP) and the submission version of the emerging Fylde Local Plan to 2032 (ELP). Policy SP2 of the ALP sets out five criteria of development which in principle are permitted within open countryside. Of these five criteria 1 and 5 are relevant to this proposal and provides support for development that is essentially required for the purposes of a use appropriate to a rural area. Policy GD4 of the ELP also sets out five criteria for development within open countryside, with criterion 1 providing support for development needed for the purposes of uses appropriate to a rural area and which help to diversify the rural economy. It is noted that policy GD4 of the ELP does not qualify the need as being 'essential' and thus is less restrictive in terms of justification for the proposal, and that it also promotes tourism uses and essential development to support an existing enterprise. Whilst the ELP is yet to be found sound or formally adopted it is considered that given its advanced stage of preparation and the fact that the Local Plan Examination hearings and consultation on main modifications have now closed (without any indication from the Inspector that the Examination in Public is to be re-opened) then policy GD4 be given significant weight in the determination of this application.

Para 83 of the NPPF18 states that planning policies should enable:

- a) the sustainable growth and expansion of all types of business, both through conversion of existing buildings and provision of well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.
- c) sustainable rural tourism and leisure developments which respect the character of the countryside

Principle of Development

The application relates to a 25 acre / 10 hectare agricultural field located immediately to the north

of the M55 motorway and accessed via Salwick Road, which runs alongside the northern boundary of the field. The field is pasture grassland used for the grazing of sheep and some hay production. The application refers to the use of the building to support this agricultural use, and whilst there is some merit in this as the site is clearly in agricultural use and is remote from the main farmstead, the nature of agricultural activity undertaken is not such that a building would normally be justified.

However, the site also forms the site of the annual Fylde Vintage & Farm Show, which is held over one weekend every year, and which has recently completed its ninth year of operation. This agricultural themed show is clearly one that is appropriately sited within a rural area and represents a successful example of diversification of the rural economy that also brings tourism benefits through the visitor numbers it attracts to the area. The success of the show has however resulted in the accumulation of various show related items (e.g. fence panels, old agricultural machinery, etc.) being stored around the periphery of the field, in particular along the eastern boundary against the grassed embankment. These items are readily visible from public vantage points including the M55 and cause harm to the visual amenity of the area. The proposed building would provide a covered facility for the storage of many of these show related items and thus provides an opportunity for improving the public appearance of the field.

For these reasons it is considered that the proposed storage building accords with the aims of policy SP2 of the adopted plan and Policy GD4 of the emerging local and also para 83 of the NPPF. Accordingly the proposed development is acceptable in principle at this location.

Visual amenity

The storage building is located alongside the grassed/wooded embankment that forms the eastern boundary of the field. The building on the submitted drawings is of a basic design with an open front, ventilated elevations, and a mono-pitched roof profile. The finished appearance is a muted green colour. The building is readily visible from the adjacent M55 motorway however its basic design is in keeping with the rural character of the general area, and its muted colour finish with timber board elements, together with its siting against a grassed/wooded embankment, help to ensure its appearance is not otherwise incongruous within this rural setting or unacceptably intrusive within the wider rural vista. Furthermore, the building would enable much of the show related paraphernalia, currently stored around the field periphery, to be stored under cover and out of sight, to the benefit of the area's visual amenity.

Ecological Impacts

The council's GIS indicates that a pond lies in close proximity (approximately 20 metres to the north) of the building, however aerial photographs of the site appear to show this pond is now largely overgrown with flora. This notwithstanding the potential for this to be a Great Crested Newt habitat must be considered. The Greater Manchester Ecology Unit was consulted on the application for their views and they raised no objections as the pond is largely shaded by overgrowing flora (thus significantly reducing the likelihood of GCNs being present and also the development would not in itself cause harm to the pond).

Highways

County highways were consulted on the application and have raised no objections to the application. In their opinion the development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Amenity

The closest neighbouring residential property is Locking Stoops Cottage, situated approximately 185 metres distant to the north east of the building and on the other side of Salwick Road.

Notwithstanding that the storage use of the building is unlikely to cause any neighbour amenity issues, this large separation distance is sufficient to ensure that neighbour amenity impacts are not a concern.

Conclusions

This application relates to the provision of an agricultural storage building within a prominent rural field that lies immediately to the north of the M55 motorway and the south of Salwick Road north of Treales.

The field is agricultural in character and has recently been in use for grazing sheep and some production of hay, although it also forms the site for the annual Fylde Vintage & Farm Show. The building would provide a covered storage facility for agricultural equipment associated with both hay production and the field show, and also for other equipment associated with the show.

With the site being located in the Countryside there is a general presumption against new buildings unless they are associated with a number of restrictive uses. One of these is that the building is essential for agriculture, with others including small scale tourism uses, and development that is essential to the continuation of an existing operation.

There is some agricultural need for this building given that the site is located remotely from the farmstead which is in Clifton, and there is also a need associated with the storage of equipment that supports the well-established Farm Show. With these needs and the relatively sensitive siting of the building against the tree backdrop on the Dagger Road boundary of the site it is considered that the building accords with the aims of Policy SP2 of the adopted Fylde Borough Local Plan and with Policy GD4 of the emerging Fylde Local Plan to 2032. The building is considered to be appropriately designed and sited and thus accord with the aims of policy EP11 of the adopted Fylde Borough Local Plan and policy GD7 of the emerging local plan to 2032. For these reasons the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

Approved plans:

- a) Location Plan - Stanfords Vectormap
 - Proposed Site Plan and Elevations - ML/DM/5709, dated 08 May 2018

Supporting Reports:

- Design and Access Statement

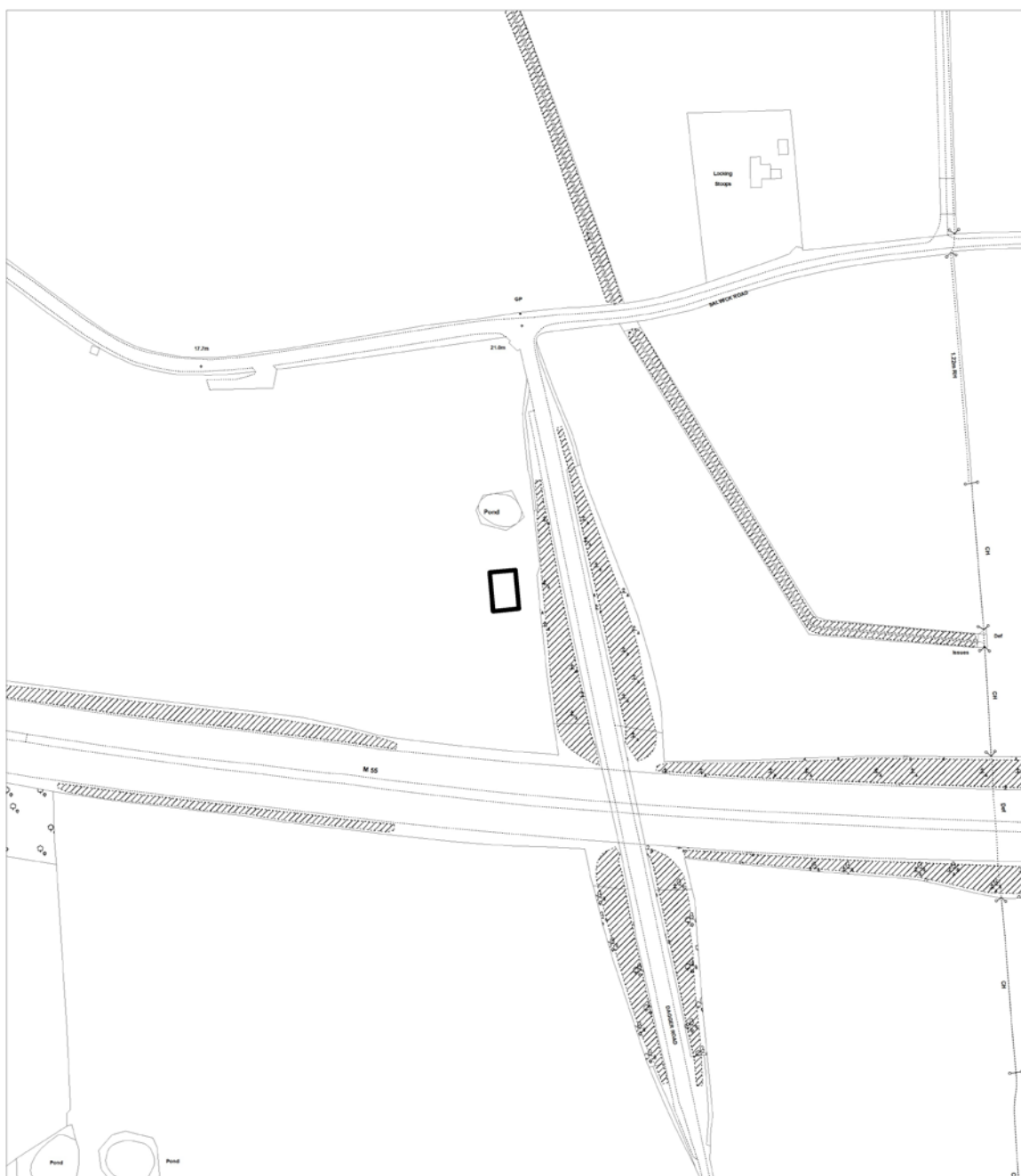
Reason: To provide clarity to the permission.

3. Notwithstanding the details shown on the plan submitted with this application (Ref: ML/DM/5709) the lower portion of the building shall be clad in Juniper Green box profile vertical cladding, with the upper portion clad in plain timber 'gale breaker' style vertical boarding.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding countryside in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies EP11 and SP2, and the National Planning Policy Framework.

4. Notwithstanding any right available under the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any successor legislation) the building hereby approved shall be utilised for agricultural purposes and / or the storage of equipment associated with the Fylde Vintage & Farm Show (or any successor rural based events) only.

Reason: To retain appropriate control over the use of the building give its isolated rural location in accordance with Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0373	Address Land adjacent Stanley Lodge - Field 5562, Salwick Road, Wharles	Grid Ref. E.3460 : N.4345	Scale 0 10 20 30 40 m

Item Number: 2

Committee Date: 05 September 2018

Application Reference:	18/0455	Type of Application:	Full Planning Permission
Applicant:	Mr & Mrs BLACK	Agent :	ML Planning Consultancy Ltd
Location:	LAND TO THE SOUTH OF THAMES STREET, NEWTON WITH SCALES, PRESTON, PR4 3RS		
Proposal:	ERECTION OF STABLE BLOCK, STORAGE BARN AND CREATION OF OUTDOOR MANEGE TO FORM HORSE RIDING ARENA AND ERECTION OF POLYTUNNEL TO PROVIDE VEGETABLE GROWING AREA		
Ward:		Area Team:	Area Team 2
Weeks on Hand:	12	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7634775,-2.8410562,1403m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site relates to a rectangular area of land in a rural area to the south west of Newton and north east of Freckleton villages, but which is accessed from Newton. The site is located within the Countryside as allocated in the adopted Fylde Borough Local Plan and the emerging Fylde Local Plan to 2032.

The application relates to the development of a building to provide 3 stables with feed and tack stores, a store building, a poly tunnel, a midden and a ménage associated with the private equestrian use of the application land and an adjacent site.

This is a rural use that is appropriate in countryside locations and it is considered that the scale, design and location of the buildings are appropriate for in the surrounding landscape. There is no detrimental impact to the character of the countryside as the buildings and structures are modest in size and clustered together therefore not appearing individually isolated within the site. There is no impact to residential amenity due to the large separation distance.

The proposal is considered to comply with the NPPF and policies SP2 and EP11 of the adopted Fylde Borough Local Plan and Policies GD4 and ENV1 of the submission version of the Fylde Local Plan to 2032 and so is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Planning Committee as the officer recommendation for approval conflicts with the objection received from Newton with Clifton Parish Council.

Site Description and Location

The application is a field located beyond the southernmost part of Thames Street, some 420m southwest (as the crow flies) of the settlement of Newton. The field is located in an area designated as countryside as defined in the adopted Fylde Borough Local Plan. The site visit associated with this application identified a static caravan, storage container and field shelters on the site none of which have any formal consent, and which are now the subject of discussions with the applicant separate to this application.

The northern and western boundaries of the field are adjacent Footpath No.5 which runs parallel but does not pass through the site. The site has well-established hedgerow along the western, southern and eastern boundaries with new planting having been carried out along the northern boundary and the northern section of the eastern boundary.

The surrounding area is characterised by open fields predominantly used for agricultural purposes with other fields in the vicinity already having stable blocks on them.

Details of Proposal

The proposal is for the erection of a stable block, poly tunnel, store building and the creation of a ménage. All the proposed elements are located to the west of the access at the northern end of the site.

The stable block has an L-shaped foot print of 18.2m by 10.9m (at its maximum) and it has a dual pitched roof with a maximum height of 2.9m. As well as providing 3 stables parts of the building also provide a sheep pen and feed and tack rooms. The building is to be constructed in timber above a brick base.

The storage building is situated immediately to the south of the stable block and has a rectangular foot print of 7.2m by 3.6m. It has a dual pitched roof with an eaves height of 3m and a ridge height of 3.4m.

The poly tunnel has a rectangular foot print of 18.2m by 6m and is 2.9m tall at its highest point.

The ménage has a foot print of 40m by 20m and is situated to the south of the stable block. The ménage is to be surrounded by a post and rail fence 1.5m high. Adjacent the stable block there is also a concrete midden pad measuring 6m by 3m.

All the elements of the proposal are for private use.

Relevant Planning History

None.

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 14 June 2018 and object to the proposal, stating:

“Some development has commenced in that a static caravan is already in-situ on site, moreover a shipping container, which is clearly incongruous with the rural character of the area, is also already in-situ on site.

The application states “unknown” with regard to disposal of foul sewage and there is no specified provision for storage and collection of waste which clearly has potential to militate against pollution control and is therefore considered unsatisfactory.

Council requests the local planning authority to ensure that the “Lund Way” bridleway is unaffected by the proposal and remains accessible at all times.”

Statutory Consultees and Observations of Other Interested Parties

Environment Agency

No objection

Greater Manchester Ecology Unit

Recommend that as a Condition of any permission that may be granted to the application a Method Statement should be prepared giving details of Reasonable Avoidance Measures to be taken during the course of any ground clearance and construction works to avoid any harm to amphibians.

The Ramblers Association

No comments received

Lancashire County Council - Highway Authority

No objection

Lancashire County Council Rights of Way

No comments received

Neighbour Observations

Neighbours notified:	14 June 2018
Site Notice Date:	22 June 2018
Press Notice Date:	21 June 2018
Number of Responses	1 response received
Summary of Comments	<i>The Newton Residents Association (NRA) would like to raise their concerns and objections to the above planning application.</i>

The application has been validated, but we believe it is incomplete for the following reasons:

- 1. The applicant does not state the reasons for siting a large static caravan that is already on the site*
- 2. The applicant does not state the reasons for siting a large shipping container that is already on the site*
- 3. There are two rectangular outlines on the plans that are in need of further explanation. (see attachment)*
- 4. There are no plans on how the existing Public Right of Way will*

be maintained.

- 5. The application form states that "Foul Drainage" is unknown, the applicant should clarify their intentions.*
- 6. There are no details on how water and electricity supplies will be installed, nor if generators are requested.*

We would request further information is sought from the applicant to clarify the above issues, and the application be updated accordingly. Once such information is supplied and available to view online, we would then take the opportunity to respond with any concerns we may have on the finalised application. In this eventuality, we would request notification when a properly completed application was ready for representations.

*But, if you are minded to accept the application in it's current form, then we would object to it being granted permission. Our **primary concern** is that this is the first step to getting a dwelling on the plot of land. This land is in open countryside and outside of the development line. We are losing several good agricultural fields in this area to equestrian use. With an increasing number of caravans and mobile homes stationed on land where there are stables, purportedly for rest and refreshment during the day. There is already a static caravan on the site before permission has been gained to change the use of the land from agricultural. This has raised concerns regarding creation of a dwelling, along with the application stating foul sewage "unknown". The foul sewage requires a solution to be proposed if it is required, as the dykes in the area do not meet the binding rules.*

The plans do not refer to the static caravan already on the plot or the shipping container. We would like clarification on what would happen to these as part of the application. There are two rectangular outlines on the plans that are in need of further explanation. The land is in flood zone 2 & 3 and caravans are "more vulnerable" as outlined in the EA guidance.

There is a public right of way through this field, called "Lund Way" which can be found on LCC MARIO records. We would also like to know how this will be maintained through this application.

Unless these concerns are adequately addressed then the application should be rejected. Should the application be granted we would like consideration to be given to restrictions on overnight stays to alleviate concerns regarding the plot being used for a future dwelling.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02
EP11

Development in countryside areas
Building design & landscape character

EP30 Development within floodplains

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
ENV1	Landscape

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) Regulations 2017.

Comment and Analysis

The principle of the development

The proposed development is located in an area designated as countryside as defined by the adopted Fylde Borough Local Plan and submission version of the Fylde Local Plan to 2032. Therefore Policies SP2/GD4 apply which seek to restrict development that would be considered inappropriate in the countryside. In addition Policies EP11/ENV1 apply also in relation to the landscape character of the area.

Although the erection of stables and use of the land for equestrian activity is not an agricultural use, it is clearly a use that is appropriate in a rural area and so is supported by Policy SP2 and Policy GD4. In addition the scheme includes elements of development in a sheep pen and polytunnel that are agricultural and so are also appropriate for a rural area. The land associated with the site is of a size that is sufficient to support the equestrian and agricultural activities that the buildings are associated with, and at the scale of stabling involved there is no concern that the development could be for anything beyond a private equestrian use. Accordingly the principle of erecting the buildings is acceptable, with a condition necessary to reinforce the private use of the site.

Design and impact to the character of the countryside

The proposed stable block is relatively large in the context of a private non-livery use stables. However this building is also to provide shelter for the applicants' sheep and the storage needs associated with the site which justifies this larger building. Furthermore the proposed building is comparable with other stable blocks seen along the track which connects the site to Thames Street. Its low profile and appropriate layout and materials mean that it will not have a detrimental impact to the character of the surrounding area and will not appear as a dominant feature within the site.

The storage building will have a greater impact to the character of the area due to its height being greater than the stable block. However this impact is considered acceptable as it will not appear isolated within the site, being close to the stable block and its height above the stable block being limited to around 0.5m and so it will not appear incongruous.

The proposed poly tunnel will also be sited within this cluster and has a relatively low height that will ensure it is not a dominant feature in the landscape.

The ménage is unlit and so will have minimal impact to the character of the countryside and will only be able to be viewed when immediately adjacent or within the site. This is also the case for the concrete midden pad adjacent the stable block.

Taking the above into account it is considered that the proposal complies with Policy EP11 of the adopted Fylde Borough Local Plan and Policies GD7 and ENV1 of the submission version of the Fylde Local Plan to 2032.

Impact to amenity

The proposed stable and ménage are located in an area where there are no nearby residential properties and therefore it is considered that there will be no impact to residential amenity. The equestrian use of the field associated with this application will likely create additional movements to the site but these will remain limited in number and are not considered to impact on the amenity of residents along Thames Street further north. There are no objections from the local highway authority and the amenity considerations from the modest increase in vehicle movements will also be negligible in the context of the existing equestrian use of this area.

Other matters

The officer site visit revealed that a static caravan was stationed on the site and was being used as brew and rest facilities, with a storage container and 3 field shelters also present but were not included as part of the application. It is understood that the applicant intends that these are retained on site on a permanent basis, and considers that planning permission is not required for them to be retained. As these are not within the application they do not form part of the consideration of this scheme and will be the subject of further investigation and dialogue with the applicant and their agent. The comments of the Resident Association on the potential implications of these are noted, but the use of the land for a permanent residence has not been applied for and therefore forms no part of this assessment.

Public Footpath No.5, known locally as "Lund Way", runs parallel with the northern boundary of the site and then runs southwards along the western boundary of the site. The foot path does not enter the application site and so there will be no impact to the on-going usability and condition of it. The users of the path will be able to see the development, but as it forms a typical rural feature this will not be harmful to the setting of the path.

The application site lies within Flood Zones 2 and 3 which is a higher level of flood risk. However the development of rural buildings of this nature are not inappropriate in these areas. A residential use of the caravan would be inappropriate on flood risk grounds, but is outside the assessment of this application. The site does not require any form of foul drainage as there will be no permanent residential use on the site, with a condition appropriate to control operation of the midden to minimise the risk of pollution of the watercourse. Surface water runoff will increase as a result on the buildings and hardstanding areas and the applicant has indicated that a Sustainable Drainage System will be used for surface water, and as no details have been submitted for this a condition is also appropriate to secure these details.

Conclusions

The development of a private stables, store building, poly tunnel, midden and ménage subject of this application are located within an area designated as countryside and it is considered that their use

and appearance are appropriate within this designated area. There is no detrimental impact to the character of the countryside as the buildings and structures are modest in size and clustered together therefore not appearing individually isolated within the site. There is no impact to residential amenity due to the large separation distance.

The proposal is therefore considered to comply with the NPPF and policies SP2 and EP11 of the adopted Fylde Borough Local Plan and Policies GD4 and ENV1 of the submission version of the Fylde Local Plan to 2032 and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

Approved plans:

- Site Location Plan - Received 21 August 2018
- Proposed Plans and Elevations - ML/NB/5730

Supporting Reports:

- Flood Risk Assessment (Prepared by ML Planning Consultancy Ltd)

Reason: To provide clarity to the permission.

3. The stable building and storage building hereby approved shall be constructed in a timber frame above a brick base with dark stained timber boarding to the walls as shown on the approved plans only.

Reason: To ensure that the materials are appropriate in their construction and visual appearance for this rural area as required by Policy EP11 of the Fylde Borough Local Plan.

4. No development approved by this permission shall commence until a scheme for the disposal of surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. The development shall be implemented, maintained and managed in accordance with the approved details.

Reason: To ensure the site and development are adequately drained and to secure proper drainage and to manage the risk of flooding and pollution.

5. The development hereby approved shall only be used for agricultural purposes or the stabling and exercise of horses on a private hobby basis and shall not be used as a livery or any other commercial equestrian purposes.

Should the buildings/structures and sand paddock/menage cease to be required for this private

stabling and hobby farming use then they shall be removed from the site within 6 months of the cessation of that use with all resultant materials removed from the site and the land reinstated to grass unless further permission is obtained from the Local Planning Authority.

Reason: To safeguard to visual amenity of the Countryside, to accord with the development strategy of the Local Plan, and to ensure that there are no unacceptable highway grounds raised by a more intensive use of the site in accordance with Policy SP2 of the Fylde Borough Local Plan.

6. The stable block and store building as part of this development, hereby approved, shall have floor levels constructed as stipulated in the submitted flood risk assessment, 4.81m AOD (i.e. 100mm above existing surrounding ground level). Any change to these agreed levels shall be submitted to and agreed in writing by the Local Planning Authority.

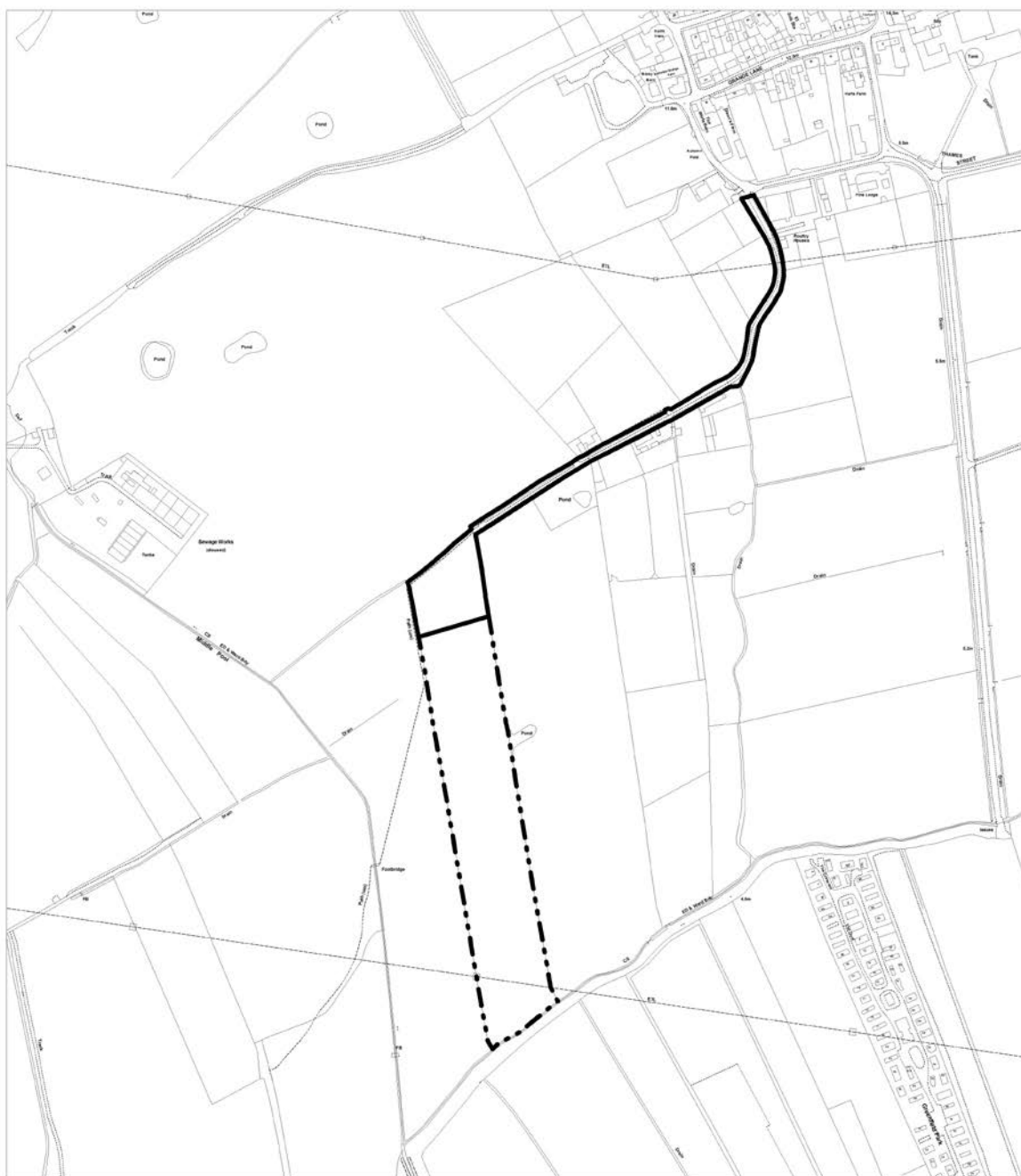
Reason: In the interests of clarity and flood prevention measures.

7. That there shall be no flood lighting of the menage area hereby approved.

Reason: In order to preserve the character of the rural area in accordance with Policy SP2 of the Fylde Borough Local Plan.

8. The manure produced on site shall be stored in the midden area in such a way that will not give rise to free drainage from within the stacked material and this shall be regularly emptied.

Reason: To minimise the potential for drainage from the manure to infiltrate into the surrounding watercourses and so cause pollution in accordance with Policies EP16, EP20 & EP23 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and ENV1 of the emerging Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0455	Address Land to the south of Thames Street, Newton	Grid Ref. E.3443 : N.4301	Scale 0 25 50 75 100 m

Item Number: 3

Committee Date: 05 September 2018

Application Reference:	18/0554	Type of Application:	Full Planning Permission
Applicant:	Ministry of Justice	Agent :	Jacobs UK Ltd
Location:	KIRKHAM PRISON, FRECKLETON ROAD, KIRKHAM, PRESTON, PR4 3RB		
Proposal:	CONSTRUCTION OF EXTENSION TO EXISTING MATERIALS STORE BUILDING TO CREATE A NEW WORKSHOP. THE DEMOLITION OF A FORMER HANGAR 6. NEW FENCING, HARD-STANDINGS (TO PROVIDE NEW DELIVERY YARDS) AND LANDSCAPING.		
Ward:	KIRKHAM SOUTH	Area Team:	Andrew Stell
Weeks on Hand:	8	Case Officer:	Kieran Birch
Reason for Delay:	Not Applicable		

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

<https://www.google.co.uk/maps/@53.7714903,-2.8741555,702m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application is for planning permission for an extension to an existing materials store to create a workshop for making sheds, and the demolition of Hangar 6 and HMP Kirkham. It is located on the south side of the prison buildings to the west of Freckleton Road and north of existing residential dwellings. To the west is open land associated with the prison. The site is allocated as greenbelt land within the open countryside in the adopted Fylde Borough Local Plan and the emerging Fylde Local Plan to 2032. The specific application site is located within a series of former RAF hangars located in the southern area of the prison and which adjoins farmland.

The extension of existing buildings in the green belt is supported through paragraph 145 of the NPPF subject to their impact on the open character of the area. Policy GD5 of the Fylde Local Plan to 2032 allows development at Kirkham Prison that does not result in harm to the character of the greenbelt and as it is being put forward as part of a comprehensive long term plan for the site. It is considered that the development of the site in this location, together with the demolition of the exiting hangar building will not have an impact on the openness greenbelt and so that the principle of the development is acceptable.

The ecological issues have been considered and found to be acceptable. There are no drainage or amenity issues. With regard to highways the site will be accessed like the remainder of the site. As such it is considered that the proposal delivers an acceptable form of development and it is recommended that the application be supported by Committee.

Reason for Reporting to Committee

The application is for a major development and as the officer recommendation is for approval the

Scheme of Delegation requires that the decision is made by the Planning Committee.

Site Description and Location

The application site comprises an area of land within HMP Kirkham, a category D training prison with an operational capacity of 657 inmates which occupies the site of a former RAF technical training centre. The facility was taken over by the Home Office in the early 1960's and has been in use as a prison since 1962. With few exceptions, the infrastructure and services, together with the buildings, are of World War II vintage, though prisoner accommodation is relatively new. It is located on the south side of the prison buildings to the west of Freckleton Road and north of existing residential dwellings. To the west is open land associated with the prison. The site is allocated as greenbelt land within the open countryside in the Fylde Local Plan and the Local Plan to 2032. The application site is located within a series of former RAF hangars located in the southern area of the prison and which adjoins farmland. The application site is predominately flat and is approximately 4.2 ha.

Details of Proposal

The background to the application follows an inspection by Her Majesty's Chief Inspector of Prisons that took place in November 2013 and investigated all four tests of a healthy prison (safety, respect, purposeful activity, resettlement). Across the range of the healthy prison tests, it was found that some of the building structures required attention and consequently proposals were developed to address building structural and operational issues and these have led to this planning application.

The overall scheme is outlined in the planning application and states that it is not considered economically viable, by the Ministry of Justice, to refurbish or re-clad and repair structural defects of all four remaining hangar structures (Hangars 1 and 2 have already been demolished), so consequently Hangars 4 and 6, which are largely unused and only used for informal storage, are to be demolished, whilst improvements/repairs are to be made to Hangars 3 and 5. The demolition of Hangar 4 is not included within this Planning application, but was subject of a Prior Notification application (for its demolition) which has been granted. As such the application proposes the following:

- An extension of approximately 1,300m² to the existing materials store shed to provide new timber workshop facilities. The new extension will be clad in an insulated metal sheet, to match the profile and colour of the existing. This is to provide accommodation to train inmates to make timber sheds that are then sold;
- Associated new fencing and hard-standings to provide new delivery yards; and
- Landscape planting along the southern boundary and a short section along the eastern development boundary.

Works that are going to be undertaken at the site (in addition to the demolition of Hangar 4) that do not require planning permission include;

- Structural repairs to Hangar 3 and then be used as materials store; and
- Structural repairs and re-cladding to Hangar 5 in an insulated metal sheet to match existing cladding on the site and so allow its continued use as a gymnasium and social facility.

The development is to be phased so as to not disrupt the operation of the prison. Phase 1 will include the demolition of Hangar 6 and the extension to the materials store to provide a new facility for the timber industries facility, Phase 2 will constitute the refurbishment of Hangar 5 before returning it back to a gymnasium facility (planning permission not required) and Phase 3 would

relate to the return of the gymnasium to Hangar 5 and the timber industries operation being solely in the new extension to the materials store.

Relevant Planning History

Application No.	Development	Decision	Date
18/0543	PRIOR NOTIFICATION FOR DEMOLITION OF FORMER HANGAR 4	Approve Prior Determination	30/07/2018
11/0656	PROPOSED CHANGE OF USE OF EXISTING STAFF / VISITOR CANTEEN TO CAFE FOR PUBLIC USE. PROPOSED OPENING HOURS TO BE MONDAY - FRIDAY 09:00 - 13:00 AND SATURDAY - SUNDAY 13:00 - 15:30.	Refused	20/12/2011
10/0184	LANCASHIRE COUNTY COUNCIL APPLICATION FOR VARIATION OF CONDITION ONE OF PERMISSION 05/07/0333 TO ALLOW A FURTHER TWO YEARS TO DRILL AND TEST FOR HYDRO CARBONS AND RESTORE THE SITE.	Raise No Objection	14/04/2010
08/0617	ERECTION OF LIVESTOCK BUILDING	Granted	02/09/2008

The site history is extensive and earlier applications have been omitted for clarity.

Relevant Planning Appeals History

No relevant appeals to report.

Parish/Town Council Observations

Kirkham Town Council notified on 17 July 2018 and comment:

Kirkham Town Council have no objection.

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit

Summary

No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to, protected species, nesting birds and landscaping can be resolved via condition and or informative.

Bats

The buildings on site were assessed for bat roosting potential and surveys carried out. No roosts were found in the buildings impacted upon by the development, though a roost was identified in a building off-site, subject to a future phase of works. In terms of the planning application however it was concluded the risk to bats was low. I have no reason to doubt these recommendation.

I recommend an informative along the following lines be applied to any permission.

Whilst the building to be demolished and refurbished have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease

immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Other Protected Species

Assessment of the potential risks to great crested newts, reptiles, badgers etc. concluded that the risks of other species being present was low.

Reasonable avoidance measures were recommended for reptiles with all other species regarded as not at risk. However I feel having seen the photographs of the development site and based on the scale of the extension to the workshop that a note regarding reptiles is all that is required. I recommend an informative along the following lines be applied to any permission.

The applicant is reminded that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take or kill reptiles. If a reptile is found on or near the site during the development work should cease and a suitably experienced ecologist employed to how best to safeguard the reptile(s).

Nesting Birds

The site was assessed as having bird nesting potential associated with scrub and the buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur or building and demolition works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. The site currently has only very low ecological value. I am satisfied that mitigation can be achieved through soft landscaping works. The detail can be conditioned.

Regeneration Team (Landscape and Urban Design)

No comments received. (post vacant at time of consideration)

Lancashire CC Flood Risk Management Team

No comments received.

Neighbour Observations

Neighbours notified:	17 July 2018
Press Notice Date:	02 August 2018
Number of Responses	No comments received.

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
SP04	Kirkham Prison
SP07	Large Developed Sites in Countryside
EP11	Building design & landscape character

Fylde Local Plan to 2032:

ENV1	Landscape
GD2	Green Belt
GD5	Large Developed Sites in the Countryside

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

The main issues to be considered when determining this application;

- Principle of the Development
- Landscape and visual impact
- Ecology
- Drainage
- Amenity

Principle of the Development

Policy Background

When considering planning applications reference should be made to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states "*...if regard is to be had to the Development Plan for the purposes 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 Development Plan in this instance is the adopted Fylde Borough Local Plan. This plan allocates the site as within the greenbelt (policy SP3). Policy SP4 refers specifically to the developed area of Kirkham prison, on the proposals map of the Fylde Borough Local Plan the area proposed to house the extension to the existing materials shed is not within this area but directly adjacent to it, with the boundary formed by the materials store itself. As such the appropriate policy to assess the merits of this development is SP3. Policy SP3 states the following;

Within the green belts defined on the proposals map, planning permission will not be given except in very special circumstances for the erection of new buildings, other than for the purposes of

agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the green belt and which do not conflict with the purposes of including land within it.

Where no change of use is involved, the limited extension or alteration of existing dwellings will be permitted as will their replacement with a building of similar size to the original.

The re-use of permanent and substantial existing buildings will be permitted subject to the criteria identified in policies sp5 and sp6 and providing that the proposal would not have a materially greater impact than the present use on the openness of the green belt and the purposes of including land within it.

Forms of development other than those referred to above will not be permitted unless they maintain the openness of the green belt do not conflict with the purposes of including land within it and do not injure the visual amenities of the green belt.

Whilst not yet part of the Development Plan the Fylde Local Plan to 2032 is a material consideration which is advancing in weight and in Officers opinion can now be afforded significant weight. The site still lies within the Greenbelt, with Policy GD2 in this plan simply states that national guidance (the Framework) will be applied. The site is also identified as being a large Developed site in the countryside under policy GD5. Policy GD5 states the following;

The complete or partial re-development of large developed sites in the countryside, including but not restricted to the Universal Products Factory at Greenhalgh; Helical Technologies Ltd at Hillock Lane, Warton; the Westinghouse Springfields in Salwick; the Naze Lane Industrial Estate at Freckleton; Weeton Barracks Camp; HM Prison Kirkham; Mill Farm Sports Village, Fleetwood Road, Wesham; and Ribby Hall Holiday Village, all of which are identified on the Policies Map, will be permitted subject to the following criteria:

- a) The proposal would not result in harm to the character, appearance or nature conservation value of land in the countryside, Areas of Separation, landscape setting, historic environment or Green Belt in comparison with the existing development, in terms of footprint, massing and height of the buildings;*
- b) The proposal will not require additional expenditure by public authorities in relation to infrastructure and it can safely be served by existing or proposed means of access and the local road network;*
- c) Proposals for partial re-development are put forward in the context of a comprehensive long term plan for the site as a whole;*
- d) Proposed re-development can be safely and adequately served by existing or proposed means of access and the local road network without adversely affecting highway safety;*
- e) Opportunities to improve public transport connections, and pedestrian and cycle links are maximised; and*
- f) Mixed use development is promoted on these sites.*

It is not intended that this policy should relate to the re-development of redundant farms or holiday caravan sites or parks

Another material consideration is the NPPF which was updated on 24 July 2018 and is to be applied in the determination of all planning applications from the date of publication. Policies relating to "protecting Green Belt land" are dealt with in Chapter 13 (paragraphs 133 - 147) of the 2018 NPPF. These were previously set out in Chapter 9 (paragraphs 79 - 92) of the 2012 NPPF. Paragraph 134 states;

Green Belt serves five purposes:

- 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*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

With regard to developments that effect the green belt, paragraph 143 states that inappropriate development by definition is harmful to the Green Belt and should not be approved except in very special circumstances, with para 144 stating that when considering any planning application LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Of particular relevance to this application as it is for the construction of a new building is paragraph 145 which states the following;

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - i. *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - ii. *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

Impact of Development on Green Belt

As adopted Local Plan Policy SP4 does not apply, and Policy GD5 of the emerging Local Plan allows for a partial redevelopment of the Prison site in the context of a long term plan, then a submitted proposal will be acceptable if it does not result in harm to the character of the Green belt in comparison to the existing development in terms of footprint, massing and the height of the buildings. The revised NPPF paragraph 145 also supports the development proposals as it allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Therefore the matter for consideration in the determination of this application is whether or not the proposed extension would result in harm to the Green belt. The development proposed consists of an extension of 1,330m² to an existing materials store of 1,490m², though there will actually be a net decrease in overall scale of buildings and their floor space at the prison as Hangar 6 (2,566m²) is to be demolished, thus resulting in a net decrease of floorspace of 1,246m². In addition, the proposed landscaping scheme will also provide environmental improvements. Overall therefore, in the light of Paragraph 145 c) of the NPPF, it is considered that the development does not result in: “disproportionate additions over and above the size of the original building”, and in addition, this partial redevelopment of site “would not have a greater impact on the openness of the Green Belt”. Consequently, it can reasonably be argued that that the proposed scheme could be classified as an exception to the inappropriate development policy as set out in NPPF paragraph 145. Section g) of para 145 also allows the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the greenbelt than the existing development. The demolition of Hangar 6 with it being the furthest out of the existing buildings and the extension of the existing materials store which is better contained visually with the group of existing buildings (despite not being on previously developed land) will result in a benefit as the greenbelt will appear more open.

Very Special Circumstances

The applicants have also put forward the view that notwithstanding whether the development is considered to be ‘Appropriate Development’, they considered that there are ‘very special circumstances’ for the proposed scheme to be developed in the Green Belt that would clearly outweigh any potential harm to the Green Belt, in accordance with paragraph 88 of the NPPF, these being that:

- The current facilities in the prison date back from World War II and are in a state of disrepair. It is not considered economically viable by the Ministry of Justice to refurbish or re-clad, and to repair structural defects of all of the remaining hangar structures and thus why one is to be removed (in addition to the two previous hangars that have already been demolished). Therefore, as part of a comprehensive long term plan for the site, an extension to the materials store has been identified that will provide accommodation to train inmates to make timber sheds which are then sold. This will significantly enhance this facility and will help the operation of the prison as a whole;
- Since the whole of the Kirkham Prison site is currently within the Green Belt, any redevelopment at the site cannot avoid a Green Belt location. The siting of the extension to the materials store is considered to be appropriately sized and sited within the context of the prison site. The new extension will be clad in an insulated metal sheet, to match the profile and colour of the existing buildings, thereby keeping within the visual context of the prison. Locating the extension as proposed will keep visual impact to a minimum, being at right angles to the nearest dwellings in The Mede;
- The redevelopment of the site cannot take place in other, more centralised locations within Kirkham Prison due to the need to be part of the material store for operational purposes.

Policy Summary

Regardless of the applicant’s view over the ‘very special circumstances’ question it is officer opinion that the development is considered appropriate development in the greenbelt as it is for an extension to an existing building that is not disproportionate complying with NPPF para 145 b), that the demolition of the Hangar 6 building on the periphery of the site and the extension being located where it is will result in a net decrease of floorspace of 1246m² and that will not result in harm to

the character of the greenbelt and as it is being put forward as part of a comprehensive long term plan for the site it complies with Local Plan to 2032 policy GD5. Appropriate materials for the building and landscaping screening will further ensure that the extension will not be incongruous to the site, as will a phasing condition to ensure that the building that this new extension is to replace is demolished prior to its first use. Accordingly there is no need to consider if the very special circumstances are demonstrated, although the arguments present would seem cogent and indicate they would be if it were necessary to do so.

Design, Landscape and visual impact

The proposal is for an extension to an existing materials store which is a single storey two bay steel framed structure of approximately 1,490 m² gross external floor area and requires the proposed new extension of 1,330m² to fully accommodate the prison's timber industries. The new facility is a simple single storey building, the new build will match the heights and bay widths and spacing of the existing portal structure, with a maximum height of 8.5m and projection of 38m. The materials proposed are that the building will be clad in grey to match the existing building. The design is simple and is considered appropriate in the context of the Prison buildings.

Due to the sites location adjacent to the existing material store, with the backdrop of Hangar 3, DHL shed and other buildings to the north means that the landscape and visual impact from dwellings to the south and east will be limited, the development will simply be viewed in the context of the wider Kirkham Prison site. Furthermore views from the north and west will be screened by existing buildings. As such the development is considered to accord with Policy EP11 of the Fylde Borough Local Plan which states that *"New development in rural areas should be sited in keeping with the distinct landscape character types identified in the landscape strategy for Lancashire and the characteristic landscape features defined in policy EP10. Development must be of a high standard of design. Matters of scale, features and building materials should reflect the local vernacular style."*

The revised NPPF paragraph 127 states that planning decisions should;

- a) *function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

It is considered that the development complies with the above criteria for the above reasons and also as the proposed scheme includes three sections of hedgerows. Two sections, totalling approximately 140m, would extend along the southern development boundary. The third section would extend approximately 77m along the eastern boundary with the residential properties and would provide additional screening to the existing fragmentary hedgerow boundary. Once established, hedgerows would help integrate the proposed buildings into the local area and would provide additional screening from surrounding residential properties that would also help screen views of the remaining hangers.

Ecology

The application has been submitted with an extended Phase 1 Habitat survey and report which has been assessed by the Council's ecology consultants GMEU whose response is reported in full in the

consultee comments section of this report. Their view is that there are no significant ecological constraints and that issues relating to protected species, nesting birds and landscaping can be resolved via conditions and informatives.

The assessment found that the majority of the site is habitats of negligible / low ecological value including amenity grassland, hard standing, roads and buildings. The extension will require the uptake of an area of species poor, semi-improved grassland within the south of the site. There was also an area of scattered trees within an area of amenity grassland in the north of the site and three individual trees amongst scattered scrub in the south of the site. The trees included immature and semi-mature trees and are considered to be of local ecological value. Three Hangars within the proposed development proposals and one that bounds the site to the north were classified as low in their potential for use as a bat roost and a precautionary survey of each hangar has been undertaken. The other buildings within the site including the Materials Store were classified as negligible in their potential for use by bats. There were two ponds located within 250m of the site; more specifically within 250m of the proposed material storage building extension footprint. These ponds may be suitable for great crested newt (GCN) (*Triturus cristatus*) and the area of semi-improved grassland and tall ruderal habitat within the south of the proposed development area provided suitable sheltering and resting habitat for GCN. GMEU have commented that with regard to bats an informative is required to remind applicants of the habitat regulations should they encounter a bat, an informative in relation to reptiles, and a condition preventing works during the nesting season.

They also comment that Section 109 NPPF12 states that the planning system should contribute to and enhance the natural and local environment. The site currently has only very low ecological value and they are satisfied that mitigation can be achieved through soft landscaping works. This is being provided in the form of hedgerow planting and can be the subject of a condition. As such there are no ecological issues

Drainage

The application is supported by a drainage plan which shows that the proposed extension will connect to existing surface water drain and an existing clay foul drain. No response has been received from the LLFA but the proposed drainage plan is considered to be acceptable and the full details can be subject to a condition.

Residential Amenity

The proposed building extension will be located approximately 100m from the nearest residential dwelling. At such distances it is not considered that there will be any unacceptable impact on residential amenity.

Conclusions

The principle of the development of the site is acceptable given its compliance with NPPF paragraph 145 and GD5 of the Local Plan to 2032. The demolition of existing buildings on the site means there will be a benefit to the openness of the greenbelt and because of the proposed extensions position there will be limited landscape impact. There are no ecology, drainage or amenity issues and as such the proposal is recommended for approval.

The scale of the building involved in this application within the green belt there is a need for the council's intention to grant planning permission to be referred to the Secretary of State to establish

if he wishes to 'call in' the decision for his determination. As such the officer recommendation is to delegate the decision to officers on completion of this referral process.

Recommendation

That in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the Secretary of State is informed that the Local Planning Authority is minded to approve the application. Subject to the Secretary of State not calling the application in that Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

Approved plans:

KMD/000/A/00/02 A08 SITE LOCATION PLAN
KMD/099/A/00/04 A08 EXISTING SITE BLOCK PLAN
KMD/099/A/00/04 A09 PROPOSED SITE BLOCK PLAN
KMD/099/A/00/05 A07 PHASE 1 WORKS
KMD/099/A/00/06 A07 PHASE 2 WORKS
KMD/099/A/00/07 A07 PHASE 3 WORKS
KMD/099/A/00/09 A06 EXISTING AND PROPOSED TIMBER INDUSTRIES FLOOR PLAN
KMD/099/A/00/10 A06 EXISTING AND PROPOSED TIMBER INDUSTRIES ELEVATIONS
KMD/099/A/00/11 A03 EXISTING AND PROPOSED TIMBER INDUSTRIES SECTIONS
KMD/099/C/00/01 A01 PROPOSED DRAINAGE PLAN
KMD/000/A/00/03 A01 LANDSCAPE PROPOSALS

Supporting Reports:

Planning, Design and Access Statement

Reason: To provide clarity to the permission.

3. The whole of the landscape works, as shown on approved plan KMD/000/A/00/03 A01 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

4. Notwithstanding any denotation on the approved plans the materials of construction to be used on the external elevations and roof of the extension must match those of the existing building in the terms of their material, colour and texture, with samples of the materials submitted to and approved in writing by the Local Planning Authority prior to the commencement of building operations. Thereafter only those approved materials shall be used in the development.

Reason: To ensure a consistency in the use of materials in the interest of visual amenity.

5. A full drainage scheme incorporating details of foul and surface water connections shall be submitted to the Local Planning Authority for approval prior to the commencement of development, and shall be implemented during the construction of the development hereby approved.

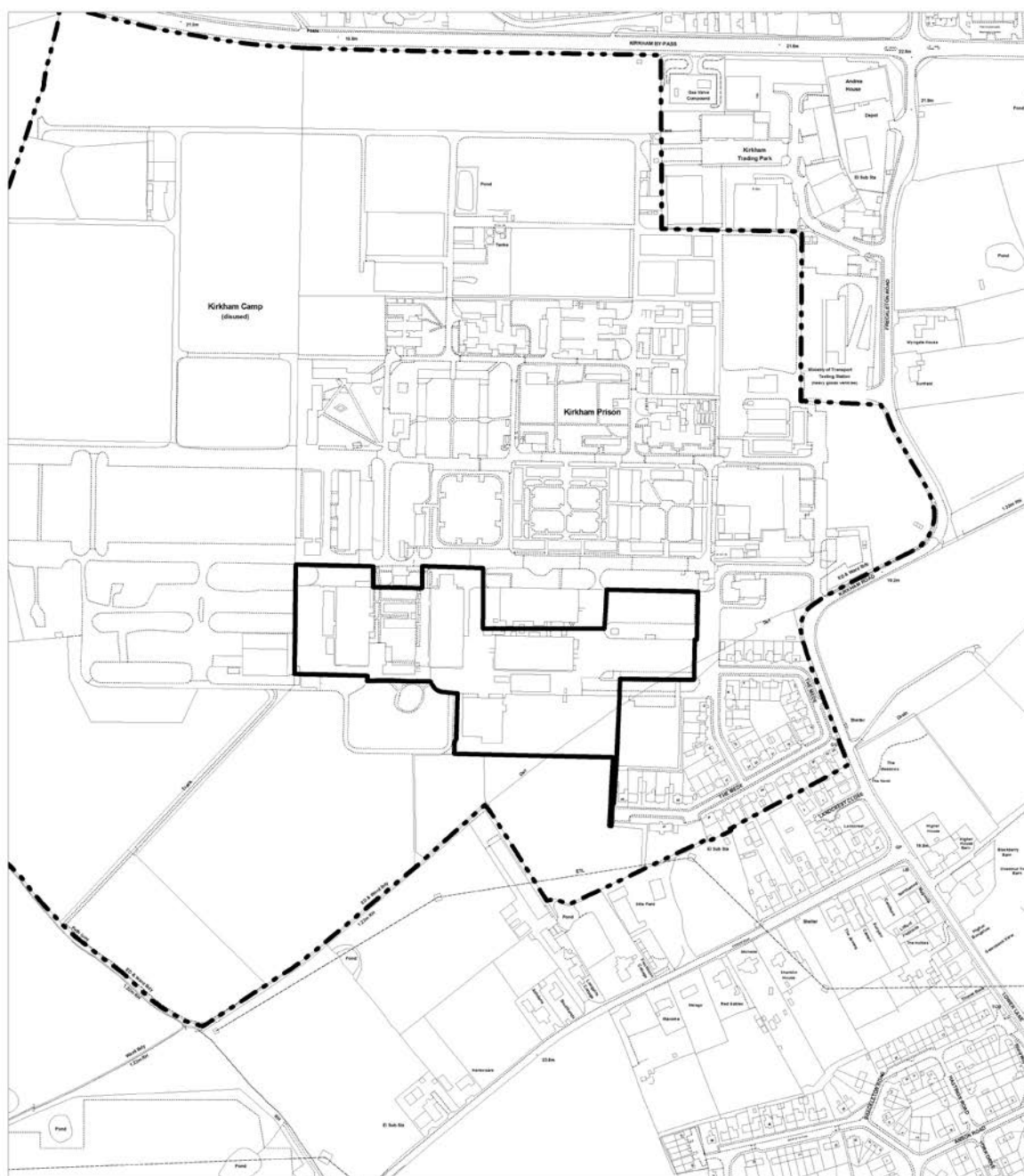
Reason: To ensure the provision of a satisfactory drainage scheme to minimise the risk of flooding and pollution to the water environment.

6. No works to trees or shrubs shall occur or building and demolition works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: To protect nesting birds.

7. Prior to the first use of the extension hereby approved (as shown on approved plans KMD/099/A/00/10/A06 AND KMD/099/A/00/11/A03) the existing building known as Hangar 6 shall be demolished and waste material removed from the site (as shown on approved phase 2 plan KMD/099/A/00/06/A07).

Reason: For reason of visual amenity and the openness of the greenbelt



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0554	Address Kirkham Prison, Freckleton Road, Kirkham	Grid Ref. E.3423 : N.4310	Scale 0 25 50 75 100 m

Item Number: 4

Committee Date: 05 September 2018

Application Reference:	18/0581	Type of Application:	County Application
Applicant:	CUADRILLA BOWLAND LIMITED	Agent :	Mr J Haine
Location:	PLUMPTON HALL FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, PRESTON, PR4 3PJ		
Proposal:	CONSULTATION ON COUNTY MATTER APPLICATION REF LCC/2014/0096/3 FOR APPROVAL OF DETAILS RESERVED BY CONDITION 6A (REMOVAL OR DISASSEMBLY SCHEME AND PROGRAMME), CONDITION 26 (UPDATED NOISE MANAGEMENT PLAN), AND CONDITION 33 (LIGHT IMPACT ASSESSMENT) OF PERMISSION LCC/0214/0096/1		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	7	Case Officer:	Andrew Stell
Reason for Delay:	Not Applicable		

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

<https://www.google.co.uk/maps/@53.7858391,-2.9503115,701m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Raise No Objection

Summary of Officer Recommendation

The purpose of this report is to allow members to determine if they wish to make comments to Lancashire County Council as the determining planning authority on this application. The application relates to the assessment of details submitted to discharge planning conditions associated with the original planning permission for the site. These specifically relate to the removal of the drill rig, the noise assessment and mitigation, and the light impact assessment.

Those details have been considered by your officers as explained in this report. It is concluded that they are appropriate to satisfy the conditions with regards to the matters that are relevant to Fylde Council and that the works would not cause conflict with the relevant Fylde Borough Local Plan policies, or the more recent guidance in NPPF18.

As such the recommendation is that no observations should be made other than to advise Lancashire County Council (LCC) of the recent grant of planning permission for a 2 pitch gypsy site that would be the closest residential presence to the application site should that permission be implemented whilst the exploration site remains operational.

Reason for Reporting to Committee

The Scheme of Delegation provides authority to the Director of Development Services to respond to consultations from LCC on all matters. However, the Planning Committee have requested that submissions relating to shale gas undertakings be referred to them for consideration. This application falls into this category.

Site Description and Location

The site is the operational Shale Gas exploration site at Plumpton Hall Farm off Preston New Road located between Blackpool and Kirkham. The Site is approximately 500 metres west of the village of Little Plumpton and around one kilometre west of the village of Great Plumpton, between Moss House Lane and Preston New Road (A583). It is approximately two kilometres east of Junction 4 of the M55. The main road running east-west 200m to the south of the Moss House Lane site is the Preston New Road (A583). This road connects to M55 at Junction 4 approximately two kilometres west of the Site.

The site covers 2.5 ha of land and is surrounded by agricultural land on all sides. Carr Bridge Brook runs westward along the north boundary of the field upon which the site is located. A number of small wooded areas and ponds are located in the adjacent fields.

Staining Wood Cottages, the nearest residential properties to the application site, are located approx. 260m to the south west of the site boundary on the opposite side of Preston New Road. Moss House Farm is located approximately 800 metres to the north-west of the site, on the northern side of Moss House Lane. Approximately 200 metres further along the road is Moss Cottage and about 400 metres to the south-west of the site is Staining Wood Farm. A number of residential properties are located approximately 500 metres to the south east of the Site in the village of Little Plumpton and 900 metres to the east in the village of Great Plumpton. Another residential area is situated approximately 1,200 metres to the west at Carr Bridge. Commercial/industrial facilities near Moss House Lane site include Blackpool Fylde Industrial Estate and Whitehills Business Park, which are situated adjacent to M55 Junction 4 on the south west of the junction.

Planning permission has recently been granted to establish a Gypsy caravan site on land opposite the site, but at the time of writing this report this is not occupied on a residential basis.

No statutory designations are located within a 3km radius surrounding it.

Details of Proposal

Proposal is a consultation from LCC (who are the planning authority for this form of development) to establish Fylde Council's views on an application that they have to determine and seeks the approval of details required by 3 of the planning conditions associated with planning permission LCC/2014/0096 which approves the Shale Gas exploration

The condition details relate to:

- Condition 6a which requires details of the removal or disassembly scheme and programme of works for that
- Condition 26 which relates to a Noise Management Plan
- Condition 33 which relates to a light impact assessment

The specific details of the submission are provided alongside the condition and officer thoughts in the 'Comments and Analysis' section of this report.

Relevant Planning History

Application No.	Development	Decision	Date
17/0894	CONSULTATION ON COUNTY MATTER	Raise No	21/11/2017

	APPLICATION REF LCC/2014/0096 FOR A NON-MATERIAL AMENDMENT TO THE WORDING OF PLANNING CONDITION 19 ASSOCIATED WITH TIMING OF DELIVERIES TO THE SITE	Objection
14/0432	COUNTY MATTER APPLICATION FOR PROPOSAL: CONSTRUCTION AND OPERATION OF A SITE FOR DRILLING UP TO FOUR EXPLORATION WELLS, HYDRAULIC FRACTURING OF THE WELLS, TESTING FOR HYDROCARBONS, ABANDONMENT OF THE WELLS AND RESTORATION, INCLUDING PROVISION OF AN ACCESS ROAD AND ACCESS ONTO THE HIGHWAY, SECURITY FENCING, LIGHTING AND OTHER USES ANCILLARY TO THE EXPLORATION ACTIVITIES, INCLUDING THE CONSTRUCTION OF A PIPELINE AND A CONNECTION TO THE GAS GRID NETWORK AND ASSOCIATED INFRASTRUCTURE TO LAND TO THE NORTH OF PRESTON NEW ROAD, LITTLE PLUMPTON	Raise Objections
14/0433	COUNTY MATTER APPLICATION FOR MONITORING WORKS IN A 4 KM RADIUS OF THE PROPOSED PRESTON NEW ROAD EXPLORATION SITE COMPRISING: THE CONSTRUCTION, OPERATION AND RESTORATION OF TWO SEISMIC MONITORING ARRAYS COMPRISING OF 80 BURIED SEISMIC MONITORING STATIONS AND 10 SURFACE SEISMIC MONITORING STATIONS. THE SEISMIC MONITORING STATIONS WILL COMPRISE UNDERGROUND INSTALLATION OF SEISMICITY SENSORS; ENCLOSED EQUIPMENT AND FENCED ENCLOSURES. THE SURFACE ARRAY WILL ALSO COMPRISE MONITORING CABINETS. THE APPLICATION IS ALSO FOR THE DRILLING OF THREE BOREHOLES, EACH INSTALLED WITH 2 MONITORING WELLS, TO MONITOR GROUNDWATER AND GROUND GAS, INCLUDING FENCING AT THE PERIMETER OF THE PRESTON NEW ROAD EXPLORATION SITE.	Raise No Objection
14/0090	CONSULTATION ON SCOPING OPINION FOR ENVIRONMENTAL STATEMENT TO ACCOMPANY APPLICATION FOR CONSTRUCTION OF A WELL PAD, DRILLING AND HYDRAULIC FRACTURING OF FOUR EXPLORATORY BOREHOLES, TESTING PROCEDURES AND RESTORATION OF SITE	Additional Details Required 03/03/2014

Relevant Planning Appeals History

The decisions of Lancashire County Council the shale gas extraction and monitoring applications referred to above were to refuse planning permission. These were subject to appeals which were allowed by the Secretary of State.

Parish/Town Council Observations

No comments to report as LCC are responsible for undertaking consultation on this application.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

“With reference to your memorandum dated 20th July 2018, there are no objections to the above proposals in principle, however I have the following comments to make:

I have examined the information presented in the consultation for both the noise management plan and the light impact plan.

Light- the Local Authority is responsible for investigating allegations of light nuisance. For a light source to be a nuisance it must be affecting an occupier at their residence and from within a habitable room (bedroom, living room) we cannot deal with what is known as night glow. The current operation and the proposed scheme in my opinion does not indicate that light would have a detrimental effect i.e. cause nuisance at a residential property.

Noise – a number of noise complaints were received by this department against the current operations but all were found to originate from other sources. That said there is concern that during some operations the site proposes to operate for 24 hours. As part of the application I would ensure that whenever the fracking activity/use of machinery is proposed to run for 24 hours the sound levels are maintained at the current restrictions”

Neighbour Observations

Neighbours notified:	No neighbours notified as LCC are responsible for undertaking consultation on this application
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

EP27	Noise pollution
EP28	Light pollution

Fylde Local Plan to 2032:

The emerging Fylde Local Plan does not contain any directly relevant policies and relies on the Joint Lancashire Minerals and Waste Local Plan and the NPPF for guidance on the matters which are pertinent to this consultation. These are now covered by para 180 of NPPF18 which states:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are*

- prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Other Relevant Policy:

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

Environmental Impact Assessment

The consultation is not considered to raise any implications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This report is to enable Fylde Council's comments to be agreed and fed back to LCC for their consideration in the determination of the application. As the application relates to the discharge of details of 3 distinct planning conditions it is appropriate to structure the report to allow analysis of each.

Condition 6A – Removal or Disassembly Scheme and Programme

Condition Wording

"Prior to the commencement of each phase specified in condition 3, a scheme and programme for the following shall be submitted to the County Planning Authority and approved in writing:

- a) The removal or disassembly of the drill rig on completion of each drilling operation in accordance with the requirements of condition 2 to this permission*
- b) ..."*

(Note: Condition 2 deals with the time limit of the permission and requires that all works, including the decommissioning, shall be undertaken within 75 months of the commencement of development).

Proposal

The material provided with the consultation papers from LCC does not include any information on this matter, and at the time of writing this report none was available on their website. However, LCC planning officers advise that Cuadrilla will be removing the drill rig from site.

Officer Comments

Whilst the information available on this matter is limited, the confirmation from LCC that the rig is to be removed indicates that this would seemingly be undertaken within the timescale required by condition 2. Whilst it would be appropriate to have details of the method of removal, timescale of removal, number/routing/timing of HGV movements, etc. these are all matters that would most properly be considered by LCC as the local highway authority and local planning authority responsible for this site.

Officer Recommendation

Accordingly officers recommend that no observations are made on this condition as LCC are best placed to assess the details that they have presumably been provided with on this, or will be provided with, in order to make their decision.

Condition 26 – Noise Management Plan

Condition Wording

“Prior to the commencement of development of the access and site and interconnections to the gas and water grid, a noise management plan shall be submitted to the County Planning Authority for approval in writing. The plan shall provide:

- a) Data from the relevant manufacturers' noise tests for each item of noise-emitting plant to be used on site to establish whether noise emissions are likely to be compliant with conditions 29 and 30;*
- b) If not likely to be compliant, details of what mitigation would be introduced and timescales for implementation;*
- c) Details of instantaneous mitigation methods for each item of noise emitting equipment and any longer term mitigation;*
- d) Procedures for addressing any complaints received.*

The approved noise management plan shall be implemented in full throughout the operational life of the site including decommissioning and restoration”

Proposal

The application is supported with a ‘Noise Management Plan’. This explains that it provides controls over the control of noise through project design, planning, use of Best Practicable Means, setting noise limits, noise monitoring and community liaison. Details of each aspect are provided in the plan along with noise modelling for each phase of the operations.

The Plan covers all aspects of the project, but with the drilling phase now complete, this report will only explain the elements relating to the hydraulic fracturing aspect. These are designed to achieve the Best Practicable Means of reducing potential disturbance which is the requirement of the relevant legislation, and has the following aspects:

- Practicable – this is defined as reasonably practicable having regard, among other things, to local conditions and circumstances; the current state of technical knowledge; and to financial implications; and
- Means – these are the means to be employed, including design, installation, maintenance, manner and periods of operation of plant and machinery; and the design, construction and maintenance of buildings and structures.

With regards to the Hydraulic Fracturing process the Noise Management Plan explains that this is to be progressed by:

- Operating to the approved hours
- Using an appropriate number and type of pumps
- Providing a 10m high solid barrier to enclose the pumps within this positioned 2m from the pumps and so designed to support the existing 4m high barrier around the site
- Provide additional attenuators and silencers to generators should they be required following monitoring of noise when this activity commences.
- Undertake monitoring at the agreed locations to ensure compliance with the agreed noise levels at the key receptors locations (although the nearest property (Stainingwood Cottage) exceeds the agreed noise limit as a consequence of road noise irrespective of any site activity.
- The monitoring is to have set triggers that automatically alert the site operators on the

exceedance of an agreed night-time noise level (37dBLAeq), with recording undertaken automatically at a higher level, and then a further warning at a higher level still so that action can be taken to address the breach.

- Report any breaches of the agreed noise limit to LCC within 24 hours of the occurrence of the breach along with the remedial action needed to address the breach.
- Undertake community liaison

Officer Comments

In his comments on this aspect, the council's Environmental Protection Officer highlights that they have not had any noise complaints that were found to emanate from this site, but that they are keen to ensure that the 24 hour working follows prescribed noise levels so as to not create any noise nuisance. Those limits are set out in condition 29 of the planning permission and are not affected by the current application.

Given the lack of any obvious noise related issues being experienced from the phases of the operation that have been undertaken to date, and the measures described above within the Noise Management Plan to address issues that could be caused by the continuing phases, it is considered that the Plan provides an appropriate approach to the requirements of Condition 26.

Since this application was submitted Fylde Council has granted planning permission for two gypsy pitches on land to the east of Stainingwood Cottages. Whilst this permission has not yet been taken up, it is clearly extant and so appropriate that the presence of these potential occupiers are considered in the noise assessment given their proximity to the site.

Officer Recommendation

The officer view is that the Noise Management Plan is appropriate and so no objections to it be raised with LCC, although they should be alerted to the potential presence of gypsy pitches as the closest new residential uses to the property.

Condition 33 – Light Impact Assessment

Condition Wording

"Prior to the commencement of each phase specified in condition 3, a scheme for the lighting/floodlighting of the site must be submitted to the County Planning Authority and approved in writing for that phase. The scheme for each phase shall include details of:

- a) Type and intensity of lights;*
- b) Types of masking or baffle at head;*
- c) Type, height and colour of lighting columns;*
- d) Location, number and size of lighting units per column;*
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties;*
- f) The maximum hours of employment of the proposed lighting relative to the proposed nature of the operations*

Thereafter the lighting/floodlighting shall be erected and operated in accordance with the approved scheme throughout the operational life of the relevant phase."

Proposal

The application is supported with a Light Impact Assessment. This has been drawn up to assess the specific impacts of the development during the Hydraulic Fracturing and Flaring of Gas during Initial

Flow Test Phases of the development, which will be operational for 24 hours a day and so require lighting during the hours of darkness.

The assessment follows a methodology which began with site visits to establish background lighting levels from streetlights and the neighbouring dwellings, and then modelling of the light impacts which are likely to be generated by the development along with mitigation to be utilised.

The submitted assessment advises that the hydraulic operations will be undertaken during daytime hours only (as per Planning Condition 19a). The flaring of gas during initial flow testing will be undertaken 24 hours a day, 7 days a week. Lighting will only be implemented for night time operations (flaring of gas) and if light conditions are poor at the start and end of the normal working day during daytime operations. The lighting provided is described and consists of LED lights on structures and towers at a range of heights to provide appropriate task and general lighting.

The assessment then provides an assessment of the projected light levels at the boundary of the site and then at key locations around it including the near neighbours. The results of this are presented and the Assessment concludes that the light levels are *“negligible at all potentially sensitive receptor locations. Light increase due to spillage from the development is minimal with a maximum increase limited to 0.2 Lux at measuring positions 18 and 20 to the South West of the site. Light spill around the site border is predicted to increase by a maximum of 2.94Lux measured at position 3. This is due to the proximity of the column mounted floodlights but the site border is not considered a sensitive location and the predicted maximum value is less than half of the average baseline value of 10.4 Lux measured along Preston New Road.”* A light spill diagram is presented which indicates that most light is contained within the acoustic barrier.

Officer Comments

The submitted Light Impact Assessment concludes that the operation will involve increased illuminance levels at the immediate site border, but that this increase is negligible.

This conclusion is shared by the Environmental Protection Officer in his comments which advise that he does not believe light nuisance will be caused to any neighbouring property. Clearly the level of background lighting in the area increases as a consequence of the development and changes the character of the countryside in its immediate area. However, this is for a temporary period and with the submission under this condition demonstrating that the impacts from the level of lighting provided along with its nature, design and positioning are negligible, it is considered that the proposal is acceptable.

Officer Recommendation.

The officer view is that the Light Impacts Assessment is appropriate and so no objections to it be raised with LCC

Overall Conclusions

The purpose of this report is to allow members to determine if they wish to make comments to Lancashire County Council as the determining planning authority on this application. The application relates to the assessment of details submitted to discharge planning conditions associated with the original planning permission for the site relating to the removal of the drill rig, the noise assessment and mitigation and the light impact assessment.

Those details have been considered by your officers as explained in this report. It is concluded that they are appropriate to satisfy the conditions with regards to the matters that are relevant to Fylde

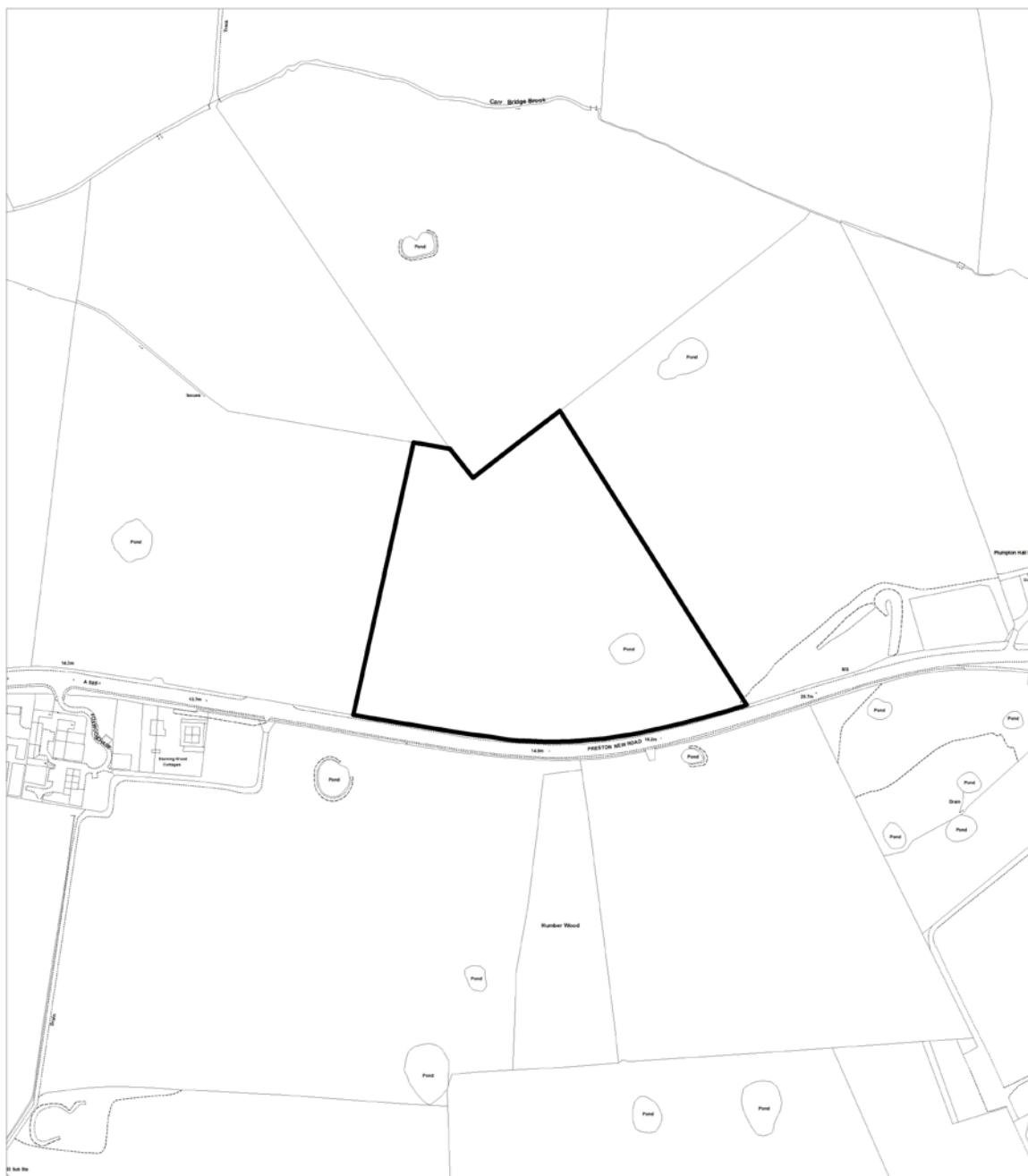
Council and that the works would not cause conflict with the relevant Fylde Borough Local Plan policies, or the more recent guidance in NPPF18.

As such the recommendation is that no observations should be made other than a clarification over the recent grant of planning permission for a 2 pitch gypsy site that would be the closest residential presence to the application site should that permission be implemented when the site remains operational.

Overall Recommendation

That Fylde Council shall confirm to Lancashire County Council that:

1. It has no observations to make on the details submitted to discharge the details for planning condition 6a, 26 and 33 of planning permission LCC/2014/0096/1 and so they are advised to determine the application in accordance with the relevant development plan policies, and other material considerations including NPPF18 guidance
2. Planning permission has recently been granted for the establishment of 2 gypsy pitches on land that lies to the east of Stainingwood Cottages (17/0495 refers), and if this is implemented during the time that the site is operational these would be the nearest residential units to the site. As such their presence should be considered in the decisions on this application.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0581	Address Plumpton Hall Farm, Preston New Road, Westby	Grid Ref. E.3374 : N.4326	Scale 0 25 50 75 100 m

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING & HOUSING	PLANNING COMMITTEE	5 SEPTEMBER 2018	5
PERMITTED DEVELOPMENT FOR SHALE GAS EXPLORATION - MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

On 19 July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) launched a consultation exercise to seek views on the principle of granting planning permission for non-hydraulic fracturing shale gas exploration development through a permitted development right.

The consultation covers:

1. Whether to introduce a permitted development right for non- hydraulic fracturing shale gas exploration development
2. Definition of non-hydraulic fracturing shale gas exploration
3. Development not permitted
4. Development conditions and restrictions
5. Prior approval
6. Time-limited or permanent permitted development right
7. Public sector equality duty

It is considered that the scale of development involved in the establishment of shale gas exploration sites is so substantial and the attendant environmental impacts potentially so significant that it would be inappropriate for such development to be controlled through a permitted development right.

The consultation runs alongside a separate consultation from the Department for Business, Energy and Industrial Strategy regarding the Inclusion of Shale Gas Production in the Nationally Significant Infrastructure Project (NSIP) Regime. As the council has already established a position to object to this proposal (Planning Committee 7 March 2018), this parallel consultation is not addressed in paragraphs 17-23 of this report.

RECOMMENDATION

1. That Fylde Council object to the introduction of a permitted development right for non-hydraulic fracturing shale gas exploration and respond to the consultation questionnaire as set out in appendix A.
2. That given the limited opportunity to expand upon the answers to the questions set out in the consultation questionnaire, the Head of Planning and Housing be authorised to write under separate cover to the Ministry of Housing, Communities and Local Government to expand upon the reasoning behind Fylde Council's response as set out in this report.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

Background

1. The UK Government considers that domestic onshore gas production, including shale gas, has the potential to play a major role in securing energy supplies and creating economic benefits locally and nationally, including new jobs. As such they believe that there are potentially substantial benefits from the safe and sustainable exploration and development of the UK's onshore shale gas resources.
2. The Government has launched a consultation in order to seek views on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right and the circumstances in which it would be appropriate. The consultation relates solely to the exploration phase and it is not proposed to extend the permitted development right to the appraisal and production operations of shale gas extraction.
3. Further to this consultation, the Government proposes to strengthen community engagement by consulting on whether developers should be required to conduct pre-application consultation prior to shale gas development. This separate consultation will be launched in autumn 2018.
4. The Government states that it remains committed to making planning decisions faster and fairer for all those affected by new development, and to ensure that local communities are fully involved in planning decisions that affect them. However, recent decisions on shale exploration planning applications remain slow when judged against a statutory time frame of 16 weeks where an Environmental Impact Assessment is required. The consultation advises that, where there has been agreement on time extensions, applications determined by mineral planning authorities have taken up to 83 weeks for decision.
5. Any developments that would be permitted through any potential permitted development right for non-hydraulic fracturing shale gas exploration, would still be required to receive the appropriate consents from the three regulators (the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority) before development can proceed.
6. Permitted development rights are a national grant of planning permission. They are intended to provide a simpler, more certain route to encourage development and speed up the planning system, and reduce the burden on developers and local planning authorities by removing the need for planning applications. Since 2013 the Government have brought forward a range of new permitted development rights including change of use of offices, shops and other high street uses and agricultural buildings to residential use, installation of digital communications masts, and increased rights to extend homes and business premises.
7. Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. The Order sets out both what is allowed under each permitted development right, and any exclusions, limitations and conditions that apply to comply with the legal duty to mitigate the impact of development granted under permitted development. For example, most permitted development rights are subject to conditions that seek to minimise their impact and to protect local amenity, others are subject to geographic exclusions to ensure environmental protections are maintained in particular areas such as National Parks or Conservation Areas. All however, are subject to clearly defined restrictions to

cover the specific nature and scope of the operation or quantum of development that would benefit from a permitted development right.

8. Where a proposed development does not fall within the permitted development limits, this does not mean that the development is not acceptable and cannot be built, but that an application for planning permission needs to be made in order that the local planning authority can consider all the circumstances of the case.
9. Some permitted development rights are subject to a requirement to seek the prior approval of the local planning authority for certain planning matters before carrying out development.
10. The consultation runs alongside a separate consultation from the Department for Business, Energy and Industrial Strategy regarding the “Inclusion of Shale Gas Production in the Nationally Significant Infrastructure Project (NSIP) Regime”. That review only relates to production phase projects, however, and not exploration or appraisal projects which would continue to be considered under the Town and Country Planning Act 1990. Fylde Council has already established its objection to the inclusion of Shale Gas Production within the NSIP regime.

Proposed definition of non hydraulic

11. The exploratory phase of oil and gas extraction seeks to acquire geological data to establish whether hydrocarbons are present, which in the case of shale gas may involve drilling an exploration well, and conducting seismic surveys. This is then followed by a (testing) appraisal stage, and then a production stage.
12. The consultation states that the proposed permitted development right would only apply to shale gas exploration, and for non-hydraulic fracturing operations to take core samples for testing purposes as the Government considers that it would not be appropriate for it to allow for the injection of any fluids for the purposes of hydraulic fracturing. The right would not apply to all onshore oil and gas exploration and / or extraction operations. To also ensure that no hydraulic fracturing would take place and to ensure that the permitted development right is fit-for-purpose to align with the 2017 Conservative Manifesto commitment, it would be necessary to tightly define in legislation what development is permitted. Any permitted development right for non-hydraulic fracturing shale gas exploration would not be designed to circumvent the regulatory processes currently culminating in the hydraulic fracturing consent provisions.
13. Government proposes that an appropriate definition could be:

‘Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test’.
14. Where a developer intends to use hydraulic fracturing as part of the operation, or as would be necessary at the appraisal stage, they would be required to obtain planning permission from the relevant mineral planning authority.

Interaction with other legislation

15. The Government states that it remains committed to ensuring that the strongest environmental safeguards are in place. The formulation of any permitted development right will have regard to environmental and site protection laws such as those for Areas of Outstanding Natural Beauty, Scheduled Monuments, conservation areas, Sites of Special Scientific Interest and World Heritage Sites, National Parks or Broads.
16. By law, development which is likely to have significant effects on the environment requiring an Environmental Impact Assessment would not be permitted development. If the proposed development would fall into Schedule 2 of the Environmental Impact Assessment Regulations, it would only be permitted where a local planning authority has issued a screening opinion determining that the development is not Environmental Impact Assessment development, or where the Secretary of State has directed that it is not Environmental Impact Assessment development, or that the development is exempt from the Environmental Impact Assessment Regulations.

Assessment and proposed response

17. Your officers have considered the proposals put forward in the consultation and consider that there are four main areas of concern.

Inappropriate use of a permitted development right to regulate major development

18. When the Town & County Planning Act 1947 effectively nationalised development rights, the concept of permitted development was introduced to prevent minor proposals ‘clogging up’ the decision making process. Over the years (particularly over recent years) the range of developments that may benefit from permitted development has been extended so that certain major developments may now be regarded as permitted development.

The proposal would not result in any reduction in administrative burden

19. The expansion of permitted development rights has removed traditional controls over an extensive range of development. In order to comply with the Environmental Assessment Directive, Government proposes that, in order to be considered permitted development, the local planning authority would need to first carry out an Environmental Impact Screening Assessment and so the introduction of a permitted development right would not result in the complete removal of burden from the authority. The prior approval process for permitted development allows a local planning authority to oversee a very limited series of issues and so does not allow the local planning authority to secure a range of planning requirements on new developments. Under a regime of this nature, the local planning authority would still have to assess the prior approval submission and, again, the administrative burden would not be entirely removed.

Reduced opportunity to consider and mitigate the full range of potential impacts

20. The planning system addresses the complex interrelationship between people and their environments. Accordingly, the scope of planning is concerned not simply with land use, but with broader social, economic and environmental implications for people and places. Whilst the consultation emphasises that shale gas exploration activity would still be required to receive the appropriate consents from the three regulators (the Environment Agency, the Health and Safety Executive and the Oil and Gas Authority), these regulators would not consider the wider social, economic or environmental impacts that are controlled through the spatial planning process or the combined impacts of multiple sites coming forward.

Further erosion of public confidence in the planning system

21. The Royal Institute of Chartered Surveyors’ (RICS) review of permitted development¹ found that, of all the evidence gathered for the Review, it was the extent and outcomes of the expansion of permitted development which gave the clearest sense of the weakness of planning in upholding wider public interest in outcomes.
22. Given the controversial nature of planning applications relating to shale gas exploration and extraction, it is considered that the introduction of a permitted development right would further erode the public’s faith in the planning system. If, as stated in the consultation, Government wish to “ensure that local communities are fully involved in planning decisions that affect them” it is considered that this should be carried out through the submission of a full planning application that would allow all material planning considerations to be taken into consideration.

Conclusions

23. The performance regime for development management is focused on the speed of processing, which has come to be seen as the key determinant of success. Additional tests on the number of appeals upheld against an authority are designed to drive conformity with national policy. There is no performance indicator for sustainable development or community participation and it is considered that the effectiveness and success of the planning system cannot be measured simply by reference to the length of time taken to determine planning applications.
24. The Government states that it remains committed to ensuring that the strongest environmental safeguards are in place to regulate shale gas exploration. It is considered that the most appropriate way to demonstrate this commitment is for the shale gas exploration projects to be subject to the scrutiny of a full planning application.
25. The consultation sets out a series of questions. These are repeated as appendix A with the council’s proposed response.

¹ B Clifford: *Extending Permitted Development Rights in England: The Implications for Public Authorities and Communities*. Royal Institution of Chartered Surveyors, 2018

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	Mark.evans@fylde.gov.uk & Tel 01253 658460	August 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Permitted development for shale gas exploration - MHCLG	July 2018	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726916/Consultation_document_-_shale_gas_permitted_development.pdf

Attached Documents

Appendix A - Proposed Responses

Appendix A - Proposed Responses

Question 1

a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration? Yes/No

(Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test.)

Proposed FBC Response

Yes

b) If No, what definition would be appropriate?

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No

Proposed FBC Response

No

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following? Yes/No

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World Heritage Sites
- Sites of Special Scientific Interest
- Scheduled Monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard areas
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source areas

Proposed FBC Response

Yes, subject to additional areas set out in answer to Q 3c below

b) If No, please indicate why.

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Proposed FBC Response

If a permitted development right is conferred, in addition to the above list, it should not include sites that are within:

- Valued Landscapes
- Locally designated ecological areas
- Best and Most Versatile Agricultural Land
- Registered Parks and Gardens
- Sites within 400m of residential properties

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

Proposed FBC Response

Given the complex nature of shale gas exploration and potential environmental impacts that are dependent upon site specifics, it is not considered appropriate to impose a standard set of conditions through the permitted development process.

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

Proposed FBC Response

The prior approval process is not considered an appropriate method for considering potential impacts of shale gas exploration, as it will inevitably narrow the focus of the matters that can be considered in the decision and so cannot account for all local circumstances.

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

Proposed FBC Response

There should be no permitted development right for non-hydraulic fracturing shale gas exploration development. However, if a permitted development right is introduced, it should be time limited to no more than 2 years in order to facilitate an early review of its effectiveness.

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

Proposed FBC Response

No

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	5 SEPTEMBER 2018	6
LIST OF APPEALS DECIDED			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

There were no appeal decisions received between 20/07/2018 and 24/08/2018.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473