



Agenda

Planning Committee

Date:	Wednesday, 29 July 2020 at 10:00am
Venue:	Remote Meeting Via Zoom
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</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](#).

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<https://us02web.zoom.us/j/88110777403?pwd=Zmx5N0dlYnFGVnNwdElBRGY2djFiUT09>

Meeting ID: 881 1077 7403

Password: 910027

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members can 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 meetings held on 3 June 2020 and 24 June 2020 as correct records.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 103
	INFORMATION ITEMS:	
5	List of Appeals Decided	104 - 129

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Planning Committee Index

29 July 2020

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	17/0779	LAND WEST OF, CROPPER ROAD, WESTBY WITH PLUMPTONS OUTLINE APPLICATION WITH ACCESS FROM CROPPER ROAD AND SCHOOL ROAD A DETAILED MATTER AND ALL OTHER MATTERS RESERVED FOR THE PROPOSED DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND RESIDENTIAL DEVELOPMENT FOR UPTO 350 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AND INFRASTRUCTURE	Approve Subj 106	5
2	19/0284	LAND AT JUNCTION OF SCHOOL ROAD & BAMBERS LANE, WESTBY WITH PLUMPTONS RESIDENTIAL DEVELOPMENT OF 99 DWELLINGS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE.	Approve Subj 106	41
3	20/0336	CLIFTON HOUSE FARM, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AU APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 17/1050 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS) TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE FROM 15% TO 33% OF THE OVERALL DEVELOPMENT	Approve Subj 106	77

Background Papers

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 Local Government Act 1972:

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- 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 online at www.fylde.gov.uk/resident/planning

Planning Committee Schedule

29 July 2020

Item Number: 1

Committee Date: 29 July 2020

Application Reference:	17/0779	Type of Application:	Outline Planning Permission
Applicant:	Wainhomes (North West) Ltd	Agent :	Emery Planning Partnership Ltd
Location:	LAND WEST OF, CROPPER ROAD, WESTBY WITH PLUMPTONS		
Proposal:	OUTLINE APPLICATION WITH ACCESS FROM CROPPER ROAD AND SCHOOL ROAD A DETAILED MATTER AND ALL OTHER MATTERS RESERVED FOR THE PROPOSED DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND RESIDENTIAL DEVELOPMENT FOR UPTO 350 DWELLINGS TOGETHER WITH ASSOCIATED WORKS AND INFRASTRUCTURE		
Ward:	WARTON AND WESTBY	Parish:	Westby with Plumpton
Weeks on Hand:	150	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The proposal is an outline application for up to 350 dwellings on two parcels of land totalling 15.65 hectares, which both form part of housing allocation HSS5, within the Blackpool Periphery Strategic Location for development in the Fylde Local Plan to 2032. The residential development of the site accords with this Local Plan designation and is entirely acceptable in principle, and the main issue during consideration of the application is how the scheme links to the wider area to ensure it forms a comprehensive and master-planned form of development.

The scheme presented to Committee includes various access points which LCC have no objections to, with one to the north of Cropper Road which forms an internal through road capable of accommodating public transport, which leads to the west of the site, then linking to the adjoining application site (19/0284), and then on to School Road where a signalised junction will be constructed. Pedestrian and cycle links are also proposed through this site and into the adjoining area, including the allocated Local Centre, which sits between the two parcels of land subject to this application. The application has been submitted with a masterplan which shows how it will relate to the development in the entire housing allocation for 450 dwellings. This has been assessed by officers and LCC Highways and found to be acceptable. There are no objections from LCC Highways regarding traffic generation or

safety.

Having assessed the relevant considerations that are raised by this proposal it is officer's opinion that the development is of acceptable scale for the size of the site and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have an unacceptable detrimental impact on the amenities of the area. The development provides an appropriate amount of public open space, thus providing areas for all ages of site residents. There are no ecological issues or amenity issues with the application.

With regard to flood risk the site is a mix of Flood Zones 1, 2 and 3. As the site is allocated the applicants do not have to undertake the sequential test. They do however have to demonstrate that the site will not be at risk of flooding nor increase flood risk elsewhere. The applicants have submitted an updated FRA which is being considered by the EA. In case their views are not forthcoming prior to committee the recommendation to delegate the granting of planning permission to the Head of Planning and Housing, is subject to the EA formally withdrawing their objection.

As such it is considered that the proposal is acceptable and so it is recommended that the application be supported by Committee and granted planning permission subject the flooding issue being resolved, a s106 being concluded to deliver affordable housing and other infrastructure elements, and a series of conditions.

Reason for Reporting to Committee

The application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site consists of two area of land located to the west of Cropper Road within Westby with Plumpton. The two parcels of land combined total 15.65 hectares, with 11.5ha to the north and 4.5ha to the south, and are both part of an overall 23.5 hectare allocation for housing development as part of the wider Cropper Road / West of Whitehills area (Site HSS5) in the Fylde Local Plan to 2032.

The 4.5ha parcel to the south has boundaries to School Road to the south, Cropper Road to the East, and the remaining housing allocation to the north and west. The 11.5ha parcel has boundaries to Cropper Road to the East, the remaining allocation to the south, the curtilage of domestic properties and Bambers Lane to the west and the A5230/Cropper Road/Jenny Lane roundabout to the north. The adjoining land to the west is subject to a current full application for 99 dwellings (19/0284) which is also on this agenda for consideration.

The land comprises an area of multiple land parcels of mixed developed and undeveloped land in mixed use. There are a number of different landowners who have joined together to submit this strategic application. The majority of the land is in some form of agricultural use with horse grazing and small-scale stabling frequent and cattle grazing one field. However, there are pockets of market gardening and residential use. With the exception of the Cropper Road frontage the fields are generally poorly enclosed, with a mixture of remnant hedges and post and wire and post and rail fences.

There are some trees within the site which are concentrated on the main boundaries. The bounds of the residential properties are defined by low brick walls fronting onto Cropper Road. The topography of the site is generally flat although to the north of the site bounded by Dickies Lane South is a hillock of approximately 3m in height which is a disused land-fill site. A number of ditches cross the site including Spen Dyke, which crosses east-west and is classed as an ordinary watercourse. Two drains border the site, Marton Moss to the west and Bamber's lane to the south adjacent School Road.

A public right of way (5-15-FP 3) runs through the site on an east – west alignment. This footpath follows a route to the east of Cropper Road and across Moss Farm, before connecting the application site to Government Offices and the M55 in the north east. A bridleway (5-15-BW 13) also runs adjacent to the site in a north south alignment. The route of the bridleway follows Bamber's Lane from School Lane in the south to Cropper Lane (north of the A5230) in the north

Details of Proposal

When the application was first submitted it was a fully outline application, with all details reserved for future consideration. However due to the strategic nature of the site, officers in accordance with article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 considered that the outline application submitted should include details of access as detailed matter for consideration. The applicants were therefore asked to amend the application to ensure that the access to the site was for consideration.

The amended application is an outline application for the erection of up to 350 dwellings with four access points proposed along Cropper Road. The main one will be to the north of the site and the submitted masterplan shows that this will link with the neighbouring site to the west and lead to another access on School Road. Between these two accesses proposed is a major road that runs through the allocation with 2m footpaths on both sides. This road will be large enough to serve public transport and has bus stops along its length. Footpath/pedestrian links are shown throughout the site linking the area subject to this application with the surrounding area. The Masterplan proposes that the existing section of Cropper Road that runs to the east of the site will be downgraded but could be maintained as part of the public highway and used as a dual usage pedestrian/cycle link. PROWs are retained within the site, including vehicular access through to the coast riders roller rink west of the site.

The indicative masterplan shows how the wider site could be developed in accordance with the allocation to provide up to 450 dwellings and a local retail centre (with vehicular access off Cropper Road). It shows how the dwellings could be laid out, with areas of POS throughout the site including a MUGA within the red edge boundary of this application. The application includes a number of reports and assessments, these have assessed the impact of the entire allocation not just the dwellings subject to this application.

Relevant Planning History

None.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 14 September 2017 and comment:

The following issues are of concern:

1. *The site is a flood plain and as such will have flooding issues with extra housing creating waste water and a reduction in the amount of grassland.*
2. *Lack of sustainability for schooling, employment and healthcare*
3. *Insufficient development of an infrastructure*
4. *The site was previously a dumping site for South Shore Demolition and the contents of the site are unknown*
5. *There is an existing public footpath on the proposed site*
6. *Access and egress to the proposed site plus additional traffic – road network is inadequate.*
7. *Existing over-development and approved development within the area*
8. *Outline plans differ from those submitted to neighbouring properties*

With these matters in mind, it was resolved to recommend REFUSAL.

Statutory Consultees and Observations of Other Interested Parties

Lancashire CC Flood Risk Management Team

Response received 1/7/20 following the submission of amended FRA and modelling data;

- The LLFA has no objections to the proposed development subject to the inclusion of a condition.
- This condition requires details of a sustainable drainage scheme to be submitted. Requiring mitigation details to be in accordance with the submitted FRA.

Fylde Council – Housing officer

The Council has previously accepted commuted sums for off-site affordable housing on the other Wainhomes site on Cropper Road, due to the lack of amenities in the area and lack of Registered Provider interest.

However, the situation has now moved on and Muir have purchased Moss Farm and developed 100% affordable housing and we also have more RPs working in the area.

We would therefore be looking at 30% affordable housing on this site. In terms of tenure mix, we look at each site on an individual basis with the preference always being for a higher percentage of affordable rented units. The starting point would be 70 affordable rent/30 intermediate, but we would be willing to look at 60/40 to enable a basket of tenures to be enabled as part of the intermediate tenure – shared ownership and discounted market sale.

Lancashire County Council - Highway Authority

Throughout the course of the application LCC Highways, the case officer and the applicants have had various meetings and email correspondence about the highway's issues for this application. These revolved about the location and form of the access to the site from School Road, the location of bus stops within the development site, the provision of cycle and footpaths within and around the site, and the links from this site to the adjoining housing application and allocated Local Centre. These issues have been

complicated due to the different requirements of EA with regard to re-aligning ditches and culverts, and the aspirations of the Local Highway Authority. There has also been an issue about which applicants would take ownership of the ditch between the two sites, to ensure that it can be appropriately culverted so that the developments link.

LCC have provided a formal response dated 17/7/20 which makes the following key points:

- The site is part of a strategic location for development which requires a comprehensive approach to development with appropriate access and linkages fully considered. It also requires access to footpaths and cycleways in order to promote sustainable development. Housing should be located within 400m of bus stops and measures to shift toward public transport should be taken.
- LCC recognise that in this location there are limitations to the existing layout of the local highway network, that there is limited access to public transport. This means it is necessary for development to come forward strategically in a master planned approach.

Application red line(s) and delivery of the masterplan

- It was critical that the BAK application on the adjoining site (19/0284) amended its red edge to include the ditch along the eastern boundary and amended the layout so that the road and cycle links joined the boundary with this application site. This means that a condition can be used which requires the delivery of the road that runs through both sites as shown on the site Masterplan Rev H.
- The delivery of the through access road is critical to the acceptability of the masterplan and both sites development, it is essential that the through road is secured by robust conditions. Conditions are necessary for both the BAK and Wainhomes applications so that the road linkage over the ditch and through to Cropper Road is delivered at an early stage of each development and so allowing the other developer to connect to it an early stage of their works.
- This road is needed to limit the impact on Cropper Road as it is unsuitable to accommodate further traffic and to support the delivery of public transport and other improvements. Without the road and the condition to secure its early delivery LCC would not support the application.

Latest position with regard to the HSS5 strategic location masterplan

- The latest masterplan shows an access road running through the site, with two primary access points, one at the north end of Cropper Road and one on School Road. They also show new secondary access locations on Cropper Road to support existing local movements and the treatment to Cropper Road. A number of key principles are on agreed plans;
- Site through access road and changes to Cropper Road – the access strategy of a new through route and downgrading of Cropper Road is supported by LCC. The plans are agreed in principle with regard to widths and public transport and demonstrate that safe and suitable access can be delivered which satisfies the wider access strategy for the Strategic Location.
- Northern access on Cropper Road – the new road diverges south from the existing Cropper Road with a continuous footway either side, with pedestrian improvements to Dickies Lane. A diverted section of Cropper Road will connect to the new through access road to serve several dwellings and existing caravan site.
- Connection to Lea Green Drive (north) – Cropper road will be subject to a prohibition

of traffic for a short section north of Lea Green Drive, a new link as a continuation of Lea Green Drive will be constructed in the strategic site.

- Central access onto Cropper Road – the new road will diverge north from the existing Cropper Road. CR will be subject to a prohibition of traffic. The layout allows public transport (PT) routing into and through the Wainhomes site to the west and on to the approved Old Houses Lane site via Lea Green Drive. The masterplan demonstrates that access to the existing roller skate facility will be retained.
- Access to local Centre – the masterplan shows the approved location for the local centre with an appropriate footpath connection along Cropper Road and internal connections from both BAK and Wainhomes sites.
- Southern Cul-de-Sac – this access will have no connection to the through access road and will service a limited number of dwellings.
- Access on to School Road – The latest updated plans show the site access onto school road (considered further below).

Access arrangements to the Wainhomes residential development

- Agreement on the access proposals for the Wainhomes site is inextricably linked to the agreed Masterplan and the early delivery of the through access road. The details are shown on the latest Masterplan Rev H and a series of application drawings submitted by SCP during discussion.
- The masterplan shows the provision of a footway along the southern portion of the Wainhomes site along School Road from the Cropper Road roundabout to link to the BAK site. This will be delivered as part of the S278 agreement. The School road access point (delivered by BAK) will be a signalised junction with toucan crossing.
- Speed limit review to Cropper Road needed. A stage 1 Road Safety Audit has been carried out for all the main site access locations and other proposed highway improvements works associated with the Wainhomes site. LCC would expect matters raised to be addressed at the detail design stage.
- As set out in the latest site access plans LCC consider that both applications will deliver the required changes to support the wider site development while continuing to satisfy local needs for existing and emerging development.
- As such the principle of the proposals as set out in the list of plans above are agreed subject to details design. The access and off-site highway works would be delivered through a s278 agreement.

Sustainable transport

- Sustainable links proposed in Masterplan are acceptable proposals show improved pedestrian/cycle connectivity for existing built environment, provision from the application site to Bambers Lane and the PROW, improve access to the north of the site, link to School Road and the new bridleway link road and a shared pedestrian/cyclist 3.5m width route to the local centre and wider site.
- Nearest bus stops are over 1km away from middle of site. Therefore, need early delivery of link access road to support public transport and permeability. Bus stops will need to be provided within the Wainhomes site on the through access road. Their location will need to be identified on any future applications. It is important these are shown prior to residents purchasing homes. Therefore, exact location and details subject to a condition.
- With regard to the wider masterplan LCC acknowledge that they will support public transport penetration into the area that will benefit not only the current BAK and Wainhomes proposals on the Strategic Location site but also the wider built environment, including existing development off Cropper Road, other committed

residential development as well as improvement of bus services in and around Whitehills Business Park. This has been taken into consideration when assessing any request for 106 funding.

- There are funds secured from other sites in the wider area which will support the initial pump priming of a bus service for the wider area. In the long term the scale of development will attract a commercial operator.
- The footway provided along the length of School Road will link this site to the high quality sustainable facility to be provided as part of the M55 to Heyhouses Link Road scheme;
- as this proposal is proving key junction and highway infrastructure to the edge of the red line of this application (removing ransom to provide certainty for development continuity) in line with the masterplan, it is considered reasonable and fair that no further request has been made from this proposals to also provide funding to further pump prime PT services.)

Comments on TA

- The updated July 2019 TA, produced by SCP covering the wider HSS5 Strategic Location Masterplan site provides a reasonable basis upon which to come to a considered view on the impact of the BAK development and the overall Local Plan site.

Parking, servicing and internal layout

- This is an outline application and therefore internal site layout will be dealt with by Reserved Matters Applications.

Travel Planning

- An interim TP has been submitted. LCC consider that a Full Travel Plan is appropriate and should be secured by condition with a contribution of £24000 towards TP support.

Mitigation of impacts, S38 and 278 works and S106 contributions

- There is a need for a clear Delivery Strategy to ensure delivery of necessary infrastructure at an early point in the Strategic Location Masterplan (HSS5) development.
- Early delivery of highway infrastructure is critical in order for the applicant(s) to demonstrate development in line with the masterplan. This will be delivered through S2788 and S38 works.
- Given the nature of the existing highway network, particularly with consideration for the limitations of the priority give way operation on Cropper Road, the discontinuous pedestrian/cycle provision and lack of public transport within suitable walking distances, LCC highways cannot support development that seeks to come forward in a piecemeal manner without the necessary infrastructure improvement.
- There are clearly many potential options by which the developers may wish to take forward the development of the Strategic Location Masterplan site and LCC Highways recognise the applicants need for flexibility and a level of income generation in advance of the delivery of highway infrastructure. Therefore the comments set out what is considered necessary to ensure early delivery of required infrastructure in line with the masterplan.
- Wainhomes site;
 - No more than 120 dwellings to be occupied on the site until the full through access road between the Cropper Road north access and the School Road access

- on the BAK site, including links to site access2 and the new connection from through access route to the junction with Cropper Road and Lea Green Drive is delivered and available for use; including the improvement scheme for Cropper Road in line with the drawings agreed for the Master Plan access arrangements;
 - This assumes that no more than 60 dwellings will be accessed via masterplan access 3, until the through access road and links to access 2 is delivered and available for use
 - And assumes that no more than 60 dwellings in total are accessed via either masterplan site access 1 or 2 prior to the delivery of the full through route.
 - Hence no more than 180 units maximum are to be occupied prior to construction delivery and making available for use the through access road
- Section 278 and 38 works;
 - Site access junctions on Cropper Road x 3, Masterplan accesses 1, 2 and 3
 - Cropper Road improvement works, including section of prohibition of vehicular movement
 - Pedestrian footway on School Road along full Wainhomes frontage
 - Speed limit review on Cropper Road
 - Through access from the three access points off Cropper Road and all other internal access roads
- Section 106 contribution -funding for Travel Plan support £24,000
- No contributions towards PT or link road due the provision of the internal road in line with the masterplan. As the development will support wider development and brings connectivity benefits.

Conclusions

- In this Strategic Location for Development it is recognised that the particular limitations of the local highway network (existing layout, current limited access to public transport and the scale of development coming forward) demonstrates the necessity for development on the Local Plan site (HSS5) to come forward in a properly planned, Masterplanned approach.
- Fylde Local Plan Policy M1 Master planning the Strategic Locations for Development states that 'unless a Masterplan or design code has already been prepared by the Council, prospective developers of Strategic Sites (100 or more homes) within the Strategic Locations for Development named in policy DLF1 will be expected to prepare a masterplan or design code for their site in consultation with the Council'.
- These statutory comments provide an update to the interim response sent 7 August 2019 and takes into consideration amendments to the application and revised plans submitted up to July 16.
- With consideration for all the information now provided, I consider that the proposal can be made acceptable, however this is subject to the agreed scheme of highway improvement and delivery of infrastructure to facilitate a through access road and therefore delivery of the wider site in line with the agreed Masterplan.
- LCC Highways positive comments on the applications on Local Plan site HSS5 and the position we have taken in regard to, for example, funding for sustainable transport and other s106 requirements rely entirely on the delivery of the through access route.
- I consider delivery of necessary infrastructure in line with the Masterplan and a number of other matters can be suitably addressed and secured by condition and therefore I would offer no objection to the proposed development providing suitable

conditions including Grampian type conditions are put in place to ensure these necessary measures are delivered in line with agreed trigger points.

Environment Agency

Response dated 3/10/17;

- Object to the application as the proposal involves development within 8m of the Main River watercourses Bambers Lane and Marton Moss.
- Whilst we have no objection to an access point crossing a Main river, we note that access point 3 off School Road would cross Bambers Lane watercourse by this has not been identified.
- We would recommend where practical a bridge rather than a culvert. This reduces flood risk and allow a buffer strip for wildlife passage.
- Several attenuation ponds are shown on the illustrative masterplan close to main river watercourses. We need detailed plans showing their relationship with our 8m easement.
- We advise that watercourses should be used as a feature rather than a constraint, and used within POS and overlooked by housing.

Response dated 20/10/17

- Thank you for consulting us on the revised Masterplan. We are now able to withdraw our objection subject to conditions.
- Any future RM application should include an 8m easement along the length of Bambers Lane and Marton Moss watercourses. Any development in this area would require an Environmental Permit, and would be unlikely to be forthcoming for an development other than surface water outfalls and access crossings.
- We will object to any RM application that restricts our access.
- With regard to the desk study reports the previous use of the development site as a landfill present a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters at risk in this location are the watercourses within the bounds of, and adjacent to, the application site and the underlying Secondary Aquifer B. Other current and past uses of the site, which include horticultural and farming activities and a fishing lake infilled with building rubble, may also present a risk to controlled waters.
- The submitted reports provide the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. We agree with the recommendations in the Phase 2 report, however further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.
- The application will be acceptable if a planning condition is included requiring the submission of a remediation strategy. Without conditions we would object to the development.

Response dated 2/8/18

- Due to a change in circumstances we now wish to object to the application until a satisfactory FRA has been submitted to address this issue.
- At the time of your previous consultation the site was entirely in Flood Zone 1. However since then we have carried out new hydraulic modelling to better understand the fluvial flood risks in the area, which has been taken into account

in the recent update to our Flood Map for Planning. As a result, the application site is now almost entirely in Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding).

- Therefore the application needs to be accompanied with an FRA which is appropriate to the nature and scale of the development as proposed in FZ2 and 3.

Response dated 11/4/19

- We have considered the revised FRA, hydraulic modelling report and amended masterplan. The applicants has provided us with their hydraulic model data on which the report is based, and submitted a separate Flood Map Challenge.
- The applicant has challenged our Flood Map for Planning and detailed hydraulic modelling of the local area has been carried out to demonstrate that a larger proportion of the site is within Flood Zone 1 (low probability of flooding) than is currently mapped.
- The results of the applicant's modelling have been discussed in the 'Red Bridge Pumping Station Hydraulic Modelling Study' report and the revised FRA. Following our review we maintain our objection as we have found the model to not be robust enough to allow us to make changes to the Flood Map for planning in this location. Only when we consider the model to be acceptable can we alter the Flood Map for Planning.
- Therefore, as we have found the model to not be acceptable, we will consider the site to remain primarily in Flood Zone 3 as currently mapped and any FRA should be on this basis unless it can be satisfactorily demonstrated otherwise.
- We have contacted the applicant's flood risk consultant and provided them with a report detailing the reasons why we cannot accept their hydraulic model, as submitted, and the issues which need to be addressed. If the model is subsequently revised to address these issues it will need to be re-submitted to us to be verified, and if we find it to be acceptable, we will review our position on the application following the submission of a revised FRA and hydraulic model report.
- The FRA points out that the current proposed surface water plan involves controlling the surface water discharge from the site by using hydro brakes and then pumping into the surrounding main river watercourses. These main rivers drain through Red Bridge Pumping Station into the down-stream catchment. The FRA should be revised to demonstrate that the pumping regime of Red Bridge Pumping station will not be unduly altered by the development. We would be looking to hold discussions with the developer regarding the affordability of Red Bridge Pumping Station.

Response dated 2/7/19

- The applicant has submitted a letter to clarify the technical issues we raised with the hydraulic model. The updated data has been provided to us directly.
- We maintain our objection. We have identified a number of issues that the model has not addressed to enable us to make any changes to the Flood Map.
- If the applicants cannot address the deficiencies we have identified with their hydraulic mode, any FRA should be based on the current Flood Map.

Response dated 25/10/19

- Thank you for consulting us on the revised hydraulic modelling report. The model has been updated following our comments but a narrative to explain

what alterations have been made isn't included, and we are unable to progress our review of the updated model. We therefore maintain our objection on the basis of insufficient information submitted.

Response received 22/11/19

- We now have the narrative required to assess application. We have reviewed the model and it does not satisfactorily address our concerns, as such we maintain our objection.
- Given that there is a considerable dispute between results from our modelling and the updated model which suggest most of the site is in FZ1, further clarity is required. Especially regarding hydrological uncertainty. There are some queries regarding the hydraulics of the model, but the main concerns and source of uncertainty is hydrology. In particular;
 - The peak flow estimates for this catchment are based on a series of assumptions which drastically reduce the peak flows resulting in smaller flood extents. This raises concerns and we consider that insufficient evidence or justification has been provided to give confidence in these new lower peak flow estimates. In order for us to accept this model as suitable for updating the flood zoning on the Flood Map for Planning, further information and justification is required to provide adequate evidence that shows the model and hydrological assumptions and methods used are appropriate.
 - The development site appears to rely significantly on the pumping station, but also on the capacity of the sewer network to take away around 65% of flows from the catchment. This seems particularly high and therefore further evidence and justification is required to provide confidence that these figures are reasonable and realistic. In our modelling study it was assumed the sewer network capacity had a 1 in 10 year return period capacity, as a United Utilities report suggested some parts of the network only had this capacity rather than the standard 1 in 30. Further consideration of this, as well as commentary surrounding the uncertainty in sewer network capacity calculations, is required as this will influence the peak flows and ultimately the flood extents at this location.
There may be an issue with the pump trigger levels used in the model and they should be reviewed
Further detailed technical comments have also been provided directly to Weetwood.
- The applicant can overcome our objection, by addressing the above points and those provided in our detailed technical model review comments.
- It should be demonstrated through a FRA and supporting evidence.
- Monitoring could also be installed at this site so that further analysis could be undertaken on the flows and levels around the pumping station, this would then give confidence in the peak flow estimates and the capacity of the sewer network.

Lancashire County Council – Education

Initially provided a response on the 27 October 2017 which requested contributions towards 133 primary school places (£1,890,902.23) and 22 secondary school places (£471,311.94). These requests are based on all the dwellings being four bedroom properties and will reduce when the reserved matters scheme confirms the bedroom

mix.

With regard to a named infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided at the point at which the application is considered for decision.

Provided an up to date assessment on the 13 July 2020. This response outlines that there will be a shortfall of 87 primary school places with this development, and thus request £1,448,115.87 towards Lytham CE Primary School and/or Staining Primary School.

It also outlines that this will be a shortfall of 53 secondary school places and thus request £1,329,287.70 at Lytham St Anne's Technology and Performing Arts College and/or St Bede's Catholic High School.

Greater Manchester Ecology Unit

Original response dated 4/10/17:

Summary

A detailed ecological assessment has been provided however some of the survey work is now over 2 years old, and the assessment does not cover the entire site. Further survey information is therefore required. Ecological issues identified so far include bat roosting opportunities in trees, nesting birds, hedgerows, ditches and the scale of the development.

Bats

Building and trees were assessed for bat roosting potential. All buildings assessed were regarded as having negligible bat roosting potential, with six trees identified as requiring further survey if proposed for removal. Currently these trees appear to be proposed for retention. I have no reason to doubt the findings of the report and whilst the assessment is now just over 2 years old, given this is an outline application and the risk negligible, I am happy to condition re-assessment as part of reserved matters if outline approval is granted. However the site assessed did not cover the entire site, the site proposed for development including buildings not assessed in 2015 and potentially additional trees.

Prior to determination please request a bat assessment by a suitably experienced bat worker of building and trees not covered in the original assessment. The assessment should include as a minimum a visual inspection of the existing roof space for evidence of bats and exterior of the building for potential bat access points. Should the property be assessed as more than low risk, further information will be required prior to determination.

I also recommend the following condition is also applied:

At reserved matters building and mature trees proposed for removal will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

Great Crested Newts

Two ponds were identified within the zone of influence of the development. One on site and one 80m to the east on the other side of Cropper Lane. The pond on-site is a former fishing lake and was assessed low risk. Subsequent e-DNA analysis and damage to the pond has reduced the risk to negligible. The pond to the east was assessed as low to moderate risk and combined with the physical barrier of Cropper Lane, its nature as an ornamental pond, isolation and apparent recent construction downgraded to low risk. I

note the pond has also been assessed as part of other applications in the area including an eDNA assessment by Envirotech which was negative. I am therefore satisfied that the risk of gcn being present is negligible and no further survey or measures required.

Water Vole

A number of surveys have failed to find any evidence of water vole and appear to have included ditches within the zone of influence ie land excluded from the general ecological assessment. However desk top evidence indicates they were present in the wider landscape until relatively recently. The consultants have therefore recommended pre-cautionary surveys prior to any earthworks. I accept and support the findings of the assessment and recommendations. I recommend the following condition is applied to any permission.

A part of reserved matters an updated water vole assessment will be provided to and agreed in writing by the LPA

Nesting Birds

The development will result in the loss of potential bird nesting habitat including hedgerow and trees along with proven nesting habitat associated with certain 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 demolition shall commence between the 1 March and 31 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.

Land not fully Assessed

As noted under bats parts of the site were not fully assessed by ERAP. This includes the land associated with the garden centre and three field in the SE of the site approximately 7ha of land given that ERAP note the site is approximately 15ha whilst the application actually covers around 22ha.

Prior to determination please request that the land not fully assessed by ERAP is revisited and the existing report updated.

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 main features of ecological interest are the hedgerows, ditches, the pond and mature trees dotted across the site. ERAP have recommended retention of these features as far as possible and the outline masterplan indicates that this has been adopted by the developer. Mitigation should however be provided for any losses.

The other significant impact however is the scale of the development around 20ha of open land of low ecological value but not no ecological value. ERAP have recommended that landscaping should include high value grassland but I do not believe that the masterplan provides adequate information to demonstrate that no net loss can be achieved. For the loss of around 20ha of low ecological value improved and poor semi-improved grassland, I would expect more than 3ha of high value ecological habitat

being created either on or off site and in reality the creation of sustainable high value high quality habitat is unlikely and a larger area would be required to guarantee mitigation.

For developments of this scale I would recommend that the Council request the use of biodiversity offsetting as a mechanism to ensure no net loss and that prior to determination more information is supplied regarding how the developer will achieve no net loss (whether via on-site mitigation or off-site compensation), identification of adequate land area in sustainable blocks (ie preferably one unified unit) where the mitigation/ compensation will occur. If this cannot be demonstrated we recommend that the application should be refused.

Mitigation should also be provided for loss of bird nesting habitat, including specific mitigation for swallows.

Additional response dated 16/10/17:

Regarding the first point yes, the areas where additional survey are required are not within the location plan. The development had been logged on our system as covering the area depicted in the masterplan and I had based my comments on the location plan on our GIS layer. Apologies for the error. Therefore I withdraw my recommendation regarding further surveys of these areas prior to determination.

I do not however agree that adequate on-site mitigation can be guaranteed based upon the information supplied, it is not evident from the plans that adequate land is available (even if high quality biodiversity enhancement is achieved on all of the open space). In addition even if adequate land is available this is fragmented across the site, with many areas unlikely to be sustainable.

In addition owing to my own error regarding the need for additional survey information, which I regarded as more critical, I did not raise a further concern I had regarding cumulative impact, (which I intended to raise once full survey information was available) of this development with other developments on the other side of the Road. My colleague Derek Richardson informed me that he did not raise significant concern regarding these application based on the availability of the land now proposed for development as off-site compensation (and also natural displacement of wildlife).

Therefore I still recommend that additional information/commitment is provided to demonstrate a how no net loss will be achieved.

United Utilities - Water

No objections to the development subject to conditions requiring the development to be in accordance with the FRA and the management of the surface water drainage.

Regeneration Team (Trees)

No comments received.

Regeneration Team (Landscape and Urban Design)

No comments received.

LCC Archaeology

The above application is accompanied by a Heritage Statement (Nexus Heritage, August 2017) which appears to have consulted all the relevant sources and provides a reasonable assessment of the historic environment in the development area. As is noted, the most significant issue on the site is the potential for mid- to later prehistoric activity hereabouts, although no sites of this date have been identified within the development plot itself. The significance of any remains of this date would depend to a great degree on their type, extent and survival and it is impossible to make a firm statement on this matter, but it would seem probable that any such remains are likely to be of local to county significance, rather than national significance. As such they would not merit preservation at the expense of development. It would however appear appropriate to require a scheme of archaeological field investigation to establish the presence or absence of any remains within the site and to develop (if required) a scheme of impact mitigation. It is possible, if such works are undertaken at a sufficiently advanced stage, that their results could influence the design of the proposed development and thus reduce the potential cost (and risks of delay) of such mitigation.

The field investigation phase must include a scheme of trial excavation distributed across the site. The applicants may wish to take advice from a specialist on the benefits of also undertaking a geophysical survey in this phase, but it is possible that the generally wet ground conditions and type of archaeology expected may make this unproductive. We would therefore not object but recommend that an appropriate planning condition is applied to any consent granted.

They recommend a condition which requires the applicants to submit a written scheme of investigation to the Council.

Highways England

No objections subject to a condition for a Travel Plan.

Natural England

No objections - *Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Ribble & Alt Estuaries SPA and Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. We have not assessed this application and associated documents for impacts on protected species.*

Environmental Protection (Pollution)

With reference to your memorandum dated 14th September 2017 there are objections to the above proposals for the following reason –
Loss of Amenity for Future Occupiers

To the East of the site is an established pig rearing site known as Moss Rose Piggeries – this intensive livestock units houses 2500 pigs and there is a potential for noise and odour which could cause loss of amenity and Nuisance to future occupiers. The site operates under an Environmental Permit issued by the Environment Agency (Permit CP3238US – Moss Rose Piggeries Ltd). It may be necessary to enquire with them for their opinion with regard to this application.

If minded to grant permission it would be necessary to provide a noise survey and

mitigation to enable compliance with the following conditions –

i) The proposed development shall be designed so that cumulative noise from industrial or commercial and transportation sources within habitable rooms does not exceed 35dB LAeq (16 hour) from 07.00 to 23.00, 30dB LAeq (8 hour) from 23.00 to 07.00, and 45dB LAFmax from (19.00 –0700 or 2300-0700) for single sound events, or any such level as agreed in writing by the Local Planning Authority. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement.*

** The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour*

ii) The proposed development shall be designed so that cumulative noise from industrial or commercial sources to all outdoor living areas, for example rear gardens and balconies, do not exceed 55dB LAeq (16 hour) from 07.00 to 23.00 or any such level as agreed in writing by the Local Planning Authority. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement.

2. Times of construction shall be limited to 08.00 – 18.00 Mondays to Friday; 08.00 – 13.00 Saturdays and no construction/demolition activity on Sundays or Bank Holidays.

Response dated 18/1/18 in relation to a submitted noise assessment;

I have no issues regarding potential noise nuisance – provide that the dwellings can be designed to meet the criteria detailed in the noise report on page 8. Must also consider that there is a large Kensington Development on Squires Gate Lane that would be subject to more road traffic noise than this development which has been approved.

Neighbour Observations

Neighbours notified:	14 September 2017
Amended plans notified:	29 September 2017
Site Notice Date:	3 October 2017
Press Notice Date:	05 October 2017
Number of Responses	Eight letters of objection and one of support
Summary of Comments	<ul style="list-style-type: none">• Please give consideration to street lighting shining into my dwelling and plant trees and hedges.• Increase in traffic.• Flood risk issues as dykes already overflow.• Lack of education facilities.• Concerned access to ramp city will be lost and traffic increased to Bamber's Lane.• Landfill in the area which if dug up could cause harm.• Overdevelopment in the area.• Development will be within 400m of our pig farm and putting houses near here will cause complaints, the business should be protected from the risk of complaints in relation to air and noise pollution which could affect its viability.

- Out of character with area.
- Impact on wildlife.
- Support the development but need to retain access to ramp city.
- PROW needs to be retained.
- Assessments submitted with the application are flawed.
- Lack of bus services and facilities.
- Density.
- Visual impact.
- Character of neighbourhood.
- Over breaking and out of scale and character.

Following points raised which are not planning issues;

- Loss of view.
- Decrease in house value.

Relevant Planning Policy

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
HW3	Protection & Provision of Indoor & Outdoor Sports Facilities
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highway Improvements
T4	Enhancing Sustainable Transport Choice
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the

application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

The main issues when considering this development are as follows;

- Principle of development
- Impact on character of the area
- Master planning the strategic locations for development
- Public Open Space
- Residential amenity
- Highways issues
- Flood Risk and Drainage
- Ecology
- Education
- Affordable Housing

Principle of development

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development.

The development plan consists of the Fylde Local Plan to 2032. Within the development plan the site has been allocated as part of the HSS5 site within the Fylde-Blackpool Periphery Strategic Location for Development through Policy SL2. The Strategic Location for Development is allocated under policy DLF1 – Development Locations for Fylde. This policy outlines where the 8175 houses found to be necessary over the plan period will be constructed. 90% of these dwellings will be within the four strategic locations for development.

Policy SL2 allocates sites for development and requires masterplans and design codes to be submitted for developments of 100 homes or above. Hence a masterplan for the whole allocation and a design code has been submitted with this allocation. HSS5 is anticipated to provide 250 dwellings over the plan period and 450 dwellings in total, and this site forms a part of that allocation. With the development proposed comprising up to 350 dwellings, spread over 15.65 hectares, and presumes a development potential of 25-35 dwellings per hectare across the site, the density proposed and the number of dwellings subject to this application are acceptable.

With regard to housing mix policy H2 requires all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. As this is an outline application the final bedroom mix is unknown, however a condition will be placed on any permission granted to ensure that any Reserved Matters application reflects this bedroom mix requirement. Policy H2 of the adopted Fylde Local Plan to 2032 also requires developments with at least 20 dwellings to provide 20% of homes designed specifically to accommodate the elderly. Again, a condition can be used to ensure that this requirement is carried through in any Reserved Matters application. Therefore, the principle of the development is acceptable in this location as it is located within a strategic location for development and is part of a site allocation for 450 dwellings, with 250 of these anticipated to be provided over the plan period.

Impact on character of the area

Whilst the principle of the development is acceptable another issue is the impact of the development visually on the character of the area. In this case the application site consists predominately of agricultural fields.

The NPPF states that the intrinsic character and beauty of the countryside should be recognised however in this case the site is not an area designated for its landscape quality and furthermore the application site is now allocated as part of a strategic location for development with approved residential housing developments located to the east of the site. To the west are domestic dwellings with extensive domestic curtilages.

It has to be acknowledged that the development will have a negative impact on the character of the area however it is considered that the degree of harm will be acceptable. The retention of hedgerow and trees around the site's boundaries and a comprehensive landscaping plan will help to soften the appearance. The application site has been allocated as part of the plan making process where all the implications of allocating the site, including its visual impact were considered. The Fylde Council "Appraisal of Strategic Site Options Landscape Assessment for the Capacity to accommodate Landscape and Visual Change" document assessed the strategic site options put forward and their sensitivity to development. This site along with the whole of the HSS5 allocation was found to have a low sensitivity to development. It states that due to the existing fragmented and inconsistency in inappropriate land uses in this locality a coherent development may enhance the area if it is appropriate to the semi-rural setting and developed sensitively and that the main visual impact would be to Bamber's Lane and School Road due to the openness of the site.

This background paper along with a suite of documents behind the allocation was found to be acceptable as part of the Inspection in Public of the Local Plan, and therefore the development of the site and the landscape impact it will have has already been considered and found acceptable. The impact on the character of the area is therefore acceptable.

Master planning the strategic locations for development

Policy M1 – master planning the strategic locations for development, requires that developments of strategic sites of 100 homes or more should prepare a masterplan or design code in consultation with the Council. This application site together with its neighbour has produced both a masterplan and a design code. The design code is of more relevance to this application as it is an outline application and the adjoining site is a full one. However, the masterplan and code have been produced jointly and illustrate how the overall site will link up and relate to the surrounding development. This masterplan also includes the local centre allocation which is not part of either of the planning applications.

The masterplan for the strategic location for development shows two main access points, one off School Road which is central to this applications frontage and one on the far northern end of Cropper Road. Between these two accesses proposed is a major road that runs through the allocation with 2m footpaths on both sides. This road will be large enough to serve public transport and has bus stops along its length. Four other access points are proposed along Cropper Road, one of which will serve the local centre, two which join up to the main route through the site and one at the far western end of Cropper Road which will serve housing development. A series of footpath links are shown throughout the site, along with a 3.5m cycle route which commences adjacent to the southern access on School Road and passes through the site to the Local Centre and then to the north adjacent Cropper Road. Existing PROWs are retained. An area of POS which includes a MUGA is located adjacent to the Local Centre within the red edge for this application, and is accessible by

road, cycle link and footpath. Smaller areas of POS are located around the site and 8m easements to main rivers are shown as well. Existing trees are shown to be retained as required by Policy M1, dense buffer planting is proposed throughout the site, particularly adjacent to the main highway through the site along with tree planting along its length. The proposed development structure is shown, with the area subject to this application indicative to show how dwellings could be laid out around the highways, footpaths and POS.

The submitted masterplan shows how this application site will relate well to the rest of the allocation and beyond. Once the neighbouring sites are completed this site will benefit from vehicular access links to Cropper Road and through to School Road, thus providing easy links to the M55 and beyond. A bus service will run through the site, and it will have numerous pedestrian/cycle links to the surrounding land, with direct links to the Local Centre that will serve this local area. Beyond that are links to the Wainhomes site east of Cropper Road, which link through to the employment sites on Whitehills. These links are crucial in ensuring the development is sustainable with a variety of transport options for residents. Further afield to the south of Cropper Road and the roundabout with School Road the link road will also provide convenient access to St Anne's and Lytham, with a bridleway proposed along the length of the current Wild Lane. Along School Road to the west is the Blackpool Airport Enterprise Zone, offering another form of local employment. As such it is considered that the masterplan for the allocation, presented in conjunction with this outline planning application for up to 350 dwellings is acceptable.

The submitted design code goes into further detail regarding the development principles for the whole of the masterplan area, it sits alongside the masterplan and provides details about the likely form of future reserved matters application on the sites, detailing land use and densities, building height parameters, design, material pallets, POS, landscaping, road hierarchy and movements and key views. The design code is proposed to be adopted as an SPD for the site in line with policy M1. The submitted document includes the following key information which is set out in text and on plans throughout the document;

- Up to 449 dwellings proposed. Affordable housing at 30% to be pepper potted around the site.
- Extensive POS including a MUGA and pocket parks.
- Landscaping with SUDS features around the site.
- Local centre to be developed over the lifetime of the development.
- Average of 25 dwellings per hectare but with variations across the site. Higher densities within the core of the site, along the main access roads. Lower densities on the edge of the site.
- Predominately 2 storey development with some 2.5/3 storey development along the main spine road.
- Road hierarchy reposed with different widths and treatments for each. Main access roads lined with native and broadleaved trees on both sides.
- The main spine road to be constructed at a width of 6.75m and to a standard that when viable a bus route can be run through the site. Bus stops located within the site spaced 400m away from each other.
- Pedestrian and cycle links throughout the site and linking to existing footpath/cycleway/bridleway networks in the wider area, including the Moss Road through to Lytham.
- Street character will be defined by location, function and location. Character areas plan submitted which includes core public route, courtyard areas, eastern edge and inner space areas. Each of these have a different character, including density of building, style of buildings and materials.
- Example plans show how the designs would reduce on street parking on junctions, small parking

courts, connect open spaces etc.

- Materials proposed include a variety of bricks throughout the scheme, different front boundary and hard surfacing treatments, and railings used at open spaces to secure them.
- Routes for pedestrians, cyclists and vehicles will be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance.
- Communal areas, such as playgrounds and seating facilities will be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.
- Use of dual aspect properties will aid natural surveillance and form active frontages.
- The proposed streets will be tree-lined with native and broadleaved species to provide a green corridor for wildlife and where possible a 2-3-metre-wide strip of wildflower grassland will be incorporated adjacent to the highway network. This will also serve to enhance connectivity through the site.
- The landscaping seeks to include species-rich grassland, marshy grassland and ponds in order to provide a diversity of habitats for a variety of wildlife, including foraging and breeding amphibians, invertebrates and foraging bats and birds.
- Habitats identified as being of ecological value within the ecological report (such as the woodland at the northern end of the site) will be retained where possible and managed in the long-term for the benefit of wildlife. A management strategy plan will be agreed by way of planning condition.

Your officers view is that the masterplan and design code are acceptable, and that the level of detail included provides assurance that the development of the site can be carried out in a manner which will not harm the amenities of the area and be cohesive with the surrounding the development. The application has been made in outline will all matters reserved for future consideration asides access which is considered below. Whilst layout, appearance, scale and landscaping are matters reserved for future consideration, a condition can be used to ensure that any Reserved Matters application significantly reflects the masterplan and design code described above so that they are in accordance with policy GD7 of the Fylde Local Plan to 2032.

Public Open Space

The indicative masterplan includes areas of POS that combined appear to comply with the size requirements of Policy ENV3 of the Local Plan to 2032. However, the exact requirement will not be known until the bedroom mix is finalised. Therefore, a condition requiring any reserved matters application to provide a policy compliant amount of POS is an appropriate safeguard to resolve this issue.

Residential amenity

Policy GD7 – Achieving good design in development of the Fylde Local Plan to 2032 requires development to be of a high standard and requires that new residential development that ensures that amenity will not be adversely affected by neighbouring uses both existing and proposed. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The Councils SPD on house extensions provides additional guidance with reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The proposed indicative layout on the masterplan, shows that dwellings will be appropriately located so as not to create any unacceptable overlooking or loss of light to existing neighbouring dwellings and those proposed within the site itself. They are appropriately spaced to leave enough

separation distance and room for landscaping and have a similar relationship between each other as the dwellings surrounding the site to the east.

It is inevitable that there will be some disruption for existing residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust controls are recommended.

A neighbour has written in stating their pig farm is located 400m away from the site and placing dwellings in proximity to their farm could lead to noise and odour complaints from the residents. The Councils EHO has confirmed that there are 2500 pigs at the farm which could cause loss of amenity and nuisance to future occupiers. The site operates under an Environmental Permit issued by the Environment Agency (Permit CP3238US – Moss Rose Piggeries Ltd). The EHO has requested that if permission is granted that there are conditions restricting noise with levels within habitable rooms and gardens, and the hours of construction. Officers have investigated this and as the EA permits the use, then it cannot form a statutory nuisance and cannot be investigated by officers as a nuisance. Examination of the permits for the site have found that they state in clauses 3.4 & 3.5 relate to Odour and Noise and both 3.4.1 and 3.5.1 require that emissions from the activities of the site *"shall be free from odour [or noise and vibration] at levels likely to cause annoyance outside the site"*. The schedule at page 9 identifies the management plans to which the unit should be adhering to ensure compliance with these requirements. Accordingly, it is the responsibility of the Piggery Unit, and indeed a requirement of their Environmental Permit, not to cause nuisance outside of their site. As such the operations of the unit should not effect the application site and accordingly it should be of no concern to the operators that they may derive future complaints which could risk its viability. If complaints were made they would be passed to the EA to investigate and to ensure compliance with the permit.

The applicants have also submitted a noise assessment following comments from the EHO to ensure that no issues would arise from the piggery unit which might represent a constraint to the development of the site. The report concludes: *"Noise from Moss Rose Piggeries was not found to be an issue. In any event, it is considered unlikely that the additional properties on the proposed development would place additional constraints on this business, given the presence of the existing nearer properties on Bambers Lane"*. The Councils EHO has confirmed he is happy provided that the dwellings are designed to meet the criteria detailed in the noise report, this can be subject to a condition. As such there are no amenity issues with the application, and it would not prejudice the viability of the nearby piggery unit, and the scheme complies with the relevant aspects of Policy GD7.

Highways issues

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

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the

significant impacts of the development.

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

The formal comments of LCC Highways are summarised above. When first submitted the application was fully outline, however Officers in accordance with article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 required the applicants amend the application so that access was as detailed matter. This was due to the need for the housing allocation as a whole to be properly planned with regard to access and highway movements, and the aspiration to reduce the level of traffic on Cropper Road. As this is an allocated site, part of an overall allocation of 450 dwellings the impact of that number of dwellings on the highways network has been considered through the Plan making process. It is critical that as part of the Local Plan allocations that policy M1 requires the strategic site to be master planned. This has required the applicants for this site to work with the LPA and the applicants for the adjoining site to produce a joint scheme which looks at transport movements strategically. The size of the site meant that the LPA considered a new link road could be provided which will assist highway movements in the area.

The formal extensive comments from LCC are summarised above. This application is made in outline so the only detailed matters from a highways point of view are the site access points and how the development links to the surrounding area. The masterplan that has been submitted with the application shows the various access point and cycle/pedestrian links through the site and linked to the surrounding area. LCC state that they are happy with the positions and access strategy proposed in the masterplan. The details of the access strategy are described above, but effectively there are two main access points into the site, with that road being capable of accommodating public transport. A road leads off this road towards Cropper Road and directly into the Wainhomes site on the east side of Cropper Road, on to Lea Green Drive. This means public transport will be able to go through the allocated site and cross into the mixed use site. The Lea Green Drive development was also required to provide a link to the adjoining Old Houses Lane site within Whitehills which public transport will also be able to get through. Other access points off Cropper Road serve smaller areas of dwellings and the Local Centre. All of the areas are linked with a shared 3.5m footpath/cycle route.

LCC make it clear that they consider the proposal to be acceptable, subject to the agreed details of highway improvement and the provision of the link road between the two sites. For this site they require that prior to the occupation of 120 dwellings that the access road between the Cropper Road Masterplan Site Access No.1 and School Road (via the BAK site and Masterplan Access No.4), including necessary links to Site Access No.2 and new connection from through access route to the junction with Cropper Road and Lea Green Drive is delivered and available for use; including the improvement scheme for Cropper Road. With conditions in place the two sites will be able to connect and, in the future, when both sites are linked a bus will be able to run through the site and beyond.

LCC in their response explain that they recognise the benefits that the masterplan will bring as it supports public transport penetration into the area that will benefit not only the application sites within the Strategic Location site but also the wider built environment, including existing development off Cropper Road, other committed residential development as well as improvement of bus services in and around Whitehills Business Park. The provision of the through access route allows the downgrading and part prohibition of vehicular driving over sections of the existing Cropper Road, which further support improvement to the pedestrian/cycle environment. They also state that funds have been secured from other schemes which will pump prime the bus service

through the site, and that in the long term the scale of development will make the bus service viable for a commercial bus operator. As such they do not require section 106 contributions from this scheme but state that this is reliant on the delivery of the link road in accordance with their suggested triggers. They simply request £24000 towards Travel Plan monitoring.

Therefore, the submitted plans are acceptable, and that with appropriate conditions to ensure that the proposed highway improvements are carried out at appropriate points in the development there are no highways issues with regard to safety, capacity or long term sustainability. The development therefore accords with policy M1 of the Local Plan to 2032 with regard to considering highway movements strategically.

Flood Risk and Drainage

The numerous responses from the Environment Agency are outlined above. United Utilities have raised no objection to the original scheme. The Lead Local Flood Authority have confirmed that they have no objections subject to a condition requiring details of a sustainable drainage scheme to be submitted and approved prior to the commencement of development. They state that this allows for the principle of development to be granted and detailed drainage designs to be conditioned for approval via reserved matters or via a discharge of condition application.

When this application was submitted the whole of the allocation for development was located in Flood Zone 1, and therefore the development of the area with dwellings was entirely appropriate. A change of Flood Zone classification occurred prior to the adoption of the Fylde Local Plan to 2032. During the Local Plan making process the Inspector was informed of the change and the site was still considered to be suitable in principle for development and was therefore allocated. That allocation means that the developers do not have to undertake a sequential test, but they do need to demonstrate that the site will be safe from flooding, and that the built proposal will not increase flood risk elsewhere.

That change in flood classification meant that the EA changed from having no objections to this application to raising objections. The applicants decided that they would address this issue by producing their own hydraulic modelling study and data to challenge the re-classification of Flood Zone, if accepted by the EA that would mean the site would go back to being within Flood Zone 1. As that data was not been accepted by the EA, they raised objections as the FRA submitted did not consider the site as being in FZ3 which they believe it to be in. The mitigation and other measures were therefore not considered valid. The EA also raised issues regarding easements and culverts which have been addressed as outlined in the responses above.

Following much correspondence with the EA regarding the level of details and what evidence they require, the applicants for this site and the adjoining one have submitted updated data modelling and an FRA for the whole of the housing allocation, not just for their own individual applications. This has been submitted to the EA for consideration, at the time of writing this report their views have not been received. If they are received prior to Committee they will be available in the late observations, but in the event that they are not, this application is recommended to be delegated to officers to approve, but that approval being subject to the EA formally withdrawing their objection to the development.

The submitted modelling data and FRA for both sites includes the following key points/information;

- A modelling study of the red bridge pumping station which is located adjacent to School Road in the south east corner of the allocation has been undertaken to identify and assess the level of

flood risk from this source in association with the proposed development of land west of Cropper Road, Blackpool.

- It is understood that the extents of flooding presented by the Flood Map for Planning are based upon the Mott MacDonald Red Bridge Pumping Station hydraulic modelling study undertaken in 2018 on behalf of the Environment Agency.
- Weetwood undertook a detailed assessment of the 2018 hydraulic model and identified areas where the model schematisation could be improved. The key improvements relate to the operating parameters of the Red Bridge Pumping Station and extent of the 2D model domain.
- In order to more accurately identify and assess the level of flood risk at the site, a 1D-2D ESTRY-TUFLOW hydraulic model has been developed by Weetwood. The model hydrology was also re-assessed and included an estimation of the capacity of the public sewer network within the Red Bridge Pumping Station catchment.
- The baseline model results indicate that flooding of the site is expected for all modelled events but that the extents of flooding are reduced when compared to the Flood Map for Planning.
- The Weetwood hydraulic modelling indicates that the Flood Map for Planning overstates the risk of flooding at land west of Cropper Road, Blackpool. As a consequence, the results of the Weetwood hydraulic modelling study forms the basis of a formal challenge of the Flood Map for Planning.
- A pump failure scenario has also been assessed which indicates that more extensive flooding would be expected to occur if a pump failure were to occur.
- The FRA submitted considers the development in the context of the Weetwood review of the hydraulic model. The review found that the model schematisation could be improved, e.g. by including the operating parameters of the Red Bridge Pumping Station and by extending the model domain to include raised embankments.
- The outputs indicate that flooding of the site is expected to occur during all events. The depth of flooding varies significantly across the site and the average flood depths are significantly lower than maximum flood depths. The modelling also indicates that approximately 30,055 m³ of floodwater is stored at the site during the 1 in 100 AEP plus 35% climate change event.
- Modelling of a pump failure Red Bridge Pumping Station during the 1 in 100 AEP plus 30% climate change event indicates that the peak flood levels at the site would increase by 0.09 m.
- The FRA considers that the development can be completed without conflicting with the requirements of the NPPF by using the following mitigation;
 - The development platform should be set a minimum of 0.15 m above the modelled peak flood level during the 1 in 100 AEP plus 35% climate change event and above the 1 in 100 AEP event plus 30% climate change event in the pump failure scenario.
 - Finished floor levels to be set a minimum of 0.30 m above the 1:100 (+35%) annual probability peak fluvial flood level.
 - Finished floor levels should also be set at a minimum of 0.15 m above adjacent ground levels following reprofiling of the site.
 - Compensatory storage to be provided to ensure that an equivalent volume of water is stored at the site in the 1 in 100 AEP plus 35% climate change event.
 - The detailed drainage design to be submitted to and approved by the local planning authority prior to

- the commencement of development.
- An 8 m undeveloped buffer strip has been provided adjacent to Marton Moss, Bambers Lane Watercourse and Spen Dyke.

Ecology

The application was submitted with an ecological assessment of the site. The site and the entire allocation was subject to a Habitats Regulation Assessment, which found that the sites development would not have a likely significant effect on wintering birds. Natural England have been consulted on the application and state that they have no objection, and that if the development is carried out in accordance with the details submitted it will not have a significant effect on the interest features for which Ribble & Alt Estuaries SPA and Ramsar has been classified. Natural England therefore advises that the LPA is not required to undertake an Appropriate Assessment. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Ribble Estuary SSSI has been notified. Natural England therefore advise that this SSSI does not represent a constraint in determining this application

GMEU were also consulted and their responses are outlined above. They initially raised objections and highlighted the need for additional surveys as they thought that the application site consisted of the whole of the masterplan area, and the area surveyed was that within the red edge boundary for the site. They have since confirmed that they made an error and withdrew their recommendation regarding further surveys prior to determination. With regard to the site they confirm that with regard to bats that the trees with roosting potential are to be retained and that a condition is required that requires at reserved matters stage a further assessment of potential in case the situation has changed. This is considered appropriate given the length of time since submission of this application. With regard to great crested newts GMEU are satisfied that the surveys and DNA assessments mean that the risk of GCN's being present is negligible and no further surveys or measures are required. With regard to water voles, numerous surveys have failed to find any evidence of them, and these surveys have included ditches beyond (but linked to) the application site. There is however some evidence that they were present in the wider area and therefore precautionary surveys are required prior to any earthworks and GMEU recommend a condition. With regard to nesting birds the development will result in the loss of potential habitat including hedgerows and trees. Therefore, GMEU request a condition which requires any tree or shrub clearance to be carried out outside of bird nesting season. One area of concern for GMEU is with regard to the need for there to be no net loss of biodiversity on the site. They therefore request that additional information/commitment is provided to demonstrate how no net loss and a gain will be achieved. This was put to the developers who have stated that as the application is outline, detailed matters of net gain can be addressed at the Reserved Matters stage. They also state that since the comments from GMEU have been received, that the masterplan makes significantly greater provision in line with the comments received. The design code includes relevant information and highlights that the main access roads would be lined with native and broadleaved trees on either side, set within private gardens. This tree planting, together with some native and ornamental hedge planning where appropriate would form a linear green foraging space through the site to encourage bats, birds and other wildlife, and enhance connectivity and habitats.

The Landscape Strategy plan in the design code highlights that the landscape function of the site has been strongly influenced by a desire to achieve ecological and hydrological benefit through landscape design. The proposed tree-lined streets will where possible provide a 2-3-metre-wide strip of wildflower grassland which will be incorporated adjacent to the highway network. This will also

serve to enhance connectivity through the site. The landscaping seeks to include species-rich grassland, marshy grassland and ponds in order to provide a diversity of habitats for a variety of wildlife, including foraging and breeding amphibians, invertebrates and foraging bats and birds.

Habitats identified as being of ecological value within the ecological report (such as the woodland at the northern end of the site) will be retained where possible and managed in the long-term for the benefit of wildlife. A management strategy plan will be agreed by way of planning condition. Along the western ditch habitat connectivity will be retained and enhanced. Street lighting will be carefully selected and positioned so to avoid excess artificial lighting and light spillage. It is officers view that a condition requiring the development to be substantially in accordance with the submitted masterplan, and with another condition which requires any reserved matters application to demonstrate a biodiversity net gain from the existing site condition that this would deal with that issue.

Therefore, with regard to the development of the site in relation to protected species, appropriate surveys have been carried out, and with conditions to ensure a biodiversity net gain and appropriate protection during construction the development from an ecological point of view is acceptable.

Education

LCC Education have stated that there will be a shortfall of 87 primary school places with this development, and thus request £1,448,115.87 towards Lytham CE Primary School and/or Staining Primary School. They also state that there will be a shortfall of 53 secondary school places and thus request £1,329,287.70 at Lytham St Anne's Technology and Performing Arts College and/or St Bede's Catholic High School.

This calculation is based on the development being 100% 4-bedroom dwellings so this will be significantly reduced when the final mix is known. In their assessment they assess Heyhouses as the nearest Primary school in Lancashire to the development, but then state that the Lytham and Staining Primary School are those nearest that have the space to accommodate an expansion, thus their request for contributions to either of those schools.

Affordable Housing

The proposed development is for 350 dwellings. Policy H4 requires developments of 10 or more dwellings to provide 30% affordable housing, which is indicated as part of this application in the masterplan documents. Therefore, the proposed development will need to be subject to a legal agreement to secure this and confirm the appropriate tenures for the affordable housing.

Conclusions

The development of up to 350 dwellings as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Development Plan. The proposal is of an acceptable design and layout, with highways issues fully considered along with how the site links to the wider allocation. There are no amenity or ecology issues with the proposal. Regarding flooding and drainage, the applicants have a submitted comprehensive data and an FRA on how flood risk can be managed at the site, and subject to these details being accepted by the statutory drainage consultees this is acceptable.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to:

- 1) the Environment Agency withdrawing its objection to the proposed development,
- 2) that the outstanding final highway and drainage comments do not raise any issues that cannot be resolved through the imposition of appropriate planning conditions,
- 3) satisfactory completion of a Section 106 agreement as outlined below,
- 4) agreement of a phasing plan for the delivery of the development (including all access points) and
- 5) a schedule of appropriate conditions.

The Section 106 agreement is to secure:

- provision, phasing, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution (and the phasing of this contribution) of upto £1,448,115.87 towards Lytham CE Primary School and/or Staining Primary School and upto £1,329,287.70 at Lytham St Anne's Technology and Performing Arts College and/or St Bede's Catholic High School.
- a financial contribution of £24,000 (and the phasing of the payment of this contribution) towards Travel Plan monitoring of public transport and/or sustainable transport initiatives in the vicinity of the site in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution (and the phasing of the payment of this contribution) towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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

Planning permission be granted subject to the following conditions (plus any condition requested by Drainage consultees, or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

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

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

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

Nos. (1, 2, 3 and 5)

- (Reserved matters are:-
1. Layout
 2. Scale
 3. Appearance
 4. Access
 5. Landscaping

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

3. This permission relates to the following plans:

- Location Plan - DGL Drawing 1500WHD/CRB/LP01 Rev B
- Proposed Access Arrangements - SCP Drawing SCP/15258/F04
- Proposed Access Arrangements (Details) - SCP Drawing SCP/15258/F04.1
- Illustrative Masterplan - DGL Drawing 1500WHD/CRB/MP01 Rev J
- Design Code - Emery Planning Design Code Rev B June 2020

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

4. The development hereby approved shall be for up to 250 dwellings and the details for these that are submitted as part of any Reserved Matters application shall be substantially in accordance with the illustrative proposed site masterplan layout plan (1500WHD/CRB/MP01 Revision J) and Design Code Rev B (June 2020)

Reason: In order to ensure a satisfactory layout that does not harm the visual amenities of the area.

5. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall include details of the mix of type and size (including bedroom numbers) of the dwellings to be provided, which shall demonstrate compliance with the requirements of policy H2 of the Fylde Local Plan to 2032. The development shall thereafter be carried out in accordance with the duly approved details.

Reason: To ensure that the development delivers an appropriate mix of types and sizes of housing suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment in accordance with the requirements of policy H2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

6. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall provide for at least 20% of the properties that are designed specifically to accommodate the elderly including compliance with optional technical standard M4(3A) (wheelchair-accessible dwellings) unless a different percentage is required to comply with Policy H2 of the Fylde Local Plan to 2032.

Reason: To ensure that the identified need for the provision of properties for this sector is catered for in this development as required by Policy H2 of the Fylde Local Plan to 2032, and the National Planning Policy Framework.

7. Any Reserved Matters submission in relation to layout shall include details of existing and proposed site levels throughout the site and finished floor levels of all dwellings. The development shall thereafter only be carried out in accordance with the approved levels.

Reason: In order that the dwellings have an acceptable visual impact, and do not harm residential amenity.

8. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of trial excavation, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.

9. As part of any reserved matters layout full details of the areas of public open space, including children's play areas and a MUGA as identified on the illustrative masterplan (1500WHD/CRB/MP01 Revision J) shall be submitted to the Local Authority for consideration as part of that application.

The scheme shall make provisions in accordance the Council's adopted policy on public open space in terms of layout and requirements and include a phasing scheme for the construction of the MUGA, play areas and open space and also its ongoing maintenance and management. The approved scheme shall be implemented, and the areas provided retained as open space and play area thereafter.

Reason: To ensure areas of POS on the site comply with policy ENV4 of the Fylde Local Plan to 2032 and is provided at appropriate points during the sites development.

10. The dwellings hereby approved shall be designed and constructed to meet the criteria set out on page 8 of the submitted "Environmental Noise Assessment" (reference 20171207 8147).

Reason: To protect the amenity of the occupants of the dwellings hereby approved.

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the

risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters, and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

13. Any reserved matters application for shall be submitted with a Landscape and Environmental Management Plan for consideration by the Local Planning Authority as part of that application. The plan shall as a minimum include details of;

- The full detail of landscaping and ecological proposals throughout the site which demonstrate that the existing ecological value of the site has been bettered through the development proposals which create wildlife habitat, plant native species appropriate to the locality to compensate for direct and indirect impacts, promote habitat connectivity and demonstrate how it will be maintained.
- The design and location of bat and bird boxes to be integrated throughout the site;
- A scheme to protect retained trees and hedgerow during the construction period. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period;
- How the sustainable urban drainage scheme will be managed to promote use by wildlife and provide connectivity through the strategic location for development;
- The design and location of bat and bird boxes to be integrated throughout the site;

The approved plan shall be implemented as part of the construction and on-going occupation of

the development.

Reason: To protect and enhance biodiversity on the site in accordance with the NPPF.

14. As part of any reserved matters application an updated water vole assessment shall be submitted to the Local Planning Authority for consideration as part of that application. This shall be based on a recent survey of the site and shall contain an appropriate mitigation strategy should water voles be found to be present at that survey, with this mitigation strategy implemented during the development and thereafter.

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

15. Any reserved matters application will include a reassessment of existing building and mature trees proposed for removal for bat roosting potential and the findings provided to the Local Planning Authority for consideration as part of that application. This shall be based on a recent survey of the site and shall contain an appropriate mitigation strategy should bat roosts or nesting sites be found to be present at that survey, with this mitigation strategy implemented during the development and thereafter.

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

16. No works to trees or shrubs shall occur or demolition shall 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. In the event that bird nests are found a mitigation strategy shall be presented and implemented as part of the development works.

Reason: To protect nesting birds

17. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This scheme shall include a phasing scheme for the implementation of these works which shall be complied with during the development. These works to include:

- 1(a) – Masterplan Site Access No.1 (Cropper Road north);
- 1(b) - Masterplan Site Access No.2 (Cropper Road north);
- 1(c) - Masterplan Site Access No.3 (Cropper Road south);
- 1(d) – Improvement works on Cropper Road necessary to facilitate the agreed Masterplan access strategy supporting the through access route, including gateway measures and works informed by speed limit review on Cropper Road;

(Note: Delivering these works will require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.)

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

18. Prior to the first occupation of any dwelling the developer shall submit a scheme that funds the investigation, consultation and advertisement of Traffic Regulation Orders for a review of speed limit on Cropper Road between Progress Way roundabout in the north and Lytham St Annes Way roundabout in the south. If the process concludes in changes to TRO's, the developer shall fund the subsequent implementation of necessary speed limit signing and Gateway signing and marking changes.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site.

19. Prior to the first occupation of any part of the development hereby approved, the developer shall submit a scheme detailing the location , design of bus stops with appropriate shelters on the through access road within the site, to be agreed and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the detail of the phasing of these works and shall be implemented in accordance with the approved details and phasing.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide suitable provision for sustainable users in line with the agreed masterplan.

20. No more than 120 dwellings shall be occupied and accessed via Masterplan Site Access No.s 1, 2 & 3 or 4 (as shown on the latest Masterplan Drawing 1500WHD/CRB/MP01, Revision J) until the through access road between Masterplan Site Access No.1 and School Road (via the BAK site and Masterplan Access No.4), including necessary links to Site Access No.2 and new connection from through access route to the junction with Cropper Road and Lea Green Drive is delivered and available for use, including the full improvement scheme for Cropper Road as shown in the Masterplan Drawing referenced above.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users in line with the agreed masterplan

21. No more than 60 dwellings shall be occupied and accessed via Masterplan Site Access No.3 (as shown on the latest Masterplan Drawing 1500WHD/CRB/MP01, Revision J) - Cropper Road Southern Access until the through access road between Masterplan Site Access No.1 and School Road (via the BAK site and Masterplan Access No.4), including necessary links to Site Access No.2 and new connection from through access route to the junction with Cropper Road and Lea Green Drive is delivered and available for use, including the full improvement scheme for Cropper Road as shown in the Masterplan Drawing referenced above.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users and so as not to prejudice the future development of the adjacent land in accordance with the agreed masterplan and Policy M1 (Masterplanning the Strategic Locations for Development) of the adopted Fylde Local Plan.

22. No more than 60 dwellings in total shall be occupied and accessed via either Masterplan Site Access No.1 or No.2 or the link connecting to Cropper Road and Lea Green Lane prior to delivery of the full through access road between Masterplan Site Access No.1 and School Road (via the BAK site and Masterplan Access No.4), including necessary links to Site Access No.2 and new connection from through access route to the junction with Cropper Road and Lea Green Drive is

delivered and available for use, including the improvement scheme for Cropper Road as shown on the agreed Masterplan Drawing 1500WHD/CRB/MP01, Revision J).

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users and so as not to prejudice the future development of the adjacent land in accordance with the agreed masterplan and Policy M1 (Masterplanning the Strategic Locations for Development) of the adopted Fylde Local Plan.

23. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. details of the days and hours of construction activity at the site
 - b. details of the timing of deliveries to the site
 - c. the location of parking of vehicles of site operatives and visitors;
 - d. the location of loading and unloading of plant and materials;
 - e. the location of storage of plant and materials used in constructing the development;
 - f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g. the position and management operations for wheel washing facilities;
 - h. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
 - i. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
 - j. a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
 - k. a scheme to control noise during the construction phase, and
 - l. the routing of construction vehicles and deliveries to site.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction, and to minimise the potential for disturbance to neighbouring amenity throughout development.

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

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

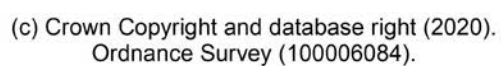
25. No development shall be commenced until full engineering, drainage, street lighting and

constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

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

26. The Interim Residential Travel Plan as submitted must be developed and implemented in full, involving the preparation and submission of a Full Travel Plan in accordance with a timetable agreed in writing with the Local Planning Authority. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used, for a minimum of at least 5 years.

Reason: To ensure that the development provides and promotes sustainable transport options and alternatives to the private car.



Scale
0 25 50 75 100 m

E.3344 : N.4326

Item Number: 2

Committee Date: 29 July 2020

Application Reference:	19/0284	Type of Application:	Full Planning Permission
Applicant:	BAK Building Contracts Ltd	Agent :	Chadkirk Consulting Ltd
Location:	LAND AT JUNCTION OF SCHOOL ROAD & BAMBERS LANE, WESTBY WITH PLUMPTONS		
Proposal:	RESIDENTIAL DEVELOPMENT OF 99 DWELLINGS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE.		
Ward:	WARTON AND WESTBY	Parish:	Westby with Plumpton
Weeks on Hand:	67	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The proposal is a full application for 99 dwellings on a 3.93 hectare site which forms part of housing allocation HSS5 within the Blackpool Periphery Strategic Location for development in the Fylde Local Plan to 2032. The residential development of the site accords with this Local Plan designation and is entirely acceptable in principle, and the main issue during consideration of the application is how the scheme links to the wider area to ensure it forms a comprehensive and master-planned form of development.

The scheme presented to Committee includes an access point which LCC have no objections to on School Road, which forms a road capable of accommodating public transport, to the north west corner of the site where it will link to a road being constructed on application 17/0779, and then on to Cropper Road and beyond. Pedestrian and cycle links are also proposed from this site on to the adjoining one and the Local Centre. The application has been submitted with a masterplan which shows how it will relate to the development in the entire housing allocation for 450 dwellings. This has been assessed by officers and LCC Highways and found to be acceptable. There are no objections from LCC Highways regarding traffic generation or safety.

Having assessed the relevant considerations that are raised by this proposal it is officer's opinion that the development is of acceptable scale for the size of the site and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have an unacceptable detrimental impact on the amenities of the area. The development provides an appropriate amount of public open space, and also links to more significant areas of open space in the adjoining site, thus providing areas for all ages of site residents. There are no ecological issues or amenity issues with the application.

With regard to flood risk the site is a mix of Flood Zones 1, 2 and 3. As the site is allocated the

applicants do not have to undertake the sequential test. They do however have to demonstrate that the site will not be at risk of flooding nor increase flood risk elsewhere. The applicants have submitted an updated FRA which is being considered by the EA. In case their views are not forthcoming prior to committee the recommendation to delegate the granting of planning permission to the Head of Planning and Housing, is subject to the EA formally withdrawing their objection.

As such it is considered that the proposal is acceptable and so it is recommended that the application be supported by Committee and granted planning permission subject the flooding issue being resolved, a s106 being concluded to deliver affordable housing and other infrastructure elements, and a series of conditions.

Reason for Reporting to Committee

The application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is located to the north of School Road, and east of Bamber's Lane within Westby with Plumpton. The site is part of an allocation for housing development as part of the wider Cropper Road, West of Whitehills area (Site HSS5) in the Fylde Local Plan to 2032.

The site is rectangular in shape and measures 9.72 acres (3.93 hectares). The site is currently used as agricultural grass land, bounded by fields to the east, School Road to the south, Bamber's Lane to the west and existing houses to the north. Adjoining the site to the east is land that is also allocated for development, the majority of which is also subject to a current application for up to 250 dwelling (17/0779).

The existing site is relatively flat with a gentle fall from east to west towards Bammers Lane. Two existing field drains fed by coastal water cross the site from east to west in the northern half of the site. The site is bound by a 1.1-metre-high post and wire fence to all sides. Some intermittent and overgrown hedgerow planting exists outside of the site behind the fencing primarily along the highway verge.

No existing public rights of way run through the site, however Bammers Lane which runs along the site boundary to the west is a formal bridleway (5-15-BW 13) designated for use by walkers, horse riders and pedal cyclists. There are no buildings on the site requiring demolition, however existing buildings, residential in nature and constructed in the latter stages of the 20th century, surround the site to the north and west.

Details of Proposal

The application seeks full planning permission for residential development. When originally submitted was for a development of 142 dwellings, which included two x three-storey apartment blocks at the northern end of the site. Officers firm opinion was that this constituted an over-development of the site, that it did not provide enough areas of Public Open Space, and some of the relationships between dwellings was unacceptable. There were also highways issues with regard to the location of the access and the need to form a vehicular link through to the adjoining site which will form a route for public transport, and sustainable links to that site and the allocated local centre.

The application was therefore revised and now constitutes a full application for 99 dwellings. It contains two vehicular access points, one central to the site's frontage with School Road which features two lanes to exit the site, and one in the north east corner which will link to the adjoining development site, and in turn to Cropper Road. This road is of a width that it can accommodate public transport and two bus stops are positioned in an appropriate location within the site, meaning residents will have direct access to public transport. To the south and west of the site is linear public open space, containing footpaths which link to Bambers Lane to the west. Two cycle paths link to the development site to the east, including the local centre and MUGA facility. The access from School Road requires the ditch to be culverted and moved in order to accommodate footpath links to the site.

Smaller feeder roads will lead from the through-road to the east and west of the site. These roads have a 2m footpath to one or both sides. The majority of dwellings front on to highways and areas of POS creating an outward facing development. Two ditches within the site are retained, these run east to west and are surrounded by POS and dwellings that overlook them. Parking is located to the side or rear of dwellings and is provided at 150%. All of the roads and footpaths are proposed for adoption by LCC.

All of the dwellings are proposed to be two storeys. They are all proposed to be constructed in brick, with only two different main bricks proposed (Forterra Moray Red Mixture and Raeburn Orkney Buff) and grey and brown concrete tiles. Of the 99 dwellings proposed 14 are proposed to be two bed, 80 three bed and 4 are five-bedroom dwellings. These consist of four different house type, the Henley, Mayfair, Clifton and Stratford. These different house types stand alone and sometimes are adjoining as semi-detached dwellings of different designs.

The Henley is a two-storey two-bedroom dwelling. The dwelling has a brick banding below the first-floor windows, a pitched roof and an overhanging pitched roof over the front door on the front elevation. The side elevations of this property are blank. The Mayfair which is sometimes attached to the Henley has a hipped roof and is dual aspect with front and side elevations containing prominent windows. The Clifton is a two storey three-bedroom dwelling, it has a pitched roof and a front gable, with a single storey front extension forming a hall and WC. This brick band detailing around front and rear windows. The Stratford is a detached two storey dwelling with a pitched main roof and front gable. It has a small ground floor bay window and detailing around windows.

Relevant Planning History

None relevant.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 18 April 2019 and comment:

Originally commented on 16/5/19;

It was resolved to strongly recommend REFUSAL. The following issues were highlighted:

- *the site is located in flood zone 3, but also flood zone 2 when the Redbridge pump is active; however, when inactive this will be considered flood zone 3 again.*
- *The lack of sewer plans.*
- *All travel and highways plans were unavailable to assess.*
- *Access to School Road is an issue as this is a 60mph zone.*
- *The ground is peat-based and indicative of a saturated flood plain (see image supplied by Mr. D.Eaves) – soak-aways will be useless on such ground.*
- *The tanking is inadequate.*
- *Lack of schooling and general facilities.*
- *The adopted Local Plan notes the housing needs are currently met for the Fylde – highlighted by the refusal of 4 x planning appeals!*

They have commented on the revised plans for 99 dwellings in 15/11/19 as follows;

The parish council strongly recommend REFUSAL of the application and refers the planning authority to its original comments, from the initial application.

Comments on the revised layout for 99 dwellings on 21/6/20 as follows;

- *The site is located in flood zone 3, but also flood zone 2 when the Redbridge pump is active; however, when inactive this will be considered flood zone 3 again.*
- *Additional highways issues with excessive traffic on an inadequate infrastructure.*
- *Access to School Road is an issue as this is a 60mph zone.*
- *The ground is peat-based and indicative of a saturated flood plain (see image supplied by Mr. D.Eaves) – soak-aways will be useless on such ground.*
- *The tanking is inadequate.*
- *Lack of schooling and general facilities.*
- *The adopted Local Plan notes the housing needs are currently met for the Fylde – highlighted by the refusal of 4 x planning applications at the appeal stage*

Statutory Consultees and Observations of Other Interested Parties

Lancashire CC Flood Risk Management Team

Originally commented;

No comments received.

Comments on the revised plans:

No comments received.

Comments on additional drainage information;

No comments received.

The LLFA have been asked to respond to the application but at the time of writing no response has been received.

Lancashire County Council - Highway Authority

Throughout the course of the application LCC Highways, the case officer and the applicants have had various meetings and email correspondence about the highway's

issues for this application. These revolved about the location and form of the access to the site from School Road, the location of bus stops within the development site, the provision of cycle and footpaths within and around the site, and the links from this site to the adjoining housing application and allocated Local Centre. These issues have been complicated due to the different requirements of EA with regard to re-aligning ditches and culverts, and the aspirations of the Local Highway Authority. There has also been an issue about which applicants would take ownership of the ditch between the two sites, to ensure that it can be appropriately culverted so that the developments link.

LCC have provided a formal response dated 16/7/20 which relates to the 99 dwelling scheme and makes the following key points;

- The site is part of a strategic location for development which requires a comprehensive approach to development with appropriate access and linkages fully considered. It also requires access to footpaths and cycleways in order to promote sustainable development. Housing should be located within 400m of bus stops and measures to shift toward public transport should be taken.
- LCC recognise that in this location there are limitations to the existing layout of the local highway network, that there is limited access to public transport. This means it is necessary for development to come forward strategically in a master planned approach.

Application red line(s) and delivery of the masterplan

- It was critical that this application amended its red edge to include the ditch along the eastern boundary, and amended the layout so that the road and cycle links joined the boundary with the Wainhomes application site. This means that a condition can be used which requires the delivery of the road that runs through both sites as shown on the site Masterplan Rev H.
- The delivery of the through access road is critical to the acceptability of the masterplan and both sites development, it is essential that the through road is secured by robust conditions. Conditions are necessary for both the BAK and Wainhomes applications so that the road linkage over the ditch and through to Cropper Road is delivered at an early stage of each development and so allowing the other developer to connect to it an early stage of their works.
- This road is needed to limit the impact on Cropper Road as it is unsuitable to accommodate further traffic and to support the delivery of public transport and other improvements. Without the road and the condition to secure its early delivery LCC would not support the application.

Agreed position with regard to the HSS5 strategic location masterplan

- The latest masterplan shows four agreed strategic access points, the through access router and treatment to Cropper Road. A number of key principles are on agreed plans;
- Site through access road and changes to Cropper Road – the access strategy of a new through route and downgrading of Cropper Road is supported by LCC. The plans are agreed in principle with regard to widths and public transport, and demonstrate that safe and suitable access can be delivered which satisfies the wider access strategy for the Strategic Location.
- Northern access on Cropper Road – the new road diverges south from the existing Cropper Road with a continuous footway either side, with pedestrian improvements to Dickies Lane. A diverted section of Cropper Road will connect to the new through

access road to serve several dwellings and existing caravan site.

- Connection to Lea Green Drive (north) – Cropper road will be subject to a prohibition of traffic for a short section north of Lea Green Drive, a new link as a continuation of Lea Green Drive will be constructed in the strategic site.
- Central access onto Cropper Road – the new road will diverge north from the existing Cropper Road. CR will be subject to a prohibition of traffic. The layout allows public transport (PT) routing into and through the Wainhomes site to the west and on to the approved Old Houses Lane site via Lea Green Drive. The masterplan demonstrates that access to the existing roller skate facility will be retained.
- Access to local Centre – the masterplan shows the approved location for the local centre with an appropriate footpath connection along Cropper Road and internal connections from both BAK and Wainhomes sites.
- Southern Cul-de-Sac – this access will have no connection to the through access road and will service a limited number of dwellings.
- Access on to School Road – The latest updated plans show the site access onto school road (considered further below).

Access arrangements to the BAK residential development

- The principles of the proposed signalised site access junction with School Road (Drawing 10865-004, Rev B, with update to include latest red edge) are now agreed subject to detailed design that will include addressing all elements set out within the LCC Traffic Signals Design Review Comments. The plan shows a Toucan crossing across the site access and a shared pedestrian/cycle into the site and beyond.
- Speed limit review and gateway signage need. Access influenced by the watercourse and it being culverted. There has been considerable discussion/correspondence between the applicant, the LPA, LCC highways and the Environment Agency (EA) to ensure that the layout is acceptable to all parties. The EA agree to the principles of the changes. All matters subject to detail design.

Sustainable transport

- Sustainable links proposed in Masterplan are acceptable. This is a full application and the layout includes all the footpaths and cycle links shown in the Masterplan so is acceptable.
- Nearest bus stops are over 1km away from middle of site. Therefore, need early delivery of link access road to support public transport and permeability. Two bus stops are shown on plan and these locations are acceptable. It is important these are shown prior to residents purchasing homes. Therefore, exact location and details subject to a condition.
- With regard to the wider masterplan LCC acknowledge that they will support public transport penetration into the area that will benefit not only the current BAK and Wainhomes proposals on the Strategic Location site but also the wider built environment, including existing development off Cropper Road, other committed residential development as well as improvement of bus services in and around Whitehills Business Park. This has been taken into consideration when assessing any request for 106 funding.
- There are funds secured from other sites in the wider area which will support the initial pump priming of a bus service for the wider area. In the long term the scale of development will attract a commercial operator.
- The footway provided along the length of School Road will link this site into the high-quality sustainable facility to be provided as part of the M55 to Heyhouses Link Road scheme;

- as this proposal is providing key junction and highway infrastructure to the edge of the red line of this application (removing ransom to provide certainty for development continuity) in line with the masterplan, it is considered reasonable and fair that no further request has been made from this proposals to also provide funding to further pump prime PT services.)

Comments on TA

- The updated July 2019 TA produced by SCP covering the wider HSS5 Strategic Location Masterplan site provides a reasonable basis upon which to come to a considered view on the impact of the BAK development and the overall Local Plan site.

Parking, servicing and internal layout

- These comments are made in relation to the most recent plans. LCC consider the layout to conform to current guidelines/recommendations; the philosophy of Manual for Streets; Creating Civilised Streets and National Planning Policy Framework.
- The internal access road and cycle links shown on the “Adopted Highways Plan” rev E are acceptable for adoption under s38 of the highways act.

Travel Planning

- An interim TP has been submitted. LCC consider that a Full Travel Plan is appropriate and should be secured by condition with a contribution of £6000 towards TP support.

Mitigation of impacts, S38 and 278 works and S106 contributions

- There is a need for a clear Delivery Strategy to ensure delivery of necessary infrastructure at an early point in the Strategic Location Masterplan (HSS5) development.
- Early delivery of highway infrastructure is critical in order for the applicant(s) to demonstrate development in line with the masterplan.
- Given the nature of the existing highway network, particularly with consideration for the limitations of the priority give way operation on Cropper Road, the discontinuous pedestrian/cycle provision and lack of public transport within suitable walking distances, LCC highways cannot support development that seeks to come forward in a piecemeal manner without the necessary infrastructure improvement.
- There are clearly many potential options by which the developers may wish to take forward the development of the Strategic Location Masterplan site and LCC Highways recognise the applicants need for flexibility and a level of income generation in advance of the delivery of highway infrastructure. Therefore the comments set out what is considered necessary to ensure early delivery of required infrastructure in line with the masterplan.
- BAK site;
 - The site access will be required prior to first occupation (it is envisaged that this could operate as a priority junction, but with key signal infrastructure and ducting being delivered to avoid abortive work);
 - Prior to occupation of 30 dwellings on the BAK site the site access road to be constructed to base course for 100m into the site including provision of footways on School Road and the site access road, as well as the delivery of the shared pedestrian/cycleway from the site access connecting through to the Wainhomes site;
 - Prior to occupation of 60 dwellings (or 1 year after occupation of the 30th dwelling on the BAK site - whichever comes first) the full site access road

between School Road and the north eastern extent of the site red edge to be constructed and available for use (providing all movement connectivity into the neighbouring site that is available for use);

- The School Road Signal controlled junction to be completed and operational prior to the 75th Dwelling on the BAK site or prior to the 180th dwelling on the overall Strategic Location masterplan site HSS5, whichever comes first, unless otherwise agree in writing with the LPA in consultation with the LHA.
- Section 278 and 38 works;
 - Site access signalised junction, including Toucan crossing across site access
 - These junction works will also include appropriate surfacing works to the east and the west of the proposed junction to provide suitable carriageway construction to accommodate traffic signal control loops (MOVA) and acceptable anti-skid resistance on the stop line approaches;
 - pedestrian footway on School Road along full BAK site frontage
 - Speed Limit Review on School Road and potential Gateway measures
 - Through Access Road from the School Road (masterplan Site Access No.4) to the northeastern boundary (Red line as shown on the latest plan sent to LCC Highways on July 8th 2020); and
- Section 106 contribution -funding for Travel Plan support £6000.
- No contributions towards PT or link road due the provision of the internal road in line with the masterplan. As the development will support wider development and brings connectivity benefits.

Conclusions

- In this Strategic Location for Development it is recognised that the particular limitations of the local highway network (existing layout, current limited access to public transport and the scale of development coming forward) demonstrates the necessity for development on the Local Plan site (HSS5) to come forward in a properly planned, Masterplanned approach.
- Fylde Local Plan Policy M1 Masterplanning the Strategic Locations for Development states that 'unless a Masterplan or design code has already been prepared by the Council, prospective developers of Strategic Sites (100 or more homes) within the Strategic Locations for Development named in policy DLF1 will be expected to prepare a masterplan or design code for their site in consultation with the Council'.
- These statutory comments provide an update to the interim response sent 14th August 2019 and takes into consideration amendments to the application and revised plans submitted in June 2020 and further updates to plans to demonstrate the Red Edge has been amended to include the ditch to eastern boundary and the through access road and footpath/cycleways extended to the Red Edge (as plans sent to LCC Highways 8th July 2020).
- With consideration for all the information now provided, I consider that the proposal can be made acceptable, however this is subject to the agreed scheme of highway improvement and delivery of infrastructure to facilitate a through access road and therefore delivery of the wider site in line with the agreed Masterplan.
- LCC Highways positive comments on the applications on Local Plan site HSS5 and the position we have taken in regard to, for example, funding for sustainable transport and other s106 requirements rely entirely on the delivery of the through access route.
- I consider delivery of necessary infrastructure in line with the Masterplan and a

number of other matters can be suitably addressed and secured by condition and therefore I would offer no objection to the proposed development providing suitable conditions including Grampian type conditions are put in place to ensure these necessary measures are delivered in line with agreed trigger points.

LCC Education

Originally commented (142 dwellings);

Request a contribution for eight secondary school places, totalling £193,481.28

Comments on the revised plans (99 dwellings);

Request a contribution for nine secondary school places, totalling £217,666.44.

Environmental Protection (Pollution)

Originally commented (142 dwellings);

- There are no objections to the proposal in principle.
- Request a condition restricting construction works to 08.00 - 18.00 Monday to Friday; 08.00 – 13.00 Saturdays and no work activity on Sundays or Bank Holidays.
- Request a condition that requires applicants to submit a construction management plan what includes dust mitigation measures, in accordance with BRE: Controlling particles, vapour and noise pollution from construction sites, parts 1-5 – 2003

Comments on the revised plans (99 dwellings);

- No further comments

Comments on submission of submitted environmental and geotechnical report;

- All construction workers should wear appropriate Personal Protective Equipment (PPE) including latex gloves and dust masks. Provisions should be made for water on site to 'damp down' any dust in dry conditions.
- The above should be agreed in principle with the Local Planning Authority prior to development to avoid any delays or complications at a later stage.
- Should any erroneous materials or previously unidentified contamination be encountered during construction then further sampling and analysis may be required.
- Vapour membrane required for all the residential properties.
- Professional advice should be sought from a suitably qualified structural engineer as to the appropriateness of any gas protection scheme to the intended construction. All gas protection measures should be designed and installed by a competent person and they should refer to BS 8485 and BRE 414.
- It is recommended that the above conclusions should be agreed with the local Planning Authority to gain their approval prior to commencing with the construction of the new development.
- Following the installation of any gas resistant membranes the local authority will require verification to prove the membrane has been installed correctly.
- The risks from carbon monoxide are considered to be moderate. Therefore,

protection measures are considered necessary against carbon monoxide at this site. The membrane used should be suitable to protect against carbon monoxide.

- Waste Acceptance Criteria (WAC) testing should be carried out on samples of any materials requiring disposal from site. The results of the WAC testing should be presented to the landfill operator for their confirmation of waste category.
- Any imported fill will be subject to specific quality requirements, particularly in any proposed areas of landscaping. Allowance should be made for the testing of imported fill materials prior to emplacement to ensure suitability should the materials be delivered with no testing certification.
- Due consideration should be given to the suppression of noise, dust and vibration emissions from the site during construction.
- The gas monitoring found elevated levels of carbon monoxide, carbon dioxide and methane, categorising the site as a CS3 moderate risk.
- Based on the information above BS 8485:2015 recommends gas protection measures.
- A suitably qualified person and/or structural engineer should be consulted prior to selecting the ground gas protection measures for methane, carbon dioxide and carbon monoxide.
- Should previously unidentified contamination be encountered it may be necessary to test any suspect material and, if appropriate, a remediation strategy be presented to resolve this issue.

Greater Manchester Ecology Unit

Originally commented (142 dwellings);

First response dated 3/5/19;

- The submitted report recommends further surveys for water voles and great crested newts that should be provided prior to determination. Other ecological issues include otter, nesting birds and mitigation for loss of around 3.9ha of improved grassland and sections of ditch.
- No newts have been recorded on previous surveys but these are now out of date. An update is required though it is unlikely that they will have colonised the site given lack of recordings nearby. I would therefore not expect full population surveys rather eDNA or habitat assessments.
- There is no potential bat roosting habitat. Some linear features exist on site for foraging and commuting. There is potential for lighting to impact on bats so recommend a condition requiring details to be submitted.
- There are historic records of otter on the site. The ditches are regarded as unsuitable for significant use but have the potential for occasional foraging habitat. Therefore recommend a condition requiring a method statement.
- There is limited bird nesting habitat at the site, with the fields previously assessed as low risk for ground nesting birds and winter roost of birds associated with the Morecambe Bay SSSI. However there is still risk of ground nesting birds using the farmland and water birds the ditches and therefore recommend a condition requiring no development during bird nesting season unless a survey has confirmed their absence.

Further comments on the 23/9/19 after submission of GCN and Vole surveys;

- No evidence of newts were found and GMEU are satisfied that given the lack of records previously no further information or measures are required.
- Small population of toads found, a UK Biodiversity priority species and Lancashire

Biodiversity priority species detected on the site. Precautionary measures are recommended.

- Request a condition requiring the development be carried out in accordance with the details submitted in the GCN report.
- No conclusive evidence of water voles were found, though possible signs were found, likely because of bank or field vole. The presence of mink has been confirmed, which are normally negatively correlated with water vole presence. They therefore accept that the risk of water voles being present is low and suggest an informative be placed on any permission.
- Common meadow rue was recorded along the western and southern ditch boundaries. Their retention should be built into a Landscape and Environmental Management Plan.

Comments on the revised plans (99 dwellings);

My previous comments of the 3 May 2019, and 23 September 2019 remain materially unchanged. (1/11/19).

Environment Agency

Originally commented (142 dwellings);

Response dated 3/5/19

- Object to the application and recommend refusal of planning permission for reasons set out below.
- The site is located in FZ3 and FZ2 on the EA flood map for planning. In the PPG and NPPF FZ3 is defined as high probability and FZ2 as medium.
- The proposal is for residential development which is a “more vulnerable” use. The FRA does not comply with the requirements for site specific FRAs as set out in paragraphs 30 to 32 of the PPG.
- Specifically the FRA is informed by a recent hydraulic modelling study carried out by Weetwood, as part of application 17/0779 and a separate flood map challenge, which we have not accepted at this current time and therefore it cannot be used to substantiate the flood hazards or the flood zoning on site.
- As the FRA considers the site to not be in FZ3 and proposes mitigation based on this model being accepted (which it is not) the FRA is not valid.
- They cannot comment on the FFL of the dwellings.
- The application proposes to raise ground levels. This cannot be accepted without providing compensatory flood storage elsewhere.
- The FRA proposes to discharge surface water into the adjacent watercourses which are designated main rivers. These main rivers drain through the Red Bridge Pumping Station into the down-stream catchment. The FRA should be revised to demonstrate that the pumping regime of Red Bridge Pumping station will not be unduly altered by the development.
- To overcome objection a revised FRA will need to be submitted addressing the above points.
- The LPA need to determine if the application passes the Sequential test.
- The development also is within 8m of a main river and an easement is required for access. Based on the details submitted, the development will restrict essential maintenance and emergency access to Bambers Lane Watercourse and Marton Moss watercourse, which are designated main rivers. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and improvement works.

Comments on the revised plans (99 dwellings) (9/12/19);

- We have received the revised FRA by RSK and maintain our objection to the application.
- The FRA related to the findings of the updated hydraulic modelling study carried out by Weetwood, as part of application 17/0779 for the neighbouring site. We have recently reviewed the updated Weetwood model and we have not accepted it as it does not satisfactorily address our concerns.
- As such we have no further comments to make to our previous response.
- The Fra refers to 30% increase in relation to climate change, the allowance for climate change should be 35% for the NW river basin district.

Comments on potential revised site layout in relation to previous objection (26/2/20);

- Although the proposed residential plots have been removed from within 8 metres of Marton Moss watercourse (main river) along the northern site boundary, our previous concerns have not been satisfactorily addressed.
- It remains unclear what works are within 8m of the main rivers, and it is not clear if the measurements are from the top of the riverbank. Cross sections at regular intervals need to be submitted to show the 8m un-obstructed area.
- Levels of roads and paths need to be confirmed. The ground level must not be raised. The other issues previously raised need to be addressed.
- Watercourse should be integrated where possible into a layout by including them within areas of POS with houses overlooking them.
- It is not clear whether the proposal will include a bridge or a culvert to School Lane across Bamber's Lane watercourse. Where possible bridges instead of culverts should be used.

Comments on additional drainage information;

Further comments are expected and are outstanding at the time of writing this report.

United Utilities - Water

Originally commented (142 dwellings);

- Raise no objections. In accordance with the NPPF and NPPG the site should be drainage on a separate system with foul water draining into the public sewer and surface water in the most sustainable way.
- We request drainage conditions are placed on any approval. The first being that no development shall commence until a surface water drainage scheme has been submitted for approval. The second that foul water shall drain on a separate system to surface water. They also suggest a condition regarding the management and maintenance of the drainage systems.

Comments on the revised plans (11/3/20) (99 dwellings);

No comments received.

Natural England

Originally commented (142 dwellings);

Response dated 13/5/19

- Request that the application submits additional information comprising a HRA, desktop study and consideration of recreational disturbance. Without that information NE may need to object.

Comments on the revised plans (99 dwellings);

- Request that the application submits additional information comprising a HRA, desktop study and consideration of recreational disturbance. Without that information NE may need to object.

Further response dated 10/12/19 following submission of addendum to HRA for Local Plan allocation;

- Thank you for consulting us on the attached HRA addendum by Envirotech. As long as you (as competent authority) are satisfied with the assertion by the ecologist that nothing has changed on site then we would be satisfied that no LSE on the designated site will occur as a result of this development.

Strategic Housing

Originally commented (142 dwellings);

- There would be a requirement for 30% affordable housing on this scheme, which would equate to 43 units. The Buckingham, Whitegate and Devonshire house types are all flats totalling 34 units out of the proposed 43. This would not be acceptable as affordable housing provision. We would be looking for the majority of properties being 2 and 3 bedroom houses, as is being successfully delivered as affordable housing on Cropper Road.
- We would expect registered providers to be delivering affordable rent on new build schemes as opposed to social rent as detailed in the plan. We are happy with the mix of 80% rented and 20% intermediate. Housing do not consider the scheme, as proposed, to be an acceptable contribution to affordable housing within Fylde.
- All homes will be let through MyHomeChoice the housing register that operates across the Fylde Coast. There are currently 1443 active applicants registered for re-housing within Fylde Borough. 850 households require 1-bedroom accommodation, 390 households require two bedroom, 173 households require three bedroom and 30 households require 4+ bedrooms. Of those 104 have a priority banding based on their current circumstances.

Comments on the revised plans (99 dwellings):

- The revised 99 units would result in an AH requirement of 30 units. The proposed properties should provide a mix of house types and sizes to meet housing needs in the Borough.
- There is no indication of the AH location or tenure on plans. The last proposal was a mix of 80 affordable rent / 20 shared ownership. The preference is for the units to be spread across the site.

Regeneration Team (Landscape and Urban Design)

Originally commented (142 dwellings) ;

No comments received.

Comments on the revised plans (99 dwellings) :

The wildlife corridor is far too narrow and doesn't connect wildlife habitat areas. While I have no problem with the plant species that have been suggested, I would prefer to see a wider variety, which may include; Field maple (Acer campestre), Crab Apple (Malus Sylvestris), Pedunculate oak (Quercus robur), Rowan (Sorbus aucuparia), Hazel (Corylus avellane), Wild privet (Ligustrum vulgare) etc.

As well as transplants, the tree mix should include 10% feathered and 5% standard trees. The current proposals show a narrow band of native wildlife planting between the existing woodland / mature hedge and the close mown grass.

I would prefer to see half the width of this area planted as a woodland edge mix which should include 70% shrubs and 30% trees. The other half of this area should be planted with an appropriate wildflower mix.

The area of native woodland planting, which is shown on the east of the site, should be extended to the north (driveway shown with a small red 91). This would allow a partial connection between the woodland habitat to the north and the woodland habitat to the east. However, to achieve this, house group 87-91 may have to be moved west or slightly reduced in size.

The whole of the landscape planting should be maintained for a minimum of five years post practical completion

Revised plans to address these points have been submitted.

LCC Archaeology

Originally commented (142 dwellings) ;

- *The above application falls within part of the extensive Marton Moss area, formerly a very large peat moss complex but mainly now reclaimed for agriculture and other uses. A detailed history of the development and reclamation of the moss is set out in "The Wetlands of North Lancashire" (Lancaster University Archaeology Unit, 1995) and a more specific assessment of the archaeological potential of the site is provided in the Heritage Statement by Nexus Archaeology, supplied with planning application 5/2017/0779, for the adjacent site to the east ("Land at Cropper Road, Westby-with-Plumpton, Borough of Fylde, Lancashire: Historic Environment Desk-Based Assessment (Heritage Statement)", Nexus Heritage August 2017). It would be sensible for the developers to obtain a copy of that heritage statement from Wainhomes or Nexus Heritage and submit it with the present application.*
- *As with the adjacent development site, the most significant issue here is the potential for mid- to later prehistoric activity hereabouts, although no sites of this date have been identified within the development plot itself. The significance of any remains of this date would depend to a great degree on their type, extent and survival and it is impossible to make a firm statement on this matter, but it would seem probable that any such remains are likely to be of local to county significance, rather than national significance. As such they would not merit preservation at the expense of development.*

It would however appear appropriate to require a scheme of archaeological field investigation to establish the presence or absence of any remains within the site and to develop (if required) a scheme of impact mitigation. The field investigation phase must include a scheme of trial excavation distributed across the site. The applicants may wish to take advice from a specialist on the benefits of also undertaking a geophysical survey in this phase, but it is possible that the generally wet ground conditions and type of archaeology expected may make this unproductive. LCC therefore do not object but request a condition is applied to secure a programme of archaeological work in accordance with a written scheme of investigation.

Comments on the revised plans (99 dwellings) :

No further comments made.

Comments on the submitted Written Scheme of Investigation;

The Written Scheme of Investigation for the site is appropriate for the work we advised should be carried out... We can advise that the WSI can be accepted.

Neighbour Observations

Neighbours notified:	28 May 2019
Amended plans notified:	29 October 2019 and 12 June 2020
Site Notice Date:	30 April 2020
Press Notice Date:	02 May 2019
Number of Responses	Seven letters of objection to original consultation Five letters of objection to revised consultation Six letters of objection to final consultation
Summary of Comments	Summary of comments on original consultation for 142 dwellings; <ul style="list-style-type: none"> • The site floods and is a flood plain. • Increase in traffic. • Loss of wildlife. • Lack of transport links. • Increase in traffic. • No streetlights or pavement on school road. • Will increase flooding to surrounding dwellings. • Three storey development out of character. • Bamber's lane is a bridleway and cannot accommodate traffic. • Development too high a density. • Overlooking and loss of privacy. • Development site is countryside. • Needs to be considered alongside application 17/0779. • Lack of schools and GPs in area. • Site is rural in nature. • Brownfield sites should be developed instead.

Summary of comments to revised consultation for 100 dwellings
(29/10/19)

- Most letters received state that their previous objections still stand and refer to the issues outlined above. Additional points include;
- Decrease in property value (not a planning issue)
- Plans don't look much different to previous plans.
- Car headlights shining in property.
- More than a new water pump is required to alleviate the risk of flooding.
- Note the reduction in number and height of dwellings, but object still due to flood risk.

Summary of comments to final consultation (12/6/20)

- Again letters refer to previous objections. Additional points include;
- Dykes do not run correctly and the development will raise the water table and displace more water.
- Increase in crime.
- Site acts as a storage bugger in the event of large downpour. .

Relevant Planning Policy

Fylde Local Plan to 2032:

CL2	Surface Water Run-Off and Sustainable Drainage
DLF1	Development Locations for Fylde
EC5	Vibrant Town, District and Local Centres
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T1	Strategic Highway Improvements
T5	Parking Standards
SL2	Fylde-Blackpool Periphery Strategic Location for Devt
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
M1	Masterplanning the Strategic Locations for Development
NP1	Presumption in favour of Sustainable Development

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this development are as follows;

- Principle of development
- Impact on character of the area
- Master planning the strategic locations for development
- Layout and design
- Public Open Space
- Residential amenity
- Highways issues
- Flood Risk and Drainage
- Ecology
- Viability and obligations

Principle of development

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development.

The development plan consists of the Fylde Local Plan to 2032. Within the development plan the site has been allocated as part of the HSS5 site within the Fylde-Blackpool Periphery Strategic Location for Development through Policy SL2. Policy SL2 allocates sites for development and requires masterplans and design codes to be submitted for developments of 100 homes or above. HSS5 is anticipated to provide 250 dwellings over the plan period and 450 dwellings in total, and this site forms a part of that allocation. With the development site comprising 99 dwellings over 3.93 hectares the density and number of dwellings proposed for this part of the site is acceptable.

With regard to housing mix policy H2 requires all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. This full planning application for 99 units proposes a mix of 14 two bed, 80 three bed and 4 are five-bedroom dwellings. Thus, well over 50% of the units are three bedroom dwellings or less and the development is fully compliant with this aspect of the policy. Accordingly, the principle and bedroom mix proposed here are acceptable.

Policy H2 of the adopted Fylde Local Plan to 2032 also requires developments with at least 20 dwellings to provide 20% of homes designed specifically to accommodate the elderly, unless this would render the development unviable. A viability assessment has been submitted with the application and is discussed below. However, the proposal includes two- and three-bedroom dwellings which have the potential to be easily converted to accommodation suitable for the elderly. The stairs have been designed in a straight flight, meaning the installation of a future stairlift would be straightforward and relatively inexpensive. The size of the living accommodation, including the kitchen, living room and bedrooms are generously sized leaving ample space for the use of disability aids and specialised furniture. In total there are 59 dwellings that are suitable to be easily adapted for use by the elderly. Therefore, it is considered the development also complies with that element of the policy.

The principle of the development is therefore acceptable.

Impact on character of the area

Whilst the principle of the development is acceptable the impact of the development visually on the character of the area is a key issue. In this case the application site currently consists of agricultural fields.

The NPPF states that the intrinsic character and beauty of the countryside should be recognised. However in this case the site is not an area designated for its landscape quality and furthermore the application site is now allocated as part of a strategic location for development with approved residential housing developments located to the east of the site. To the north of the site and to the west are domestic dwellings.

It has to be acknowledged that the development will have a negative impact on the character of the area but it is considered that the degree of harm will be acceptable. The retention of hedgerow and trees around the site's boundaries and a comprehensive landscaping plan will help to soften the appearance. The application site has been allocated as part of the plan making process where all the implications of allocating the site, including its visual impact were considered. The Fylde Council "Appraisal of Strategic Site Options Landscape Assessment for the Capacity to accommodate Landscape and Visual Change" document assessed the strategic site options put forward and their sensitivity to development. This site along with the whole of the HSS5 allocation was found to have a low sensitivity to development. It states that due to the existing fragmented and inconsistency in inappropriate land uses in this locality a coherent development may enhance the area if it is appropriate to the semi-rural setting and developed sensitively and that the main visual impact would be to Bambers Lane and School Road due to the openness of the site.

This background paper along with a suite of documents behind the allocation was found to be acceptable as part of the Inspection in Public of the Local Plan, and therefore the development of the site and the landscape impact it will have has already been considered and found acceptable.

The impact on the character of the area is therefore acceptable.

Master planning the strategic locations for development

Policy M1 – master planning the strategic locations for development, requires that developments of strategic sites of 100 homes or more should prepare a masterplan or design code in consultation with the Council. This application site together with its neighbour has produced both a masterplan and a design code. The design code is of more relevance to the application on the adjoining site (17/0779) as that is an outline application and this is a full one. However, the masterplan and code have been produced jointly and illustrate how the overall site will link up and relate to the surrounding development. This masterplan also includes the local centre allocation which is not part of either of the planning applications.

The masterplan for the strategic location for development shows two main access points, one off School Road which is central to this applications frontage and one on the far northern end of Cropper Road. Between these two accesses proposed is a major road that runs through the allocation with 2m footpaths on both sides. This road will be large enough to serve public transport and has bus stops along its length. Four other access points are proposed along Cropper Road, one of which will serve the local centre, two which join up to the main route through the site and one at the far western end of Cropper Road which will serve housing development. A series of footpath links are shown throughout the site, along with a 3.5m cycle route which commences adjacent to the southern access on School Road and passes through the site to the Local Centre and then to the

north adjacent Cropper Road. Existing PROWs are retained. An area of POS which includes a MUGA is located adjacent to the Local Centre, and is accessible by road, cycle link and footpath. Smaller areas of POS are located around the site and 8m easements to main rivers are shown as well. Existing trees are shown to be retained as required by Policy M1, dense buffer planting is proposed throughout the site, particularly adjacent to the main highway through the site along with tree planting along its length. The proposed development structure is shown, with the area subject to this application reflecting the full details submitted in the planning application.

The submitted masterplan shows how the details subject to this application will relate well to the overall allocation and beyond. Once the neighbouring sites are completed this site will benefit from vehicular access links to School Road and through to the north end of Cropper Road, thus providing easy links to the M55 and beyond. A bus service will run through the site, and it will have two pedestrian/cycle links to the land to the east, with direct links to the MUGA and Local Centre that will serve this local area. Beyond that are links to the Wainhomes site east of Cropper Road, which link through to the employment sites on Whitehills. These links are crucial in ensuring the development is sustainable with a variety of transport options for residents. Further afield to the south of Cropper Road and the roundabout with School Road the link road will also provide convenient access to St Anne's and Lytham, with a bridleway proposed along the length of the current Wild Lane. Along School Road to the west is the Blackpool Airport Enterprise Zone, offering another form of local employment. As such it is considered that the masterplan for the allocation, presented in conjunction with the planning application for the 99 dwellings is acceptable.

Layout and design

The layout presented today has been subject to several amendments in order to get one that satisfies Officers. The main amendment has been the reduction from 142 dwellings to 99. This has allowed for a development which has an appropriate density, provides policy compliant areas of POS, delivers an appropriate housing mix, and contains important connections to the adjoining site and beyond as outlined above. The site is laid out so that it has 6.5m spine road, with 2 metre footpaths either side, leading from School Road through to further development identified within the Cropper Road West, Whitehills Masterplan. Four roads off from the spine road create streets with dwellings fronting the highway or access drives, facing outwards towards the surrounding development. Dual aspect dwellings front School Road, and all the dwellings along Bambers Lane front it. Two areas of POS with play areas are located within the site, with linear POS around the site's boundary to the south and west. The area between the site and the dwelling to the north is proposed to be a wildlife corridor, this links to the existing trees located along the western boundary of the adjoining site and through to other ditches and areas of POS in the masterplan.

Dual elevating units have been proposed on important views to ensure as much interest at street level and natural surveillance as possible, with windows overlooking the street and personal property. Existing trees and hedgerows identified for retention to the boundaries have been incorporated into the design and are identified on the Site Layout and masterplan. The proposed four house types are the Henley, Mayfair, Clifton and Stratford. They are described in the description of development section above and are considered acceptable.

Policy GD7 (achieving good design in development) of the Fylde Local Plan to 2032 requires new developments to be of a high standard, taking account the character and appearance of the area and has several criteria that developments are considered against, including most relevant here;

a) In order to promote community cohesion and inclusivity, new development will be expected to deliver mixed uses, strong neighbourhood centres and active street frontages which bring together

all those who live, work and play in the vicinity.

Whilst the site in itself does not deliver mixed uses as it a solely housing allocation and application, it provides an outward facing development fronting School Road and Bambers Lane and links to the adjoining sites to the east so that residents are able to access future community facilities at the Local Centre and existing employment opportunities beyond on Whitehills. Thus residents will be able live, work and play in the vicinity.

b) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.

The density of the site is higher than the surrounding development on Bambers Lane, which is a very low density. However, the density proposed of just under 30 dwellings per hectare is entirely appropriate and the two-storey scale of development means that the appearance of the site is akin to that surrounds it to the east where housing sites are currently being developed. Whilst a higher density scheme was originally submitted, the current proposals is officers view are acceptable.

c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

As outlined in the residential amenity section below the units are appropriately sited so as not to impact on existing and proposed dwellings residential amenity.

d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.

i) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

The above two points are similar criterion, effectively requiring developments to relate well to the surrounding context and also at the same time make a positive contribution to that character through high quality design. The proposed development has a similar appearance to the residential estates being developed to the east on the mixed use allocation adjacent to Whitehills. However the submitted masterplan and design code means that the entire allocation will be a cohesive development. The use of two types of brick is in character with existing development and the scheme benefits from being outward facing development to public vantage points. The dwellings within the site are laid out appropriately with parking to the side or behind dwellings wherever possible, and intermittent trees and hedgerows within the site breaking up frontage car parking. Walls are proposed on prominent boundaries within the site which is a better-quality material than fences that could be replaced by differing panels through time. The site retains the existing landscaping around the site and replaces that lost from within it. It is therefore considered acceptable and to comply with the above criterion.

k) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

The highways issues are discussed below however the site succeeds in providing a link to the east

which will take occupants through the adjacent residential site and then on to the employment site. Pedestrian/cycle links also created will link to the larger area of POS and local centre to the east and the amenities that will be created there. The layout and design of the dwellings is therefore considered acceptable.

Public Open Space

The Fylde Local Plan to 2032 requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy ENV4, with appropriate provision made for the on-going maintenance of this. Policy GD7 criteria v) *New public open space should be provided in a single central useable facility where possible, which is accessible, of high quality and good design, be visible, safe, using quality materials, including facilities for a range of ages and incorporating long term maintenance; unless it is agreed by the Council that provision is more appropriate off-site.*

The proposed bedroom mix of the 99 dwellings equates to a requirement of 3096 sqm. The submitted plans show a total area of 8716 sqm of public open space on the site. This takes different forms, with two open areas containing play equipment overlooked by dwellings within the site. There are three small area of open space within the site, which whilst not suitable for play enhance the appearance of the development and form areas around drainage ditches. Large areas of linear open space are located along the southern and western boundaries and contain footpaths and sitting areas. Also proposed are pedestrian links to the area to the east which will have a larger area of POS and includes a MUGA for older children's play. This combination of different forms of POS exceeds the policy requirement and provides areas for every age to use and as such is acceptable.

Residential amenity

The application is a full application so the impact on the amenity of existing and proposed dwellings can be fully assessed. The relationship between the dwellings proposed to be built within the site is acceptable and they will not impact unacceptably on each other. To the north of the site is a dwelling known as the Meadows, which is a single dwelling with a large domestic curtilage. The nearest on the application to the Meadows is side on to the property, fronting Bambers Lane and is 25m away. At such distances, and with the significant existing and proposed landscaping located between the dwellings there will be no impact on their amenity.

To the east of the application site are dwellings subject to application 17/0779, however that is an outline application, so their exact positions are unknown. The joint masterplan submitted by the applicants for both planning applications shows that the developments will relate well to each other with no issues regarding residential amenity. To the west of the site on the opposite side of Bambers Lane is low density housing. The nearest dwellings are Moss Bank and Meadow view, these are located 42m away and therefore at such distances there will no impact on their residential amenity.

Therefore, the relationship between the dwellings in the site and the surrounding environs is acceptable and the occupants would enjoy an acceptable level of amenity. There are therefore no issues with this proposal in terms of impact on residential amenity.

Highways issues

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of

sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. As this is an allocated site, part of an overall allocation of 450 dwellings the impact of that number of dwellings on the highways network has been considered through the Plan making process. It is critical that as part of the Local Plan allocations that policy M1 requires the strategic site to be master planned. This has required the applicants for this site to work with the LPA and the applicants for the adjoining site to produce a joint scheme which looks at transport movements strategically. The size of the site meant that the LPA considered a new link road could be provided which will assist highway movements in the area.

The formal extensive comments from LCC are summarised above. The application in its original form included access from School Road but at the far east of the site's frontage to that road. This has been amended following discussions with LCC so that it is central to the site's frontage. The existing ditch along that boundary has been relocated within the site so that the junction arrangements and footpath to School Road required by LCC can be provided. The proposed site access, proposed internal layout and cycle/footpath links to the adjoining site and beyond are all acceptable to LCC who state that they can be adopted. They are also happy with the links and access points shown on the wider master plan. They consider the proposal to be acceptable, subject to the agreed details of highway improvement and the provision of the link road between the two sites. For this site they require that prior to the occupation of 30 dwellings that the footpaths to the front of School Road are constructed, along with the delivery of the shared pedestrian/cycleway from the site access connecting through to the Wainhomes site. They require prior to the occupation of 60 dwellings (or 1 year after occupation of the 30 dwelling) that the full site access road between School Road and the north east corner where the site connects to the Wainhomes site is constructed and available for use. With these conditions in place the two sites will be able to connect and, in the future, when the Wainhomes site is complete a bus will be able to run through the site and beyond. Pedestrian links are also provided to the Local Centre site and POS areas in the adjoining site.

LCC in their response explain that they recognise the benefits that the masterplan will bring as it supports public transport penetration into the area that will benefit not only the application sites within the Strategic Location site but also the wider built environment, including existing development off Cropper Road, other committed residential development as well as improvement of bus services in and around Whitehills Business Park. The provision of the through access route allows the downgrading and part prohibition of vehicular driving over sections of the existing Cropper Road, which further support improvement to the pedestrian/cycle environment. They also state that funds have been secured from other schemes which will pump prime the bus service through the site, and that in the long term the scale of development will make the bus service viable for a commercial bus operator. As such they do not require section 106 contributions from this scheme but state that this is reliant on the delivery of the link road in accordance with their suggested triggers. They simply request £6000 towards Travel Plan monitoring.

Therefore the submitted plans are acceptable, and that with appropriate conditions to ensure that the proposed highway improvements are carried out at appropriate points in the development there are no highways issues with regard to safety, capacity or long term sustainability. The development therefore accords with policy M1 of the Local Plan to 2032 with regard to considering highway movements strategically.

Flood Risk and Drainage

The numerous responses from the Environment Agency are outlined above. United Utilities raised no objection to the original scheme, and whilst no comments have been received from the LLFA these have been requested and they should be available. This application was submitted after the application for the adjoining site (reference 17/0779). When 17/0779 was submitted the whole of the allocation for development was located in Flood Zone 1, and therefore the development of the area with dwellings was entirely appropriate. There was then a change of Flood Zone classification to Flood Zones 2 and 3 which occurred prior to the adoption of the Fylde Local Plan to 2032. During the Local Plan making process the Inspector was informed of the change and the site was still considered suitable in principle for development and was therefore allocated. That allocation means that the developers do not have to undertake a sequential test, but they do need to demonstrate that the site will be safe from flooding, and that the built proposal will not increase flood risk elsewhere.

That change in flood classification meant that the EA changed its stance from having no objections to application 17/0779, to raising objections. The applicants decided that they would address this issue by producing their own hydraulic modelling study and data to challenge the re-classification of Flood Zone, if accepted by the EA that would mean the site would go back to being within Flood Zone 1. This application (19/0284) was submitted with an FRA which uses the modelling data produced by Weetwood, the drainage engineers for 17/0779. As that data has not been accepted by the EA, they raised objections as the FRA submitted did not consider the site as being in FZ3 which they believe it to be in. The mitigation and other measures were therefore not considered valid. The EA also raised issues regarding easements and culverts which have been addressed.

Following much correspondence with the EA regarding the level of details and what evidence they require, the applicants for this site and the adjoining one have submitted updated data modelling and an FRA for the whole of the housing allocation, not just for their own individual applications. This has been submitted to the EA for consideration, at the time of writing this report their views have not been received. If they are received prior to Committee they will be available in the late observations, but in the event that they are not, this application is recommended to be allocated to officers to approve, but that approval being subject to the EA formally withdrawing their objection to the development.

The submitted modelling data and FRA for both sites includes the following key points/information;

- A modelling study of the red bridge pumping station which is located adjacent to School Road in the south east corner of the allocation has been undertaken to identify and assess the level of flood risk from this source in association with the proposed development of land west of Cropper Road, Blackpool.
- It is understood that the extents of flooding presented by the Flood Map for Planning are based upon the Mott MacDonald Red Bridge Pumping Station hydraulic modelling study undertaken in 2018 on behalf of the Environment Agency.
- Weetwood undertook a detailed assessment of the 2018 hydraulic model and identified areas

where the model schematisation could be improved. The key improvements relate to the operating parameters of the Red Bridge Pumping Station and extent of the 2D model domain.

- In order to more accurately identify and assess the level of flood risk at the site, a 1D-2D ESTRY-TUFLOW hydraulic model has been developed by Weetwood. The model hydrology was also re-assessed and included an estimation of the capacity of the public sewer network within the Red Bridge Pumping Station catchment.
- The baseline model results indicate that flooding of the site is expected for all modelled events but that the extents of flooding are reduced when compared to the Flood Map for Planning.
- The Weetwood hydraulic modelling indicates that the Flood Map for Planning overstates the risk of flooding at land west of Cropper Road, Blackpool. As a consequence, the results of the Weetwood hydraulic modelling study forms the basis of a formal challenge of the Flood Map for Planning.
- A pump failure scenario has also been assessed which indicates that more extensive flooding would be expected to occur if a pump failure were to occur.
- The FRA submitted considers the development in the context of the Weetwood review of the hydraulic model. The review found that the model schematisation could be improved, e.g. by including the operating parameters of the Red Bridge Pumping Station and by extending the model domain to include raised embankments.
- The outputs indicate that flooding of the site is expected to occur during all events. The depth of flooding varies significantly across the site and the average flood depths are significantly lower than maximum flood depths. The modelling also indicates that approximately 30,055 m³ of floodwater is stored at the site during the 1 in 100 AEP plus 35% climate change event.
- Modelling of a pump failure Red Bridge Pumping Station during the 1 in 100 AEP plus 30% climate change event indicates that the peak flood levels at the site would increase by 0.09 m.
- The FRA considers that the development can be completed without conflicting with the requirements of the NPPF by using the following mitigation;
 - The development platform should be set a minimum of 0.15 m above the modelled peak flood level during the 1 in 100 AEP plus 35% climate change event and above the 1 in 100 AEP event plus 30% climate change event in the pump failure scenario.
 - Finished floor levels to be set a minimum of 0.30 m above the 1:100 (+35%) annual probability peak fluvial flood level.
 - Finished floor levels should also be set at a minimum of 0.15 m above adjacent ground levels following reprofiling of the site.
 - Compensatory storage to be provided to ensure that an equivalent volume of water is stored at the site in the 1 in 100 AEP plus 35% climate change event.
 - The detailed drainage design to be submitted to and approved by the local planning authority prior to the commencement of development.
 - An 8 m undeveloped buffer strip has been provided adjacent to Marton Moss, Bambers Lane Watercourse and Spen Dyke.

Ecology

The application was submitted with an ecological appraisal, and Great Crested Newt and Water Vole surveys were submitted during the course of the application. Consultation with Natural England highlighted the need for an HRA to be carried out at the site. As the Council had already completed one in the process of allocating the site in the Fylde Local Plan to 2032, an addendum to that HRA was submitted by the applicants to consider if any of the site's characteristics had changed.

The appraisal, GCN and Water Vole surveys were considered by the Council's ecological consultants, GMEU. The submitted report finds that the site is primarily made up of improved grassland currently grazed by ponies, with 2 areas of standing water and 2 ditches which cross the site east to west. It found that there were habitats on site that are suitable for water vole and the great crested newt. Further survey works were then carried out which confirmed their absence.

The reports states that whilst there are no statutorily protected sites within 2km of the applicant site, the site is however located within a SSSI impact risk zone. It recommends that existing trees and hedgerows on the site boundaries should be retained and enhanced where possible in the interest of local foraging species and breeding birds, and that new lighting should avoid light spill impacts to improve suitable foraging in existing and new hedges and woodland.

GMEU have confirmed that issues on the site relate to Newts, Voles, Otters, nesting birds, and the need to secure appropriate mitigation for the loss of the grassland and some sections of the ditch. They state that there is no potential bat roosting habitat but require a condition to confirm lighting details. With regard to otters the ditches are unsuitable for significant use but recommend a condition requiring a method statement to be submitted. They confirm that there is limited bird nesting habitat on the site, with the fields previously assessed as low risk for ground nesting birds and winter roost of birds associated with the Morecambe Bay SSSI. However, there is still risk of ground nesting birds using the farmland and water birds the ditches and therefore recommend a condition requiring no development during bird nesting season unless a survey has confirmed their absence. They are satisfied that GCN surveys and lack of records of them in the area mean that no further information or mitigation is required. They recommend precautionary measures to protect the populations of toads found on the site. No conclusive evidence of water voles were found, though possible signs were found, likely because of bank or field vole. The presence of mink has been confirmed, which are normally negatively correlated with water vole presence. GMEU therefore accept that the risk of water voles being present is low and suggest an informative be placed on any permission. They also comment that common meadow rue was recorded along the western and southern ditch boundaries. Their retention should be built into a Landscape and Environmental Management Plan. This also can be subject to a condition. Revised landscaping plans have been received which create additional biodiversity habitat along the northern and western boundaries of the site. Therefore, with regard to the development of the site in relation to protected species, appropriate surveys have been carried out, and with conditions to ensure a biodiversity net gain and appropriate protection during construction the development is acceptable.

Natural England when consulted on both the original scheme and the reduced scheme for 99 dwellings confirmed that a HRA was required for the site. This was despite an HRA being undertaken for the allocation as whole by the Council when allocating the site. The applicants have submitted a consideration of that HRA, which confirms that in the duration of time between the Fylde Local Plan HRA report and the current application that the conclusions and recommendations of the original HRA are still valid. The HRA indicates that there is no Likely Significant Effect (LSE) from the proposal and that development is in accordance with that assessed under the HRA. As nothing has changed from when the site was allocated for residential development, the HRA was compiled, and the development is in line with the site's allocation in the plan, the current HRA assessment stands as valid. Natural England accept that as long as the Local Planning Authority are satisfied with the

assertion by the ecologist that nothing has changed on site then Natural England would be satisfied that no LSE on the designated site will occur as a result of this development. As nothing has changed on the site this is indeed Officers opinion, and therefore with appropriate conditions there are no ecological issues with the application.

Viability and obligations

Paragraph 57 of the NPPF states;

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

During consideration of the application, following receipt of the contribution request from LCC Education, and the comments of the Housing Officer, and the reduction in the number of units at the site, along with highways works needed, the applicants put forward the view that the development would not be viable if they had to make contributions towards Education and Affordable Housing. For most planning applications determined by Committee, Officers recommendation to Members would normally list the obligations necessary to make the development acceptable, with the resolution being to grant planning permission subject to these obligations, unless a viability appraisal has been agreed with the Local Authority. Viability discussion then take place following members having made their resolution and prior to issuing the decision and agreeing the terms of the section 106 legal agreement that accompanies it.

In this case the Council has been supplied with a viability assessment which the Council's consultants Keppie Massie have appraised on its behalf. Their appraisal has considered the information submitted around net sales values, affordable housing transfer values, build costs, developer contingency and profit and benchmark land value and looked at various scenarios to see what could be viable at the site. The viability assessment examines existing and projected market conditions – considering near developments selling prices and availability, development costs, off site highway works, junction improvements, surface water drainage, abnormal foundations, landscape/ecology works, contamination, site investigation, service infrastructure improvements, professional fees and build costs. Along with the required contributions towards affordable housing and education. The appraisal assesses the likely gross development value (GDV) of the completed development and then deducts from this the cost of carrying out the development, including a developer profit, to leave a residual land value (RLV). This land value is then benchmarked against an assessment of site value. If the RLV exceeds the assessed site value then the development is viable.

Using the 'Financial Viability in Planning Guidance' the development has been assessed looking at the value of the site when developed in accordance with this application, and the associated costs with bringing that development forward. Keppie Massie have comes to the conclusion that the development is only viable with a developer profit of 15-20%, with either a contribution of £90,000 towards education, or two on-site affordable units, one for affordable rent and one for intermediate. It is officers view that the most appropriate contribution would be to use the £90,000 towards off-site affordable housing as that would mean that the money can used close to the site to provide

much needed affordable housing. Whilst on-site provision is an option, it is not considered that registered providers would necessarily be interested in taking on only two units in this location.

Taking that into account it is your officer's view that as the delivery of the scheme has been considered together in respect of viability, then the conclusions of the viability assessment should be accepted. Given that this is a full application and is for 99 dwellings, it is not considered that any mechanism to re-assess viability is necessary in this instance.

Conclusions

The development of 99 dwellings as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Development Plan. The proposal is of an acceptable design and layout, with highways issues fully considered along with how the site links to the wider allocation. There are no amenity or ecology issues with the proposal. With regard to flooding and drainage the applicants have a submitted comprehensive data and an FRA on how flood risk can be managed at the site, and subject to these details being accepted by the statutory drainage consultees this is acceptable. The development of the site due to the infrastructure and abnormalities involved means that only a limited contribution towards off site affordable housing can be made.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to:

- 1) the Environment Agency withdrawing its objection to the proposed development,
- 2) that the outstanding final highway and drainage comments do not raise any issues that cannot be resolved through the imposition of appropriate planning conditions,
- 3) satisfactory completion of a Section 106 agreement as outlined below,
- 4) agreement of a phasing plan for the delivery of the development (including all access points) and
- 5) a schedule of appropriate conditions.

The S106 Agreement is to secure:

- a financial contribution of £6000 (and the phasing of the payment of this contribution) towards Travel Plan monitoring of public transport and/or sustainable transport initiatives in the vicinity of the site in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £90,000 (and the phasing of the payment of this contribution) towards off-site affordable housing in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032
- a financial contribution (and the phasing of the payment of this contribution) towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

The suggested Planning Conditions and Reasons are as follows (plus any additions or revisions to these conditions requested by Drainage consultees and/or deemed necessary by the Head of Planning and Housing):

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

date of this permission.

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

2. This permission relates to the following plans:

- Topographical Survey SSS-8526-B
- Site Investigation J0464 NG GSI1063 PI Report RK BAK 02012019
- Preliminary Ecological Appraisal
- Water Vole Report Sept 19
- Tree Survey and RPA 5961.01
- Tree Survey Report MG/5961/TSR/FEB19
- Design and Access Statement SJS-CC-Blackpool-DAS-01
- Transport Assessment 10865/AA/001/02
- Travel Plan 10865/002/02
- Proposed Access Arrangements 10865-004 B
- Preliminary Finished Levels Plan SCH-AJP-ZZ-00-DR-C-1400 P03
- Front Elevations Housetype Planning Drawing 1656BAK/SRB/EL01
- Henley Semidetached Housetype Planning Drawing 1656BAK/SRB/HT01
- Henley/ Mayfair Semidetached Housetype Planning Drawing 1656BAK/SRB/HT02
- Clifton Housetype Planning Drawing 1656BAK/SRB/HT15
- Mayfair V1 Housetype Planning Drawing 1656BAK/SRB/HT18
- Mayfair V2 Housetype Planning Drawing 1656BAK/SRB/HT16
- Stratford Housetype Planning Drawing 1656BAK/SRB/HT17
- Illustrative Masterplan 1500WHD/CRB/MP01 Revision J
- Design Code Rev B (June 2020)
- Materials Plan 1656BAK/SRB/MP01 E
- Storey Heights Plan 1656BAK/SRB/SH01 E
- Illustrative Sections 1656BAK/SRB/SE01 D
- Illustrative Sections 1656BAK/SRB/SE02 D
- Illustrative Sections 1656BAK/SRB/SE03 D
- Boundary Treatments Plan 1656BAK/SRB/BT01 E
- Adopted Highways Plan 1656BAK/SRB/AHP01 E
- Location Plan 1656BAK/SRB/LP01 B
- Green Space Areas Plan 1656BAK/SRB/GS01 C
- Planning Layout 1656BAK/SRB/PL01 H
- Illustrative Culvert Sections 1656BAK/SRB/CUL01
- Landscape Structure Plan 5961.03 B
- Flood Risk Assessment 3203/FRA/Final/v4.0/2020-07-09

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

3. The development shall be carried out in accordance with the details on Materials Plan - 1656BAK/SRB/MP01 E unless otherwise agreed in writing by the Local Planning Authority. Prior to any above ground development details of the surface and building materials not identified on this plan, including but not restricted to window and door details, shall be submitted to and approved by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development as required by Policy GD7 of the Fylde Local Plan to 2032.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This scheme shall include a phasing scheme for the implementation of these works which shall be complied with during the development. These works to include:

- 1(a) – Interim site access scheme at School Road (with appropriate ducting etc. to minimise abortive work), in advance of full signalisation works;
- 1(b) - Site access signalised junction, including Toucan crossing across site access road, surfacing works to the east and the west of the proposed junction to provide suitable carriageway construction to accommodate traffic signal control loops (MOVA) and acceptable anti-skid resistance on the stop line approaches;
- 1(c) - Pedestrian footway on School Road along full BAK site southern frontage;
- 1(d) - Gateway measures and works informed by speed limit review on School Road;

(Note: Delivering these works will require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.)

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

5. Prior to the first occupation of any dwelling the developer shall submit a scheme which funds the investigation, consultation and advertisement of Traffic Regulation Orders for a review of speed limit on School Road between Cropper Road roundabout and the existing start of the 30mph limit to the west. If the process concludes in changes to TRO's, the developer shall fund the subsequent implementation of necessary speed limit signing and Gateway signing and marking changes.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site.

6. Prior to the first occupation of any part of the development hereby approved, the developer shall submit a scheme detailing the location and design of 2 bus stops with appropriate shelters on the through access road within the site, to be agreed and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the detail of the phasing of these works and shall be implemented in accordance with the approved details and phasing.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide suitable provision for sustainable users in line with the agreed masterplan.

7. Prior to occupation of the 30th dwelling on the development site hereby approved, the developer shall construct the site access road to base course for 100m into the site (including provision of footways on both sides of the site access road), the footways on School Road and measures required following the speed limit review (as set out in Condition 3 parts 1c and 1d) are to be delivered and the shared pedestrian/cycleway from the site access is to be delivered connecting through to the Wainhomes site (reference 17/0779) on the eastern boundary.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users.

8. Prior to occupation of the 60th dwelling on the development site hereby approved (or 1 year after occupation of the 30th dwelling - whichever comes sooner) the full site access road between School Road and the north eastern extent of the site red edge is to be constructed and available for use; this road to be built up to and contiguous with north eastern boundary as shown in plans

- Location plan - 1656BAK/SRB/LP01, Rev B
- Adopted Highways Plan 1656BAK/SRB/AHP01 E
- Planning Layout 1656BAK/SRB/PL01 H

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users and so as not to prejudice the future development of the adjacent land in accordance with the agreed masterplan and Policy M1 (Masterplanning the Strategic Locations for Development) of the adopted Fylde Local Plan.

9. Prior to occupation of the 75th dwelling on the development site hereby approved (or prior to the 180th dwelling on the overall Strategic Location Masterplan Site HSS5, whichever comes first) the School Road signal controlled junction as set out in Condition 3 part 1(b) shall be fully constructed, completed and available for use, unless otherwise agree in writing with the LPA in consultation with the LHA.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe and suitable access to the site and suitable provision for sustainable users in line with the agreed masterplan.

10. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. details of the days and hours of construction activity at the site
 - b. details of the timing of deliveries to the site
 - c. the location of parking of vehicles of site operatives and visitors;
 - d. the location of loading and unloading of plant and materials;
 - e. the location of storage of plant and materials used in constructing the development;
 - f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g. the position and management operations for wheel washing facilities;
 - h. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
 - i. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);

- j. a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- k. a scheme to control noise during the construction phase, and
- l. the routing of construction vehicles and deliveries to site.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction, and to minimise the potential for disturbance to neighbouring amenity throughout development.

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

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

- 12. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with policies of the development plan.

- 13. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with policies of the Development Plan.

- 14. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development (including areas of carriageway, footway, drainage, verge, lighting, etc) and all other communal areas have been submitted to and approved by the local planning authority. These areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into for their formal adoption or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets and other communal areas serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of the character of the area and the safe

operation of the site for future residents.

15. The Interim Residential Travel Plan as submitted must be developed and implemented in full, involving the preparation and submission of a Full Travel Plan in accordance with a timetable agreed in writing with the Local Planning Authority. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used, for a minimum of at least 5 years.

Reason: To ensure that the development provides and promotes sustainable transport options and alternatives to the private car.

16. The development shall be carried out in complete accordance with the submitted written scheme of investigation by CgMs heritage (ref 25963/01/PO). If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.

17. Prior to the commencement of any earthworks within 10m of any ditches a reasonable avoidance method statement for otter should be submitted to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To ensure that otters are not present within the ditches during works.

18. Prior to development a lighting plan for the street lighting shall be submitted to and approved in writing by the LPA. The strategy shall:

- show how and where street lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on linear features of potential value to foraging and commuting bats are negligible and;
- Specify frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy

Reason: To ensure bat roosting habitat is protected.

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

submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: To protect biodiversity in accordance with the NPPF.

20. In order to protect Common Toad the development shall be carried out in accordance with the details contained in the Great Crested Newt Presence/Absence Survey Report, Contract Ecology September 2019 Section 7.5 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

Reason: The Common Toad (*Bufo bufo*) is a Species of Principal Importance under Section 41 of the NERC Act (2006), therefore, they need to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity.

21. Prior to the commencement of development, a Landscape and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of;

- The full detail of landscaping and ecological proposals throughout the site which demonstrate that the existing ecological value of the site has been bettered through the development proposals which create wildlife habitat, plant native species appropriate to the locality to compensate for direct and indirect impacts, promote habitat connectivity and demonstrate how it will be maintained.
- The design and location of bat and bird boxes to be integrated throughout the site;
- A scheme to protect retained trees and hedgerow during the construction period. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period
- How the sustainable urban drainage scheme will be managed to promote use by wildlife and provide connectivity through the strategic location for development;
- Retention and future management of existing common meadow rue found along the sites boundaries.

The approved Plan shall be implemented throughout the construction of the dwellings and any mitigation and enhancement works identified in the Plan provided in accordance with the phasing set out in the approved document.

Reason: To protect and enhance biodiversity on the site in accordance with the NPPF.

22. Prior to the commencement of any above ground development a scheme providing details of the areas of public open space and children's play areas as identified on Green Space Areas Plan 1656BAK/SRB/GS01 C and Planning Layout 1656BAK/SRB/PL01 H shall have been submitted to and approved by the Local Planning Authority. Such a scheme shall make provisions in accordance the Council's adopted policy on public open space in terms of layout and requirements and include a phasing scheme for the construction of this play area and open space and also its ongoing maintenance and management. The approved scheme shall be implemented, and the areas

provided retained as open space and play area thereafter.

Reason: To ensure areas of POS on the site comply with policy ENV4 of the Local Plan to 2032

23. The whole of the landscape works, as shown on the Landscape Structure Plan 5961.03 B 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.

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

24. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

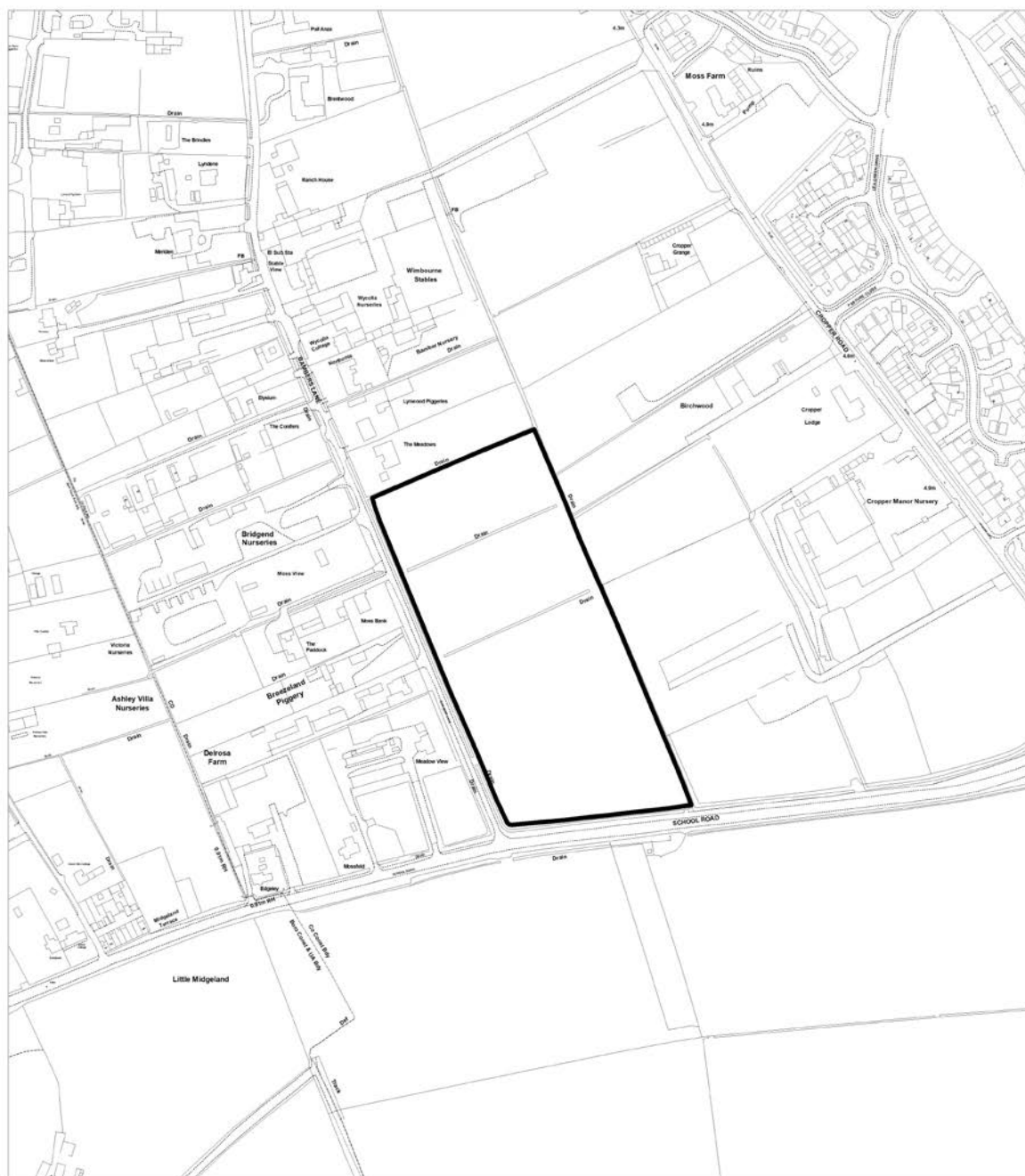
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.


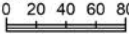
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters, and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

25. **Drainage conditions as suggested by the EA, UU and LLFA will be included here**



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Application No. 5/19/0284	Address Land at junction of School Road and Bangers Lane, Westby	Grid Ref. E.3343 : N.4323	Scale 0 20 40 60 80 m 

Item Number: 3

Committee Date: 29 July 2020

Application Reference:	20/0336	Type of Application:	Variation of Condition
Applicant:	Hallam Land Management Ltd	Agent :	
Location:	CLIFTON HOUSE FARM, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AU		
Proposal:	APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 17/1050 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS) TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE FROM 15% TO 33% OF THE OVERALL DEVELOPMENT		
Ward:	WARTON AND WESTBY	Parish:	Bryning with Warton
Weeks on Hand:	10	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to a *circa* 3.74 hectare parcel of land located adjacent to Clifton House Farm on the north side of the A584 (Lytham Road), to the western end of Warton. The site is allocated for housing in the Fylde Local Plan to 2032 (site reference HSS13) and has an extant reserved matters approval for a development of 96 dwellings (19/0926) granted pursuant to outline planning permission 17/1050.

Outline permission 17/1050 consented the construction of up to 115 dwellings on the site and was granted as a variation to a previous permission (15/0562) allowed by an appeal recovered by the Secretary of State (APP/M2325/W/15/3141398). Outline application 17/1050 sought, under S73 of the Town and Country Planning Act 1990, to vary condition 7 of planning permission 15/0562 which reads as follows:

"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:

- a) The Preston Western Distributor Road*
- b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*
- c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."*

Specifically, the variation to condition 7 proposed by application 17/1050 sought to:

1. Increase the proportion of the development that can be occupied in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.
2. Remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the wording of the condition.

At their meeting on 10 October 2018 the Planning Committee resolved to grant application 17/1050 insofar as it related to the variation summarised in point 2 above, but considered that the variation sought by point 1 should not be permitted, and so the 15% limitation was retained. Accordingly, the wording of condition 7 on planning permission 17/1050 reads as follows:

“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”

Application 17/1050 was considered by the Planning Committee at the same time as another S73 application which sought to vary the same condition for a development of up to 350 dwellings on land East of Warton – application 17/0851. The committee resolved to grant application 17/0851 on the same basis as 17/1050, by accepting the variation proposed in point 2 while rejecting that in point 1. While the applicant for 17/1050 did not appeal the committee’s decision, an appeal against non-determination was lodged by the applicant for 17/0851. That appeal (APP/M2325/W/19/3221605) was allowed, with condition 7 subsequently varied on 17/0851 to read as follows:

“No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”

The current application seeks to vary condition 7 of planning permission 17/1050 at Clifton House Farm in the same manner as was allowed by the appeal against 17/0851 at Warton East – namely by proposing an increase in the proportion of the development that can be occupied in advance of the completion and bringing into use of the off site highway works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060 (the ‘Warton Crossroads’) from 15% to 33% of the overall development.

The reasons for allowing the same variation in respect of the 350 dwelling development at Warton East are set out in paragraphs 7-11 and 15-16 of the Inspector’s decision for APP/M2325/W/19/3221605. The Inspector’s conclusions in that appeal were based on traffic assessments undertaken in early 2018 by the Local Highway Authority (LHA) and the applicant’s transport consultants in connection with application 17/0851. Those assessments took into account up-to-date traffic surveys, all committed developments in Warton (including the Enterprise Zone) and traffic growth factors set against the results of LCC’s sensitivity testing model which was used at the original, conjoined appeal inquiry for applications 15/0562 (at Clifton house Farm) and 14/0410 (at Warton East).

As with the situation at the time applications 17/0851 and 17/1050 were considered, the LHA continue to advise that this updated assessment reveals that “traffic growth on the A584 (Lytham Road) had not reached the level predicted” and, subject to the requirement for additional infrastructure improvements associated with a MOVA upgrade to traffic signals at the Church Road/Lytham Road/Highgate Lane junction, there are no objections to the proposed change to condition 7.

Given the outcome of the appeal for application 17/0851, together with the evidence presented by transport consultants and the LHA which provide an updated analysis of traffic conditions on the highway network surrounding the site since the issuing of planning permission 15/0562 (at appeal), it is concluded that increasing the proportion of development that can be occupied prior to the completion of the Warton Crossroads from 15% (up to 18 dwellings based on a maximum of 115 units) to 33% (up to 38 dwellings based on a maximum of 115 units) would not result in a severe residual cumulative impact on the capacity of the surrounding highway network, nor would there be an unacceptable impact on highway safety.

While the timeframe for the submission of further applications for approval of reserved matters pursuant to outline permission 17/1050 (and any subsequent S73 applications to vary that permission) has now expired, the site has an extant reserved matters approval for 96 dwellings (19/0926) and a second, duplicate, application for reserved matters remains undetermined (20/0084). In relation to the extant reserved matters approval for 96 dwellings (19/0926), a decision to allow the proposed variation to condition 7 of 17/1050 would provide the justification for the Local Planning Authority to choose not to enforce the 15% restriction currently imposed by condition 7 of 17/1050 (which would restrict the number of dwellings that can be occupied in advance of the completion of the Warton Crossroads to 15 dwellings in the context of the extant reserved matters approval) in favour of a 33% restriction which would, instead, allow 32 dwellings to be occupied prior to the completion of the Warton Crossroads.

The applicant indicates that the 15% limitation currently imposed by condition 7 of 17/1050 is restricting the delivery of the development consented by 19/0926 as the uncertainty regarding the timetable for the implementation of the Warton Crossroads makes the scheme an unattractive proposition for housebuilders. Accordingly, and as with the Inspector’s conclusion in paragraph 24 of the appeal decision for 17/0851, the applicant considers that a relaxation of condition 7 to allow a maximum of 33% of the development to be occupied prior to the completion of the Warton Crossroads would greatly assist in kickstarting development on this site, thus boosting the Council’s housing supply and bringing associated economic benefits.

Given the conclusions in the Inspector’s decision for the appeal on 17/0851, there is no reason to doubt this assertion. Accordingly, further benefits would arise by virtue of the proposal’s positive impact in enabling the delivery of housing on an allocated site in order to boost the supply of housing in the Borough. No other adverse effects would arise from the variation of the condition that would significantly and demonstrably outweigh the benefits. Therefore, when taken as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP, the BWNP, and the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval. In addition, the application seeks to vary a condition on a planning permission that was not granted under delegated powers and the Parish Council have submitted representations in objection to the application.

Site Description and Location

The application relates to a *circa* 3.74 hectare parcel of land located adjacent to Clifton House Farm on the north side of the A584 (Lytham Road), to the western end of Warton. The site is allocated for housing in the Fylde Local Plan to 2032 (site reference HSS13) and has an extant reserved matters approval for a development of 96 dwellings (19/0926) granted pursuant to outline planning permission 17/1050.

Outline permission 17/1050 consented the construction of up to 115 dwellings on the site and was granted as a variation to a previous permission (15/0562) allowed as part of a conjoined appeal, along with an application for up to 350 dwellings at Land East of Warton (14/0410), which was recovered by the Secretary of State (APP/M2325/W/15/3141398). Outline application 17/1050 sought, under S73 of the Town and Country Planning Act 1990, to vary condition 7 of planning permission 15/0562 which reads as follows:

“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:

- a) The Preston Western Distributor Road*
- b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*
- c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”*

The junction improvement works and appeal decision referred to in subsection c) of condition 7 relate to outline planning permission 13/0674 for up to 360 dwellings at Blackfield End Farm (BEF). Reserved matters approvals by two separate housebuilders for a total of 331 dwellings at BEF have subsequently been granted (permissions 17/0129 and 18/0568) and are in the early phases of delivery, with a total of approximately 42 dwellings across the site having been constructed to date.

Background

The variation to condition 7 of 15/0562 proposed by application 17/1050 at Clifton House Farm sought to:

1. Increase the proportion of the development that can be occupied in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.
2. Remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the wording of the condition.

At their meeting on 10 October 2018 the Planning Committee resolved to grant application 17/1050 insofar as it related to the variation summarised in point 2, but considered that the variation sought by point 1 should not be permitted and so the 15% limitation was retained. Accordingly, the wording of condition 7 on planning permission 17/1050 reads as follows:

“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”

Application 17/1050 was considered by the Planning Committee at the same time as another S73 application which sought to vary the same condition for a development of up to 350 dwellings on land East of Warton – application 17/0851. The committee resolved to grant application 17/0851 on the same basis as 17/1050 by accepting the variation proposed in point 2 while rejecting that in point 1. While the applicant for 17/1050 did not appeal the committee’s decision, an appeal against non-determination was lodged by the applicant for 17/0851. That appeal (APP/M2325/W/19/3221605) was allowed, with condition 7 subsequently varied on 17/0851 to read as follows:

“No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”

Details of Proposal

The current application is submitted under S73 of the Town and Country Planning Act and seeks permission to vary condition 7 of planning permission 17/1050 at Clifton House Farm in the same manner as was allowed by appeal APP/M2325/W/19/3221605 at Warton East – namely by proposing an increase in the proportion of the development that can be occupied in advance of the completion and bringing into use of the off site highway works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060 (the ‘Warton Crossroads’) from 15% to 33% of the overall development. Accordingly, if this application were approved, condition 7 would be varied to read as follows:

“No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.”

Relevant Planning History

Application No.	Development	Decision	Date
19/0926	RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION 17/1050 SEEKING DETAILED PERMISSION FOR THE LAYOUT, APPEARANCE, LANDSCAPING AND SCALE OF A DEVELOPMENT INVOLVING 96 DWELLINGS WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE INCLUDING DETAILS REQUIRED BY CONDITIONS 1, 2, 12, 15, 18 AND 22 OF OUTLINE PLANNING PERMISSION 17/1050	Granted	23/03/2020
17/1050	APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION 15/0562 (OUTLINE APPLICATION WITH ACCESS FOR A RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS) IN ORDER TO REMOVE COMPONENTS (A) AND (B)	Approved with 106 Agreement	15/02/2019

	AND TO INCREASE THE NUMBER OF DWELLINGS THAT CAN BE CONSTRUCTED IN ADVANCE OF THE COMPLETION AND BRINGING INTO USE OF A PACKAGE OF OFF SITE HIGHWAY IMPROVEMENTS AT THE JUNCTION OF CHURCH ROAD, LYTHAM ROAD AND HIGHGATE LANE (COMPONENT (C)) FROM 15% TO 33% OF THE OVERALL DEVELOPMENT		
15/0903	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED) - RESUBMISSION OF APPLICATION 15/0562	Refused	27/05/2016

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0562	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Allowed	13/02/2017

Parish/Town Council Observations

Bryning with Warton Parish Council: Notified of the application on 20.05.20 and commented 22.06.20 as follows: The Parish Council Object to the proposal on the following grounds:

- As outlined in the applicant's letter the proposed increase in percentage has already been refused by the Planning Committee but by way of justification for this renewed application was the successful appeal for a similar application 17/0851. The appeal Inspector was of the view the increase would assist in 'kick-starting the delivery of housing on the site', and that the Governments desire to boost significantly the supply of housing weighed in favour of the appeal proposal'.
- It is the Parish Council view that the Planning Committee was right to affirm their condition and the Planning Inspector was incorrect in his judgement. It could be queried if it is the Planning Inspector's remit to kick start private developers' projects or even boost the Governments supply of housing. More importantly is the conclusion the effect on the safety and convenience of highway users would be acceptable. Obviously the Parish Council and local Community would argue this point and thus making it not acceptable.
- In summary to this application the applicant indicates they do not consider any of the circumstances are materially different since the appeal, yet applying basic logic because of the approval of the appeal, there are already more houses in the location which generates increased traffic and thus greater risk to safety and convenience of highway users.
- Again the applicant makes the case that amendment of the highway restriction as proposed will greatly assist in 'Kick-Starting' development at this site when in fact there are plenty of existing houses awaiting purchase and what it really means is while the imperative 'Highway Infrastructure Improvements' are still pending it is not financially sustainable, which would have been known from the outset. The Parish Council's view is this application should be refused.

Statutory Consultees and Observations of Other Interested Parties

Local Highway Authority (LHA) – Lancashire County Council: Comments 29.05.20 as follows:

- LCC Highways offer no objection to the proposed variation of condition 7 on the basis that the same measures as requested for the recent appeal at Land North of Freckleton Bypass for 350 dwellings are delivered at the Church Road/Lytham Road/Highgate Lane junction (as part of the wider s278 works for MOVA/UTC as required by Condition 8 of 17/1050).
- The proposed variation of condition 7 seeks to increase from 15% to 33% the proportion of development that can be occupied prior to the need to deliver and bring into use the major improvement works at A584 Lytham Road/Church Road.
- There have been traffic changes which allow consideration of a review and variation to Condition 7. Traffic assessments carried out for the 'Wrea Green Conjoined Appeal' highlighted traffic growth on A584 Lytham Road had not reached the level predicted at the time of the 'Warton Conjoined Appeal Inquiry'. This led LCC Highways to offer no objection when previously consulted on variation of condition 7 applications in regard to both the Clifton House Farm and Land to North of Freckleton Bypass. I am also aware of the recently allowed appeal in regard to Land North of Freckleton Bypass (Appeal Ref: APP/M2325/W/19/3221605).
- Other improvement works will still be required to be delivered at the Church Road/Lytham Road/Highgate Lane junction prior to any occupation on site, unless these works have been delivered by another developer. In this respect, condition 8 of planning approval 17/1050 states: "No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at the Church Road/Lytham Road/Highgate Lane junction. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the MOVA/UTC control shall include the following measures: (i) installation of MOVA control and setup; (ii) relocation of loop locations in highway where required (in line with MOVA requirements); (iii) a new signal control box; (iv) New signal poles and signal heads; and (v) installation of remote CCTV monitoring of the junction."
- Therefore, as before, and to be consistent with the requirements requested of other development (that agreed as part of the recently allowed appeal for Land North of Freckleton Bypass), I consider that LCC's support for the variation of condition should include a requirement for the 'Clifton House Farm' development to deliver equivalent further measures at the Church Road/Lytham Road/Highgate Lane junction prior to any occupation on site. I would note that these agreed measures will improve junction efficiency for motorised vehicles only; this interim improvement does not overcome the lack of pedestrian/cycle provision and additional capacity that is required to satisfy approved development within Warton.
- In line with the recently allowed appeal for Land North of Freckleton Bypass, the following two conditions are appropriate for this application also: 1) No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060; and 2) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at the Church Road/Lytham Road/Highgate Lane junction. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the MOVA/UTC control shall include the following measures: (i) installation of MOVA control and setup; (ii) relocation of loop locations in highway where required (in line with MOVA requirements); (iii) a new signal control box; (iv) New signal poles and signal heads; and (v) installation of remote CCTV monitoring of the junction.

Neighbour Observations

Neighbours notified:

20 May 2020

Site notice posted:	9 June 2020
Press notice:	4 June 2020
Amended plans notified:	N/A
No. Of Responses Received:	4
Nature of comments made:	4 objections

The appropriate neighbouring properties were notified of the application by letter on 20.05.20. In addition, as the application involves major development notices have also been posted on site and in the local press. A total of 4 letters have been received in objection to the application. The points of objection are summarised below:

- The Council have rejected an application for the same proposal in the past and there is no reason why a different approach should be taken in this case. The Secretary of State's original decision to limit the proportion of development that can occur in advance of the Warton Crossroad junction improvements should be retained.
- This application takes no account of the cumulative effect that the relaxation of this condition would have on peak traffic flow on the A584 in combination with other consented developments in the area.
- It is unclear who has ultimate responsibility to undertake the Church Road/Lytham Road crossroads improvements as all developers on the sites linked to this infrastructure appear to be delaying the carrying out of these works for as long as possible.
- The siting of the proposed access onto Lytham Road will increase the risk of accidents on this stretch of the highway. There have been 9 serious accidents along this stretch in the last year.
- Traffic travelling past the site on the A584 regularly exceeds the 30mph speed limit. Increasing the number of dwellings that can be constructed ahead of proper highway improvements will only increase the risk to road safety.
- The application represents an incremental chipping away of the conditions imposed on the original planning permission, with the only justification provided being a comparison with an allowed appeal for another site at the opposite end of Warton. If the condition is retained in its current form then this will maintain an incentive for the Warton Crossroads to be delivered sooner.
- When the Preston western distributor road opens, that surely will create more traffic coming through Warton making the A584 even busier than it already is.
- Houses in Warton do not sell quickly, as evidenced by the development at BEF. There is no need for the additional dwellings in this location while other developments are ongoing.
- The development would spoil views available from properties opposite the site on Lytham Road.
- There is a lack of supporting infrastructure and services to support new homes in the area.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site falls within the Bryning with Warton Neighbourhood Development Plan (BWNPD)

area, the Neighbourhood Plan is also part of the statutory Development Plan in this case.

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL3	Warton Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Bryning with Warton Neighbourhood Development Plan (BWNP):

BWNE1 – Protecting and Enhancing Local Wildlife and Habitats
BWNE2 – Protecting and Enhancing Local Character and Landscape
BWNE3 – Design to Reduce Surface Water Run Off

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in column 2 of the table relating to category 10(b) developments. Accordingly, it is not Schedule 2 development. In addition, the Council issued a Screening Opinion under the – now superseded – Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in respect of the proposed development on 01.05.2015. This screening opinion also concluded that the proposal is not EIA development. Accordingly, this S73 application is also not EIA development.

Comment and Analysis

Principle of development and scope of S73 application:

The principle of residential development for up to 115 dwellings on the site has been established through the granting of outline planning permissions 15/0562 (via recovered appeal

APP/M2325/W/15/3141398) and 17/1050 (a section 73 application which varied condition 7 of 15/0562). The site is within the settlement boundary of Warton and is allocated as a strategic housing site on the FLP Policies Map (site reference HSS13). In addition, there is an extant reserved matters approval for 96 dwellings on the land (19/0926).

Paragraphs 013 – 018 of the ‘flexible options for planning permissions’ chapter to the NPPG relate to “amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)”. Paragraph 015 of the NPPG makes clear that permission granted under S73 “takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”

The table in paragraph 019 of the NPPG makes clear that S73 applications are to be considered against the “development plan and material considerations, under section 38(6) of the 2004 Act”, but also advises that “local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”

Further guidance in the ‘use of planning conditions’ chapter of the NPPG also states that “in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application”. It is in this context that the NPPG indicates that the application is considered against the Development Plan and material considerations and conditions attached to the existing permission.

Having regard to the above, and given the existence of two previous outline permissions (15/0562 & 17/1050) and an extant reserved matters approval (19/0926), it follows that attention should be focussed on the effects of the proposed change sought to the wording of condition 7 as it now appears on planning permission 17/1050. Moreover, as 17/1050 was a S73 application to the original permission (15/0562) – and so has already secured a variation of condition 7 to remove reference to components a) and b) of the original condition – consideration of this application is limited to the proposed increase in the proportion of development that can be occupied prior to the completion and bringing into use of the Warton Crossroads junction improvements from 15% to 33%. Accordingly, matters relating to the removal of components a) and b) (as already approved under 17/1050) are not to be revisited here.

Similarly, issues relating to the principle of development and to the detailed matters of access, layout, scale, appearance and landscaping which have already been permitted are not to be re-assessed as part of the S73 application. In addition, as the decision on application 17/1050 was issued after the adoption of the FLP (and found to accord with the policies in that plan, along with the latest version of the NPPF), there has been no material change in local and national planning policy since the issuing of the previous decision.

Assessment resources:

While any grant of permission would, in effect, result in the issuing of a new outline planning permission, given the advice in the NPPG it follows that consideration only needs to be given to those aspects of the proposal which differ from the previous approval (17/1050). In this case, the purpose of the application is to vary condition 7 of planning permission 17/1050 in order to allow an increase in the proportion of the development that can be occupied in advance of a package of

off-site highway improvement works at the Warton Crossroads from 15% to 33% of the overall development.

The following evidence is of particular relevance to that issue:

- The traffic assessments undertaken in early 2018 by: i) the Local Highway Authority (LHA); and ii) the applicant's transport consultants in connection with applications 17/1050 and 17/0851.
- The outcome of appeal APP/M2325/W/19/3221605 (issued 16 July 2019) which, through the approval of S73 application 17/0851, allowed the exact same variation to condition 7 of planning permission 14/0410 which is sought by this application, though in respect of a much larger residential development of up to 350 dwellings on land East of Warton.

There is no compelling evidence to suggest that there has been any significant, material change in circumstances since the above-mentioned assessments were undertaken and/or the appeal decided to indicate that their conclusions are not out-of-date. This is a view that is also shared by the LHA.

Effects of proposed variation to condition 7:

FLP policy M1 relates to the masterplanning of Strategic Sites (those involving 100 or more homes) within the Strategic Locations for Development named in policy DLF1 (of which Warton is one). In particular, criteria a) and h) of the policy indicate that masterplans should satisfy the following requirements:

- The Strategic Locations for Development should be considered as a whole and a comprehensive approach to making every strategic site within the Strategic Locations for Development sustainable, should be taken.
- Appropriate highways access and a comprehensive approach to planning the highway network within and linking the sites which make up the Strategic Locations for Development;

Criteria j), p) and q) of FLP policy GD7 require that developments:

- Ensure parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- Should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

In addition, paragraph 108 of the NPPF requires that in assessing applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The reasons for imposing condition 7 of planning permission 15/0562 are set out in paragraphs

235-239 of the Inspector's report on appeal APP/M2325/W/15/3141398 (dated 4 October 2016). When read in conjunction with the Inspector's conclusions at paragraphs 181-186, the report clarifies that the reason for imposing condition 7 was to ensure that "with the conditions recommended, neither proposed development [those at Clifton House Farm and Warton East] would cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded".

The 15% restriction on the proportion of development that could be occupied in advance of the Warton Crossroads junction improvements formed part of the LHA's recommendation at the above appeal. However, the Inspector also added reference to the Preston Western Distribution Road (PWDR) and the re-location of the BAE Systems gate from Mill Lane to Thunderbolt Avenue into the condition (infrastructure components a) and b)). The removal of these additional infrastructure components from condition 7 was, however, permitted as part of application 17/1050, which reads as follows:

"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."

The reason for imposing the condition is "to ensure that appropriate highway infrastructure is delivered at an early stage in order to mitigate the development's impact on the capacity of the surrounding highway network and to enhance provisions for the free flow of traffic through Warton in accordance with the requirements Fylde Local Plan to 2032 policies M1 and GD7 and the National Planning Policy Framework."

The gist of the applicant's case is twofold. Firstly, the applicant contends that increasing the proportion of development that can be brought forward in advance of the Warton Crossroads from 15% to 33% "should be considered acceptable given (a) the net impact of the amended condition would be imperceptible on the operation of the local highway network and (b) the traffic growth analysis contained within the Appeal process substantially over-estimated the traffic growth at the junctions along the Lytham Road corridor in Warton." Secondly, the applicant asserts that the current wording of the condition stifles the marketability of the site to potential developers and its commercial viability as the 15% limitation does not provide a competitive return for a willing landowner/developer and relies on the actions of third parties to bring forward infrastructure improvements that are outside the applicant's control before any further development can be brought forward. Each element of the applicant's case is considered below:

Highway capacity:

Application 17/1050 was supported by a Technical Note (TN) from Croft Transport Solutions dated December 2017. Although the TN was prepared in connection with a proposal to increase the percentage of development to 65%, its contents remain relevant when applied proportionately to this proposal. The TN opines that the proposed increase in the quantum of development that can be brought forward in advance of a package of highway improvements would have an "imperceptible impact" on the operation of surrounding junctions because the net impact of amending the condition would be a maximum of less than one vehicle every two minutes during even the busiest periods of the day at the Lytham Road/Church Road junction and elsewhere on the network less than an additional vehicle every 4 minutes during the busiest hour of the day. As these figures relate to the scenario of increasing the percentage to 65%, it follows that the 33% threshold now applied for would generate even fewer vehicle movements onto the highway.

Additional trip generation impacts on surrounding junctions in the 15% and 33% scenarios – including the net change – are set out in Table 1 below (the 33% scenario having been calculated by applying a proportionate figure to the 65% scenario shown in Table 1 of the TN).

Junction	15% trigger AM Peak	33% trigger AM peak	Net impact AM peak	15% trigger PM peak	33% trigger PM Peak	Net impact PM peak
Lytham Road/Church Road	7	15	+8	8	18	+10
Lytham Road/Mill Lane	4	8	+4	5	9	+4
Lytham Road/Old Lytham Road	4	8	+4	5	9	+4

Table 1 – Trip generation summary of net impact of amendment to condition.

The TN from Crofts also makes reference to a Technical Note from SK Transport submitted in connection with application 17/0851, the latest version of which is dated 26 July 2018. The SK TN includes a comparison between the forecasted levels of traffic growth in the area on which the 15% threshold in condition 7 was predicated (the ‘Appeal Scenario’) and observed levels of traffic on the highway network since the appeal (the ‘Observed Scenario’).

With respect to comparing the ‘Appeal’ and ‘Observed’ Scenarios, the extract from the SK TN in Table 2 below compares 2013 traffic count data against predicted traffic growth to 2024 identified in LCC’s sensitivity test forecasting model at four locations.

Lytham Road Section	AM Peak Hour			PM Peak Hour		
	2013 Obs	2024 LCC	% increase	2013 Obs	2024 LCC	% increase
West of Church Road	1485	2219	49.4%	1468	2186	48.9%
Church Road to Mill Lane	1641	2474	50.8%	1518	2331	53.6%
West of old Lytham Road	1926	2612	35.6%	1885	2719	44.3%
A584 east of Warton	1649	2215	34.3%	1561	2281	46.1%

Table 2 – Effects of LCC’s sensitivity test traffic forecasts on 2013 observed traffic on Lytham Road.

Automatic Traffic Count surveys were undertaken by SK Transport at four locations between 19.01.18 and 25.01.18 for the purposes of comparison with the counts taken in 2013 at the same locations as part of the original Transport Assessment for application 14/0410. The results are summarised in Table 3 below, but a comparison of peak AM and PM flows between 2013 and 2018 shows that, despite the implementation of several committed developments, there has not been a substantial increase in traffic on roads within the study area and that a number of locations have experienced a decrease in traffic.

	23rd Oct 2013	24th Jan 2018	Net Change
AM 0800-0900	689	594	-95
PM 1700-1800	707	652	-55

Table 5.1: Church Road

	23rd Oct 2013	24th Jan 2018	Net Change
AM 0800-0900	1407	1513	+107
PM 1700-1800	1454	1386	-68

Table 5.2: Lytham Road West of Church Road

	23rd Oct 2013	24th Jan 2018	Net Change
AM 0800-0900	1837	1820	-17
PM 1700-1800	1883	1900	17

Table 5.3: Lytham Road West of (old) Lytham Road

	23rd Oct 2013	24th Jan 2018	Net Change
AM 0800-0900	1566	1618	+52
PM 1700-1800	1576	1580	+4

Table 5.4: Lytham Road East of (old) Lytham Road

Table 3 – SK Transport traffic count comparison: 2013 to 2018.

Traffic counts were also undertaken by LCC on 31.01.18 at the junction of Lytham Road/Church Road/Highgate Lane. Table 4 shows a comparison between the results of LCC's 2018 survey with the 2013 traffic counts. This too reveals limited increases in flows on Lytham Road between 2013 and 2018, with several decreases in movements over the same period.

	23rd Oct 2013 (SK)	31st Jan 2018 (LCC)	Net Change
<i>AM Peak</i>			
Lytham Road (west)	1485	1631	146 (9.8%)
Church Road	679	676	-3 (-0.4%)
Lytham Road (east)	1488	1551	63 (4.2%)
Highgate Lane	565	468	-97 (-17.1%)
<i>PM Peak</i>			
Lytham Road (west)	1468	1512	44 (3.0%)
Church Road	707	641	-66 (-9.3%)
Lytham Road (east)	1587	1546	-41 (-2.6%)
Highgate Lane	579	483	-96 (-16.6%)

Table 4 – Comparison of 2013 traffic counts with LCC's 2018 traffic count.

The SK Transport note concludes that LCC's sensitivity test methodology used to forecast future year traffic demand in Warton at the appeal yielded results that represented "unrealistically high estimates of future year baseline traffic volumes." This is attributed to factors including: (i) double counting of background traffic growth and committed development traffic; (ii) assumptions that all 1,200 jobs created by the Enterprise Zone would be based at Warton rather than being split across the Salmsbury and Warton sites; (iii) the use of higher (85%ile) estimates of development trips; (iv) assumptions of a higher quantum and rate for the delivery of committed developments. Croft's summary of the SK Transport Note indicates that "traffic growth was over-estimated within the analysis submitted during the Appeal process and that were this exercise to be varied using up to

date information then an additional 200+ vehicles during peak hour periods would be removed from the local highway network along Lytham Road.”

Although the SK Transport Note was prepared in connection with a proposal on another site (Warton East) the evidence presented in it is equally relevant to this scheme, particularly as both original applications (15/0562 and 14/0410) were subject to the same restrictive condition imposed as part of the conjoined appeal. In summary, the SK Transport note concludes that the sensitivity testing method used by LCC at the appeal gave an exaggerated and overly pessimistic view of forecasting the level of future traffic growth in Warton which, as shown by traffic counts in 2018, has not materialised. The SK TN includes revised traffic forecasting figures based on an alternative sensitivity test scenario which removes the effects of ‘double counting’ both committed development traffic and the NTEM figures for housing growth (but retains other assumptions concerning the Enterprise Zone and the use of 85%ile trip rates). The results of these revisions are shown in Table 5 below.

Lytham Road Section	AM Peak Hour			PM Peak Hour		
	2013 Obs	Revised Growth	Net Change vs Sens Test	2013 Obs	Revised Growth	Net Change vs Sens Test
West of Church Road	1485	2014	-205	1468	1975	-211
Church Road to Mill Lane	1641	2249	-225	1518	2114	-217
West of old Lytham Road	1926	2347	-265	1885	2450	-269
A584 east of Warton	1649	1988	-227	1561	2057	-224

Table 5 – Revised sensitivity model traffic forecasts (SK Transport).

If all 115 dwellings permitted by application 17/1050 were constructed, the present 15% restriction in condition 7 would allow the occupation of up to 18 dwellings (rounded) prior to the completion and bringing into use of the Warton Crossroads. The proposal to increase this proportion to 33% would allow the occupation of up to 38 dwellings (rounded) – an additional 20 units. However, as the extant reserved matters approval on the site (19/0926) allows only 96 dwellings to be constructed (19 fewer than the outline permission), these figures would reduce to 15 dwellings (under the 15% scenario) and 32 dwellings (under the 33% scenario) if that extant approval is implemented.

With reference to a worst case scenario involving the construction of 115 dwellings and the trip generation figures for the development set out in the original Transport Assessment submitted with 15/0562, the 20 dwelling uplift between the 15% and 33% scenarios is predicted to result in an additional 13 vehicle movements in the peak AM period and 14 movements in the peak PM period. The Croft TN identifies that the additional traffic generation associated with this uplift is significantly below the net change in the revised traffic forecasting set out in Table 5 and, accordingly, a relaxation of the condition is justified.

With reference to the evidence supplied in the SK and Croft TNs and LCC’s traffic counts undertaken as part of the Wrea Green conjoined appeal inquiry, the LHA’s response dated 29.05.20 recognises that “there have been traffic changes which allow consideration of a review and variation to Condition 7” and, moreover, that “traffic assessments carried out for the recent Wrea Green conjoined Appeal highlighted traffic growth on A584 Lytham Road had not reached the level predicted at the time of the Warton conjoined Appeal Inquiry.” Accordingly, the LHA offer no objection to the proposed variation of condition 7 subject to the revised wording of condition 8 imposed as part of planning permission 17/1050 – which provides for a more detailed and robust

package of works relating to the introduction of a MOVA signal upgrade at the Church Road/Lytham Road/Highgate Lane junction – being carried through as part of this S73 application in the same form.

The evidence presented in the TN by Crofts, SK Transport and by LCC provides a more accurate and up-to-date assessment of traffic flows through Warton that have occurred since the preparation of the original Transport Assessment for application 15/0562 and the determination of appeal APP/M2325/W/15/3141398. Importantly, the trend in the 2018 traffic count data set out in the SK Transport note (19 January – 25 January 2018) is supported by LCC's own survey data on 31 January 2018 and shows that the level of traffic growth anticipated in LCC's sensitivity test forecasting has not materialised. Indeed, there has been a net reduction in 2013 traffic levels for several locations. When this trend is considered in combination with the 13/14 vehicle uplift in peak AM/PM movements that would arise by increasing the proportion of development that can be occupied in advance of off-site highway improvements to 33% (and notwithstanding that this would be even lower should the 96 dwelling development approved by 19/0926 be implemented), it is not considered that the proposed variation of condition 7 would have a severe, residual cumulative impact on the capacity of the surrounding highway network.

Implications of appeal APP/M2325/W/19/3221605 (relating to 17/0851 at Warton East):

S73 application 17/0851 sought permission for the same variation to condition 7 which was proposed by 17/1050, but in connection with a development of up to 350 dwellings at Warton East. Following the Planning Committee's decision not to allow the 33% uplift in the proportion of development that could be occupied prior to the completion and bringing into use of the Warton Crossroads, the applicant for 17/0851 submitted an appeal against non-determination (APP/M2325/W/19/3221605). This appeal was allowed on 16th July 2019, with paragraphs 7-11 and 15-16 of the Inspector's report commenting on the proposal's impact on the highway network as follows (with officers' emphasis in bold lettering):

- "Notwithstanding the delivery of a significant quantum of development in the area, in the period 2013 to 2018, traffic surveys undertaken in January 2018 by the appellant and separately by the LHA indicate that the actual degree of growth is significantly below the levels of growth associated with the sensitivity test model. For example, using the LHA survey results, the highest growth rate in traffic approaching the [Church Road/Lytham Road/Highgate Lane junction (CLH junction)] between 2013 and 2018, which is associated with a net change in the AM peak hour on Lytham Road (west) of 146 vehicles, equates to around 10%.
- I have had regard to the concern of the Council that as the surveys were all undertaken at a similar time of year, they could only be taken as a 'snap-shot' in time and could not be considered to be representative of a consistent pattern. However, the appellant has also provided data from the Department for Transport's annual count database for a count site on Lytham Road to the west of Church Road, which indicates that in the period 2001 to 2016, whilst there have been limited year on year variations in traffic levels, there has been a slight downward trend. Under these circumstances and in the absence of any compelling evidence to the contrary, I consider that the survey results can be relied upon.
- **Furthermore, against this background, I share the appellant's view that there has been a change of circumstances since planning permission was granted and the sensitivity test model presented at the previous Inquiry is likely to have resulted in unrealistically high estimates of future year baseline traffic volumes. It was in the context of those estimates, and the highway improvements to be secured by condition no. 8, that the addition of traffic associated with 15% of the appeal site development was found to be acceptable in terms of the safety and convenience of highway users by the previous Inspector.**

- The Council has indicated, on reflection, that minor modifications would need to be made to condition no. 8, which relates to the provision of MOVA/UTC control at local junctions, to ensure that it is effective. The appellant does not object to those changes and I consider that they would be necessary in the interests of clarity and enforceability.
- **The appellant has estimated that the difference in development related traffic associated with 15% and 33% of the development is around 38 vehicle movements in the AM peak hour and 42 in the PM Peak hour, figures which have not been disputed. In my judgement, these relatively small increases would be likely to be more than offset by a reasonable downward correction of the unrealistically high estimates of future year baseline traffic volumes, such that overall, the effect on the safety and convenience of highway users would be no worse than previously approved in association with planning permission Ref. 14/0410.**
- As regards requirement c), the dispute relates to the increase in traffic that would necessitate improvements at the CLH junction, in the interests of the safety and convenience of highway users, rather than the works themselves. **Based on my findings above, I consider that those interests of acknowledged importance could be safeguarded by a limitation of 33%, as proposed by the appellant. The LHA did not object to the proposed relaxation of the requirements of condition no. 7 and this adds further weight to my findings.**
- **I conclude that the effect on the safety and convenience of highway users of modifying condition no. 7 as proposed would be acceptable and it would not conflict with aims of Policy GD7 of the Fylde Local Plan, 2018 (FLP) or the National Planning Policy Framework (the Framework) insofar as they seek to ensure that development would not prejudice highway safety or the efficient and convenient movement of highway users."**

This application seeks to vary condition 7 of planning permission 17/1050 at Clifton house Farm in the same manner as was allowed for Warton East by the above-mentioned appeal. As identified in paragraph 11 of the Inspector's decision, the difference in development related traffic associated with the 15% and 33% scenarios is around 38 vehicle movements in the AM peak hour and 42 in the PM Peak hour. When combined with the uplift of 13 (AM peak) and 14 (PM peak) vehicle movements which would arise in the event that all 115 dwellings are constructed at Clifton House Farm, the total of 51 (AM peak) and 56 (PM peak) additional vehicle movements arising from both developments would still be substantially below the net changes of -205 (AM peak) and -211 (PM peak) identified in Table 5.

Accordingly, and given the Inspector's conclusions in appeal APP/M2325/W/19/3221605, there is no reason to suggest that the proposed increase in the threshold from 15% to 33% at Clifton House Farm, both individually and in combination with that allowed at Warton East, would result in any unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Therefore, the proposal complies with the requirements of FLP policies M1 and GD7, and the NPPF.

Marketability and viability:

A planning obligation dated 14.07.16 was entered into as part of outline planning permission 15/0562. This was subject to a Deed of Modification under S106A of the Town and Country Planning Act 1990 dated 13.02.2019 which altered the definitions of "Development" and "Planning Permission" in the Original Undertaking and inserted a new definition of "s.73 Permission" which referred to planning permission 17/1050. The purpose of this deed was to link the requirements of the Original Undertaking to the new S73 permission (17/1050). In summary, the obligations in the Original Undertaking provide for:

1. The delivery of affordable housing on the site at a rate of 30% of the total number of dwellings, with this percentage to be applied proportionately to each phase of development.
2. A secondary education contribution – precise figure to be determined by LCC following the grant of RM approval – payable in two equal instalments prior to the occupation of 50% and 80% of the dwellings.
3. A primary education contribution – precise figure to be determined by LCC following the grant of RM approval – payable in two equal instalments prior to the occupation of 50% and 80% of the dwellings.
4. A Travel Plan contribution of £24,150 payable to the travel plan coordinator within 28 days of the targets in the Travel Plan not being met.
5. A Travel Plan Support/Monitoring contribution of £6,000 payable prior to the occupation of 25% of the dwellings.
6. A Bus Service contribution of £125,000 payable in five equal instalments, the first of which is due prior to the occupation of the 38th dwelling with the remaining instalments to be paid before the first, second, third and fourth anniversary of the first instalment.
7. A public realm contribution of £41,567 payable on or prior to the commencement of development.

The present wording of condition 7 would allow the occupation of up to 18 dwellings as part of an initial phase of development prior to the completion and bringing into use of the Warton Crossroads. The applicant opines that this is stifling the marketability of the site and its attractiveness to developers as the uncertainty regarding the timetable for the implementation of the Warton Crossroads makes the scheme an unattractive proposition for housebuilders due to the low returns that could be realised from developing only 15% of the dwellings in a first phase. The applicant considers that a relaxation of condition 7 to allow a maximum of 33% of the development to be occupied prior to the completion of the Warton Crossroads would greatly assist in kickstarting development on this site, thus boosting the Council's housing supply and bringing associated economic benefits. This assertion is supported by paragraph 24 of the Inspector's decision on appeal APP/M2325/W/19/3221605 which states as follows:

- "The appellant has indicated that the previously approved development is not deliverable, due to the constraints imposed by condition no. 7, and the appeal scheme would assist in kick starting the delivery of housing on that allocated strategic site by improving its marketability. This position is accepted by the Council and I have no reason to disagree. In light of the Government's desire to boost significantly the supply of housing, this weighs in favour of the appeal proposal."

The revised wording to condition 7 would allow up to 38 dwellings to be occupied as part of an initial phase of development if all 115 were constructed. This quantum of development would trigger contributions (1) affordable housing; (4) Travel Planning, where required; (5) Travel Plan support/monitoring; (6) Bus service; and (7) public realm as summarised above. The applicant has not submitted any viability appraisal to suggest that these contributions would make a first phase of development for 38 dwellings unviable. Accordingly, the only outstanding issue with the planning obligation would be to require another Deed of Modification to be entered into in order to link any new S73 permission to the obligations in the Original Undertaking.

While the timeframe for the submission of further applications for approval of reserved matters pursuant to outline permission 17/1050 (and any subsequent S73 application) has now expired, the site has an extant reserved matters approval for 96 dwellings (19/0926) and a second, duplicate, application for reserved matters remains undetermined (20/0084). Therefore, although no further applications for approval of reserved matters could be submitted pursuant to this S73 application,

having regard to the extant reserved matters approval for 96 dwellings a decision to allow the proposed variation to condition 7 of 17/1050 would provide the justification for the Local Planning Authority to choose not to enforce the 15% restriction currently imposed by condition 7 of 17/1050 (which would restrict the number of dwellings that can be occupied in advance of the completion of the Warton Crossroads to 15 dwellings in the context of the extant reserved matters approval) in favour of a 33% restriction which would, instead, allow 32 dwellings to be occupied prior to the completion of the Warton Crossroads.

Other matters:

Conditions:

With respect to imposing conditions on S73 applications, paragraph 015 of the “flexible options for planning permissions” chapter to the NPPG advises that:

- “To assist with clarity decision notices for the grant of planning permission under section 73 should also **repeat the relevant conditions from the original planning permission, unless they have already been discharged.**”
- “As a section 73 application cannot be used to vary the time limit for implementation, **this condition must remain unchanged from the original permission.**”

In this case, there has been one application to discharge condition 11 attached to outline planning permission 17/1050. This application is, however, undetermined. Some other conditions attached to 17/1050 have, in effect, been discharged through details submitted as part of reserved matters approval 19/0926. These include conditions 1 (phasing and open space), 12 (levels), 15 (details of pedestrian and cycle accesses), 18 (tree/hedgerow retention) and 22 (housing mix). However, as compliance with those conditions is reliant on reserved matters approval 19/0926 being implemented, they must be repeated as part of this S73 application for a variation to the outline permission as alternative details could be submitted as part of any different applications for reserved matters approval (had the timeframe for those not already expired).

Accordingly, with the exception of condition 7 which this S73 application seeks to vary, all other conditions imposed on planning permission 17/1050 can be re-imposed without the need for any change to their wording.

Conclusions

The application relates to a *circa* 3.74 hectare parcel of land located adjacent to Clifton House Farm on the north side of the A584 (Lytham Road), to the western end of Warton. The site is allocated for housing in the Fylde Local Plan to 2032 (site reference HSS13) and has an extant reserved matters approval for a development of 96 dwellings (19/0926) granted pursuant to outline planning permission 17/1050.

Outline permission 17/1050 consented the construction of up to 115 dwellings on the site and was granted as a variation to a previous permission (15/0562) allowed by an appeal recovered by the Secretary of State (APP/M2325/W/15/3141398). Outline application 17/1050 sought, under S73 of the Town and Country Planning Act 1990, to vary condition 7 of planning permission 15/0562 which reads as follows:

“No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of:

- a) The Preston Western Distributor Road*
- b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*
- c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."*

Specifically, the variation to condition 7 proposed by application 17/1050 sought to:

1. Increase the proportion of the development that can be occupied in advance of the completion and bringing into use of a package of off site highway improvements from 15% to 33% of the overall development.
2. Remove reference to highway infrastructure components a) The Preston Western Distributor Road; and b) the relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue, from the wording of the condition.

At their meeting on 10 October 2018 the Planning Committee resolved to grant application 17/1050 insofar as it related to the variation summarised in point 2 above, but considered that the variation sought by point 1 should not be permitted, and so the 15% limitation was retained. Accordingly, the wording of condition 7 on planning permission 17/1050 reads as follows:

"No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."

Application 17/1050 was considered by the Planning Committee at the same time as another S73 application which sought to vary the same condition for a development of up to 350 dwellings on land East of Warton – application 17/0851. The committee resolved to grant application 17/0851 on the same basis as 17/1050, by accepting the variation proposed in point 2 while rejecting that in point 1. While the applicant for 17/1050 did not appeal the committee's decision, an appeal against non-determination was lodged by the applicant for 17/0851. That appeal (APP/M2325/W/19/3221605) was allowed, with condition 7 subsequently varied on 17/0851 to read as follows:

"No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060."

The current application seeks to vary condition 7 of planning permission 17/1050 at Clifton House Farm in the same manner as was allowed by the appeal against 17/0851 at Warton East – namely by proposing an increase in the proportion of the development that can be occupied in advance of the completion and bringing into use of the off site highway works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060 (the 'Warton Crossroads') from 15% to 33% of the overall development.

The reasons for allowing the same variation in respect of the 350 dwelling development at Warton East are set out in paragraphs 7-11 and 15-16 of the Inspector's decision for APP/M2325/W/19/3221605. The Inspector's conclusions in that appeal were based on traffic assessments undertaken in early 2018 by the Local Highway Authority (LHA) and the applicant's transport consultants in connection with application 17/0851. Those assessments took into account up-to-date traffic surveys, all committed developments in Warton (including the Enterprise Zone) and traffic growth factors set against the results of LCC's sensitivity testing model which was used at

the original, conjoined appeal inquiry for applications 15/0562 (at Clifton house Farm) and 14/0410 (at Warton East).

As with the situation at the time applications 17/0851 and 17/1050 were considered, the LHA continue to advise that this updated assessment reveals that “traffic growth on the A584 (Lytham Road) had not reached the level predicted” and, subject to the requirement for additional infrastructure improvements associated with a MOVA upgrade to traffic signals at the Church Road/Lytham Road/Highgate Lane junction, there are no objections to the proposed change to condition 7.

Given the outcome of the appeal for application 17/0851, together with the evidence presented by transport consultants and the LHA which provide an updated analysis of traffic conditions on the highway network surrounding the site since the issuing of planning permission 15/0562 (at appeal), it is concluded that increasing the proportion of development that can be occupied prior to the completion of the Warton Crossroads from 15% (up to 18 dwellings based on a maximum of 115 units) to 33% (up to 38 dwellings based on a maximum of 115 units) would not result in a severe residual cumulative impact on the capacity of the surrounding highway network, nor would there be an unacceptable impact on highway safety.

While the timeframe for the submission of further applications for approval of reserved matters pursuant to outline permission 17/1050 (and any subsequent S73 applications to vary that permission) has now expired, the site has an extant reserved matters approval for 96 dwellings (19/0926) and a second, duplicate, application for reserved matters remains undetermined (20/0084). In relation to the extant reserved matters approval for 96 dwellings (19/0926), a decision to allow the proposed variation to condition 7 of 17/1050 would provide the justification for the Local Planning Authority to choose not to enforce the 15% restriction currently imposed by condition 7 of 17/1050 (which would restrict the number of dwellings that can be occupied in advance of the completion of the Warton Crossroads to 15 dwellings in the context of the extant reserved matters approval) in favour of a 33% restriction which would, instead, allow 32 dwellings to be occupied prior to the completion of the Warton Crossroads.

The applicant indicates that the 15% limitation currently imposed by condition 7 of 17/1050 is restricting the delivery of the development consented by 19/0926 as the uncertainty regarding the timetable for the implementation of the Warton Crossroads makes the scheme an unattractive proposition for housebuilders. Accordingly, and as with the Inspector’s conclusion in paragraph 24 of the appeal decision for 17/0851, the applicant considers that a relaxation of condition 7 to allow a maximum of 33% of the development to be occupied prior to the completion of the Warton Crossroads would greatly assist in kickstarting development on this site, thus boosting the Council’s housing supply and bringing associated economic benefits.

Given the conclusions in the Inspector’s decision for the appeal on 17/0851, there is no reason to doubt this assertion. Accordingly, further benefits would arise by virtue of the proposal’s positive impact in enabling the delivery of housing on an allocated site in order to boost the supply of housing in the Borough. No other adverse effects would arise from the variation of the condition that would significantly and demonstrably outweigh the benefits. Therefore, when taken as a whole, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP, the BWNP, and the NPPF.

Recommendation

That, subject to the completion of a Deed of Modification entered into pursuant to S106A of the

Town and Country Planning Act 1990 in order to link the provisions of the extant planning obligations for planning permissions 15/0562 and 17/1050 (dated 14.07.16 and 13.02.19 respectively) to this permission, authority be delegated to the Head of Planning and Housing to GRANT planning permission subject to the following conditions:

1. No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 0.87ha including a play area has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any phased development of the site takes place in an appropriate sequence and to ensure adequate provision of associated infrastructure to serve the dwellings in each phase in order that the infrastructure required to support and/or mitigate the impact of the development is delivered concurrently with it in accordance with the requirements of Fylde Local Plan to 2032 policies M1 and ENV4, in the interests of proper planning and because no such details have been submitted as part of the application.

2. Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of planning permission 15/0562.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the date of expiry of the permission is consistent with the extant planning permission.

4. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

5. The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number 0988-F01 revision F. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area of verge to be kept free of all obstructions above 0.6m shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use.

Reason: To ensure a suitable and safe means of access to the site and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment July 2015 by Croft Transport Solutions.

Reason: To ensure that traffic generated by the development does not overload the capacity of the surrounding highway network in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. No more than 33% of the development hereby approved shall be occupied until the completion and bringing into use of the works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060.

Reason: To ensure that appropriate highway infrastructure is delivered at an early stage in order to mitigate the development's impact on the capacity of the surrounding highway network and to enhance provisions for the free flow of traffic through Warton in accordance with the requirements of Fylde Local Plan to 2032 policies M1 and GD7 and the National Planning Policy Framework.

8. No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at the Church Road/Lytham Road/Highgate Lane junction. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the MOVA/UTC control shall include the following measures: (i) installation of MOVA control and setup; (ii) relocation of loop locations in highway where required (in line with MOVA requirements); (iii) a new signal control box; (iv) New signal poles and signal heads; and (v) installation of remote CCTV monitoring of the junction.

Reason: To ensure that appropriate improvements to existing signalised junctions are delivered concurrently with the development in order to mitigate its impact on the capacity of the surrounding highway network and to enhance provisions for the free flow of traffic through Warton in accordance with the requirements of Fylde Local Plan to 2032 policies M1 and GD7 and the National Planning Policy Framework.

9. No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4 and the National Planning Policy Framework.

10. No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.

Reason: To ensure that future residents and visitors to the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation sites – particularly the Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA – and to ensure appropriate measures are introduced are taken to mitigate the development's potential effects on designated nature conservation sites in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

11. No development shall take place on any phase of the site until details of foul and surface water drainage for that phase and of its management have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter in accordance with the approved management details. No dwelling shall be occupied until it is provided with its drainage as approved.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2, and the National Planning Policy Framework.

12. No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

13. No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 policy GD9 and the National Planning Policy Framework.

14. No development shall take place on any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

15. No development shall take place on the relevant phase until details of the pedestrian and cycle accesses to the southern and eastern boundaries of the site (shown indicatively on the illustrative master plan drawing number 013-006-P009 REV C accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Local Plan to 2032 policies GD7 and T4 and the National Planning Policy Framework.

16. The external fabric of the dwellings hereby approved and the boundary fences around their rear or

private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section 5 of the Noise Assessment version number 2 by SLR global environmental solutions reference 410.02826.00007.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

17. No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the play area and all the public open space on all phases has been laid out and made available for its intended purpose.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of public open space on the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Fylde Local Plan to 2032 policy ENV4 and the National Planning Policy Framework.

18. No development shall take place until details of existing trees or hedgerows which are to be retained on site and the manner of their protection have been submitted to and approved by the local planning authority and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.

- . No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- . If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- . The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence and to ensure that appropriate compensatory planting is provided to mitigate the loss of any existing vegetation within the site occurring as a result of the development in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

19. No development shall take place within 6m of the ditch immediately to the east of the application site.

Reason: To ensure that measures are put in place to protect the ditch in order to preserve existing habitats and drainage infrastructure adjacent to the site in accordance with the requirements of Fylde Local Plan to 2032 policies CL1, CL2 and ENV2, and the National Planning Policy Framework.

20. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

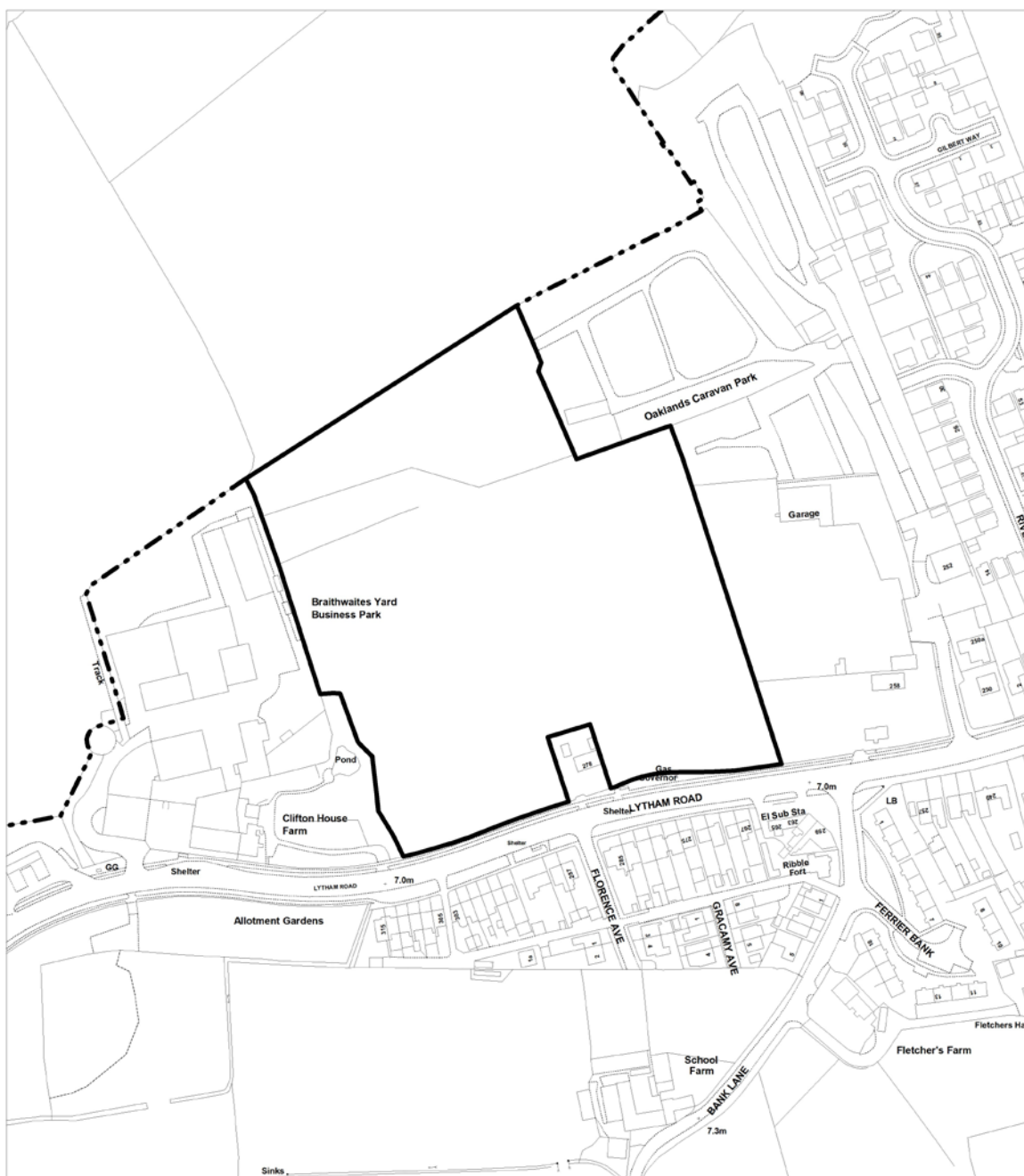
21. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:


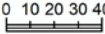
- a) The hours of site operation;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays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

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development and to prevent any obstruction of the surrounding highway network in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

22. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 2 of this permission shall include details of the mix of type and size (including bedroom numbers) of the dwellings to be provided, which shall demonstrate compliance with the requirements of policy H2 of the Fylde Local Plan to 2032. The development shall thereafter be carried out in accordance with the duly approved details.

Reason: To ensure that the development delivers an appropriate mix of types and sizes of housing suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment in accordance with the requirements of policy H2 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.



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Application No. 5/20/0336	Address Clifton House Farm, Lytham Road, Warton	Grid Ref. E.3404 : N.4284	Scale 0 10 20 30 40 m 

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	29 JULY 2020	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received decision on the following appeals between 12 June and 17 July 2020.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members of the appeals that have been decided during the period.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 12 June 2020 and 17 July 2020. The decision notices are attached to the report as an appendix for reference.

Rec No: 1 20 December 2019	19/0427	LAND NORTH OF VILLAGE HALL AND WEST OF VICARAGE LANE, NEWTON WITH CLIFTON PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT INVOLVING THE ERECTION OF ONE DWELLING	Written Representations Case Officer: MT
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 29 June 2020

Rec No: 2 06 March 2020	19/0743	WHITE HOUSE, BALLAM ROAD, WESTBY WITH PLUMPTONS, LYTHAM ST ANNES, FY8 4NG CHANGE OF USE OF AGRICULTURAL AREA TO FORM EXTENSION TO DOMESTIC CURTILAGE TO DWELLING, FORMATION OF VEHICULAR ACCESS POINT TO DWELLING WITH NEW DRIVEWAY AND SEALING OFF EXISTING ACCESS.	Written Representations Case Officer: RT
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 10 July 2020

Rec No: 3 23 March 2020	19/0527	LAND TO THE EAST OF SMITHY LANE, STAINING, BLACKPOOL, FY3 0BJ PERMISSION IN PRINCIPLE FOR THE ERECTION OF UP TO 9 CUSTOM BUILD DWELLINGS	Written Representations Case Officer: MT
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 16 July 2020

Rec No: 4 27 April 2020	19/0876	SWALLOWS REST, THISTLETON ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3XA CHANGE OF USE OF PART OF EXISTING STABLES TO CREATE ONE, THREE-BED DWELLING WITH ATTACHED STABLES INCLUDING ASSOCIATED EXTERNAL ALTERATIONS TO BUILDING, FRONT PORCH EXTENSION AND CONSTRUCTION OF ENTRANCE GATE ACROSS ACCESS FROM THISTLETON ROAD	Written Representations Case Officer: RT
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 08 July 2020

Rec No: 5 01 June 2020	19/0804	15 POPLAR AVENUE, BRYNING WITH WARTON, PRESTON, PR4 1BS RETROSPECTIVE APPLICATION FOR ERECTION OF 1800MM HIGH BOUNDARY FENCING ADJACENT TO OLIVE GROVE	Householder Appeal Case Officer: KLH
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Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 19 June 2020



Appeal Decision

Site visit made on 22 June 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/M2325/W/19/3242506

Land on Vicarage Lane, Newton with Scales, Fylde, Lancashire PR4 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr Chris Finch against the decision of Fylde Borough Council.
- The application Ref 19/0427, dated 22 May 2019, was refused by notice dated 1 July 2019.
- The development proposed is described as Stage 1 Permission in Principle: Application for one self-build dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and the amount of development.
3. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of one self build dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.
4. I have been provided with a copy of an Inspector's Report dated May 2020 into the Fylde Borough Council Annual Position Statement July 2019. The report confirms that the Council are able to demonstrate a five-year supply of deliverable housing sites. The Council's current housing land supply position has not been disputed by the appellant. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.

Main Issues

5. The main issues are (i) whether the proposal would accord with the strategic housing objectives of the adopted Fylde Local Plan 2018 in terms of location and (ii) the effect of the density of the proposed development taking into account local and national planning policies.

Reasons

Location of development

6. The appeal site is a heavily wooded parcel of land accessed off Vicarage Lane. To the south of the site there is a single storey village hall and carpark which sit immediately north of a large sports field. To the west there is an open field which bounds a fishing lake and to the north, there is an open field and woodland surrounding a residential dwelling. To the east, beyond Vicarage Lane, there are agricultural fields. The site and its surrounding uses are separated from the settlement of Newton with Scales (Newton) By the A583 (Blackpool Road) which lies approximately 170metres south of the appeal site.
7. Policy DLF 1 of the Fylde Local Plan to 2032 adopted 2018 (FLP) outlines the Council's development strategy. The policy supports development which accords with the four-tier settlement hierarchy of Policy S1 of (1) Key Service Centres, (2) Local Service Centres, (3) Tier 1- Larger Rural Settlements and (4) Tier 2- Smaller Rural Settlements. The village of Newton with Scales is classified as a Tier 1 settlement where proposed development would in the context of Policy INF 1 make the most of existing infrastructure.
8. There is no dispute between the main parties that the appeal site lies outside the defined settlement boundary. However, the appellant considers that due to the presence of the Village Hall, Sports Field and Fishery on the northern side of Blackpool Road and adjacent to the appeal site, the extent of the village does not end at the settlement boundary and in this regard the site 'functionally' forms part of the village.
9. Although there are some very limited services and facilities are north of the settlement boundary, the compact suburban development pattern of the village changes to a more distinctly rural character north of Blackpool Road. Whilst Vicarage Lane has streetlighting, the single sided footpath ends at the Village Hall and the road, for the most part, is bounded by open fields interspersed with very sparse development. Indeed, there are just five residential properties along Vicarage Lane between its junctions with Blackpool Road and Moor Hall Lane, a distance of some 550metres. Therefore, and notwithstanding that it is close to the settlement boundary, I consider that the appeal site forms part of the open countryside that is physically, functionally and visually separate from the settlement of Newton with Scales.
10. Policy S1 of the Fylde Local Plan to 2032 adopted 2018 (FLP) makes provision for development in such locations provided that proposals meet the requirements of other applicable development plan policies including Policy GD4 which the parties agree is most relevant in this case.
11. Policy GD4 of the FLP restricts development in the open countryside into categories of which (a) to (d) are not relevant to this proposal. The main parties agree that due to its proximity to other buildings and the settlement boundary of Newton with Scales it would not constitute an isolated dwelling

and consequently criterion (e) would not apply. I do not disagree with this view.

12. The appellant argues that the proposal would be minor infill that would assist in the rounding off of the functional settlement boundary and it would therefore fall within criterion (f) which provides for minor infill development of a scale that does not have a material impact on the rural character of the area.
13. There is no definition in the National Planning Policy Framework (the Framework) or the FLP of "minor infill" and therefore, it is a matter of planning judgement for the decision maker. However, I take the view that it is reasonable to consider that infill development is the filling of a modest gap in an otherwise continuous built up frontage. The appeal site sits immediately to the north of the Village Hall, beyond the site there is a large open field before the wooded area which screens the nearest residential property, The Lund. Overall, the gap that is formed by the existing built form is around 100 metres: I do not consider this to be a modest gap. Furthermore, this pattern of sparse development is repeated along the length of Vicarage Lane and accordingly there is not a continuous built up frontage.
14. I do not consider that the proposed development would constitute minor infilling because it would not fill a small gap between development or nearby properties. Furthermore, by virtue of its location, which is about 170 metres north of the settlement boundary, it would not constitute a "rounding off" of the settlement as suggested by the appellant.
15. For the reasons set out above, I conclude that the proposal would not constitute minor infill development and would therefore fail to meet any of the exceptions set out within Policy GD4. As a consequence, the proposal would be contrary to the locational requirements of Policies DLF 1 and S1 of the FLP and the Framework. It would therefore fail to provide a suitable location for residential development.

Efficient use of land

16. Policy H2 of the FLP requires, amongst other things, that proposals make efficient use of land by ensuring the density of the development does not fall below a minimum density of 30dph. The supporting policy wording, however, recognises that in certain circumstances there will be justification for lower residential densities where it reflects and enhances the local character of the surrounding area, providing development also makes efficient use of land. This principle is echoed within paragraph 122 (d) of the Framework which discusses the desirability of maintaining an area's prevailing character.
17. The main parties do not dispute that the proposal would amount to a density of approximately 6dph but the appellant submits that the proposed density would be commensurate with the densities of existing development within the vicinity. Acknowledging the prevailing character of low density, sparsely developed individual properties within the location, I would agree that a single dwelling as indicated by the proposal would be appropriate in terms of density.
18. There is some technical conflict with the development plan in the context that the density of the proposed development would fall short of the required minimum 30dph. However, I consider that this is outweighed because the proposed development would make efficient use of land in accordance with the

average density of the area, thus reflecting and maintaining the prevailing character of the area. In this regard, I consider that the proposal complies with the requirements of FLP Policy H2 and the Framework which require development to make efficient use of land whilst avoiding detrimental impact on amenity, character, appearance, distinctiveness and environmental character.

Other Matters

19. Policy H2 of the FLP makes provision for proposals for self-build homes on small sites of fewer than 10 dwellings, where the location accords with Policy DLF1 and the proposal complies with other policies. In this case, however, the location does not accord with Policy DLF1 and the proposal conflicts with other policies.
20. The appellant has highlighted the Council's responsibility under the Self Build and Custom Housebuilding Act 2015 to provide enough suitable permissions to meet identified demand. The Council has confirmed that there was an identified demand for 18 self-build and custom build housing in the year 2018-2019, although the appellant states that the demand was 19.
21. The Council submit that the demand was met through the granting of 42 suitable development permissions. The appellant suggests that there is doubt over whether some, if not any of these permissions will ultimately deliver self or custom build housing because there is no evidence to suggest that they have been secured via a legal agreement. Neither party has provided any substantive evidence that persuades me either way.
22. Even if I were to assume the worst case scenario that the existing permissions would not meet the demand, the proposal would provide only one self-build dwelling. Whilst the provision of a self-build dwelling would certainly be a positive matter to weigh in the overall planning balance as a material planning consideration, this would not outweigh the very clear identified conflict with the development plan which is a matter of overriding concern.
23. I acknowledge that the appellant suggests that Policy H2 is out of date because it does not provide specific policy requirements or exemptions in relation to self-build and custom housing. However, the National Planning Policy Framework (the Framework) does not indicate that self-build/ custom housing should be automatically be approved in instances when there is identified conflict with the development plan for the area. Indeed, paragraph 11 of the framework is very clear in its direction that presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
24. I have considered references from both parties in relation to other planning appeals and a Counsel opinion in relation to the weight to be attributed to self-build housing. I consider that given the various different circumstances including the location, 5YHLS positions and type of application they are not directly comparable to the appeal proposal. In any event, I have determined this appeal on its individual planning merits and based on the evidence that is before me.
25. The proposal would make a small contribution to the provision of self-build housing and there would be some limited economic and social benefits

associated with the construction and subsequent occupation of the dwelling. These benefits are tempered by the limited amount of development proposed. Nevertheless, in the overall planning balance, they carry moderate weight in favour of the proposal.

Planning Balance and Conclusion

26. I have found that the proposed development would make efficient use of land in accordance with the average density of the area. However, I have found that the site is in an unsuitable location for residential development and therefore it follows that it would not constitute a sustainable form of development. I consider that adverse effects of permitting development in such a location which is contrary to the strategic housing aims of the development plan would significantly and demonstrably outweigh the identified benefits when assessed against the relevant policies of the Framework as a whole. Furthermore, there would also be conflict with policies GD4, S1 and DLF.1 of the FLP.
27. For the reasons set out above, and taking into account all other matters raised, I therefore conclude the appeal should be dismissed.

J Hunter

INSPECTOR



Appeal Decision

Site visit made on 3 July 2020

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/M2325/W/20/3246530

White House, Ballam Road, Westby with Plumpton FY8 4NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christian Clayton against the decision of Fylde Borough Council.
 - The application Ref 19/0743, dated 11 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is described as "a new domestic access to the highway, and sealing off of existing access".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above I have used the description of development as set out on the planning application form. I have assessed the appeal on the basis of that description and the accompanying plans and documentation.

Main Issue

3. I consider the main issue in this appeal to be the effects of the proposed development on the character and appearance of the site and its surroundings, including whether it would preserve the setting of White House a Grade II Listed Building.

Reasons

Site, surroundings and proposed development

4. The appeal site consists of part of a wider agricultural field, bounded by hedges, with a gated access onto Ballam Road. Also included in the appeal site is the existing vehicular access from that highway to White House - a Grade II Listed Building. At the edge of a small cluster of buildings, the appeal site is set within surroundings comprising large and gently undulating fields, bounded by hedgerows and fences, which create an open landscape enabling long views. As a consequence, the site and its surroundings are strongly rural in character.
5. According to the Listing Description, White House was previously a farmhouse and formerly two dwellings, but now converted to one. White House is of a rural vernacular appearance; and both its unostentatious access arrangements, and the building's relationship to its plot are in evidence on the 1845 Ordnance

Survey map of the area supplied by the Council. The simple vernacular character of the building – emphasised by the historic relationship with its plot are the aspects of its significance and special interest of most relevance to the current appeal proposal. Moreover, the mature trees along and within the boundary of White House's plot create clear visual and functional separation between the open agricultural character of the adjoining field and the leafy, more domestic appearance of the Listed Building's grounds. These aspects are important elements of the Listed Building's setting, which contribute to its significance and special interest.

6. Through hedgerow planting and the installation of a gate, the appeal proposal would see the partial blocking of the existing vehicular access to White House, whilst still enabling pedestrian access. In addition, the appeal scheme would construct a new vehicular access for White House through the adjacent field, which would involve changes in the vicinity of the existing field gate adjacent to Ballam Road. A gate would be set back from the edge of the field behind a splayed access surfaced in stone setts which would lead to a curved drive finished in tarmac. The drive would cross the field towards White House – allowing vehicles to access the side of its existing forecourt. Post and rail fencing would be positioned at either side of the proposed drive.

Character, appearance and setting

7. The field to which the proposed development would relate is part of a wider pattern of large regularly shaped fields. The proposed access drive, with post and rail fencing at either side, would result in a subdivision of the field imparting an appearance at odds with the field pattern and landscape character of its surroundings. This effect would be exacerbated by the alterations in the vicinity of the existing field gate, which would set the proposed gate further back in the field from the highway than the existing gate, behind a wide splay of stone setts which would impart a strongly domestic character to the roadside element of the field – an effect which the proposed planting would do little to soften. Although there is a similar vehicular access to the one proposed situated across the road from the appeal site, it relates much more closely to existing buildings, and for this reason does not intrude into the landscape to the extent that the appeal scheme would.
8. I note the appellant's contention that the appeal scheme does not seek to extend White House's curtilage, and that the use of stock proof fencing would retain the rest of the site for an agricultural use. However, for the reasons set out above, the proposed development would nevertheless result in a domestic intrusion that would erode both the field's intrinsic character and the contribution it makes to its surroundings. The use of part of the field as a residential access for White House would also erode the historic integrity of the Listed Building's layout and would obscure the visual and functional separation between its plot and the adjacent field. Consequently, for these reasons, the proposed development's changes to the setting of White House would cause a detrimental effect to the Listed Building's significance.
9. In reaching this view, I am mindful of the appellant's point that the proposed development would avoid the necessity to make alterations to the existing access, which could have effects on the significance of the Listed Building. However, no definitive alternative proposals have been presented and, in any event, I have assessed the planning merits of the appeal on the basis of the

proposed development as described in the banner heading and as illustrated in the submitted plans. I also acknowledge that the proposed development would entail no change to the fabric of White House itself. However, this is merely indicative of an absence of harm in these regards rather than a positive benefit of the appeal scheme, and would not therefore justify the adverse effects that I have described. Neither would the appeal scheme's effects in these regards be mitigated by the proposed planting in the vicinity of the existing access to White House.

10. Accordingly, the above considerations, taken together, lead me to the conclusion on this main issue that the proposed development would cause harm to the character and appearance of the site and its surroundings. I also conclude, mindful of the duty imposed by s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the proposed development would not preserve the setting of White House. For these reasons, the appeal scheme would conflict with Policies GD7, ENV1 and ENV5 of the Fylde Local Plan (adopted October 2018) (the Local Plan), insofar as, taken together and amongst other things they seek to ensure that development has regard to its visual impact within its landscape; protects the significance and historic value of heritage assets; and is sympathetic to surrounding land uses with a siting and layout that relates well to the surrounding context.
11. Moreover, the appeal site is designated as countryside for the purposes of the development plan - a matter that is undisputed by the appellant. Policy GD4 of the Local Plan is restrictive of development in the countryside. Although the policy includes a limited number of exceptions to this general restriction the proposed development would not meet any of these – again a matter that is not disputed by the appellant. Consequently, in these terms the proposed development would conflict with Policy GD4 insofar as it seeks to protect the countryside from unacceptable development, which would harm its rural character.

Other Matter

12. I am mindful of the appellant's submitted material which shows the shortcomings of the existing access in terms of its narrowness and emerging visibility – and makes reference to a recorded accident further along Ballam Road, and references to other "loss of control" incidents. I note the Council's concerns that visibility splays recommended by the local highway authority may not be able to be achieved by the new access due to the presence of obstructions outside of the appellant's control adjacent to the appeal site. Nevertheless, according to the figures presented in the appellant's Highway Report¹ the proposed access would achieve visibility splays of 2.4 x 76m to the right, and of 2.4 x 36.5m to the left - which would be a considerable improvement on the emerging visibility available from the existing access; and the appeal scheme would also result in the cessation of use of the existing access. Furthermore, the proposed development could facilitate more convenient access for emergency service vehicles than White House's existing drive.
13. On the basis of these considerations, I readily accept that the proposed development would result in some localised improvement to highway safety. However, as the access relates to a single dwelling, vehicle movements

¹ Produced by AMNI Transportation, Dated 29 October 2019 – at Table 3

associated with it are likely to be relatively limited. Consequently, although the highway safety improvement achieved would be a public benefit, it would weigh only moderately in favour of the appeal scheme.

Planning Balance and Conclusion

14. The National Planning Policy Framework (the Framework) anticipates that once a finding of harm to the significance of a heritage asset, such as a Grade II Listed Building, has been made, that the magnitude of that harm should be assessed. It is clear in the current case that the proposed development would cause less than substantial harm to the significance of White House. However, the Framework makes clear² that “great weight” should be given to an asset’s conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also requires me to weigh such harm against the public benefits of a proposal³.
15. In the current case, for the reasons set out above, the proposed development would deliver public benefit in terms of its highway safety improvement. However, the moderate weight of that public benefit does not tip the overall planning balance in the appeal scheme’s favour when set against the great weight attracted by the harm that would be caused to the Listed Building’s significance. Consequently, the proposed development would conflict with the Framework insofar as it seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
16. Moreover, the other matters advanced in favour of the appeal scheme are not of a sufficient weight to justify a decision other than in accordance with the development plan with which, in terms of the above-referenced policies, it would clearly conflict.
17. Accordingly, for the reasons given above, and taking fully into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

² At paragraph 193

³ At paragraph 196

Appeal Decision

Site visit made on 14 July 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/M2325/W/20/3246446

Land to the east of Smithy Lane, Hardhorn, Poulton le Fylde FY3 0BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Greaves Discretionary Trust against the decision of Fylde Borough Council.
- The application Ref 19/0527, dated 28 June 2019, was refused by notice dated 7 August 2019.
- The development proposed is permission in principle for the erection of 9 custom build dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As explained in the Planning Practice Guidance, the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings. In this case, the application form expresses the range as a minimum and maximum of 9 dwellings.
4. The description of development in the banner heading above has been taken from the appellant's appeal form and the Council's refusal notice. This description was agreed between the main parties at application stage.

Main Issues

5. The main issues are (i) whether the proposed development would be suitably located having regard to the strategic development requirements of the adopted Fylde Local Plan 2018 (FLP); (ii) the effect of the proposal on the character and appearance of the countryside, and (iii) whether a safe access to and from the site could be provided for all users.

Reasons

Housing Land Supply and FLP policies

6. Notwithstanding the appellant's appeal statement, the evidence indicates that the local planning authority can demonstrate a deliverable five year supply of housing sites. Indeed, this has been confirmed by a report of the Planning Inspectorate, dated 6 May 2020, into the Council's Annual Position Statement which indicates 5.1 years deliverable housing supply. Furthermore, the evidence before me indicates that the Housing Delivery Test has been met for the Fylde Borough Council administrative area. In this context, paragraph 11d of the National Planning Policy Framework (the Framework) is not engaged.
7. In respect of the reasons for the refusal of the PIP application, I deal with the consistency of the FLP policies with the Framework, and relevance to the PIP proposal, in my reasoning below. However, and for the avoidance of doubt, I do not find that the identified FLP policies are out of date or irrelevant and in reaching this decision I have taken into account paragraph 213 of the Framework.

Location and FLP

8. The appeal site falls within land designated as a Countryside Area on the FLP proposals map. It is positioned away from the very built up part of Hardhorn and just beyond the mainly ribbon development along Fairfield Road to the north.
9. The proposal would not meet any of the development exceptions as listed in criteria a) to e) of policy GD4 of the FLP. Criteria f) of policy GD4 permits '*minor infill*' development in the countryside. There is no definition of minor infill in the FLP, but I consider that the Council's explanation, that infill would be the filling of a gap in an otherwise built up frontage, is a reasonable one.
10. In this case, the proposed dwellings would not be positioned within a gap in an otherwise existing built up frontage. Even if I were to give weight to the potential for the occupiers of The Smithy to erect permitted development buildings in the garden, which would adjoin the appeal site, the proposed dwellings would still include immediately open and undeveloped land to the eastern and southern boundaries as well as open land to the west on the other side of Smithy Lane. It has not been necessary for me to consider whether the proposal is '*minor*' given that, as a matter of fact and degree, it would not constitute infilling. Therefore, the proposal would not accord with criteria f) of policy GD4.
11. I therefore conclude that the erection of up to nine dwellings on the site would fail to accord with policy GD4 of the FLP. I do not find that this policy is inconsistent with the Framework. Its overall purpose is to maintain the character and appearance of the countryside which is consistent with paragraph 170b of the Framework.
12. As I have found conflict with policy GD4 of the FLP, I conclude that the proposal would also fail to accord with the sustainable location requirements of policies DLF1 and S1 of the FLP. Whilst policy H2 of the FLP supports self and custom build housing in the Borough (I deal with this matter specifically later on in the Decision), this is subject to such proposals according with policy DLF1

and other policies in the FLP. The conflict with the aforementioned policies weighs significantly against allowing the appeal.

Character and appearance

13. The appeal site is an undeveloped field and is gated. It is positioned off Smithy Lane which is narrow, unlit, has no footways and is lined by hedgerow. The appeal site is visually disconnected from the cluster of mainly ribbon development to the north with its mainly residential properties set within spacious plots. The site forms part of an area which is devoid of buildings/development and where the landscape is essentially open and rural in character and appearance. This is in direct contrast to the otherwise more built up transitional area to the north off Fairfield Road, and the much more built form that exists beyond that in the settlement of Hardhorn.
14. Whilst the site adjoins the large garden of The Smithy, this is mainly undeveloped. Indeed, there is a distinct absence of buildings as one moves along Smithy Lane from this property. There is no compelling evidence before me to indicate that the garden area of The Smithy would likely be developed to include permitted development buildings. Even if that were to happen, it would not justify further harmful encroachment into this part of the countryside.
15. The appellant contends that any harm to the character and appearance of the area could be suitably mitigated by means of landscaping. However, the evidence indicates that at least some frontage vegetation would have to be removed to facilitate the development (i.e. required vehicular sightlines) thereby opening up the site when viewed from Smithy Lane.
16. Whilst I accept that the existing hedgerow along Smithy Lane does afford some screening to the appeal site, much of this vegetation is deciduous and therefore development on the site would be more conspicuous in the winter months. Therefore, up to nine dwellings on the site would be noticeable to passers-by, even accounting for existing and new planting, the latter of which would take some time to reach maturity. There can be no doubt that, in principle, residential development on the site would appear disconnected from the more built up development to the north and that it would cause unacceptable harm to the prevailing more open and rural landscape.
17. I therefore conclude that significant harm would be caused by the proposal to the character and appearance of this part of the countryside. Consequently, and to this extent, it would not in principle accord with the countryside, landscape character and design requirements of policies GD7, H2, ENV1 of the FLP and paragraph 170 (b) of the Framework.
18. In reaching the above conclusion, I have taken into account the development at the Angel Lane Caravan Park, as well as the identified planning permissions that have been granted in the wider area. I am not aware that any of these permissions would provide a greater visual connection between the site and Hardhorn. The permission at Angel Caravan Park is not directly comparable to the appeal proposal given that it has been restricted to the gypsy and traveller community, was determined against a different development plan/policies and is a different form of development. I have determined this appeal on the basis of its impact on the character and appearance of Smithy Lane in particular and on its individual planning merits.

Safe use of Smithy Lane

19. There is no dispute between the parties that the site is within convenient distance of Hardhorn and Poulton le Fylde where there are a range of facilities, services and amenities to meet day to day needs. The main issue relates to the fact that Smithy Lane, which is restricted to 60 mph, is narrow, has no footways and is unlit. Whilst there are some passing places for vehicles, there is no specific provision for pedestrians.
20. I agree with the Council that whilst public footpath 5-12-FP2 does offer an alternative off road pedestrian route to the aforementioned facilities, services and amenities, this would not be an attractive or convenient route for all pedestrians given that there is a need to cross farmland and to navigate a stile. This would be particularly problematic for those with mobility issues, at night or when there is inclement weather. Furthermore, the occupiers of any dwelling on the site would also need to use part of Smithy Lane before reaching the public footpath which would not be safe given the absence of any formal footway, the narrowness of the highway and the 60 mph speed limit.
21. In this case, I am persuaded by the comments of the Highway Authority. Taking into account the 60 mph speed restriction and the distance from the site to Fairfield Road, it would be necessary to include a continuous footway and lighting along this part of Smithy Lane. I acknowledge that speed surveys could be completed as part of a detailed technical consent stage 2 application, but in considering whether the proposal is acceptable in principle, I afford weight to the comments made by other interested parties (including local Councillors) about the use of Smithy Lane including that *"cars travel down here far too fast"* and *"the road has recently been repaired and in doing so has made this single road a race track"*.
22. I acknowledge the comment made by the appellant that they do not have funds to undertake the off-site highway works required by the Highway Authority. Nonetheless, in the absence of a dedicated and continuous lit footway, I consider that it is highly likely that the occupiers of the dwellings would be at risk of being injured by passing motor vehicles. Given such a hazard, it is reasonable to conclude that some residents would choose not to walk to nearby facilities and services and hence would seek to place greater reliance on use of the private motor vehicle for a number of day to day journeys. This would be at odds with paragraph 103 of the Framework with its emphasis on offering a genuine choice of transport modes in the interests of environmental sustainability.
23. I appreciate that Smithy Lane is part of the National Cycle Route, but that in itself does not mean that it is a suitable space for all users. Furthermore, I do not doubt that some development has been approved in the settlement of Staining. However, I have no reason to disagree with the Council that such development has been approved on the basis that there is a better and alternative access route available to motorists into Staining and that most would not seek to use the narrower Smithy Lane. It does not therefore follow that development approved in Staining equates to the Council indicating that Smithy Lane is acceptable in its existing form for new development.
24. I acknowledge the point made by the appellant that highway safety matters are reserved to be considered at stage 2 of the PIP process (i.e. the technical details consent stage). However, the appellant does not dispute the claim

made by the Council that a significant amount of third party land would be needed to facilitate the provision of a lit footway from the site to the pavement at Fairfield Road whilst also ensuring an adequate width of highway for motorists. The evidence indicates that the required land does not fall within the red edged planning application site or within highway land. Consequently, I am unable to find that in principle it would be possible to ensure that there is safe access to and from the site for all users.

25. Without the above certainty and owing to the location of the site and the amount of development proposed, I am unable to conclude that in principle the development would not have an unacceptable impact on the safety of all users of Smithy Lane. Hence, the proposal would fail to accord with the highway safety requirements of policy GD7 of the FLP and paragraphs 108 and 109 of the Framework.

Other Considerations

26. There is dispute between the parties about whether the proposal would fulfil an unmet demand for custom build dwellings in the Fylde Borough Council administrative area. The appellant states that as of October 2019 (the last review by the Council), there were 18 applicants registered on the Fylde Custom and Self-Build register. The Council claim that they have a surplus of 70 'suitable' sites across four base periods for self-build and custom house building. Therefore, the Council claim that they have enough permissions in place to meet demand, but the appellant takes the view that as some of the permissions are not restricted to self-build and custom house building, there is still an unmet demand.
27. I have very little information about the specific details of the above permissions and so this has made any assessment problematic. However, I do not disagree with the Council that whilst some of these permissions may not be specifically restricted to self or custom build houses, that would not mean that someone on the Council's register could not acquire a plot with the express purpose of erecting such a residential unit.
28. Irrespective of the above, there is no doubt that the provision of up to nine custom building dwellings would make a positive contribution to the housing mix in the area. However, the PPG makes it clear that at PIP stage it is not possible to impose conditions or to secure a planning obligation. Whilst the appellant has indicated that they would be prepared to enter into a planning obligation at detailed consent stage to ensure that custom build dwellings are delivered, there can in fact be no guarantee that would happen. To some extent, this does diminish the weight that I am able to afford to the appellant's proposal that the dwellings would be custom build.
29. Notwithstanding the above, and given the uncertain position, for the purposes of this appeal I have assumed that there is currently no available self-build or custom house plots in Fylde. Furthermore, I have also assumed that the appellant would complete a planning obligation at detailed technical consent stage. On the basis that such circumstances did exist, it is necessary for me to weigh such a positive material planning consideration against the harm that I have identified in respect of my conclusions on the main issues.
30. In this case, the aforementioned contribution that the proposal would make to the provision of custom build housing in the area would not overcome or

outweigh the very significant identified conflict with both the FLP and the Framework. In reaching this conclusion, I am cognisant of the fact that policy H2 of the FLP states that *'applications to provide serviced plots for custom and self-build homes on small sites (of fewer than 10 dwellings) will be supported where the site is located in accordance with Policy DLF1, subject to compliance with other policies of the plan'*.

31. I have found that the site is not located in accordance with policy DLF1, or indeed other policies in the FLP, and so this also diminishes any positive weight that I attribute to the possible provision of custom build homes. Policy DLF1 refers specifically to how the Council will consider applications for the provision of customer and self-build homes and to this extent I am satisfied that it is consistent with paragraph 61 of the Framework and hence is not out of date.
32. Reference has been made by the appellant to policies in the Wyre Local Plan. However, any such policies are not relevant to the determination of this PIP appeal which relates to the Fylde Borough Council administrative area. There may be demand for custom and self-build housing in the neighbouring Wyre Borough Council administrative area, but this appeal relates to the administration area of Fylde Borough Council. I have determined this appeal against the policies in the FLP and have weighed in the balance all other relevant material planning considerations.

Conclusion

33. For the reasons outlined above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR



Appeal Decision

Site visit made on 22 June 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

Appeal Ref: APP/M2325/W/20/3247500

Swallows Rest Barn, Thistleton Road, Thistleton, Preston PR4 3XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms P Stevens against the decision of Fylde Borough Council.
 - The application Ref 19/0876, dated 20 November 2019, was refused by notice dated 7 February 2020.
 - The development proposed is 'change of use of part of existing stables to create one, three-bed dwelling with attached stables including associated external alterations to building, front porch extension and construction of entrance gate across access from Thistleton Road'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development provided by the application form has been updated by subsequent documents. I have adopted the description of development given by the appeal form accordingly as it is precise and accurate with respect to the proposal before me.
3. A caravan was located within the appeal site at the time of my visit. However, there is no evidence before me with respect to its planning status and as it is not included on the submitted plans it does not form part of this appeal.

Main Issues

4. The main issues are:
 - whether the development proposed would be consistent with the objectives of local and national planning policies relating to housing in rural areas, and;
 - the effect on the character and appearance of the area.

Reasons

Housing in rural areas

5. Swallows Rest Barn consists of an existing building that is currently in use as stables and lies within a parcel of land that is subdivided from largely open land to the rear. It has its own gated vehicular access from Thistleton Road which adjoins the shared boundary with Swallows Rest, a residential dwelling that forms part of a cluster of buildings with Smithy House Farm in an otherwise open rural setting. The site and neighbouring buildings lie within a Countryside

Area as designated on the Policies Map of the Fylde Local Plan to 2032 (LP), adopted October 2018, and are separated from the main village envelope of Thistleton and its Conservation Area by open fields to the north.

6. Policy GD4 of the LP indicates that development in the countryside will be limited to a specified list of development types under Parts a) to f). The applicant has not sought to justify compliance with Part a) in so far as it permits development that is needed for agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy. The proposal also does not seek to justify that it is essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside as listed at Part d). Furthermore, the proposal would not fall wholly within Part c) which permits extensions to existing dwellings and other buildings, as it includes a change of use of part of the building together with the proposed addition of a porch / boot room to the front.
7. There are similarities in the above criteria of Policy GD4 of the LP with paragraphs 79 and 83 of the National Planning Policy Framework (the Framework) relative to circumstances where isolated new homes in the countryside are permitted and its encouragement for sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. In that regard, to my mind, the proposed dwelling would not be an isolated new home in the countryside for the purposes of assessment against Policy GD4 Part e) as it is not remote from the built envelope of Thistleton and it is in close proximity to Swallows Rest and Smithy House Farm. Nonetheless, it is reasonable that the Framework in seeking recognition of the intrinsic character and beauty of the countryside in its paragraph 170, allows for restrictions on residential development in locations that are not isolated in rural areas such as that proposed. The approach of Policy GD4 is, therefore, consistent with national policy.
8. When taking account of all of the above and the evidence before me, Part b) of Policy GD4 is of most relevance to the proposal in this case. In that respect, Part b) permits the re-use or rehabilitation of existing permanent and substantial buildings, whilst paragraph 7.15 of the LP refers to 'the re-use of substantial brick or stone buildings, which are structurally sound...'. The Council have expressed specific concerns that the existing building fails to meet the definition in Part b).
9. At the time of my visit, the single storey building was partly in use as stables, with commensurate form and openings on the front, rear and side elevations, together with some visible areas of storage and a WC. The main structure of the existing building comprises a steel portal frame with four bays, a red brick retaining wall to the front elevation, a breeze block retaining wall at the rear gable end, breeze block infill retaining walls to the lower sections of each side elevation, and a concrete slab base. The pitched roof structure has a corrugated sheet covering which overhangs the side walls and includes rooflights at regular intervals. It is supported by the portal frame and rafters with apex connections and timber purlins running between. Vertical timber cladding boards on the side elevations are mounted closely together on rails that are attached to the main portal frame to provide some weatherproofing above and beyond the retaining walls and below the roof. The existing building has main openings with sliding doors on the front and rear elevations, together

with further openings in the timber boarding on the side elevations and an additional timber lean-to used for storage attached to the northern side.

10. In seeking to justify compliance with Policy GD4 of the LP. The appellant has provided a 'Structural Condition Survey for Conversion to Dwelling' which was prepared by a Chartered Civil Engineer. The report provides a description of the building, an assessment of its structural condition at the time of an internal and external visual survey on 11 November 2019 and an appraisal of its suitability for conversion relative to the proposals before me as appended to the document. The report concludes that the building is in a reasonable structural condition and is considered suitable for conversion relative to methods and options it sets out.
11. Having regard to the above and based upon observations during my visit, there were no obvious differences of the condition of the building relative to those noted in the structural report. I observed that the steel portal frame was in good condition with only limited rust and that brick and blockwork walls are aligned with no noticeable weaknesses or evident structural movement. The timber purlins and cladding were in reasonable condition with no evident rot. The visible sections of the concrete floor also appeared to be in good condition.
12. Turning to the proposal itself, the building has been in-situ for a significant number of years based on the planning history and has a degree of permanence when taking account of the current condition of its steel frame and floor slab, together with the extent of retaining walls to the gable ends and the presence of infill retaining walls to the side elevations. Furthermore, I am aware that buildings with sections of timber cladding are not an uncommon form of residential accommodation. However, in this case, the proposal would involve the removal of the existing timber cladding on the side elevations and its roof covering, which based on the materials identified in the application form, would be replaced with new timber cladding and a tile roof. As part of the alterations, the structural condition survey also indicates that it is likely that the existing timber purlins would need to be replaced with metal Z purlins.
13. To my mind, the extent of such works to the side walls and roof structure reflects significant reconstruction which taken together indicates that the existing materials used are not substantial or structurally suitable for conversion to a residential use. Such a finding is also supported by my own observations during my visit of warning signs on the side of the existing building indicating a "fragile roof". The report also mentions the possibility of the need for additional foundations if the existing concrete slab is not structurally adequate, which further calls into question the structural suitability of the existing building for the proposed conversion.
14. With regard to the above, extensive internal works are also proposed. Those works would include an inner skin to the existing external blockwork to provide an insulated cavity wall and use of blockwork or structurally insulated panels to form new internal and loadbearing walls. The additions would be structurally independent of the existing steel trusses to take the loading from a new floor and ceiling structures, including a new first floor area. Such internal works may be capable of falling within Section 55(2)(a) of the Town and Country Planning Act 1990 so as not to be taken to involve development of land. However, the structural condition report suggests that the works would need to be carefully sequenced to avoid adding loading to the existing structure. Recommendations

- and precautions of that nature in terms of internal works proposed to take place as part of a conversion of the building only serves to support my judgment that, as a matter of fact and degree, the existing upper sections of side walls and roof structure fall below the threshold of a reasonable definition of a substantial and permanent construction. Consequently, when taken as a whole, I consider that the existing building does not fall within the requirements of Policy GD4 Part b) of a permanent and substantial building so as to be suitable for re-use or rehabilitation as residential accommodation.
15. Further to the above, even if the proposal is alternatively considered as akin to the construction of a new dwelling within the portal frame structure and walls to be retained, it would fall outside of 'minor infill development' for the purposes of Part f) of the policy. In that respect, whilst a new single dwelling would reasonably fall within the definition of 'minor' development, the building is located to the north of Swallows Rest but otherwise surrounded by open fields to all other aspects with other buildings some distance beyond. Consequently, the proposal would not infill a gap in a group of buildings or in an otherwise built-up frontage, and therefore, is not infill development as required by Part f) of Policy GD4 of the LP.
16. In reaching the above findings, I have taken into account that a letter from the structural engineer accompanying the appeal refers to similar buildings in Lancashire for which he prepared reports where planning permission has been granted for conversion to residential use. However, the specific details of those projects are not before me and therefore, I cannot be certain that the circumstances which led to planning permission being granted were the same as the existing building and the proposal. The Council has provided copies of appeal decisions¹ elsewhere in the country which they consider justifies their own conclusions, but I note that the condition of those respective buildings and proposed alterations were different to the proposal before me. Consequently, those examples drawn to my attention are not an influential factor on the outcome of this appeal which I have necessarily considered on its own merits having regard to the specific evidence before me and my own observations.
17. Having regard to all of the above, I conclude that the proposal is not consistent with the objectives of policies relating to housing in rural areas, given its failure to meet the requirements of Policy GD4 of the LP and therefore, conflicts with it. The proposal also, therefore, conflicts with Policies S1 and DLF1 of the LP insofar as those policies also restrict development in rural areas to those which would meet the requirements of relevant policies such as Policy GD4.

Character and appearance

18. The existing building currently has an uncomplicated form and appearance which reflects its rural function and it sits comfortably within its countryside setting between open fields to the north and the group of residential buildings associated with Swallows Rest to the south. The proposal intends to use similar timber cladding to those on the existing side walls and a tile roof in seeking to maintain the rural character of the building. Furthermore, the overall form of the main building would be retained which would ensure that some appreciation of its original rural character and function would be maintained.

¹ Appeal Refs: APP/Y3940/A/10/2129919 & APP/L3245/W/15/3132598

19. Notwithstanding the above, the submitted plans include the replacement of the existing opening on the front elevation with a large window. An adjacent single storey gable fronted extension would also be added to provide an entrance porch and would replace a more modest existing kennel lean-to structure comprising mesh style walls and monopitch roof. In addition, a further large window with significant proportions and a vertical emphasis would be added to the northern side elevation. Those alterations to the front section of the building and the extension, when taken together, would significantly alter its appearance through the introduction of prominent and discordant features which would visually contrast with and erode the rural simplicity of the remainder of the building that is to be retained as stables.
20. The aforementioned extension and alterations would be visible from public vantage points along Thistleton Road at the access point and through gaps in hedging when approaching from the north. From those perspectives, although the setback position of the building from the road edge reduces its prominence, the proposed alterations and extension would appear incongruous in the rural setting. This would be particularly evident given the visual contrast of the profile of the porch extension and a large suburban style window on the northern side elevation when compared with the rural simplicity and character of the smaller openings and timber lean-to to be retained. The resultant visual effect would appear incompatible and would unacceptably erode the character and appearance of the existing building in its rural setting, despite the proposed use of matching brick and tile materials for the extension. The possibility of additional landscaping within the site, including construction of entrance gates, would have the potential to soften and reduce the prominence of the alterations and extension on the front elevation and any domestic paraphernalia when approaching from the access. However, the confined space between the northern side elevation and the boundary with the adjacent field, limits the potential for landscaping to that aspect. I, therefore, consider that the provision of additional landscaping would not overcome the harm identified.
21. In reaching the above findings, I have taken into account that the building lies adjacent to Swallows Rest, an existing residential property, which is visible as a backdrop to the site above a mix of boundary hedging and fencing. However, the presence of nearby residential dwellings does not justify the harm that would arise from the development proposed. There are other examples of conversions of rural buildings along Thistleton Road further to the north and beyond the open fields, including some examples of large windows with significant proportions and a vertical emphasis. However, the full circumstances which led to those developments being accepted are not before me. In any case, the examples that I observed formed part of full conversions of rural buildings with an associated harmony and coherence of fenestration design that differs from the proposal before me. Consequently, the examples of other rural building conversions nearby are not justification for the harm that would arise from the proposal.
22. I conclude that the development would have an unacceptable and harmful effect upon the character and appearance of the area. The proposal, therefore, conflicts with Policy GD7 of the LP insofar as it seeks, amongst other things, that the design, materials, architectural character and proportion of development relate well to the surrounding context and local distinctiveness. It would also be contrary to the Framework which seeks recognition for the intrinsic character and beauty of the countryside.

Other Matters

23. The appellant has not sought to dispute housing supply matters and in the absence of any contrary evidence, I have no reason to conclude that the Council could not demonstrate a deliverable five-year supply of housing. Nonetheless, the development would make a positive contribution to the supply of housing in Fylde. Furthermore, the proposal would also have benefits to the local area through support for local services and facilities. There would also be temporary economic benefits with respect to the necessary construction works associated with the development. However, the benefits in those respects can be afforded only limited weight based on the scale of development proposed and do not outweigh the harm and conflict with LP policies previously identified.
24. The proposal would utilise an existing access point which is a safe and acceptable highway solution for any limited increase in traffic and parking demand that could arise from the use of part of the existing building for residential purposes. The position of the proposed gates and gravel surfacing, together with the turning and parking areas within the site would provide suitable arrangements to avoid any impact on highway safety. Furthermore, the separation distance to Swallows Rest and shared boundary treatments are sufficient to ensure a suitable living environment for the occupiers of the neighbouring property and the development in terms of light, outlook and privacy. It has also been drawn to my attention that there are no objections from consultees and that any potential impacts in terms of ecology and biodiversity or drainage could be suitably overcome by conditions. However, the absence of concern in those respects does not justify the harm and associated conflict with the LP and the Framework that I have identified.
25. With regard to the relationship between the proposed dwelling and the stables to be retained, the Council have indicated that the close proximity between the uses would ordinarily have the potential for an unacceptable impact on the living conditions of future occupiers of the dwelling due to odours and other disturbance. In this case and based on the evidence before me, I have some reservations about the suitability of such matters being overcome by imposing a condition for the occupation of the residential accommodation to be tied to the equestrian use, given the absence of evidence of a demonstrable need for accommodation for a rural worker to support it or to secure the welfare of the horses to be stabled. However, it is not necessary that I pursue that matter further as I have found the proposal to be unacceptable for other reasons which necessitate dismissal of this appeal.

Conclusion

26. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 16 June 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/M2325/D/20/3252286

15 Poplar Avenue, Bryning with Warton PR4 1BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Critchley against the decision of Fylde Borough Council.
 - The application Ref 19/0804, dated 2 October 2019, was refused by notice dated 14 April 2020.
 - The development proposed is the erection of 1800mm high boundary fence adjacent to Olive Grove.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the development on the planning application form included a cladded storage container. According to the Council, this development was subsequently removed from the planning application at the appellant's request. Consequently, this decision relates only to the development described in the banner heading above.
3. At the time of my site inspection, a fence and gate had been erected similar to that shown on the appeal plans. Some deviations were apparent between the development and the submitted plans. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application.

Main Issue

4. The main issue is the effect of the fence on the character and appearance of the locality.

Reasons

5. Poplar Avenue is located within an estate of mixed housing. Houses on the road are set behind front gardens, the majority of which are open or benefit from low walls or boundary landscaping. The predominant absence of formal high boundary fences and walls within the streetscape enhances the sense of space between the buildings and creates a positive open feel to the locality.
6. No15 Poplar Avenue occupies a corner plot at the junction with Olive Grove, a small residential cul-de-sac. The site is bordered by footways on two frontages and benefits from a greater width than the majority of plots in the locality, including 17 Poplar Avenue, which lies on the opposing corner of Olive Grove.

7. The submitted plans show that the fence consists of concrete posts and gravel boards supporting solid timber panels to a stated combined height of 1800mm. That part of the fence fronting on to Olive Grove is sited immediately to the back of the pavement to screen the side and rear garden areas. The plans show the part of the fence facing Poplar Avenue to be set just forward of the front gable of the dwelling.
8. The height of the fence contrasts sharply with the predominant character of open plots. Furthermore, the siting forward of the dwelling on to Poplar Avenue and continuous length along the side boundary would form a conspicuous scale of development in the locality.
9. Whilst I saw that the front garden boundary remains free from any formal means of enclosure and offers opportunity for enhanced landscape screening of the fence, this is not the case along the boundary with the cul-de-sac. Here, the fence forms a significant length of dead frontage on the entrance to the cul-de-sac and a highly visible hard edge to the site. The fence subsequently closes down the characteristic sense of openness along Poplar Avenue and on the entrance to the cul-de-sac.
10. In support of the appeal the Appellant refers me to a similar means of enclosure at No17, on the opposite corner. Although that fence is slightly shorter in length on account of a narrower side garden and its set back position some distance behind the front elevation of the dwelling, it also appears to contrast with the prevailing character of development in the locality. The combined effect of the fencing of the corner plots closes down views into the adjacent road and provides a poor-quality appearance at the entrance into Olive Grove. The absence of soft landscaping and open feel within the first part of the cul-de-sac results in a harsh and less inviting environment.
11. Furthermore, I observed that there are other types of fences in the locality, including those to other corner plots. However, these do not have the scale of the proposal and are very much in the minority. In any case, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm; a proposal which I have considered on its own merits.
12. For the above reasons, I conclude that the scale and appearance of the fence represents a form of development that contrasts with the character and appearance of the locality. It therefore conflicts with Policy GD7 of the Fylde Local Plan to 2032 (2018) and Policy BWNE2 of the Bryning with Warton Neighbourhood Plan 2011-2032, and the National Planning Policy Framework as they seek to achieve inclusive, high quality design which respects local character and reinforces local distinctiveness.

Other Matters

13. In support of the appeal the appellant has drawn my attention to the fact that the fence provides additional security for off-road parking, is a mechanism to contain pets and assists social seclusion, having particular regard to the recent Covid-19 outbreak.
14. Whilst I have little doubt that the fence could facilitate the more secure use of the side garden area in those respects, there is little evidence before me to demonstrate that these could not be achieved through other mechanisms that

are more sympathetic to the character and appearance of the locality. Accordingly, I do not find those arguments compelling and do not outweigh the harm identified.

Conclusion

15. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR