

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 6 January at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

Public Speaking at the Development Management Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 9 December 2015 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

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

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

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

Development Management Committee Schedule

06 January 2016

Item Number: 1

Committee Date: 06 January 2016

Application Reference:	15/0194	Type of Application:	Outline Planning Permission
Applicant:	c/o Graham Anthony Associates	Agent :	Graham Anthony Associates
Location:	OAKLANDS CARAVAN PARK, 252 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AH		
Proposal:	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 53 DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	34	Case Officer:	Matthew Taylor
Reason for Delay:	Awaiting responses from Consultees		

Summary of Recommended Decision: Grant subject to s106 agreement

Summary of Officer Recommendation

The application seeks outline permission (access only) for a residential development of up to 53 dwellings on a 2.41 hectare parcel of land to the north of Lytham Road, Warton. The site is presently occupied by holiday accommodation comprising a series of chalets and caravans bounded by associated internal access roads. Whilst the site falls outside the settlement boundary and within the Countryside Area as identified on the Fylde Borough Local Plan (FBLP) Proposals Map, it is located within housing allocation 'H1' and the extended settlement boundary set out in the Bryning-with-Warton Neighbourhood Plan (BWNP).

Both the BWNP and the emerging Local Plan include a target of 650 dwellings to be delivered in Warton during the plan period (up to 2032). However, as has been demonstrated through the recent appeal decision at Blackfield End Farm (BEF), this figure cannot be relied upon to limit the expansion of the settlement in the absence of a five year supply. Moreover, the BEF appeal decision confirms that, due to their unadopted status, both the emerging Local and Neighbourhood Plans (and, laterally, the aspirational housing figure of 650 dwellings) can carry only limited weight in the decision making process. Indeed, the Secretary of State's recent decision to allow the appeal at BEF allows a substantial exceedance of this figure.

The application site occupies a sustainable, edge-of-settlement location which is well related to existing shops, services and employment opportunities in Warton. The site, by virtue of its size and location, is largely in conformity with the development aspirations in the current version of the BWNP and the development would make a valuable contribution to the Council's supply of housing land in accordance with paragraph 47 of the NPPF. Additional benefits arise in this case as much of the site is previously developed land. It is also noted that the principle of a permanent form of residential development on the site has been considered acceptable as part of a previous appeal and that the illustrative masterplan

includes measures to promote connectivity between the site and adjoining land which also falls within the allocation in the BWNP and/or has an extant permission for residential development.

The proposal, by virtue of the number and density of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. The development would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Satisfactory access arrangements would be made for vehicle and pedestrian traffic, and, in the opinion of your officers, the level and distribution of traffic generated by the development (having particular regard to its effects in comparison to the existing use) would be sufficiently limited to ensure that the development would not have a severe residual cumulative impact on the safe and efficient operation of the highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding and drainage. Appropriate contributions would be secured to make the development acceptable in planning terms with respect to on-site provision of affordable housing and open space, and an off-site contribution towards education. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

Reason for Reporting to Committee

The application is for major development and the officer recommendation is for approval. In addition, the Parish Council have objected to the proposal. Therefore, the Council's scheme of delegation requires that the application is determined by the Development Management Committee.

Site Description and Location

The application relates to an irregularly shaped parcel of land measuring approximately 2.41 hectares in area to the north side of the A584 (Lytham Road), Warton. The site falls within the countryside area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map but is presently in use as a holiday chalet/touring caravan park ('Oaklands Caravan Park'). The caravan park currently comprises 32 static pitches, 78 touring pitches and 4 holiday cottages. Aside from the main access road which is finished in tarmac, pitches are accessed by a series of gravel tracks within the site and sit on similar hardstanding bases with dedicated parking areas.

The current site access forms a two-way route running into the site in a northerly direction off Lytham Road. The access road passes a two-storey cottage to the east side and a single-storey gatehouse to the west which includes a barrier used to restrict access. Whilst the eastern perimeter follows a linear boundary running longitudinally through the site, an undulating boundary to the western edge widens to the centre and narrows to the northern and southern ends of the site. The site perimeter is marked by hedgerows, with these supplemented by fencing along several boundaries. A number of these hedgerows also form internal enclosures within the site. Trees outside the site flank the northern perimeter, including a rectangular cluster forming a woodland

protected by Tree Preservation Order (TPO) to the northeast.

The site extends in a northerly direction for a length of some 350m from its junction with Lytham Road. Adjoining land is characterised by open farmland to the north and west; a rectangular parcel of land at Riversleigh Farm to the east where works have recently commenced in connection with a residential development of 83 dwellings pursuant to planning approval 13/0526; and an independent caravan storage site (ARP Caravan Services) and car repair garage (Lytham Road Garage) within a 0.7 hectare parcel to the southwest. The caravan storage and car repair sites share the access to Oaklands Caravan Park. A group of four bungalows are located to the east and west sides of the site access and houses fall on the southern side of Lytham Road opposite the access. While being slightly elevated in relation to adjoining land, the site itself is relatively flat.

Details of Proposal

The application seeks outline permission for a residential development of up to 53 dwellings. The only matter applied for as part of the application is access. This is defined in the Development Management Procedure Order as follows:

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

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

The scheme seeks to utilise the existing access from Lytham Road which will serve both the proposed development and the adjacent caravan storage site/car repair garage. The existing access is to be modified in order to provide a 5.5m wide carriageway flanked by 2m wide footways to either side at the site entrance. The footway to the west side of the entrance would narrow as it travels into the site towards a pedestrian crossing point over the access road.

Beyond the main entrance, the new estate road would follow the route of the current access track into the caravan park (though with a 2m footway provided along the eastern flank) up to the point where it meets the existing gatehouse. From here, the estate road would be flanked by 2m footways to both sides and would turn in a north-westerly direction into the estate before following a linear route up to the northern boundary to terminate at a turning head. Two cul-de-sacs would branch off the main estate road in westerly directions where the site widens to the centre.

Scale parameters indicate that the dwellings would be two storeys in height with maximum eaves and ridge heights at 5.5m and 9m respectively. An indicative layout has been submitted as part of the application. This shows a combination of 36 detached and 17 terraced dwellings to the central and northern areas of the site. No dwellings are proposed within the narrow strip to the southern end of the site (though the existing holiday cottage building is to be retained). Two potential vehicle links into the site are shown from the adjacent Riversleigh Farm development to the east, though if constructed these would serve as a secondary access to link through to the adjoining site. Pedestrian linkages are shown across areas of open space to the northeast (Riversleigh Farm) and western (Clifton House Farm) edges of the site.

On-site open space with a combined area of 2975 square metres is shown to the northern and western edges of the site. This is intended to merge with the open space to be provided as part of

the approved development at Riversleigh Farm and the submitted outline application at Clifton House Farm (reference 15/0562). Existing hedgerows to the perimeter of the site are to be retained, though 3 internal stretches would be removed in order to facilitate the development.

Relevant Planning History

Application No.	Development	Decision	Date
13/0187	REMOVAL OF CONDITIONS 2, 3 AND 4 FROM PLANNING PERMISSION 10/0429 - TO ALLOW PERMANENT RESIDENTIAL USE OF THE SITE.	Refused	24/06/2013
12/0157	ADVERTISEMENT CONSENT TO DISPLAY SIX NON ILLUMINATED OVAL SIGNS ON A SINGLE DOUBLE SIDED V SHAPED SUPPORT	Granted	15/06/2012
11/0759	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF 4 X TOURING PITCHES TO 2 X STATICS, REPOSITIONING OF ONE STATIC AND ASSOCIATED LANDSCAPING	Granted	23/12/2011
10/0429	VARIATION OF VARIOUS CONDITIONS ATTACHED TO VARIOUS PLANNING PERMISSIONS THAT AUTHORISE TOURING CARAVAN / STATIC CARAVAN / HOLIDAY ACCOMMODATION USE OF SITE. PROPOSED VARIATION SEEKS STANDARDISED CONTROLS THAT REQUIRE ALL ACCOMMODATION TO BE USED FOR HOLIDAY PURPOSES ONLY	Granted	04/08/2011
10/0186	ASSOCIATED WITH OAKLANDS CARAVAN PARK CONVERSION OF STORAGE BUILDING TO TWO NO. HOLIDAY FLATS WITH ASSOCIATED EXTERNAL CHANGES AND AMENDMENTS TO PREVIOUSLY APPROVED HOLIDAY COTTAGE.	Granted	19/05/2010
10/0152	RETROSPECTIVE APPLICATION FOR ONE 7M LIGHTING COLUMN	Granted	12/05/2010
10/0023	CONVERSION OF STORAGE BUILDING TO TWO NO. HOLIDAY FLATS WITH ASSOCIATED EXTERNAL CHANGES.	Withdrawn - Invalid	24/03/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0187	REMOVAL OF CONDITIONS 2, 3 AND 4 FROM PLANNING PERMISSION 10/0429 - TO ALLOW PERMANENT RESIDENTIAL USE OF THE SITE.	Dismiss	31/07/2014

In addition to the above which relates to the application site, an appeal for up to 360 dwellings was allowed at Blackfield End Farm on the 24 September (appeal reference APP/M2325/A/14/2217060).

Parish/Town Council Observations

Bryning with Warton Parish Council were notified of the application on 1 April 2015. The Parish Council object to the application on the following grounds:

- The Parish is faced with yet another outline application for a large scale development of some 56 residential dwellings which comes following no prior consultation or indication of development intentions. This is despite every opportunity to be constructively involved both

in the recent preparation and submission of the Bryning with Warton Neighbourhood Plan which has been prepared in consultation with the Borough Council toward integrating and gearing the Plan with the forthcoming Borough Local Plan. This application then submitted appears to be totally contrary to Government guidelines and intentions toward working together with communities and local people having a say in the emerging future of their communities.

- Housing numbers and residential development to meet the demands of future requirements have been taken into account in the plan and while this application may on its own merits sit within some of the parameters of the plan there are several large scale development applications pending formal decision i.e. 13/0674 Blackfield End Farm and 14/0410 Land North Freckleton Bypass which need to be considered in combination with those already granted at Riversleigh Farm (13/0526), Nine Acres (14/0589) and Former GEC Marconi site (13/0786). The Parish Council recommend refusal but would make strong representation that no decision to grant the application should be made at least until the appeal decision of application 13/0674 at Blackfield End Farm is known.
- Despite any merits the application may meet towards it being granted these are far outweighed by the impact granting this application will have in respect of the submitted Neighbourhood Plan, subsequent 'Local Plan', and any confidence in the Borough Council as a planning authority. As this application will also seriously undermine the principles of the Neighbourhood plan and the forthcoming Borough Local Plan this should be an overwhelming consideration in determining the application.
- There are extreme concerns as to a further road junction on to Lytham Road at this location with the close proximity to the new Riversleigh Estate and that it will have a substantial effect on traffic flow, access and safety issues in a section of the highway which already poses safety issues for pedestrians negotiating a busy 'A' road which services not only traffic to and from Lytham but also a fair proportion of BAE systems traffic from Rake Lane. It is also in very close proximity to the Busy Bee Nursery. The Parish Council has received countless complaints over recent years regarding traffic, particularly BAE systems staff leaving the site at Rake Lane, and a further junction will present further road hazard concerns. While it is acknowledged that there is already a junction here servicing the caravan site it is strongly argued that the necessary enlargement to the junction and routine access and egress will fundamentally change the nature of traffic flow on Lytham Road if service to 56 permanent residencies is now required. If the application were to be considered for granting an alternative access should be required.
- At the Parish Council meeting there were a number of members of the community who were both neighbours to the property in question and some concerned in the current business operations. Despite the proposed application materially affecting them and their properties it is somewhat concerning to note that they had neither been consulted nor made aware of the outline application prior to its submission. In the absence of such consultation, even as a courtesy, and that the Council was advised of the fact that the application outlines use of property not owned by the applicant there is further cause for concern as to an outline application being granted.

Statutory Consultees and Observations of Other Interested Parties

Local Highway Authority (LHA): Object to the application. Comments as follows:

- The A584 is a busy principal road subject to a 30mph speed limit. The highway is lit by a system of street lighting and has verges and footways on both sides. There is an advisory cycle lane for both eastbound and westbound traffic.
- The trip rates for the proposed residential development in the TS are not significantly different from those agreed for the Riversleigh development and, as such, are considered to

be acceptable for this site. The developer has used the TRICS database to estimate the existing trip generation from the site and has used this to discount from the residential trips to ascertain the net impact of the development. It would have been preferable for the developer to undertake a traffic count to establish current vehicle movements at the site in order to determine the net impact. However, it is not considered that this would give significantly different results and, accordingly, the trip rates in the TS are accepted on this occasion.

- The Transport Note (TN) suggests 29 vehicle movements in the AM peak and 32 in the PM peak for a development of 53 dwellings. The trip distribution in the TN is based on existing traffic flows and this is considered to be an acceptable approach. The TN states that this equates to 1 additional vehicle every 2 minutes and an uplift of 1.2% (peak AM) and 0.6% (peak PM) in "existing plus committed development traffic flows". In spite of this, the fact that the existing highway network has highway capacity issues means that even small incremental increases in traffic are a major concern to the LHA.
- The TN makes comments on both Blackfield End Farm (BEF) and Warton East developments. The LHA are of the opinion that "the significant adverse effects for traffic movements at the Lytham Road / Church Road / Highgate Lane junction" identified in the BEF appeal and the "limited adverse effect on highway safety" conflicts with criterion 9 in Policy HL2 of the Local Plan and that these "adverse effects" would only be exacerbated further by the additional of new vehicle movement to the point whereby the LHA consider them to be "severe".
- With regard to the Warton East application this is now at appeal and as a consequence the LHA consider it to be live and a material consideration in assessing highway capacity. It is also noted that the developer has only stated the percentage increase in traffic on the highway network without stating whether the existing highway network currently operates below, at or above capacity. When traffic growth and committed developments are taking into consideration the Lytham Road / Church Road / Highgate Lane junction will operate over capacity without this development and although the SoS allowed a development with the junction operating over capacity there must be a point where the residual cumulative effects become "severe" and further development should be opposed unless mitigation can be provided.
- The developer has also referred to a highway scheme at the Lytham Road / Church Road / Highgate Lane junction that the developer at Blackfield End Farm is required to provide. At the appeal there were a number of highway concerns over what scheme can be provided and whilst the highway authority accepts the SoS's decision and a scheme will be delivered (should the development come forward) the scheme cannot deliver sufficient capacity improvements.
- The developer has referred to the Preston Western Distributor Road (PWDR) and that it will provide relief to the highway network. On this point the LHA would point out that the strategic highway model of the Preston Western Distributor being developed by LCC framework consultants is still being progressed and at this stage no meaningful modelling outputs are available to be used. As such at this time there is no guarantee that the influence of the resulting redistribution of traffic will lead to no negative impacts on the existing corridor that require changes or provides overall junction relief at the Church Road junction.
- The proposed access arrangements (including the width of the estate road, kerb radii, width and location of footways, pedestrian crossing points over the access and visibility splays at the priority junction with Lytham Road) shown on plan SCP/15078/F01 are acceptable.
- The developer highlights the presence of bus stops / services on the A584, cycle lanes on the A584 and a number of pedestrian crossing points but does not demonstrate how this promotes sustainable travel. The shape of the site dictates where residential development can take place and due to this the site will be accessed via a relatively long service road

meaning the centre of the site is around 250m from the A584 meaning that the nearest bus stop would be over 400m from the centre of the site.

- It should be noted that when the Riversleigh development was being considered LCC highlighted a number of issues related to accessibility and requested that a number of improvements be implemented through S278 and / or S106 agreements. For consistency of approach to development similar requests and developer commitments are necessary.
- The basis for a Transport Assessment of Transport Statement should not be based solely on the scale of the development, consideration should also be given to existing highway conditions and the potential highway impacts that could arise. For a development of this scale the minimum requirement would be a Transport Statement, however, when local highway conditions are taken into account the highway authority may consider it necessary for greater analysis to take place. Whilst the development is below the threshold for a formal Travel Plan developers should support the principles of travel planning and look towards promoting sustainable travel and development. With this in mind on the Riversleigh development a request a developer commitment for £210 per dwelling was made so that the developer could provide travel plan initiatives such as to Public Transport Smartcards, NOWcards or similar for households to encourage sustainable patterns from the outset of the development and / or provision of cycles and associated safety equipment for households. LCC does not wish to receive these funds, but have a meaningful developer commitment to deliver the travel plan. Developers should maximise opportunities for sustainable transport modes and as such the request for sustainable transport initiatives remains.
- The indicative road layout provided by the developer generally meets with the standards expected for them to be adopted under a S38. The developer has indicated a number of potential pedestrian / cycle links to adjacent developments and land. This approach is supported and should be explored further at reserved matters stage.
- Given the length and relative straightness of the access road concern is expressed over the speed that vehicles may attain and as such traffic calming features may need to be introduced so that traffic speed are kept low. Creating Civilised Streets (LCC guidance) recommends that all new housing estates have layouts that ensure that speeds do not exceed 20mph and that vertical traffic calming be avoided.
- The development proposal will have a greater impact than the existing development on the highway network in terms of highway safety, highway capacity and will lead to greater queue lengths at junctions on the A584. Highway safety and capacity for the A584 has been highlighted as a major issue for the LHA for some time and it has been a reason as to why the County has not been supportive of a number of development in this area in the past. The supplementary TN does not change the highway authority's stance on this application and at this time based on current evidence available LCC cannot support development which will exacerbate highway impacts on the A584.

BAE Systems: No objections.

Ministry of Defence: No objections on safeguarding grounds providing that the overall height of the buildings does not exceed 15.2m.

Blackpool Airport: No objections.

Planning Policy:

- The site falls within the countryside area. The proposed residential development does not fall in any of the categories identified in policy SP2 and, accordingly, there is conflict with is policy. However, this must be balanced against paragraph 47 of the NPPF which requires

local authorities to identify a 5 year supply of deliverable housing land. The Council's most recent five year supply statement (March 2015) shows that the Borough only has a 4.3 year supply.

- The emerging Fylde Borough Local Plan acknowledges that some development will be required outside the settlement boundary in order to meet the housing requirement up to 2032. In the Preferred Options version of the emerging plan, policy SD1 identifies Warton as one of four strategic locations for development, with policy SL3 proposing 1,160 dwellings for Warton. The application site forms part of allocation H8 which, in combination, included an allocation for 360 dwellings.
- A total of 206 objections to the Preferred Options report relating to the housing allocation in Warton were received. The Responses Report (July 2014) identified the need for comprehensive master planning and infrastructure delivery for Warton relating to the phasing of housing delivery. Members of this Council, as part of the Local Plan Steering Group meeting on 5 June 2014, resolved to deliver a masterplan for Warton by:
 - Evolving and defining policy SL3 to formally set out the objectives and requirements and associated site specific infrastructure, or as a minimum to specifically require the need for a comprehensive masterplan and infrastructure approach prior to determining applications; and
 - Focussing on the emerging Neighbourhood Plan process to produce a village wide masterplan and set of policies.
- The Responses Report contains a further 15 recommendations, the two most relevant to this application are to:
 - Amend Policy SL3 to accommodate 650 dwellings during the plan period in Warton, rather than the figure of 1,160 that is set out in the Preferred Option document; and
 - The Council will work with Bryning with Warton Parish Council Steering Group over a master planning exercise as part of the Neighbourhood Plan for Warton.
- The recommendations for change in the Responses Report result in significant changes to the spatial distribution of strategic development, therefore a Revised Preferred Option will be produced and undergo public consultation in October 2015.
- At 31 December 2014 there were commitments for 404 dwellings in Warton. Other pending planning applications for Warton include:
 - Land to the North of Freckleton bypass, Freckleton Road, Warton for 375 dwellings (14/0410). The application has been appealed;
 - Land opposite and Blackfield End Farm, Church Road, Warton for up to 360 dwellings (13/0674). The application has been allowed at appeal.
 - Nine Acre Nurseries, Harbour Lane, Warton for 13 dwellings (13/0433). The application has been appealed.
- In a written ministerial announcement to Parliament, a statement by Nick Boles (10 July 2014) amended the recovery criteria for neighbourhood plans and reinforced the terms of published planning guidance to make it clear that once a neighbourhood plan has been formally submitted to the local planning authority for examination, the Plan and its policies represent a material consideration and can be considered in the planning balance when determining planning applications. In the case of the emerging Bryning-with-Warton Neighbourhood Plan (BwWNP), the Plan was submitted to Fylde Council on 23 September 2014 and the local planning authority publicity period ended on 28 November 2014. The Neighbourhood Plan is yet to be assessed by an independent examiner and only then, if the Local Planning Authority is satisfied that the Plan meets the relevant legal tests, will it be put out to public referendum. At this stage, the emerging BwWNP and its policies represent a material consideration to be weighed in the planning balance when determining any planning application within Bryning-with-Warton Parish area.
- The application site is located within site H1 of the BwWNP as identified in policy BWH1 and

illustrated in figure 6. The policy operates to maintain Warton's village character by allowing housing growth that is appropriate in size and scale. In addition, policy BWH2 outlines the criteria against which housing proposals on site H1 should be considered.

- As part of the development of H1 for housing, policy BWLC2 requires the provision for on-site leisure, community and greenspace facilities. The policy states this will be provided by developers as part of the overall development package for the combined site.
- Policy BWNE1 requires development proposals to demonstrate that local wildlife and habitats have been assessed, protected and enhanced through sensitive and appropriate landscape and environmental management.
- Policy BWNE2 provides criteria for new developments to demonstrate that the proposal protects and enhances local character and landscape.
- Policy BWNE3 provides criteria to consider the design of new developments to reduce surface water run off.
- The approval of this proposal would be in-keeping with the quantity of development proposed for Warton as set out in the Responses Report and the submission BwWNP. The location of the proposed development site does appear to be in the spirit of the Submission BwWNP. However, as the appeal at Blackfield End Farm has now been allowed, this development would be in excess of the quantity proposed for the whole village.

LCC (Education): The following comments are based on an assessment dated 6 October 2015.

- Any requests for financial contributions are based on the pupil yield generated by a development. This is calculated on the basis of the number of dwellings to be constructed and rises in line with the number of bedrooms to be provided. In cases where the number of bedrooms is unknown (e.g. with outline permissions where this will only become known at reserved matters), a "medium to worst case scenario" will be applied which assumes each dwelling will provide 4 bedrooms.
- Latest projections for the 4 primary schools located within 2 miles of the site show there to be 108 places available in 5 years' time. Therefore, no contribution towards primary school places is sought in this case. However, there are 6 substantial developments which are pending decision (either by the Council or as part of an appeal) which, if approved, will increase the demand for new primary school places. Should a decision be made on any of these developments before the application is determined, LCC will need to reassess its position accordingly as this may result in the requirement for a contribution towards primary school places.
- There are 2 secondary schools within a 3 mile radius of the site. Current projections show there will be a shortfall of 363 places in these schools in 5 years' time. The proposed development would generate a yield of 8 pupil places in secondary schools, thereby increasing this shortfall to 371 places. In order to mitigate this impact a financial contribution equivalent to 8 secondary school places (at a rate of £18,126.38 per place) should be secured through planning obligation.
- Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at St Bede's Catholic High School, Lytham - A Business & Enterprise College. To ensure that the approach is in line with the Community Infrastructure Levy regulations, the County Council confirms that there are 2 secured Section 106 agreements pooled against St Bede's Catholic High School, Lytham - A Business & Enterprise College.

Landscape Officer:

- There are existing mature trees and hedgerows to the site boundaries. Any application

which seeks permission for the development layout will need to demonstrate its precise impact on these landscape features.

- The development has the potential to adversely impact landscape character. This should be mitigated through the provision of landscaping plan which pays particular attention to the northern and western site boundaries to ensure that the development integrates with surrounding countryside. Boundary treatments backing onto open countryside should be screened by hedging.

Environment Agency:

- No objections. Any planning approval should be subject to a condition requiring the submission of a surface water drainage scheme for the site, based on sustainable drainage principles, to demonstrate that post-development surface water run-off from the site will not exceed 35 l/s (as indicated within the submitted Flood Risk Assessment).
- A minimum 20% post-development betterment in surface water discharge rate should be achieved on brownfield sites.
- To comply with current SUDS guidance, the first 5mm of rainfall should be dealt with through infiltration techniques.

United Utilities:

- The site should be drained on separate systems for foul and surface water disposal. The hierarchy in the Building Regulations identifies preferences for surface water drainage as follows: (1) soakaways; (2) a watercourse; and (3) a sewer. A condition should be attached to any permission granted requiring details of foul and surface water disposal to be submitted before any development takes place. The condition should require that surface water drains separately to foul water and no surface water should be permitted to drain to the existing combined sewer network. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 20 l/s.

Lancashire Constabulary:

- In order to prevent the opportunity for criminal and anti-social behaviour (ASB) in and around the site, the following points should be considered prior to the application being prepared for reserved matters stage:
 - Natural surveillance should be optimised as far as possible to deter casual intruders looking for crime opportunities such as windows and garages left open – natural surveillance increases the chances of detection and so acts as a good deterrent.
 - Boundary treatments should be sufficient to protect the rear of the dwelling from intruders. 1.8m close board fencing would be a suitable height and design.
 - Landscaping plans should not compromise the street lighting scheme – trees planted close to street lights obstruct the spread of light and create dark areas which would be more vulnerable to crime and ASB.
 - Footpaths through public open space should be wide and open, with views from nearby housing to deter crime and ASB and to reduce the fear of crime, ensuring the footpaths are well used.
 - Parking courts should be well lit and overlooked by the dwellings they serve to deter auto-crime and ASB in these areas. Parking areas should also be in a 'dead end' layout as a link footpath/through route would make them more vulnerable to auto-crime.
 - Rear access alleys should be avoided as they provide a concealed approach to the vulnerable rear of dwellings. Where absolutely necessary access into the alley should be restricted by a 1.8m lockable gate and the fencing should be 1.5m close board with a 300mm trellis topper to promote natural surveillance into the alley.
 - Physical security of doors and windows.

Natural England:

- The application is in close proximity to the Ribble Estuary Site of Special Scientific Interest (SSSI). The Ribble Estuary also forms part of the Ribble & Alt Estuaries Ramsar and SPA.
- The proposal is not likely to have a significant effect on the interest features for which Ribble & Alt Estuaries Ramsar and SPA has been classified. Natural England therefore advises that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.
- Natural England is satisfied that the proposed development, being carried out in strict accordance with the details of the application, will not damage or destroy the interest features for which the Ribble Estuary SSSI has been notified. We therefore advise your authority that the SSSI does not represent a constraint in determining this application.

Greater Manchester Ecology Unit (GMEU):

- The Ecological Surveys and Assessments submitted in support of the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. Further surveys should not be necessary prior to deciding the application.
- The site is dominated by species-poor grassland of relatively low ecological value. Whilst there are hedgerows and trees on the site that have local nature conservation importance, the majority of these habitats are capable of being retained as part of the development (as shown on the illustrative layout).
- One of the buildings to be demolished to facilitate the scheme has been shown by survey to support a bat maternity roost. All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. Since bats have been found on this site then under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats. Before a licence can be granted three tests must be satisfied. These are:
 - (i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
 - (ii) That there is "no satisfactory alternative";
 - (iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- All three tests must be satisfied before planning permission is granted on a site. The first two tests are essentially land-use planning tests. With respect to the third test, the roost found is of a relatively common bat species most closely associated with buildings. Mitigation for any possible disturbance to bats and proposals for compensating for the lost bat roost have been proposed in Sections 5.4 and 8 of the 'ERAP' Ecological Survey and Assessment Report dated July 2015. These mitigation proposal are considered to be acceptable and, accordingly, the third test above can be satisfied.
- A condition should be attached to any approval requiring that the method statement described in Section 8 of the ERAP ecology report which provides details of measures to be taken to avoid any possible harm to bats and for compensating for the lost roosting site should be implemented in full.
- Retained trees and hedgerows should be suitably protected from harm during the course of the development. There is a need for a detailed Landscape Plan to be prepared for the

development, to be submitted as part of any subsequent Reserved Matters Application.

- No hedgerow removal or tree felling required by the scheme should be undertaken during the optimum period for bird nesting (March to July inclusive).

Neighbour Observations

Neighbours notified:	19 March 2015
Site notice posted:	10 April 2015
Press notice:	26 March 2015
Amended plans notified:	N/A
No. Of Responses Received:	13
Nature of comments made:	13 objections

The points raised in the letters are summarised as follows:

- The proposal does not accord with the Neighbourhood Plan for Warton as it proposes to deliver piecemeal development and does not accord with the comprehensive development strategy required by the Neighbourhood Plan. If the site is to be developed for housing then there should be a corresponding reduction in the housing numbers proposed in the remainder of the village. The proposal will result in an over development in Warton which would result in the village losing its identity.
- The neighbourhood plan provides for a maximum of 650 dwellings in Warton up to 2030. Of these, permission for 434 dwellings have already been granted, leaving 218 left in the allocation. There are a number of appeals pending which would result in significant exceedance of the residual housing figure, most notably at Blackfield End Farm. This appeal will also deal with the weight which the Inspector attaches to the Neighbourhood Plan. The appeal decision is due by 2 July. This application should not be determined until the outcome of that appeal is known.
- There is no demand for additional housing in Warton. The existing developments are already sufficient and the main employer (BAE) is scaling back its operations. There are also numerous houses for sale in the area (including those which have recently been built) which is sufficient to meet the housing needs of the local population. Warton comprises a high proportion of elderly residents. However, the scheme does not appear to include any bungalows or housing to cater for this demographic.
- The development would exacerbate existing traffic congestion along Lytham Road. There are queues on Lytham Road from 3pm every day from Birchwood to Freckleton. There are already 3 ongoing developments in the area using Lytham Road for access with further applications pending decision. The road does not have the capacity to accommodate any additional traffic flow and the creation of additional access points would exacerbate highway safety concerns.
- The submitted ecology survey does not consider the cumulative impact which would arise from this development and those permitted or awaiting decision on surrounding sites. The site has been assessed in isolation and, whilst the land may not make a substantial contribution to the countryside individually, its value rises considerably when sites are considered in combination. In addition, the survey fails to recognise that Barn Owls are active in the area.
- If the existing caravan site is developed then this would result in a number of the residents losing their homes and is likely to bring pressure for these buildings to be relocated on another site within the countryside elsewhere in Warton.
- There is a woodland to the edge of the site which has significant biodiversity value and should be protected as part of the scheme.
- The whole of the site is not in the single ownership of the applicant. Therefore, the

development would impinge on neighbouring land/property, the owners of which have not been consulted. In particular, the access road does not fall within the applicant's ownership. It is a private, unadopted road and would not be allowed to be altered in the manner proposed.

- Warton is built on a floodplain. There are existing drainage issues in the area which will be made worse by the development due to an increase in run-off.
- Warton is poorly served with respect to medical and other community facilities. There is insufficient infrastructure to support a development of this scale.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
TR01	Improving pedestrian facilities
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

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

Draft Fylde Local Plan to 2032 – Revised Preferred Option (emerging Local Plan):

S1 – The proposed Settlement Hierarchy
 DLF1 – Development Locations for Fylde
 SL3 – Warton Strategic Location for Development
 H4 – Affordable Housing

Bryning-with-Warton Neighbourhood Plan (BWNP):

BWH1
 BWH2
 BWLC2
 BWNE1
 BWNE2
 BWNE3

Site Constraints

Within countryside area
 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) (England and Wales) Regulations 2011 (as amended), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, is it not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Analysis

Principle of development:

Policy context:

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

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

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

The eighth bullet point of the core planning principles set out at paragraph 17 of the NPPF indicates that planning should:

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

Paragraph 55 of the NPPF states that:

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

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

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and

through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

FBLP Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

Criteria (1), (2), (3) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design; and
- Developed at a net density of between 30-50 dwellings per hectare.
- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

A number of representations have been made which refer to Fylde Borough’s emerging Local Plan which has reached the Revised Preferred Options (RPO) stage (as of October 2015). Policy S1 of the RPO identifies Warton as a Local Service Centre and policy DLF1 includes Warton as a Strategic Location for Development. Policy SL3 relates specifically to Warton and states that:

- “The Council will work with the Bryning-with-Warton Neighbourhood Planning Steering Group over a masterplanning exercise as part of the Neighbourhood Plan for Warton, to identify land for the **provision of up to 650 homes (inclusive of existing plan period commitments)**” (emphasis added).

This figure of 650 accords with that identified under policy BWH1 of the BWNP. Policy BWH1 requires that these 650 houses are provided within the settlement boundary identified in Figure 5 of the BWNP. In addition, Figure 6 identifies two allocations to the west (H1) and east (H2) of Warton to accommodate this level of housing development and Figure 7 provides a housing concept plan. The whole of the application site falls within site H1 of the BWNP, though the majority of the land is also shown as open space on the conceptual plan in Figure 7.

The RPO Local Plan is subject to public consultation in autumn 2015 and, if carried forward, examination by the Secretary of State before it is adopted. With respect to the BWNP, this was submitted to the Council on 23 September 2014 and the publicity period ended on 28 November 2014. It has not, however, been subject to independent examination, nor has it passed public referendum. Both the Parish Council and objectors have referred to the figure of 650 houses allocated to Warton in both the RPO and BWNP. However, since this figure was devised the Secretary of State has allowed an appeal for 360 dwellings at Blackfield End Farm (BEF – appeal reference APP/M2325/A/14/2217060). Among other matters, the BEF decision comments on the weight which should be attached to both the emerging Local and Neighbourhood plans in the context of developments in Warton. Therefore, significant weight must be given to this decision when considering this application. Another appeal which pre-dates the current BWNP and the BEF decision is of relevance as follows:

- Appeal reference APP/M2325/A/13/2210420 against the refusal of planning application 13/0187 which sought to allow the occupation of existing holiday accommodation on the site as permanent residential dwellings.

With respect to the appeal at BEF (which reflects the most up-to-date policy position), the Secretary of State concludes, at paragraph 6 of his summary, as follows with respect to the weight to be attached to the emerging Local and Neighbourhood plans:

- “In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the *Fylde Borough Local Plan as altered – October 2005* (LP). The Secretary of State has also taken account of the emerging Local Plan (ELP); and he agrees with the Inspector and the main parties to the appeal that, **as it is at a relatively early stage in its preparation, it carries only limited weight**. Similarly, the Secretary of State also agrees with the Inspector that **the provisions of the emerging Neighbourhood Plan (ENP) can carry only limited weight at this stage**” (emphasis added).

Given the above, it is considered that both the emerging Local Plan and the BWNP can carry only limited weight in this case. With respect to site-specific context, the allocation of the application site as public open space in Figure 7 of the BWNP is also questionable given that this land already benefits from an established use as a caravan park (i.e. if this application was unsuccessful, the applicant’s fallback position would be to retain the caravan park as the permitted use rather than remove the pitches and convert the site to open space).

In conclusion, neither the RPO Local Plan nor the BWNP form part of the statutory development plan for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004. Whilst they are material considerations, given their unadopted status they can carry only limited weight in the decision making process and should not be seen to provide the prevailing policy context in the determination of planning applications. The principal documents to be referred to in this respect are the NPPF and the FBLP (save where it conflicts with the NPPF). In this case, substantial weight should also be attached to the Inspector’s decisions in respect of the two abovementioned appeals.

Housing:

The site falls within the Countryside Area as defined on the FBLP Proposals Map. Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside.

Paragraph 47 of the NPPF requires Local Planning Authorities to “boost significantly the supply of housing” in order to “provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Paragraph 49 of the NPPF states that: “housing applications

should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Council is presently unable to demonstrate a 5 year supply of housing land, with the latest five year housing land supply position statement (dated March 2015) indicating that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

The Council has been successfully challenged at a number of recent appeals where it has sought to resist housing within the countryside area as a matter of principle. In particular, the appeals at Oaklands (paragraph 10) and BEF (paragraph 13) conclude as follows with respect to housing land supply:

- “The Council accepts that it cannot demonstrate a 5 year supply of housing land and its policies in respect of housing cannot therefore be considered to be up-to-date – a point which has been made to the Council in another Appeal decision to which I have been referred. In these circumstances I consider that only limited weight can be given to Policy SP2 of the adopted Local Plan”.
- “Having carefully considered the Inspector’s discussion on housing land supply, the Secretary of State agrees with his conclusion that there is not a five years’ supply of housing land. The Secretary of State therefore also agrees with the Inspector that the contribution of the appeal site towards making such a provision carries considerable weight in support of the appeal proposal”.

Furthermore, paragraph 16 of the Oaklands appeal concludes as follows with respect to the principle of residential development on the site:

- “I conclude on the first main issue that the conditions in dispute [which restrict the occupation of the holiday accommodation for permanent residential purposes] are not necessary to prevent any unacceptably harmful effect on the character of the countryside or on the site’s relationship to the village of Warton. I am satisfied that the benefits of providing dwellings in the absence of a 5 year supply of housing land outweigh any conflict with Policies SP2 and HL2 of the adopted Local Plan and the Council’s Interim Housing Policy”.

In addition, and whilst recognising the limited weight which can be attached to the emerging Local Plan and the BWNP, it is noted that the site also falls within allocation H1 of the BWNP as identified in policy BWH1. In this respect, the principle of residential development on the site is substantially in accordance with the aspirations of both the emerging Local Plan and the BWNP. Further benefits arise in this case as much of the site is already previously developed for the purposes of the definition in Annex 2 of the NPPF.

Given the Council’s current lack of a 5 year supply of housing land, the scheme’s conformity with the principles of the emerging Local Plan and the BWNP, the precedent set by virtue of the Inspector’s and Secretary of States’ decisions in respect of appeals 2210420 and 2217060, and despite the development’s conflict with FBLP policy SP2 (to which only limited weight can be attached due to its inconsistency with the NPPF), it is considered that the principle of residential development on the site is acceptable.

Cumulative impact:

Objectors have referred to housing numbers associated with recently permitted developments and applications which are pending decision (either by the Council or the Secretary of State) with the implication that, if all these sites were developed, the cumulative impact would result in committed developments far in excess of the target of 650 dwellings set out in the BWNP. A summary of all major developments submitted since 2012 which have been approved or are awaiting a decision is shown in Table 1.

Approved Developments	
Site	Dwelling nos.
Riversleigh Farm	83
GEC Marconi	254
Meadows View	66
Georges Garage	16
Blackfield End Farm	360
TOTAL	779
Applications/Appeals Pending Decision	
Site	Dwelling nos.
Land east of Warton and north of Freckleton Bypass	375
Nine Acres Nursery	22
Oaklands Caravan Park	53
Clifton House Farm	115
TOTAL	565
GRAND TOTAL (approved + pending)	1344

Table 1: Permitted/pending major applications for residential development in Warton.

As identified in Table 1, and following the recent appeal decision at BEF, a total of 779 dwellings have been approved across five sites since 2012. Development has commenced on three of these sites. Four further applications for residential development (including the application site) which, in combination, would deliver up to a further 565 dwellings are pending decision.

Extant/implemented permissions will allow the construction of up to 779 dwellings in Warton during the plan period, including 360 dwellings on an area of land which falls wholly outside the two allocations in Figure 6 of the BWNP. This exceeds the target of 650 outlined in policy SL3 of the RPO and BWH1 of the BWNP by 129 dwellings. The exceedance of this aspirational housing target was considered as part of the BEF appeal. As noted above, the Secretary of State attached only limited weight to the provisions of emerging policy documents (and, accordingly, to the housing target contained therein), with paragraphs 130, 131 and 157 of the Inspector's decision concluding as follows:

- "The appeal proposal is larger than any of the existing commitments, and represents 55% of the reduced figure of 650 dwellings and 31% of the figure of 1,160 in the Preferred Options. These proportions increase to 122% and 68% when existing commitments are taken into

account. Insofar as Warton is concerned, there is **no clear explanation in the Responses Report to justify the reduction in housing numbers** indicated therein. In these circumstances, **I do not consider that the proposed development would undermine the plan-making process**. Moreover, paragraph 21b-014 of PPG advises that the **refusal of planning permission on the ground of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination**. With a further version of the Preferred Options yet to be published and consultation to follow, it is clear that the ELP is some way from submission for examination” (emphasis added).

- "The appeal proposal would account for more than half of the 650 dwellings put forward in Policy BWH1, and the site is outside the settlement boundary. The proposed development has the potential to have a significant effect on the plan-making process, which is further advanced than that of the ELP. At the date of the inquiry, consultation had commenced on the submission version of the ENP, but it had yet to be formally assessed by the Council, and it had not been submitted for examination. Whilst the number of 650 dwellings proposed in Policy BWH1 is consistent with the stated intention of the Council in respect of the ELP, the provisions of the ELP carry limited weight. I consider that the same is true of the ENP at this stage in the process”.
- “The provision of additional housing to contribute to the land supply in Fylde, consistent with paragraph 47 of the NPPF, is a matter of considerable weight. Given the need for affordable homes, inclusion of accommodation at a proportion of 30% is significant, and the development would provide important economic benefits. Moreover **the development would not be premature in respect of the ELP and the ENP**” (emphasis added).

Concerns have also been raised with respect to the current ‘piecemeal’ approach to development in Warton. It is recognised that both the emerging Local Plan and the BWNP include an aspiration for development to be delivered in a strategic and co-ordinated manner, including the phased delivery of housing and associated supporting infrastructure. In this respect, paragraph 128 of the Inspector’s decision in the BEF appeal concludes as follows with respect to masterplanning:

- “It is clear from the Responses Report on the ELP Preferred Options that the ENP is seen by the Council as encompassing a masterplanning exercise for Warton. Insofar as connectivity is concerned, I conclude that some limited harm arises from the minimal opportunity to provide pedestrian and cyclist links as part of an individual planning proposal”.

Due to different landowner and developer interests it is typical for planning applications to be submitted on individual sites in isolation of one another, even where these form part of a wider land allocation (for example, that put forward in the BWNP). This does not, however, prevent a holistic approach to be taken in order to deliver a comprehensive development. Moreover, it is appropriate for the impact of any individual development (e.g. with respect to transport matters) to be considered on a cumulative basis in combination with other committed developments nearby.

In this case, it is noted that the illustrative layout includes measures to provide connectivity between the Oaklands site and those lying to the east (Riversleigh Farm) and west (Clifton House Farm) which are the subject of extant and submitted planning applications and form part of the strategic housing allocation in the BWNP. In particular, the indicative masterplan shows two potential vehicle access routes through to the Riversleigh site, pedestrian access through to both adjoining land parcels and the siting of open space to merge with that on each adjacent site. Accordingly, it is considered that a strong degree of connectivity is capable of being delivered as part of the development in accordance with the aspirations in the RPO Local Plan and the BWNP.

In considering cumulative impact and the merits of masterplanning, due regard also has to be given to the established use of the site and the fact that the fallback position for the applicant would allow

the continued use of the site for 32 static pitches, 78 touring pitches and 4 holiday cottages. Accordingly, the comparative impact between the established and proposed uses is also a material consideration. In this respect, paragraphs 19 and 20 of the Inspector's decision relating to appeal reference 2210420 conclude as follows:

- "Whether the appeal site continues in use as a holiday caravan park or is used as a permanently occupied caravan park or is eventually developed with more permanent forms of dwellings will depend largely upon choices made by the owner. Should the owner choose to continue with his current use of the site he could frustrate comprehensive development. I can see no sound reason for believing that use of the appeal site for the stationing of permanently occupied caravans would be any more likely to inhibit the development of the wider site which is proposed for allocation.
- "The conditions in dispute are not necessary to ensure that development proposals proposed in the emerging Fylde Local Plan can be brought forward in a comprehensively planned manner to properly contribute to the area's development requirements".

Location:

The site is located on the edge of the existing village and is in comfortable walking distance of local shops, services and community facilities – principally located along Lytham Road to the east. Four primary schools fall within 2 miles of the site and two secondary schools are within 3 miles. Freckleton Health Centre is located further along Lytham Road approximately 1.4 miles to the east. Bus stops on Lytham Road, the closest of which are 200 m to the west, provide connectivity with Lytham and other areas both within and outside the Borough. Employment opportunities are also available locally at BAE systems and the nearby Enterprise Zone.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and amenities both within and outside the village and would not be unduly isolated from them. The site is accessible by modes of transport other than private car and has reasonable access to employment and education opportunities and other community facilities in the locality. Therefore, it is considered that the proposal represents a sustainable development within the countryside area for the purposes of FBLP policy HL2 (7) and paragraph 55 of the NPPF.

Loss of tourist accommodation:

The proposed residential development would result in the loss of existing holiday lodges and tourist accommodation on the site. There is, however, no evidence to suggest that this would result in a particularly high level of unmet demand for this type of accommodation in Warton or that the loss of this accommodation would adversely impact on the vitality and viability of the rural economy. The site does not fall within the Primary or Secondary Holiday Areas as identified in the FBLP and its development for housing would have a positive impact on the local economy. Moreover, it is noted that the Inspector did not consider this to be a determining factor during his consideration of appeal reference 2210420. Accordingly, there is no conflict with the FBLP or NPPF in this respect.

Loss of agricultural land:

A small swathe of land to the northwest corner of the site is designated as grade 3 agricultural land on the Agricultural Land Classification Map. However, as this land is presently occupied by a series of static homes, it is not in agricultural use. The land, by virtue of its current use and small size has no reasonable prospect of being brought back into use for agricultural purposes and, accordingly, it is not considered that this represents a constraint to development for the purposes of FBLP policy

EP22.

Conclusion on principle:

The Council is presently unable to demonstrate a five year supply of housing land. Therefore, policies which seek to restrict development outside existing settlement boundaries (e.g. FBLP policy SP2) are out-of-date. The application site falls within one of the housing allocations in the BWNP (site H1 – west of Warton). Both the BWNP and the RPO Local Plan include a target of 650 dwellings to be delivered in Warton during the plan period (up to 2032). However, as has been demonstrated through the recent appeal decision at BEF, this figure cannot be relied upon to limit the expansion of the settlement in the absence of a five year supply. Accordingly there are, at present, extant permissions for up to 779 dwellings in Warton despite the figure contained within the RPO and the BWNP. The BEF appeal decision confirms that, due to their unadopted status, the emerging Local and Neighbourhood Plans (and, laterally, the aspirational housing figure of 650 dwellings) can carry only limited weight in the decision making process. Indeed, the Secretary of State's recent decision to allow the appeal at BEF allows a substantial exceedance of this figure.

The application site occupies a sustainable, edge-of-settlement location which is well related to existing shops, services and employment opportunities in Warton. The site, by virtue of its size and location, is largely in conformity with the development aspirations in the current version of the BWNP (albeit that this has been somewhat overtaken by the BEF decision) and would make a valuable contribution to the Council's supply of housing land in accordance with paragraph 47 of the NPPF. Additional benefits arise in this case as much of the site is previously developed, the principle of a permanent form of residential development on the land has been considered acceptable as part of a previous appeal and the illustrative masterplan includes measures to promote connectivity between the site and adjoining land which also falls within the allocation in the BWNP. Therefore, it is considered that the principle of development is acceptable.

Visual and landscape impact:

The site is situated adjacent to, but outside, the existing settlement boundary as identified in the FBLP and forms part of the Countryside Area which extends to the north and west of the village. In practical terms, the settlement boundary has been altered and extended in a westerly direction through the commencement of the residential development at Riversleigh Farm. Accordingly, once the Riversleigh Farm development is completed, the site will abut the built up edge of Warton. In addition, the site's present contribution to the openness of the countryside is already reduced by the siting of holiday chalets, touring caravans, hardstanding and associated buildings and appurtenances on the land. As a result, there is clear visual distinction between the site and adjoining, open farmland which forms rolling fields beyond the site boundary to the northwest. A series of hedgerows mark the boundaries of the caravan park and emphasise this segregation.

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

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

Criteria (2), (3) and (5) of FBLP policy HL2 state that planning applications for housing will be permitted where they are:

- In keeping with the character of the locality in terms of scale, space around buildings,

- materials and design;
- Developed at a net density of between 30-50 dwellings per hectare; and
- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

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

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

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

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

In addition, policy BWH1 of the BWNP provides a density guideline of 30 dwellings per hectare on site H1 and criteria (1) and (2) of policy BWH2 require that developments include the following in order to retain the village character of Warton:

- The inclusion of appropriate buffer areas to protect the amenity of existing and future residents and the countryside setting of Warton. These buffer areas should enhance existing and create new wildlife habitats and corridors, see Figure 7. These buffer areas should be substantial areas of open space, avoiding the creation of narrow footpath sized strips of land that simply become alleys or ginnels;
- Suitable high quality, on site, public open space provision.

Policy BWNE2 outlines four criteria which developments should adhere to in order to protect and enhance local character and landscape value as follows:

- Enhance and reinforce local distinctiveness. Applicants will be required to clearly demonstrate how the general character, scale, mass and layout of the site, building or extension fits in with the 'grain' of the surrounding area with a Design and Access Statement.
- Reflect the existing local settlement patterns and the predominant rural character of this area of the Fylde Coast, where isolated farmsteads and small villages predominate, in contrast to the major built-up areas of the coast to the west.
- Enhance the distinctive character and countryside setting of the rural landscape, including incorporation of buffer zones, see Figure 11, when development adjoins the settlement boundary.
- Use materials to complement the quality and character of the surrounding area.

The site does not fall within any of the landscape designations identified in policy EP10 (though hedgerows do exist both to the perimeter of and within the site) and, by virtue of its position to the western edge of the settlement, is viewed in a more suburban context from vantage points along Lytham Road. The development boundary would not exceed that of the existing caravan park (e.g. by encroaching into adjoining agricultural land), nor would it extend beyond that of the Riversleigh

Farm site to the east. Accordingly, the site is considered to be well related to the built up edge of the existing settlement and, in addition, falls wholly within the extended settlement boundary identified in Figure 5 of the BWNP.

The development proposes a maximum of 53 dwellings on a 2.41 hectare site. The indicative layout shows a mix of detached and terraced dwellings laid out to a density which replicates that of the approved scheme at Riversleigh Farm (though bedroom numbers are unknown at this stage). An area of 0.29 hectares is to be laid out as open space to the northern and western ends of the site. When discounting this open space, the developable area of the site reduces to 2.12 hectares. This yields a net density of 25 dwellings per hectare (dph).

With respect to determining appropriate housing densities, paragraph 47 of the NPPF states that LPAs should “set out their own approach to housing density to reflect local circumstances”. Whilst the proposed density of 25 dph falls below the guideline in FBLP policy HL2 and the BWNP, the developable area of the site is restricted by its irregular shape (particularly along the access road). In any case, the density proposed is considered to be compatible with character of surrounding development to the edge of the settlement and the provision of a lower density is appropriate within the Countryside Area in order to reflect local circumstances, having particular regard to the objectives of BWNP policy BWNE2.

Whilst the development would represent encroachment into the countryside, visual and landscape harm is minimised in this case as the site is already occupied, on a relatively intensive basis, by existing buildings, vehicles and associated hardstandings which currently afford an urbanised appearance. Indeed, the removal of existing buildings and appurtenances associated with the present use and their replacement with dwellings incorporating sizeable gardens and on-site open space is unlikely to have any substantially greater urbanising impact which could be considered more harmful in comparison to the established use.

The site is currently enclosed by hedgerows along its perimeter with adjoining farmland. A number of these features also continue into the site to act as internal enclosures. The development would necessitate the removal of four stretches of hedgerow within the site which have a combined length of approximately 171m. Nevertheless, these internal hedgerows are of no particular significance in ecological, visual or landscape terms. In contrast, those of greatest value in providing a soft edge to open countryside around the perimeter of the site are to be retained, strengthened and incorporated into the development layout as part of the landscaping of the site. An appropriate condition has been recommended to ensure the protection and retention of existing perimeter hedgerows and requiring any application for reserved matters to adhere to the landscaping principles indicated on the illustrative masterplan.

A number of trees form a small woodland on adjoining land to the northeast of the site. This woodland is protected by TPO and is not to be altered by the development. A linear belt of trees adjacent to the northern boundary are also to be retained. The tree protection plan submitted as part of the application maps the root protection areas of these trees and indicates the introduction of a construction exclusion zone in the form of protective fencing around these specimens. An appropriate condition has been recommended to ensure that this fencing is installed before any development takes place.

Although the development would result in encroachment into the countryside its visual impact would be localised, limited by the site’s established character/use, and satisfactory mitigation could be incorporated into the scheme (having particular regard to the retention and strengthening of landscaping) to ensure that any impact arising as a result of this encroachment is satisfactorily

minimised. It is also noted that the developable areas of the site are located a significant distance away from Lytham Road towards the northern end of the site and, accordingly, their visual impact from this most prominent vantage point would be minimised.

The density and scale of development would be compatible with the site's location on the edge of the settlement and would represent a proportionate extension to the village which, where appropriately mitigated, would be successfully assimilated into its surroundings in order that it would not have an unduly harmful impact on visual amenity or landscape character within the countryside. Therefore, the proposal is considered to be in accordance with the requirements of FBLP policies HL2, HL6, EP10, EP11, EP12, EP14 and EP18, the BWNP and the NPPF.

Highways:

The second and third bullet points to paragraph 32 of the NPPF state that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Policy TR1 (2) encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel through:

- The provision of comprehensive high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops.

In addition, criteria (3) and (6) of BWNP policy BWH2 stipulate that residential development should ensure:

- All necessary infrastructure upgrades to highways be incorporated in housing schemes and appropriate works be in place before development commences.
- Appropriate access is provided to all forms of transport and the proposed development does not lead to significant road issues that compromise the safety of residents and the free flow of traffic.

The application is accompanied by a Transport Statement (TS) by SCP dated March 2015. This has been supplemented by additional Transport Notes (TN) dated November 2015 and December 2015 which provide updated trip generation and distribution information (including accounting for the reduction in the maximum number of dwellings from 56 to 53), an assessment of the development's cumulative impact in combination with other committed/pending schemes in Warton and amendments to the proposed means of access to the site. The details and plans in the December 2015 TN are considered to reflect the most up-to-date position in this respect.

Access:

The principal access to the site will be via the existing priority junction onto Lytham Road which currently serves the caravan park, a handful of dwellings and the garage/caravan storage site to the southwest. The existing access road comprises a 6.2m carriageway flanked partially by a 1.3m footway to the east side. Whilst occupying substantially the same position, this access would be modified to provide a central 5.5m wide carriageway flanked by 2m wide footways to both sides at the entrance into the site. The footway to the west side would narrow into the site towards a pedestrian crossing over the access road set 7.5m back from the junction. A new 6m kerb radius and 'give way' markings would be introduced at the junction with Lytham Road. Minimum visibility splays of 2.4m x 51m (westbound) and 2.4m x 47m (eastbound) would be achieved at the junction.

The site access would merge with a 5.5m estate road following the alignment of the existing access road into the caravan park before branching off into the residential estate to provide three cul-de-sacs flanked by dwellings to both sides. Turning heads are shown at the end of each cul-de-sac and the estate road would be served by 2m wide footways to both sides. The layout also indicates the potential for road and pedestrian/cycle links through to the Riversleigh Farm site to the east and pedestrian/cycle linkages with Clifton House Farm to the west, should that site ever be developed.

The Local Highway Authority (LHA) consider that the details of the site access shown within the December TN (and plan reference SCP/15078/F01 which accompanies this) are acceptable. This includes the principle of the priority junction, visibility splays, carriageway width and the proposed footway arrangement (including a pedestrian crossing over it). Accordingly, the LHA conclude that an appropriate means of access can be achieved for the development and to not object to the application on these grounds.

The alterations to the site access would ensure safe and convenient access and circulation for vehicle traffic (including the provision of adequate visibility splays at the junction with Lytham Road) while also improving accessibility for pedestrians through the provision of wider, continuous footways into the site. Whilst concerns have been raised by a third party with respect to the feasibility of implementing the proposed changes to the site access due to ownership issues, these are private matters between adjoining landowners which would be unaffected by the grant of any planning permission and do not affect the planning merits of the scheme. Appropriate conditions have been recommended in order to secure the physical works required to modify the site access as shown on the submitted plans in the TN, and to require precise details of the linkages through to adjoining land shown indicatively on the masterplan.

Traffic generation:

The submitted TS, supported by the supplementary TN, makes reference to the Trip Rate Information Computer System (TRICS) and estimates that the development would generate a total of 29 two-way vehicle movements during the weekday peak AM period and 32 movements during the peak PM period. This equates to an average of approximately 1 vehicle every 2 minutes onto the local network. In comparison, and with reference to the same database, the existing caravan park is predicted to generate 6 (AM) and 21 (PM) movements during the same periods.

When trips associated with the caravan park are factored into the calculation, the proposed development would result in a net increase of 23 (peak AM) and 11 (peak PM) two-way vehicle movements at the site in comparison to the existing use. The TS concludes that "this level of traffic would be insignificant on the local highway network, equivalent to just 1 additional vehicle every 2 minutes in any direction, which would be undetectable given the random nature of traffic flow".

The TS/TN identifies that there have been no recorded injury accidents during the last five years at the junction of the site access onto Lytham Road, though there have been two slight accidents further along Lytham Road to the east of the site and two serious accidents around the junction with Bank Lane to the west. The TS concludes that there is, however, “no existing pattern of accidents at the proposed site access or adjacent to the site” and that the junction has sufficient visibility and capacity to accommodate the level of traffic likely to be generated by the development.

Cumulative impacts:

Paragraph 32 of the NPPF indicates that cumulative effects should be taken into account when considering the transport impacts of developments. However, permission should only be refused “where the residual cumulative impacts are severe”. The LHA do not challenge the trip generation rates within the TS/TN as outlined above. The LHA have, however, objected to the application on the basis of its cumulative impact when considered in combination with other committed housing schemes, most notably that recently allowed at BEF. In summary, the LHA consider that:

- The development will have a greater impact than the existing use on the highway network in terms of highway safety and capacity, and will lead to greater queue lengths at junctions on the A584 – most notably the Lytham Road / Church Road / Highgate Lane junction which, due to the BEF development, will already operate over capacity even without the Oaklands development. Therefore, any development which will exacerbate highway impacts on the A584 will result in a severe residual cumulative effect.
- Despite the traffic generation and trip distribution figures in the TN, as the existing highway network already suffers from capacity issues, even small incremental increase in traffic such as those proposed by this development have the potential to exacerbate any existing adverse effects when considered in combination with other developments.

When assessing whether it would be sustainable to refuse permission on transport grounds in light of the objection from the LHA, it is considered that there are two principal considerations applicable as follows:

- i) The development’s residual impact when considered in comparison to the established use and whether any increase in traffic generation is of a sufficient scale so as to be considered “severe”.
- ii) The conclusions on highway matters raised as part of the BEF appeal and the effects of the current proposal in comparison to the BEF scheme which was allowed in spite of a similar objection from the LHA.

In respect of (i), the TN indicates that the development would result in a maximum net increase of 23 (AM) and 11 (PM) two-way vehicle movements at the site in comparison to the existing use. The supplementary transport note also considers the development’s cumulative impact in combination with committed developments at Warton East, BEF and Riversleigh. Using the east and west bound trip distribution calculations from the Transport Assessments for these developments, the TN estimates that 47% of traffic in the peak AM period would travel in an eastbound direction and 53% would travel westbound. These percentages change to 51% (eastbound) and 49% (westbound) in the peak PM period. With reference to these percentages the TN estimates that the proposed residential development would, in comparison to the established use, add 11 eastbound trips and 12 westbound trips in the peak AM period; and 5 eastbound trips and 6 westbound trips in the PM peak. With reference to these figures the TN concludes that:

“This equates to approximately **one additional vehicle trip every 5 minutes to both the east and west in the AM peak period** and **one additional vehicle trip every 12 minutes to the east and every**

10 minutes to the west in the PM peak period. In terms of a **percentage increase in existing plus committed-development traffic flows it represents a 1.2% increase in the AM peak and less than a 0.6% increase in the PM peak.** This additional level of trips will not have a severe impact on the surrounding highway network and would be imperceptible given the fact that traffic flows can typically vary by as much as +/- 10% on a day-to-day basis” (emphasis added).

- “With regard to the impact at the Church Road/Lytham Road/Highgate Lane junction to the east of the site in Warton, the proposals would add just **11 vehicles two-way in the AM peak** and just **6 two-way in the PM.** In the **AM peak, the number of vehicles predicted to leave the application site and approach the junction is just 8.** This is equivalent to **one additional vehicle every 7.5 minutes**” (emphasis added).

The LHA do not challenge the figures in the TN concerning traffic generation, trip distribution or the development’s cumulative impact in combination with other committed/pending developments. Therefore, there is no reason to doubt the accuracy of the figures in the TN highlighted above.

In terms of (ii), paragraph 10 of the Secretary of State’s decision and paragraph 156 of the Inspector’s decision at BEF conclude as follows on highway matters:

- “Having carefully considered the Inspector’s discussion on the Lytham Road/Church Road/Highgate Lane junction, the Lytham Road/Mill Lane/Ribble View Close junction, the Lytham Road/GEC junction, and the site accesses and Church Road, the Secretary of State agrees with his conclusions that there would be significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction, a limited adverse effect on highway safety and, as a consequence, conflict with criterion 9 in Policy HL2 of the Local Plan. However, the Secretary of State also agrees with the Inspector that, taking account of the overall implications of the appeal proposal on the local highway network, the residual cumulative effects would not be severe. The Secretary of State therefore gives them only moderate weight in the overall balance”.
- “There would be significant adverse effects for traffic movement and a limited adverse effect on highway safety at the junction of Lytham Road/ Church Road/ Highgate Lane. I do not consider that there would be material adverse effects on traffic movement at Mill Lane or GEC junctions, nor that the site accesses on Church Road could not be provided in a satisfactory arrangement. Paragraph 32 of the NPPF makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts are severe, and I do not consider that this high threshold would be reached in this case”.

Given the figures in the TN, it is apparent that the proposed development would result in a relatively modest increase in traffic generation in comparison to the established use. Moreover, the trip distribution data provided indicates that, on average, only about 50% of the additional traffic generated would travel in an eastbound direction towards the junctions affected by the BEF development (most notably that of Lytham Road/ Church Road/ Highgate Lane where the greatest impact was identified).

The TN estimates that the net increase arising from the development represents a 1.2% increase in the AM peak and less than a 0.6% increase in the PM peak when considered in combination with existing baseline traffic flows and those arising from other committed developments nearby (including the Warton East site which remains the subject of an ongoing appeal). Accordingly, it is considered that any residual cumulative impacts arising in combination with other committed developments would be sufficiently limited in order that these could not be considered “severe” for the purposes of paragraph 32 of the NPPF. There is substantial separation between the application site and BEF. Moreover, the Oaklands development does not rely solely on the Lytham Road/Church

Road junction (the main area of localised concern in the BEF appeal) for access. It is also recognised that these two developments are of a significantly different scale and that the impact of the Oaklands scheme is not directly comparable to that of BEF.

Therefore, on balance, and with reference to the traffic generation and trip distribution figures in the TN (which are not disputed by the LHA) and the Inspector's conclusions in the BEF appeal, it is not considered that there is sufficient justification in this case to conclude that the development's effects on network capacity or highway safety, having regard to the frequency and magnitude of the impact (both individually and cumulatively), could be considered so "severe" that they would significantly and demonstrably outweigh the benefits of the scheme for the purposes of the NPPF.

Other matters raised by the LHA:

In addition to matters relating to the development's cumulative impact on network capacity, the LHA have raised additional points which suggest that a contribution should be made towards measures supporting sustainable modes of travel as part of a travel plan. Whilst reference is made to a contribution of £210 per dwellings secured on the adjacent Riversleigh site, the LHA states that "LCC does not wish to receive these funds but have a meaningful developer commitment to deliver the travel plan".

Appendix B to the Department for Transport's note: 'guidance on Transport Assessment' (March 2007) indicates that travel plans should normally only be sought for developments of over 80 dwellings. Indeed, the LHA's response recognises that "the development is below the threshold for a formal Travel Plan" (which was not the case for the 83 dwelling development on the adjacent Riversleigh site with which comparisons are made). As the proposed development for 53 dwellings falls well below the level where a travel plan (and, accordingly, any financial contribution or other developer-led mechanism secured through condition) would normally be required, it is considered that there is insufficient justification to require a travel plan in this case. Moreover, the LHA do not provide any evidence to support the figure quoted in their response which is specific to this development and, therefore, a request for any such contribution is likely to fail the tests for planning obligations set out in the National Planning Policy Framework and the Community Infrastructure Levy Regulations.

Parking:

The indicative layout shows properties to be served by a combination of in-curtilage driveway parking, garages and communal parking courtyards (specifically for the terraced houses). The car parking standards in Appendix 4 of the emerging local plan require a maximum provision of 2 parking spaces for 2-3 bed dwellings and 3 car parking spaces for 4+ bedroom dwellings. Whilst bedroom numbers are unknown at this stage, given the density of development there would be sufficient space available in order to ensure the provision of adequate off-road parking for each plot in accordance with these standards when layout is applied for at reserved matters stage. Therefore, the development is capable of making adequate parking provision in accordance with the parking standards outlined in Appendix 4 of the emerging plan (which, in any case, are expressed as a maxima).

Conclusion on highway matters:

The proposed development would ensure safe and convenient access for vehicle traffic and would improve access to the site for pedestrians, including connectivity with adjoining sites. Despite the objection from the LHA, it is not considered that the level of traffic generated by the development

(having particular regard to the 'net gain' arising in comparison to the site's established use) and its distribution on the wider highway network would, either individually or in combination with other committed developments, have a severe residual cumulative impact on network capacity or highway safety which would justify refusal of the application. The illustrative layout also demonstrates that satisfactory parking and manoeuvring arrangements can be achieved as part of the scheme. Appropriate conditions have been recommended to ensure that the development makes appropriate access arrangements to the site. The proposal is therefore in accordance with the requirements of FBLP policies HL2 and TR1, the BWNP and the NPPF.

Relationship with surrounding development:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

1. would not adversely affect the amenity and privacy of neighbouring properties;

FBLP policy EP27 indicates that development which would unacceptably result in harm by way of noise pollution will not be permitted.

In addition, criterion (5) of BWNP policy BWH2 requires that developments maintain a high level of residential amenity for existing and future occupiers and adjoining residents.

The eastern site boundary would flank properties to be constructed as part of the adjacent Riversleigh Farm development. The approved layout for this scheme shows the majority of dwellings to back onto the application site, with some orientated at right angles to it. The arrangement shown on the indicative layout shows a general 'back-to-back' relationship with these dwellings, demonstrating that minimum spacing standards are capable of being achieved between houses across the two developments.

Other neighbouring properties are located adjacent to the site access onto Lytham Road and on the opposite side of the A584. Given their separation with the proposed estate, these dwellings would not be affected by the development in terms of overlooking, overshadowing or loss of outlook. Whilst those adjacent to the access would be passed by traffic generated by the scheme, the effects of this in terms of noise and disturbance would not be notably different in comparison the existing caravan park. Moreover, when considered in the wider context of the ambient noise climate along the busy thoroughfare of Lytham Road, the impact of any additional vehicle movements into the site would be imperceptible.

The site lies adjacent to open farmland to the north and west. A vehicle repair garage and caravan storage site are located on a separate parcel to the southwest of the site. However, the modest scale of these operations, combined with their daytime opening hours and the provision of an appropriate screening buffer along the boundary with the new dwellings, would ensure that future occupiers would not suffer any undue noise and disturbance as a result of these uses. Such detailed issues will require further consideration at reserved matters stage as part of the layout and landscaping of the development.

Ecology:

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

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

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

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

BWNP policy BWH1 indicates that development on sites H1 and H2 will only be permitted where it is demonstrated that there will be no adverse impact on a designated European Site, and policy BWH2 (1) requires new housing developments to enhance existing and create new wildlife habitats and corridors.

In addition, policy BWNE1 states that all development proposals will be required to demonstrate that local wildlife and habitats have been suitably assessed and, where appropriate, protected and enhanced including through sensitive and appropriate landscape and environmental management, and identifies six objectives for biodiversity enhancement as part of development proposals.

In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 ('the Regulations'). This assessment is made through the application of three derogation tests as set out in 53(2)(e) and 53(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- (i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- (ii) That there is "no satisfactory alternative";
- (iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

The site lies within 1 km of the Ribble Estuary Site of Special Scientific Interest (SSSI). The submitted ecology survey considers that the potential impact of the development on this site is insignificant and Natural England have confirmed that the SSSI should not represent a constraint to development. Therefore, the development would not conflict with the requirements of BWNP policy BWH1.

Habitats on the site include a mix of buildings, amenity grassland, hardstanding, young trees/shrubs and hedgerows. A pond and broadleaved woodland fall outside the site to the north. The habitats of greatest value on the site are the hedgerows. Four individual stretches of hedgerow which presently run within the site are to be removed as part of the development, as are four trees to the northern

end (two of which are category 'U' specimens). All existing hedgerows to the site boundaries are to be retained. The submitted ecology survey suggests that any hedgerow loss is compensated for through the planting of new, native-species rich hedgerows elsewhere within the site. Specifically, locations along the eastern flank of the access road and the northern site boundary are suggested. Appropriate conditions have been recommended requiring the introduction of appropriate tree/hedgerow protection measures, compensatory/supplementary planting as part of any landscaping scheme and restricting the removal of vegetation during the bird breeding season in accordance with advice from GMEU.

The submitted ecology survey also considers the development's impact on protected species. The survey concludes that "the presence of badger, barn owls, reptiles and water vole are all reasonably discounted". However, specific surveys have been undertaken with respect to bats and Great Crested Newts (GCN) as there are features within the site which are capable of supporting these species. The following conclusions are made in the ecology report in this respect:

- Bat surveys including building inspections and emergence/re-entry surveys were undertaken in March, May, June and July 2015. These surveys revealed the presence of a single maternity roost of Pipistrelle species in Building 1 (a toilet block occupying a central position within the site alongside the eastern boundary - 'Roost A') and a day roost of Common Pipistrelles in Building 4 (a holiday cottage to the southeast of the site - 'Roost B'). Building 1 is to be demolished in order to facilitate the development. However, Building 4 would not be affected by the proposal. The demolition of Building 1 will result in the long term loss of the roost from the site and has the potential to cause injury to bats. Therefore, a European Protected Species Licence will be required from Natural England. A method statement has been submitted as part of the ecology report which outlines the measures to be implemented in order to ensure that the development would not be detrimental to the favourable conservation status of bats. These measures are summarised as follows:
 - Works involving the demolition of Building 1 should be undertaken between October and May (inclusive).
 - Alternative roosting facilities will be provided on Building 4 prior to any demolition works at Building 1 taking place to ensure suitable compensatory provision of a maternity roost during the works.
 - Features suitable for use by Pipistrelle bats will be installed to the gable ends of dwellings on four plots to the northeast of the site in order to establish suitable roosting provision near to favourable habitats in the wider area (specifically ponds and woodlands to the north).
 - Gaps suitable for access by bats will be installed at a further two plots in order to ensure like-for-like provision as compensation for the loss of Roost A.
- A total of 10 ponds are located within 500m of the site. However, only 3 of these are within 250m (including one on the opposite side of Lytham Road). The closest waterbody (Pond 1) is located some 5m from the northern site boundary and presence/absence surveys were undertaken in respect of this pond in May 2015. These surveys indicate that GCN are absent from Pond 1. Surveys of other ponds within 500m of the site are not considered necessary because:
 - The site supports poor quality terrestrial habitats for Great Crested Newt.
 - The site lies across a field of improved pasture grassland and, accordingly, is not linked directly by favourable habitats to other ponds.
 - The next closest pond (Pond 2) is a garden pond stocked with fish, reducing its suitability for Great Crested Newt.
 - There are a number of barriers between the site and other surrounding ponds (the majority of which lie more than 250m from the site) which would prevent dispersal

of GCN.

GMEU have been consulted on the application and have commented on the survey techniques and mitigation measures outlined in the ecology report. GMEU conclude that, aside from hedgerows and trees to the periphery, habitats on the site are of low ecological value. The development would, however, result in the loss of a maternity roost in one of the buildings to be demolished as part of the scheme. Therefore, a licence will be required from Natural England before any development takes place and the requirements of the three derogation tests must be satisfied before planning permission can be granted. Each of these tests is considered in turn below.

- a. That the development is in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment:

The development is not in the interest of public health and safety. However, the delivery of housing in the borough is in the public interest in social and economic terms with respect to ensuring the implementation of the Council's Local Plan and its commitment to delivering an adequate supply of deliverable and developable housing sites (particularly in the absence of a five year supply). Additional social benefits arise in this case as the scheme would deliver affordable housing on site. Therefore, the first test is satisfied.

- b. That there is no satisfactory alternative:

The application site is allocated for housing in the BWNP (and, laterally, in the RPO Local Plan which seeks to deliver development in Warton in line with the Neighbourhood Plan). It is, therefore, recognised as forming part of one of two identified sites in Warton (H1 and H2) which are considered, at a strategic level, to be acceptable for housing development in principle. There is no evidence to demonstrate that other sites outside these allocations would be sequentially preferable. The alternative to developing the site would be to 'do nothing'. Therefore there is no satisfactory alternative and the second test is satisfied.

- c. That the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

GMEU have provided specialist ecology support with respect to this test. A mitigation strategy is outlined in section 8 of the ecology report. This includes a method statement to support an application for a European Protected Species Licence. In assessing the merits of this strategy, GMEU have indicated that:

- The roost found is of a relatively common bat species most closely associated with buildings;
- Mitigation for any possible disturbance to bats and proposals for compensating for the lost bat roost have been proposed in Sections 5.4 and 8 the 'ERAP' Ecological Survey.
- The proposed mitigation strategy giving details of measures to be taken to avoid any possible harm to bats and for compensating for the lost roosting site is acceptable and, therefore, the third test can be satisfied.
- A condition should be attached to any permission granted requiring the method statement outlined in section 8 of the ecology report to be implemented in full.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation and to ensure that the development does not affect the favourable

conservation status of protected species. This can be achieved through the imposition of appropriate conditions as recommended by GMEU. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF, and satisfactory evidence has been provided to demonstrate that the three derogation tests in the Conservation of Habitats and Species Regulations 2010 have been satisfied.

Flooding and drainage:

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as it is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application.

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

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

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

In addition, BWNP policy BWNE3 states that new development should be designed to maximise the retention of surface water on the site and minimise run-off through the use of SUDS.

The submitted FRA considers the site's risk of flooding from six separate sources including sea and river flooding, sewers, overland flows, groundwater and artificial sources (e.g. canals and reservoirs). The FRA concludes that the site is at a low risk of flooding from all sources and, accordingly, the main issue to be considered in this case is with respect to a suitable strategy for surface water drainage in order that it is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere.

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

The submitted FRA refers to sewer records from United Utilities and identifies the presence of a 300mm combined sewer and a 1200mm surface water sewer running from east to west along the site's frontage with Lytham Road. The surface water sewer outfalls into Wrea Brook located approximately 500m to the west of the site. Whilst the detailed drainage design cannot be determined until reserved matters stage (this being intrinsic to the development layout), an indicative drainage strategy outlined in the FRA identifies the following principles in order to minimise the risk of flooding:

- On site attenuation (either through soakaways or underground storage beneath the estate road to be released at a controlled rate) will be used to ensure that the post-development run-off rate does not exceed the pre-development rate of 35 litres/second, including a 30%

allowance for climate change.

- Setting finished floor levels of dwellings at least 150mm above surrounding ground level.
- Foul sewage infrastructure is to be connected to the existing foul sewer on Lytham Road.

Both United Utilities and the Environment Agency have been consulted on the application. Neither has raised any objection to the principle of development. Instead, conditions have been recommended requiring:

- submission of a detailed drainage strategy to control the rate of surface water discharge from the site in order to ensure that the pre-development rate is not exceeded (including appropriate betterment to deal with climate change);and
- separate systems are installed for the discharge of foul and surface water.

An appropriate condition is recommended in this regard. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, the BWNP and the NPPF.

Contamination:

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

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

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

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

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

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

The application is accompanied by a letter which makes reference to a contaminated land report submitted on the adjacent Riversleigh site. The letter notes that the report for the Riversleigh site identified “a number of potential contamination sources including ground gas, asbestos, PAH’s and TPH associated with the farm buildings. However the risk assessment suggested the risk was low”. This report also recommended intrusive investigations with respect to soil sampling and gas monitoring. Similar conclusions are made with respect to a pending application at Clifton House Farm (reference 15/0562) which lies immediately to the west.

Given the conclusions in reports submitted on adjacent sites (and in the absence of any evidence to

the contrary provided as part of the application) and the fact that the site is currently occupied by a use which has the potential to leave a legacy of contamination (though the risk of this is low), it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

Developer contributions:

Policy H4 of the draft RPO Local Plan requires that affordable housing is delivered in respect of all schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space and policy CF2 allows contributions to be sought towards education.

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

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

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

Open space:

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

- 16 sq m per 1 bedroom dwelling
- 24 sq m per 2 bedroom dwelling
- 32 sq m per 3 bedroom dwelling
- 40 sq m per 4 bedroom dwelling
- 48 sq m per 5 bedroom dwelling

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where, for other reasons, it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development.

As the application is in outline, bedroom numbers are unknown at this stage. However, the area of open space shown on the illustrative layout (2975 square metres) exceeds the 0.2 hectare threshold in policy TREC17. It is appropriate to require on-site provision of open space for a development of this size and the indicative layout demonstrates that this is capable of being delivered in accordance with the requirements of FBLP policy TREC17. Open space provision is to be secured through planning obligation.

Affordable housing:

Policy H4 of the RPO requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 53 dwellings would generate a requirement for up to 15 properties on the site to be offered as affordable homes. The developer has agreed to make this on-site provision through planning obligation in accordance with the requirements of the RPO Local Plan and NPPF.

Education:

Paragraph 72 of the NPPF indicates that

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

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

LCC have identified four primary schools located within 2 miles of the development site and two secondary schools within 3 miles. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a pupil yield of 8 secondary school places (though this is based on the assumption of a development composed entirely of four-bed dwellings as bedroom numbers are unknown at this stage). No contribution is sought for primary school places as sufficient future provision will be available.

Due to recent changes under the CIL regulations which limit the pooling of contributions for general infrastructure (to a maximum of five), LCC are required to identify a specific infrastructure project where the requested contribution would be spent. At the request of Officers, LCC have identified that the whole of the education contribution associated with this development should be spent at St Bede's Catholic High School, Lytham - A Business & Enterprise College. This is to be specified in any planning obligation.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards education of £145,011. This is based on the need for 8 secondary school places at a rate of £18,126.38 per place. However, as bedroom numbers are unknown at this stage, a formula should be included as part of any planning obligation to secure a contribution which is proportionate in scale and kind to the development in accordance with the requirements of FBLP policy CF2 and the NPPF.

Conclusions

The application seeks outline permission (access only) for a residential development of up to 53 dwellings on a 2.41 hectare parcel of land to the north of Lytham Road, Warton. The site is presently occupied by holiday accommodation comprising a series of chalets and caravans bounded by associated internal access roads. Whilst the site falls outside the settlement boundary and within the Countryside Area as identified on the Fylde Borough Local Plan (FBLP) Proposals Map, it is located within housing allocation 'H1' and the extended settlement boundary set out in the Bryning-with-Warton Neighbourhood Plan (BWNP).

Both the BWNP and the emerging Local Plan include a target of 650 dwellings to be delivered in Warton during the plan period (up to 2032). However, as has been demonstrated through the recent appeal decision at Blackfield End Farm (BEF), this figure cannot be relied upon to limit the expansion of the settlement in the absence of a five year supply. Moreover, the BEF appeal decision confirms that, due to their unadopted status, both the emerging Local and Neighbourhood Plans (and, laterally, the aspirational housing figure of 650 dwellings) can carry only limited weight in the decision making process. Indeed, the Secretary of State's recent decision to allow the appeal at BEF allows a substantial exceedance of this figure.

The application site occupies a sustainable, edge-of-settlement location which is well related to existing shops, services and employment opportunities in Warton. The site, by virtue of its size and location, is largely in conformity with the development aspirations in the current version of the BWNP and the development would make a valuable contribution to the Council's supply of housing land in accordance with paragraph 47 of the NPPF. Additional benefits arise in this case as much of the site is previously developed land. It is also noted that the principle of a permanent form of residential development on the site has been considered acceptable as part of a previous appeal and that the illustrative masterplan includes measures to promote connectivity between the site and adjoining land which also falls within the allocation in the BWNP and/or has an extant permission for residential development.

The proposal, by virtue of the number and density of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. The development would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Satisfactory access arrangements would be made for vehicle and pedestrian traffic, and the level and distribution of traffic generated by the development (having particular regard to its effects in comparison to the existing use) would be sufficiently limited to ensure that the development would not have a severe residual cumulative impact on the safe and efficient operation of the highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding and drainage. Appropriate contributions would be secured to make the development acceptable in planning terms with respect to on-site provision of affordable housing and open space, and an off-site contribution towards education. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

Recommendation

That, subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure:

- The provision of open space on site in accordance with the standards set out in Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site in accordance with the requirements of policy H4 of the Revised Preferred Options Local Plan and the National Planning Policy Framework.
- A commuted sum payment to the County Council towards the provision of new school

places at St Bede's Catholic High School, Lytham - A Business & Enterprise College, in accordance with FBLP CF2 and the National Planning Policy Framework.

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

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

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

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

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

3. This permission relates to the following plans:

Drawing no. GA1888-LP Rev A – Location plan.

Drawing no. GA1888-PSP Rev C – Proposed site plan-1.

Drawing no. 4023-02 Rev A – Tree protection plan.

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

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

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

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

5. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- separate systems for the disposal of foul and surface water;
- a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 35 litres per second. The drainage strategy shall include information regarding: (a) the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+30% climate change allowance) rainfall event (including demonstration that the peak post-development runoff rate does not exceed the peak pre-development runoff rate for the same event); and (b) any necessary flow attenuation measures and the use of SUDS where appropriate;
- a timetable for implementation, including any phasing of works;

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

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

6. No above ground works shall take place until a scheme for the design, construction and drainage of the site access (the position of which is shown on drawing no. GA1888-PSP Rev C) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a minimum visibility splay of 2.4 metres x 45 metres in both directions at the junction of the site access with Lytham Road. The site access shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. 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 visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction).

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

7. Notwithstanding any details contained within the application, no development shall take place until a comprehensive method statement identifying how bats are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning

Authority. The method statement shall demonstrate compliance with the principles of (but not be limited to) the 'Bat Method Statement to Support a Licence Application' outlined in section 8 of the 'Ecological Survey and Assessment' by ERAP Ltd dated July 2015 (report reference 2015_034). The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Borough Local Plan policy EP19, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

8. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the landscaping strategy indicated on drawing nos. GA1888-PSP Rev C and 4023-02 Rev A. The scheme shall include, but not be limited to, the following details:
- all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (i) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
 - (ii) the strengthening and/or introduction of landscaping buffers along the perimeter of the site;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
 - (i) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

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

9. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on drawing no. 4023-02 Rev A. 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 installed in the positions indicated by blue

dot-and-dash and black dashed lines on drawing no. 4023-02 Rev A. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

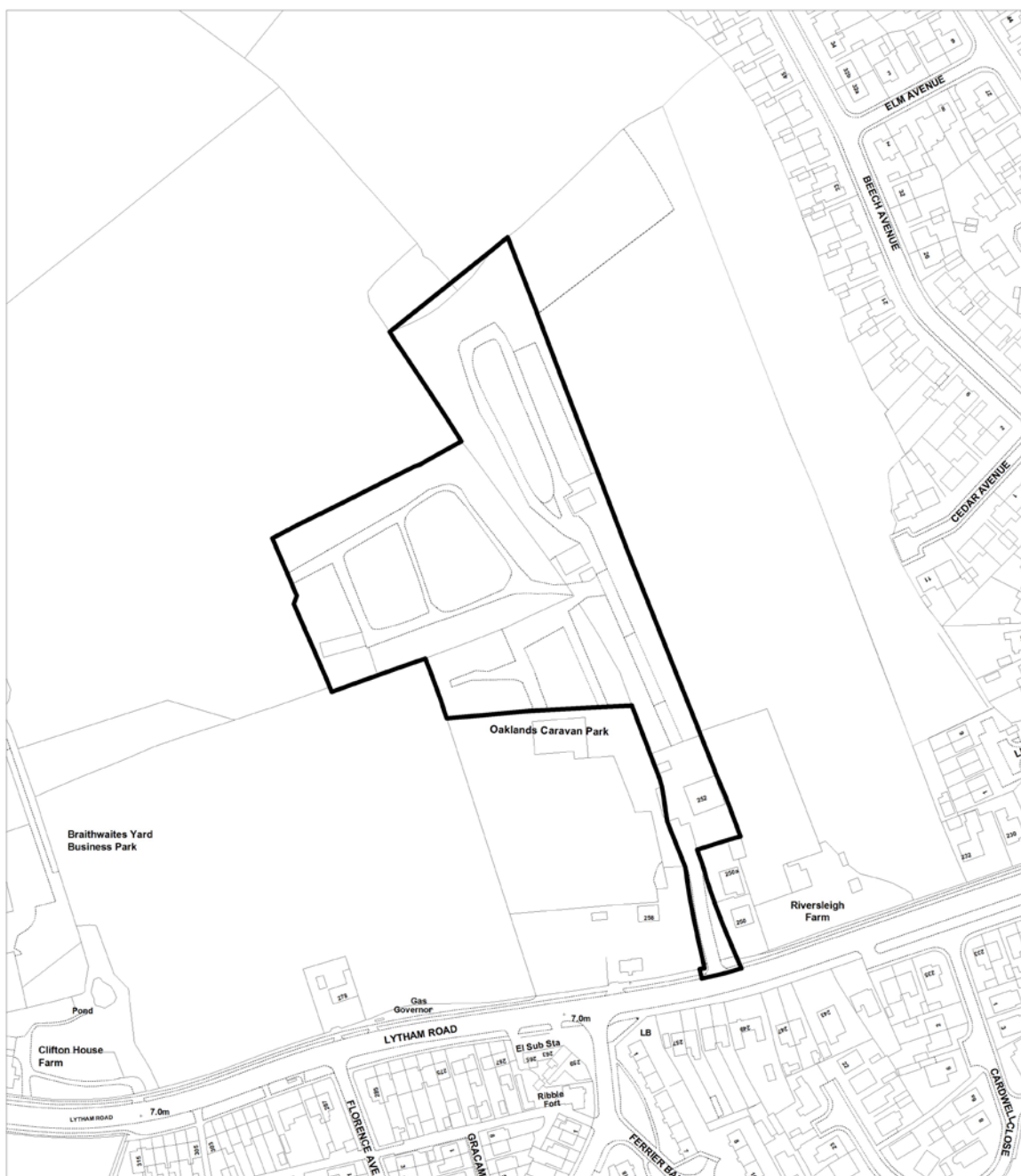
Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

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

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

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0194	Address Oaklands Caravan Park, 252 Lytham Road, Warton	Grid Ref. E.3405 : N.4285	Scale 0 10 20 30 40 m

Item Number: 2

Committee Date: 06 January 2016

Application Reference:	15/0622	Type of Application:	Householder Planning Application
Applicant:	Mr Brian McDowell	Agent :	
Location:	13 LAMALEACH DRIVE, FRECKLETON, PRESTON, PR4 1AJ		
Proposal:	SINGLE STOREY SIDE EXTENSION		
Parish:	FRECKLETON WEST	Area Team:	Area Team 1
Weeks on Hand:	17	Case Officer:	Rob Clewes
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the erection of a single storey extension to the side of a bungalow property located in a residential area of Freckleton.

The proposed extension is appropriately designed for the location and is not considered to have a detrimental impact on the streetscene or on the amenity of the neighbouring properties. It is therefore considered to comply with the NPPF and Policy HL5 of the Fylde Borough Local Plan and is recommended for approval.

Reason for Reporting to Committee

The application has been brought before the Development Management Committee as the officer recommendation for approval is at variance to the views expressed by the Parish Council to the original plans.

Site Description and Location

The application property is a red brick semi-detached bungalow located on a corner plot at the junction of Lamaleach Drive and Ribble Avenue providing three bedrooms. The property has a hipped roof and located in the rear garden there is a detached garage. The side garden is enclosed by a 1.8m high fence and behind this there is a conifer hedge. The neighbouring properties are similar in style and design and extensions are common in the wider area.

Details of Proposal

The proposal is for a single storey side extension. Following discussions with the applicant over the scale, design and impact of the extension they have revised the scheme to reduce its scale to that now under consideration. This provides a dining room, sitting room and utility room for the property and has a width of 3.67m and depth of 10.3m. It has a flat roof which has a height of 2.8m. The side extension is to be set back 1.5m from the main front wall of the property and runs to the

rear elevation.

The original proposal had an increased width of 4.9m and so was notably closer to the side boundary than the revised scheme.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 10 September 2015 and state:

“The Parish Council is against this application due to the excessive size, flat roof and astatically it looks poor”.

No re-consultation has been undertaken on the revised scheme as it retains a flat roof so it was anticipated that the Parish Council would continue to object to the development.

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

Comments - No objections

Ministry of Defence - Safeguarding

Comments - No objections

Neighbour Observations

Neighbours notified:	10 September 2015
Amended plans notified:	re-notification not required
Site Notice Date:	08 October 2015
Press Notice Date:	N/A
No. Of Responses Received:	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

- Design and impact to the street scene
- Impact to residential amenity

Design and impact to the street scene

The existing property has a brick construction and hipped roof whereas the extension has a flat roof and rendered construction to the side and rear elevations. This conflict in the appearance is a matter that would generally not be acceptable for a house extension located in a prominent location such as this corner plot.

However in this case there are some mitigating factors in that: the reduced width from the original submission will reduce the prominence, the existing fence and hedge will largely screen the development with the flat roof providing a lower appearance than a hipped roof would, and that the front elevation is brick so respects the adjoining material in the only location where the new and old are seen together. Most pertinently there is a very similar extension located on the opposite corner to this property and this design will reflect that at the precedent setting property.

The revised scheme is considered to be appropriate in size and will not form a dominant feature on the side of the property and is although the roof is still flat and render proposed on the side and rear elevations it is considered to accord adequately with the general principles of the adopted SPD and Policy HL5 of the Fylde Borough Local Plan. This is particularly true given the existing example of an extension of this type in the same streetscene.

As the property is located on a corner plot the extension will be seen from various view points within the street and would reduce the openness provided by the garden to the side of the house by narrowing the aspect on the junction. The impact to the street scene is, however, considered acceptable as the extension is of a single storey height and is set sufficiently away from the side boundary (minimum distance 3m increasing to 4.8m at the rear) and its front elevation set back from the front elevation of the property. Furthermore a row of conifers inside the boundary fence soften views of the proposed extension. Therefore it will not have a dominant appearance in the street scene or unduly affect the open aspect to the side of the property.

Impact to residential amenity

Due to the siting of the extension on the side of the application property and its distance to neighbouring boundaries there will be no detrimental impact to the amenity of any of the neighbouring properties. The proposal therefore complies with Policy HL5 of the Fylde Borough Local Plan in this respect also.

Conclusions

The proposed extension is appropriately designed and will not have a detrimental impact on the street nor on the amenity of the neighbouring properties. It is therefore considered to comply with the NPPF and Policy HL5 of the Fylde Borough Local Plan and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 9th September 2015, including the following plans:

SK/0/2 Rev A - Site plans

SK/0/1 Rev A - Plans as proposed

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

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0622	Address 13 Lamaleach Drive, Freckleton	Grid Ref. E.3421 : N.4286	Scale 0 6 12 18 24 m

Item Number: 3

Committee Date: 06 January 2016

Application Reference:	15/0700	Type of Application:	Variation of Condition
Applicant:	BDW Trading Ltd, trading as Barratt Homes	Agent :	White Peak Planning Limited
Location:	LAND ADJACENT LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM		
Proposal:	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0635 TO REPLACE THE REQUIREMENT FOR THE DWELLINGS TO BE CONSTRUCTED TO LEVEL 3 OF THE CODE FOR SUSTAINABLE HOMES WITH A REQUIREMENT FOR THE DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PART L OF THE 2013 BUILDING REGULATIONS		
Parish:	Kirkham	Area Team:	Area Team 1
Weeks on Hand:	6	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

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

Summary of Officer Recommendation

The site is the westernmost of the two parcels of land granted planning permission for residential development at the 'Kirkham Triangle' where the principle of residential has been established through the approval of outline and reserved matters applications 12/0635 and 15/0308 respectively.

The application seeks permission, under section 73 of the Town and Country Planning Act 1990, to vary condition 4 of planning permission 12/0635 in order to replace the requirement for the dwellings to be constructed to level 3 of the Code for Sustainable Homes with a requirement for the dwellings to be constructed in accordance with part L of the 2013 Building Regulations. The need for this variation has arisen due to the recent abolition of the Code for Sustainable Homes following a Written Ministerial Statement issued by the Department for Communities and Local Government on 25 March 2015.

The proposed variation to the condition would result in a superior level of energy performance for the dwellings in comparison to the standard required by Code level 3 (which is equivalent to Part L of the 2010 Building Regulations) with respect to the building fabric. The variation of the condition would bring the permission in line with current standards introduced by the Deregulation Act 2015 which have superseded those applicable at the time the previous permission was granted. The proposal would not result in a development which is substantially different to the extant permission and there has been no material change in planning policy since the approval of application 12/0635 to indicate that an alternative decision should be reached. The applicant is required to enter into a supplemental planning agreement to ensure that the obligations associated with the extant outline permission apply to the new permission. The proposed development is therefore in accordance with the requirements of the relevant policies of the Fylde Borough Local Plan and the National Planning Policy Framework.

Reason for Reporting to Committee

Paragraph 2 (h) of the Council's Scheme of Delegation requires that "any application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted where the previous planning permission was not granted by the Director exercising delegated powers" be referred to the Development Management Committee for determination. As outline application 12/0635 was not granted under delegated powers (as it was allowed on appeal), the current application which seeks to vary a condition of that approval is to be determined by the Committee.

Site Description and Location

The application relates to an irregularly-shaped parcel of land spanning some 7.4 hectares in area to the north and east of Little Tarnbrick Farm, Kirkham. The site flanks the A583 (Blackpool Road) along its southern boundary and a railway line runs alongside the western boundary. Development has commenced on adjacent land to the east in connection with a 117 dwelling development by Story Homes pursuant to planning approvals 12/0419 (outline) and 14/0613 (reserved matters).

The application site has an extant outline planning permission (including access only) for 180 dwellings (reference 12/0635) which was allowed at appeal (ref APP/M2325/A/13/2192188). A reserved matters application for the same number of dwellings was approved by the Council on 29 July 2015 (reference 15/0308).

Details of Proposal

The application is made under section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 4 of the outline planning permission (12/0635) which reads as follows:

The dwellings hereby approved shall be constructed in accordance with Code Level 3 as set out in the Code for Sustainable Homes.

The application seeks to replace the requirement for the dwellings to be constructed to level 3 of the Code for Sustainable Homes (CSH) with a requirement for the dwellings to be constructed in accordance with an energy performance specification which is equivalent to Part L of the 2013 Building Regulations. This specification is set out in a supporting Energy Statement by 'Environmental Economics' dated 27 August 2015.

Relevant Planning History

Application No.	Development	Decision	Date
15/0415	ADVERTISEMENT CONSENT FOR TWO NON-ILLUMINATED FREESTANDING HOARDINGS AND TWO NON-ILLUMINATED 6M HIGH FLAG SIGNS TO BLACKPOOL ROAD FRONTAGE	Granted	12/08/2015
15/0308	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0635 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A	Granted	05/08/2015

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

Relevant Planning Appeals History

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

Parish/Town Council Observations

Kirkham Town Council were notified of the application on 12 October 2015. The Town Council initially objected to the application. This objection was, however, withdrawn on 11 December 2015 following further consultation with officers.

Statutory Consultees and Observations of Other Interested Parties

As the section 73 application is consistent with the extant outline permission, there is no requirement to re-consult statutory consultees on matters upon which they have already

commented as part of the previous approval. None of the statutory bodies consulted on application 12/0635 have a specific interest/duty with respect to the condition which the current application seeks to vary and, accordingly, no further consultation has been undertaken in respect of this application.

Neighbour Observations

Neighbours notified:	12 October 2015
Site notice posted:	21 October 2015
Press notice:	15 October 2015
Amended plans notified:	N/A
No. Of Responses Received:	None

The appropriate neighbouring properties have been notified of the application by letter. In addition, as the proposal represents major development notices have also been posed on site and in the local press. No representations have been received.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools

Other Relevant Policy:

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

Draft Fylde Local Plan to 2032 – Revised Preferred Option (emerging Local Plan):

S1 – The proposed Settlement Hierarchy
 DLF1 – Development Locations for Fylde
 SL4 – Kirkham and Wesham Strategic Location for Development
 H4 – Affordable Housing

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended and exceeds the threshold in category 10 (b). Accordingly, it is Schedule 2 development. Nevertheless, as application 12/0635 was not EIA development, the same is true of the section 73 application. Therefore, the application does not need to be accompanied by an Environmental Statement.

Comment and Analysis

Background:

The need for the application has arisen due to the withdrawal of the Code for Sustainable Homes (CSH) as part of the Government's recent Housing Standards Review. A Written Ministerial Statement was released on 25 March 2015 confirming that the CSH had been removed. Improvements to building performance are, instead, to be delivered through the Building Regulations. In particular, the Written Ministerial Statement indicates as follows:

*"From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; **the government has now withdrawn the code, aside from the management of legacy cases**" [emphasis added].*

"The government has stated that [...] the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4".

Principle of development:

The principle of development on the site has been established through the approval of outline application 12/0635. This decision was issued by the Secretary of State on 7 November 2013. Subsequent to this, an application for approval of reserved matters was granted by the Council on 29 July 2015 (reference 15/0308).

Section 17a of the NPPG relates to "flexible options for planning permissions", including applications made under section 73 of the Town and Country Planning Act. Paragraph 15 of the NPPG makes clear that the grant of a section 73 application is tantamount to the issuing of a new planning permission which sits alongside the original permission.

The current application seeks to vary one of the conditions on the outline permission which was imposed as part of the Secretary of State's decision issued on 7 November 2013. Given the grant of outline permission 12/0635, the development which the current application seeks to amend has already been judged to be acceptable in principle. Section 73 applications are to be determined in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, though given the existence of an extant planning approval, it follows that attention should be focussed on national or local policies or other material considerations which have changed significantly since the original grant of permission, as well as the effects of the changes sought.

Application 12/0635 was approved in November 2013. Whilst the Council has since published an updated version of its emerging local plan (the Revised Preferred Options Local Plan), this has not yet been subject to independent examination and, accordingly, continues to carry limited weight. In any case, policy SL4 of the emerging Local Plan identifies the application site as a strategic location for housing due to the presence of an extant planning approval. In addition, an application for approval of reserved matters has also been granted by the Council (application reference 15/0308).

There has been no material change in local or national planning policy since the issuing of the outline permission to indicate that an alternative approach should be taken with respect to the principle of development, nor has there been any physical change in circumstances at the site. Therefore, whilst approval of the application would, in effect, result in the issuing of a new permission, consideration only needs to be given to those elements of the scheme which differ from the previous approval, under the same policy context. The implications of the proposed variations to the extant approval are addressed below.

Energy Performance:

The purpose of the section 73 application is to vary the requirements of condition 4 of the extant outline permission which requires the dwellings to be constructed to Code Level 3 as set out in the Code for Sustainable Homes by replacing this with a requirement for the dwellings to be constructed in accordance with an alternative standard equivalent to Part L of the 2013 Building Regulations.

The need to refer to an alternative standard of energy performance follows the abolition of the CSH announced in the Written Ministerial Statement of 25 March 2015. As the CSH has now been withdrawn, this no longer represents an appropriate method by which to measure the energy performance of dwellinghouses. The Written Ministerial Statement indicates that measures to improve energy efficiency in buildings will, instead, be dealt with under the Building Regulations.

The application is accompanied by a supporting statement which sets out the level of performance to be achieved through compliance with Part L of the 2013 Building Regulations and compares this to the standard which would be applicable under the CSH (equivalent to Part L of the 2010 Building Regulations). The statement concludes that the construction specification relating to the more recent (2013) Building Regulation standard would result in an average reduction in energy demand of approximately 10% in comparison to that which would be required under the CSH. Therefore, in building efficiency terms, the replacement standard would result in a significant improvement in energy performance in comparison to the CSH.

The supporting statement acknowledges that the CSH is multi-faceted and, accordingly, carries additional requirements which are not dealt with comprehensively under the Building Regulations. Nevertheless, following the Government's abolition of the Code, this is no longer considered to represent an appropriate standard to assess the energy efficiency of residential developments and, accordingly, its merits carry little weight.

The proposed variation to condition 4 of planning permission 12/0635 would result in a superior level of energy performance for the buildings and would bring the permission in line with current standards introduced by the Deregulation Act 2015 which have superseded those applicable at the time the previous permission was granted. The variation of the condition would not conflict with any adopted Local or National planning policy or guidance and would not alter any other aspect of the development as previously approved.

Developer contributions:

Paragraph 15 to section 17a of the NPPG states that:

- (ii) "If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation".

The applicant entered into a planning obligation as part of the outline permission which secured the following contributions:

- (iii) £30,000 towards the County Council's costs of the provision of a footbridge over Wrongway Brook.
- £40,000 towards the County Council's costs of the diversion of a public footpath along Wrongway Brook to link to the A589/St George's Park Roundabout.
- £40,000 towards the County Council's costs of upgrading a public footpath over the railway from St George's Park to Market Street/Carr Drive.
- £250,000 towards the costs of the County Council in securing the delivery of the number 75 bus service for a period of 5 years.
- (iv) £5,000 towards the costs of the County Council in reviewing the speed limit on Blackpool Road and the introduction of any relevant change in the speed limit as a result of that review.
- (v) £12,000 towards the County Council's costs of monitoring the travel plan to be implemented in connection with the development.

The above contributions have, as part of the appeal, been found to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. There have been no variations to this obligation since.

As a section 73 application is tantamount to the grant of a new planning permission, the applicant will need to enter into a supplemental agreement in order to link the requirements of the extant planning obligation associated with application 12/0635 to the new planning permission in order that those requirements are equally applicable. An appropriate resolution is included below to delegate this to the Head of Planning and Regeneration.

Conditions:

Paragraph 15 to section 17a of the NPPG states that:

- (vi) "A decision notice describing the new permission should be issued, setting out all of the conditions related to it. 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".
- (vii) "As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation".

The applicant has not yet submitted any application to discharge conditions associated with the extant outline or reserved matters approvals. There has been no change in circumstances or policy since the issuing of outline permission 12/0635 to indicate that any revisions to the existing conditions are necessary. Therefore, conditions are recommended in the same form as they appear in the decision by the Secretary of State. The exceptions to this are with respect to conditions 1 and 2 which relate to time limits for the submission of applications for approval of reserved matters and

commencement of development (these have been re-worded in order that they are consistent with the extant permission), and condition 4 which is varied by this permission.

Conclusions

The principle of residential development on the site has been established through the approval of outline and reserved matters applications 12/0635 and 15/0308 respectively. The application seeks permission, under section 73 of the Town and Country Planning Act 1990, to vary condition 4 of planning permission 12/0635 in order to replace the requirement for the dwellings to be constructed to level 3 of the Code for Sustainable Homes with a requirement for the dwellings to be constructed in accordance with part L of the 2013 Building Regulations. The need for this variation has arisen due to the recent abolition of the Code for Sustainable Homes following a Written Ministerial Statement issued by the Department for Communities and Local Government on 25 March 2015.

The proposed variation to the condition would result in a superior level of energy performance for the dwellings in comparison to the standard required by Code level 3 (which is equivalent to Part L of the 2010 Building Regulations) with respect to the building fabric. The variation of the condition would bring the permission in line with current standards introduced by the Deregulation Act 2015 which have superseded those applicable at the time the previous permission was granted. The proposal would not result in a development which is substantially different to the extant permission and there has been no material change in planning policy since the approval of application 12/0635 to indicate that an alternative decision should be reached. The applicant is required to enter into a supplemental planning agreement to ensure that the obligations associated with the extant outline permission apply to the new permission. The proposed development is therefore in accordance with the requirements of the relevant policies of the Fylde Borough Local Plan and the National Planning Policy Framework.

Recommendation

That, subject to the completion of a supplemental planning obligation under S106 of the Town and Country Planning Act to link the extant planning obligation for outline permission 12/0635 to the new planning permission (a 'deed of variation'), planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. Application for approval of the reserved matters including phasing of the development shall be made to the Local Planning Authority not later than three years from the date of planning permission 12/0635 (issued 7th November 2013).

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

2. The development hereby permitted must be begun not later than whichever is the later of the following dates: (a) the expiration of three years from the date of planning permission 12/0635 (issued 7th November 2013); or (b) the expiration of one year from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter 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.

3. Details of 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 and the development shall be thereafter be carried out as approved.

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

4. The dwellings hereby approved shall be constructed in accordance with the energy performance specification set out in the 'Energy Statement (version 1)' by 'Environmental Economics' dated 27 August 2015.

Reason: To ensure that the dwellings achieve a high level of energy efficiency in order to reduce the carbon footprint of and energy demand from the development in accordance with the requirements of the National Planning Policy Framework.

5. The layout submitted as part of any reserved matters application shall include details for the provision of pedestrian, cycle and wildlife corridor routes through the site from the northern boundary to the eastern boundary, including a linkage to the ponds in the centre of the site and a linkage to the south of the site to the eastern boundary. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development encourages sustainable modes of travel by connecting the site with existing linkages on surrounding land and makes provision for the retention and enhancement of wildlife corridors in accordance with the requirements of Fylde Borough Local Plan policies TR1, TR3 and EP19, and the National Planning Policy Framework.

6. The layout submitted as part of any reserved matters application shall include details of a vehicular route to be provided from the site to the northern boundary of the site. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure safe and convenience access and circulation for vehicle traffic throughout the site in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

7. Prior to the first occupation of any dwelling, an Interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the 50th dwelling, a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Final Travel Plan shall include objectives, targets, mechanisms and measures to achieve targets and implementation timescales, monitoring and review provisions and provide for the appointment of a travel plan co-ordinator. The development shall thereafter be implemented in accordance with the approved Travel Plan.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

8. No part of the development hereby permitted shall commence until a scheme for the provision of

vehicular access and highway infrastructure improvements has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved scheme.

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

9. Further to the approved access location as shown on Plan 1330/02 Rev B, no part of the development hereby permitted shall commence until a scheme showing the details of the precise location of the visibility splays has been submitted to and approved in writing by the local planning authority and the development shall be implemented thereafter in accordance with the approved details.

Reason: To ensure safe and convenient access to the site for vehicular traffic and to ensure satisfactory visibility at the junction of the site access with Blackpool Road in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

10. A landscape scheme for the replacement of any hedgerow required to be removed as part of the formation of the visibility splays shall be submitted to and approved in writing by the local planning authority and implemented thereafter in accordance with the approved details and prior to first occupation of the first dwelling.

Reason: to ensure the provision of satisfactory compensatory planting for any vegetation and habitat lost as part of the development in the interests of visual amenity and to deliver suitable habitat compensation in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP14 and EP19, and the National Planning Policy Framework.

11. Prior to the commencement of the development, a habitat and landscape management plan which shall include lighting proposals, shall be submitted to and approved by the local planning authority. The development shall be carried out only in accordance with the approved habitat and landscape management plan.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Fylde Borough Local Plan policies EP10, EP18 and EP19, and the National Planning Policy Framework.

12. The development shall not commence until a scheme for the future protection of Wrongway Brook has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for the protection of retained habitats during both construction and operation of the development and shall include proposals for the protection of protected and priority species and their habitat. The development shall thereafter be carried out strictly in accordance with the approved scheme.

Reason: To protect the riparian habitat of the watercourse, to ensure satisfactory access to maintain the watercourse and to preserve and enhance its ecological interest in accordance with the requirements of Fylde Borough Local Plan policies EP10 and EP19, and the National Planning Policy Framework.

13. The development shall not commence until a common toad mitigation strategy has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Borough Local Plan policy EP19, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

14. The development shall not commence until a common toad mitigation strategy has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Borough Local Plan policy EP19, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

15. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

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

16. No development shall commence until details of the existing trees and hedgerows to be retained, together with details of their protection during the course of construction, have been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details and any protective fencing shall be installed prior to construction work commencing and retained during the construction period.

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 in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

17. The development hereby permitted shall not commence until a scheme for the disposal of foul water, including details of any off-site works has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme(s) shall be fully implemented and subsequently maintained in accordance with the timing arrangements within the approved scheme.

Reason: To ensure that the development includes adequate measures for the disposal of foul water in accordance with the requirements of Fylde Borough Local Plan policy EP25, and the National Planning Policy Framework.

18. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. If that assessment establishes that such a system can be provided, it shall be so provided. Details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences and shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

19. No part of the development hereby permitted shall be commenced on site unless and until: a) a site investigation has been designed for the site using the information obtained from the desktop investigation previously submitted in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and b) The site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and c) A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

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

20. Prior to the commencement of development a Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include method and details of construction including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan shall be implemented and adhered to during the construction of the development.

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 in accordance with the requirements of Fylde Borough Local Plan policy EP27, and the National Planning Policy Framework.

21. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include: the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the housing units; the timing of the

construction of the affordable housing and its phasing in relation to the occupancy of the market housing; the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved); the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that an appropriate and proportionate contribution towards affordable housing is made as part of the development in order to meet local need, and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032 (Revised Preferred Option) and the National Planning Policy Framework.

22. The development shall not commence until a scheme for the provision and maintenance of the public open space provided as part of the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved scheme.

Reason: To ensure that the development makes a proportionate contribution towards the provision and future maintenance of recreational open space in the vicinity of 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 Borough Local Plan policy TREC17 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0700	Address Land adjacent Little Tarnbrick Farm, Blackpool Road, Kirkham	Grid Ref. E.3406 : N.4325	Scale 0 20 40 60 80 m

Item Number: 4

Committee Date: 06 January 2016

Application Reference:	15/0706	Type of Application:	Reserved Matters
Applicant:	BDW Trading Ltd	Agent :	
Location:	FORMER GEC MARCONI SITE, MILL LANE, BRYNING WITH WARTON		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 34 DWELLINGS INCLUDING THE INTRODUCTION OF FOUR PEDESTRIAN ACCESS GATES WITHIN WALL TO WEST SIDE OF SPINE ROAD (THUNDERBOLT AVENUE)		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

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

Summary of Officer Recommendation

The application follows outline and reserved matters approvals 12/0550 and 13/0786 relating a residential development of 254 dwellings on the former GEC Marconi site. The current application seeks separate approval for the reserved matters of layout, scale, external appearance and landscaping in respect of 34 dwellings in order to substitute the house types on these plots. These substitutions involve the replacement of a two-storey ('Oakham') house type with 14 two-storey ('Barwick'), 14 two-and-a-half storey ('Helmsley') and 6 three-storey ('Fawley') house types across the site.

The proposed substitutions would follow the layout and landscaping principles established as part of reserved matters approval 13/0786 and their siting within each plot would be substantially in accordance with the extant approval. Whilst some of the substitutions would introduce dwellings of a larger scale and greater storey height to the site, the same house types have already been approved elsewhere on the site, including alongside the boundaries with adjoining properties. The proposed substitutions arising under the reserved matters approval would be compatible with the style and design of other houses within the development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The introduction of gates within the boundary treatment to Thunderbolt Avenue would improve pedestrian access onto the main spine road for plots facing onto this thoroughfare and their design would assimilate sympathetically with the existing enclosure along the eastern perimeter.

The development would not alter the level of open space provision to be delivered as part of the estate layout and other contributions secured through planning obligation as part of the outline would be equally applicable to this application for reserved matters. Therefore, the proposal represents sustainable development and is in accordance with the relevant policies of the FBLP, the BWNP and the NPPF.

Reason for Reporting to Committee

The application is for major development and the officer recommendation is for approval. In addition, both Bryning with Warton and Freckleton Parish Councils have objected to the application.

Site Description and Location

The application relates to the former GEC Marconi site which occupies an irregularly-shaped parcel of land spanning some 7.82 hectares between Mill Lane and Thunderbolt Avenue, Warton. The site has an extant planning permission for a residential development of 254 dwellings pursuant to outline and reserved matters approvals 12/0550 and 13/0786 respectively. At present, around 60 dwellings have been constructed pursuant to these permissions, principally to the northern end of the site. Highway improvements at the junction of the main spine road into the estate (Thunderbolt Avenue) and the A584 (Lytham Road) have also been implemented.

Surrounding uses include bungalows and a Tesco Express store on Lytham Road to the north; two storey dwellings on Post Lane to the northwest and on Mill Lane to the west; a fitness centre adjacent to where the site narrows in the southwest corner; and buildings of varying height associated with the BAE site to the south. Thunderbolt Avenue intervenes between the site and row of bungalows set at a lower level on Rydal Avenue to the east. A group of static, single-storey lodges fall within Lamaleach Park to the southeast.

Details of Proposal

The application is submitted pursuant to outline planning permission 12/0550 and seeks approval for the reserved matters of layout, scale, appearance and landscaping in respect of 34 plots located towards the eastern (18 plots) and western (16 plots) peripheries of the site.

All 34 plots fall within the boundaries of the original development site which already benefits from an extant permission. This application seeks to change the housing mix by substituting the house types previously approved on 34 of the 254 plots. No change in the overall number of dwellings on the site would arise as a result of the scheme. The proposed substitutions include three house types which have been approved on other plots elsewhere within the site. The nature of the substitutions are summarised in Table 1 below.

House Type	Number of plots	Bedrooms	Scale
Barwick	14	2 bed	2 storey
Helmsley	14	3 bed	2.5 storey
Fawley	6	3 bed	3 storey

Table 1 – proposed substitutions

With the exception of two plots (where alternative ‘Barwick’ house types would be introduced), the proposed substitutions would replace the ‘Oakham’ (a four-bed, two storey) house type approved as part of application 13/0786, resulting in a 32 unit reduction in this house type across the site.

The application also seeks to modify the boundary treatment to the eastern perimeter of the site (a wall topped by railings reaching a total height of 1.2m) through the introduction of four 1.1m high x 1.8m wide pedestrian access gates within the wall. The gates would be evenly spaced across the frontage and are required in order to allow pedestrian access onto Thunderbolt Avenue for occupiers of the dwellings fronting onto the spine road.

Relevant Planning History

Application No.	Development	Decision	Date
13/0786	APPLICATION FOR RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 254 DWELLINGS AND ASSOCIATED ACCESS ROADS, PEDESTRIAN/CYCLE LINK TO MILL LANE, OPEN SPACE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550	Granted	07/04/2014
12/0550	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) ALONG WITH FULL APPLICATION FOR THE FORMATION OF NEW ACCESS TO LYTHAM ROAD TO SERVE BAE SYSTEMS WARTON	Approved with 106 Agreement	09/07/2013
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Refused	20/06/2008

Relevant Planning Appeals History

Application No.	Development	Decision	Date
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Dismiss	24/06/2009

Parish/Town Council Observations

The site is wholly within the area of **Bryning with Warton Parish Council** who were notified of the application on 27 October 2015.

The Parish Council object to the application on the following grounds:

- The Parish Council would remind the Planning department that subsequent to the original application the quantity of two and a half and three storey buildings were limited, at the Development Management Committee consideration, to specifically the rear area, at request, with agreement between the respective parties. The request for this was not some frivolous desire to curtail the developer's designs; it is a practical desire to keep the residential estate in keeping, as much as possible, with the rural village character and appearance of the surrounding community as well as reducing the impact of overlooking established properties. It now seems that the developers have, months later, submitted an amended application which reflects their original intentions regardless of previous agreements, in the hope primarily that the planning officers or councillors do not notice these changes.
- The proposal for the pedestrian gates in this application is also most concerning. It is planned that in due course the 'spine road' will service more than just the residential housing estate and

consultation with the County Council Highways indicate that parking on that road will be controlled by double yellow lines. At present the residents, and visitors, of the existing housing are leaving their cars parked on this road but it does not yet constitute a major obstruction or congestion issue, nor is it illegal. It is the view that if the gating is introduced as proposed it will encourage further parking on the spine road, regardless of restrictions, exasperating access problems and when the road is opened up it will create traffic congestion problems particularly at peak times, mornings and evenings, which will impact heavily on those already caused on Lytham road.

- The Parish Council recommend refusal but would make strong representation that if it is still minded to grant the application the Parish Council request that any final decision be determined by the Development Management Committee.

Freckleton Parish Council were also consulted on the application as the site lies close to the Parish boundary. Freckleton Parish Council object to the application on the following grounds:

- The scheme proposes to change several houses from 2 to 3 storeys. These plots have small gardens and will overlook existing properties to the rear. The councillors object to the introduction of access gates as they believe it will cause traffic congestion and parking issues.

Statutory Consultees and Observations of Other Interested Parties

BAE – No objections.

Ministry of Defence (MOD) - The MOD has no safeguarding objections to this proposal.

Neighbour Observations

Neighbours notified:	27 October & 9 December 2015
Site notice posted:	6 November 2015
Press notice:	12 November 2015
Amended plans notified:	N/A
No. Of Responses Received:	5
Nature of comments made:	4 objections, 1 support

The points raised in the objections are summarised as follows:

- The majority of substitutions proposed seek to replace two storey houses with taller 2.5 and 3 storey properties. Moreover, most of the affected plots are located in close proximity to the site boundaries and, therefore, afford the greatest potential for overlooking of existing dwellings. This is particularly evident with the Helmsley house type which would have first and second floor windows to habitable rooms overlooking houses on Mill Lane. Whilst the commercial buildings which previously existed on the site were taller, they were uninhabited, located a much greater distance away and did not have upper floor windows overlooking adjacent properties. The increased height of the replacement dwellings would result in greater infringement of privacy and a more overbearing impact on adjacent occupiers in comparison to the approved scheme. Having particular regard to occupiers on Mill Lane, the plots of greatest concern are the Helmsley on nos. 72-73.
- The building of 2.5 and 3 storey 'town houses' should only be permitted in towns. Warton is still classed as a village by the majority of its residents and town houses do not belong in a village. If the types of housing to be built on this estate are to be changed in any way then they should be replaced by bungalows, which are far more suited to the largely elderly population in the Fylde.

The points made in the letter of support are as follows:

- The addition of 4 gates along the spine road would be a great addition, mainly for the ease of access provided to any disabled friends/family visiting the residents of the homes which the gates would serve.
- The creation of more 2.5 storey homes will appeal to a wider range of families, and would help to build a sense of community within the Barratts Homes development.

Relevant Planning Policy

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP14	Landscaping of new developments
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

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

Draft Fylde Local Plan to 2032 – Revised Preferred Option (emerging Local Plan):

H4 – Affordable Housing

Bryning-with-Warton Neighbourhood Plan (BWNP):

BWH2
BWLC2
BWNE2

Site Constraints

None.

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). However, it does not exceed the threshold in column 2 of the table relating to category 10(b) developments and the outline planning application was not considered to be EIA development. Any environmental effects have been dealt with through the outline permission and, accordingly, the current application for reserved matters is not EIA development.

Comment and Analysis

Principle of development:

The principle of residential development on the site has been established through the issuing of outline planning permission 12/0550. In addition, the approval of reserved matters application 13/0786 has established parameters relating to the layout, scale, appearance and landscaping of 254 dwellings on the site, including the 34 plots to which this application relates. This approval will

remain extant despite any new permission which may be given on these plots and, accordingly, the developer would have a choice regarding which permission to implement.

Given the extant planning approvals, matters relating to the principle of development are not to be revisited as part of the current application. Moreover, whilst this scheme is submitted as a separate application for approval of reserved matters on the 34 plots concerned, it should be recognised that a development of very similar form has already been approved on these plots. Accordingly, it follows that the main issues to be considered in this application are with respect to how the current application differs from the extant planning permission in the context of each of the reserved matters applied for.

The means of access into the site, the design of estate roads and the landscaping of communal areas (including the location and layout of public open space) are consistent with the extant approvals. Moreover, the proposed substitutions would not affect any of the 26 plots where on-site provision is to be made for affordable housing.

Layout, scale and appearance:

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

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

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

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

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

In addition, criterion (5) of BWNP policy BWH2 requires new developments to ensure:

- A high level of residential amenity is maintained and provided for existing and future occupiers and existing and future adjoining residents;

The four criteria in BWNP policy BWNE2 indicate that new development proposals will be required to demonstrate that they:

- Enhance and reinforce local distinctiveness. Applicants will be required to clearly demonstrate how the general character, scale, mass and layout of the site, building or extension fits in with the 'grain' of the surrounding area with a Design and Access Statement.
- Reflect the existing local settlement patterns and the predominant rural character of this area of the Fylde Coast, where isolated farmsteads and small villages predominate, in contrast to the major built-up areas of the coast to the west.
- Enhance the distinctive character and countryside setting of the rural landscape, including incorporation of buffer zones when development adjoins the settlement boundary.
- Use materials to complement the quality and character of the surrounding area.

Replacement house types:

The 34 plots in question fall wholly within the site boundaries of outline permission 12/0550. Moreover, they follow the general estate pattern and layout established as part of reserved matters approval 13/0786. Whilst the replacement dwellings would occupy a slightly different footprint in comparison to the 'Oakham' house types previously approved, their siting within each plot and the layout of their external garden and parking areas would be substantially in accordance with the parameters established under reserved matters approval 13/0786.

Objections have been made with respect to the increase in the scale and height of the replacement dwellings in comparison to those previously approved. Table 2 below summarises the differences in scale between the approved 'Oakham' house type and the proposed 'Barwick' 'Helmsley' and 'Fawley' house types.

House type	Floorspace (square feet)	Eaves height (m)	Ridge height (m)
Oakham	1002	4.9	8.9
Barwick	831 (-171)	4.85 (-0.05)	8.9 (no change)
Helmsley	1108 (+106)	5.3 (+0.4)	10.1 (+1.2)
Fawley	1195 (+193)	7.4 (+2.5)	11.7 (+2.8)

Table 2 – comparison between approved and replacement house

types.

As shown in Table 1, of the 34 plots where substitutions are proposed, 14 (or 41%) would replace the Oakham with a two-storey Barwick house type of the same (or lesser) height and scale. A further 14 plots (41%) would be replaced by the taller two-and-a-half storey Helmsley and 6 plots (18%) by the three storey Fawley. A total of 16 of the 34 plots (47%) would be located alongside the site boundaries (specifically the eastern, southern and western perimeters). With respect to the siting of the 2.5/3 storey house types, of the 20 proposed, 8 would be located alongside the site boundaries (2 to the eastern perimeter, 4 to the western perimeter and 2 to the southern perimeter). The remaining 12 taller plots would be located more centrally away from the site boundaries.

Where the three-storey Fawley house types fall along the perimeter, these would be located to the southwest corner of the site backing onto BAE to the south (plots 102 and 103) and onto the car park of the fitness centre to the west (plots 94 and 95). The commercial nature of these uses and the relationship of the replacement dwellings with them (including their spacing) would not result in any adverse impact on the amenity of adjacent uses or future occupiers. This is equally true of the 6 Barwick house types backing onto the grounds of the fitness centre (plots 74, 75, 80, 81, 84 and 85).

Specific objections have been raised with respect to the 2.5 storey Helmsley proposed as a semi-detached pair on plots 72 and 73 which would back onto the rear gardens of nos. 1 and 2 Highgate Farm Cottages fronting onto Mill Lane. The two dwellings proposed on plots 72 and 73 would benefit from large rear gardens and, accordingly, would achieve a minimum separation of 36m with the existing dwellings. This level of separation is 15m in excess of the 21m guideline recommended between habitable room windows in policy 1D of the Council's 'Extending Your Home' SPD. Although serving a lounge rather than bedrooms, the first floor windows in the rear elevation of the Helmsley would be installed at the same height (4.7m to lintel) as those in the Oakham and single second floor bedroom windows would be provided via roof lights in the roof slope.

Whilst it is recognised that the Helmsley has a taller eaves (0.4m) and ridge (1.2m) height in comparison to the Oakham previously approved on these plots, given the level of separation achieved with the two dwellings at Highgate Farm Cottages, the oblique orientation of the two plots in relation to these properties and the modest increase in the eaves and ridge heights of the Helmsley in comparison to the Oakham, it is not considered that the proposed substitutions would have an undue impact on the privacy and amenity of adjoining occupiers by reason of overlooking, overshadowing, loss of outlook or loss of daylight. Moreover, it is also noted that other 2.5 storey Helmsley and the taller 3 storey Fawley house types were permitted on other, adjacent plots along the western site boundary as part of reserved matters approval 13/0786 in closer proximity (a minimum of approximately 26m) to existing dwellings on Mill Lane. The Helmsley House type to the two plots alongside the eastern boundary (nos. 209 and 210) would achieve a minimum separation of 45m with the closest bungalows to the east on Rydal Avenue which are separated by the thoroughfare of Thunderbolt Avenue and, accordingly, would have no materially greater impact on these properties in comparison to the previously approved Oakham.

All three of the proposed house types have been approved on other areas of the site pursuant to application 13/0786. Accordingly, these already form an integral part of the estate's design and their siting on a further 34 plots would assimilate sympathetically with the vernacular of the surrounding development. The inclusion of additional dwellings of varying scales would add to the mix of house types across the site and there would be consistency in the use of materials in order to integrate with the remainder of the estate.

The proposed substitutions, by virtue of their layout, scale and appearance, would be compatible with the character of surrounding development and their relationship with surrounding buildings/uses would ensure that the scheme has no undue impact on the amenity of adjoining occupiers or future residents.

Gating:

The four gates proposed along the eastern site boundary flanking Thunderbolt Avenue would comprise 1.1m railings mounted in 1.8m wide gaps between brick piers as infills within the existing boundary treatment. The design of the gates would match the existing railings atop the adjoining sections of dwarf wall and would follow the height of the existing boundary treatment. The gates are required in order to allow enhanced pedestrian access between Thunderbolt Avenue and the dwellings fronting this spine road in order to reduce walking distances between these plots and the main road. Objectors opine that this will result in indiscriminate parking on Thunderbolt Avenue despite any waiting restrictions along this route.

Thunderbolt Avenue is a wide carriageway which, at its widest point, splits into five lanes

approaching the junction with Lytham Road. Waiting restrictions are in place at this point in order to prevent parking on both sides of the carriageway. It is, however, apparent that on-street parking already takes place beyond this point where these waiting restrictions cease. Whilst the proposed gating may make such on-street parking a more attractive proposition for residents and visitors of dwellings fronting onto Thunderbolt Avenue, the absence of waiting restrictions along these stretches of the carriageway indicates that such parking would not cause an obstruction along the route. If such obstruction did present an issue in the future, this could be remedied by the Local Highway Authority through the extension of the existing waiting restrictions.

Landscaping:

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

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

Policy EP14 requires new housing developments to make suitable provision for landscape planting and policy TREC17 requires provision of adequate public open space on site.

In addition, policies BWH2 (2) and BWLC2 of the BWNP require developments to secure:

- Suitable high quality, on site, public open space provision; and
- Provide centrally located and integrated parish-wide community and leisure facilities and to safeguard the existing open spaces (P1 to P7) shown in Figure 10 of the plan.

The proposed substitutions would continue the landscaping principles established as part of the extant reserved matters approval with respect to the size and coverage of buffer zones to the site perimeter and the level of open space provision on the site (which incorporates protected area 'P5' in Figure 10 of the BWNP). Minor changes in the balance of hard and soft landscaping would occur on individual plots with respect to the layout of external parking and garden areas, though any changes would be immaterial in comparison to the arrangements approved under application 13/0786. Moreover, there would be no reduction in the number of parking spaces for the dwellings on any of the 34 plots (the level of provision remaining at two spaces per dwelling).

Other matters:

The replacement plots would be served by the same access and estate road layout approved as part of application 13/0786. There would be no uplift in the number of dwellings and the level of parking provision would remain as previously approved. The development does not raise any additional implications for highway safety beyond those considered acceptable as part of the extant permissions and would not result in any adverse impacts on the safe and efficient operation of the surrounding highway network.

Conditions relating to matters concerning the principle of development (e.g. highway works, drainage, ecology etc.) have been imposed on outline permission 12/0550 and are equally applicable to this second application for approval of reserved matters. Therefore, there is no need to repeat these conditions as part of this scheme.

Developer contributions:

A planning obligation was entered into as part of the outline planning permission. In summary, the obligations in this agreement provide for:

- 10% of the dwellings constructed on the site to be offered as affordable housing.
- A public realm contribution of £75,000.
- A transport and travel contribution of £60,000.

As this proposal is in the format of a reserved matters application (and, accordingly, is submitted pursuant to the outline permission), the obligations (and triggers) in the existing S106 agreement will be equally applicable to the 34 plots associated with this scheme. Accordingly, no further financial contributions are required in order to mitigate the development's impact. It is also noted that none of the substitutions would affect the 26 affordable units to be delivered on the site.

Conclusions

The application follows outline and reserved matters approvals 12/0550 and 13/0786 relating a residential development of 254 dwellings on the former GEC Marconi site. The current application seeks separate approval for the reserved matters of layout, scale, external appearance and landscaping in respect of 34 dwellings in order to substitute the house types on these plots. These substitutions involve the replacement of a two-storey ('Oakham') house type with 14 two-storey ('Barwick'), 14 two-and-a-half storey ('Helmsley') and 6 three-storey ('Fawley') house types across the site.

The proposed substitutions would follow the layout and landscaping principles established as part of reserved matters approval 13/0786 and their siting within each plot would be substantially in accordance with the extant approval. Whilst some of the substitutions would introduce dwellings of a larger scale and greater storey height to the site, the same house types have already been approved elsewhere on the site, including alongside the boundaries with adjoining properties. The proposed substitutions arising under the reserved matters approval would be compatible with the style and design of other houses within the development and, by virtue of their relationship with surrounding properties (both within and outside the site), would not have any undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. The introduction of gates within the boundary treatment to Thunderbolt Avenue would improve pedestrian access onto the main spine road for plots facing onto this thoroughfare and their design would assimilate sympathetically with the existing enclosure along the eastern perimeter.

The development would not alter the level of open space provision to be delivered as part of the estate layout and other contributions secured through planning obligation as part of the outline would be equally applicable to this application for reserved matters. Therefore, the proposal represents sustainable development and is in accordance with the relevant policies of the FBLP, the BWNP and the NPPF.

Recommendation

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

1. This permission relates to the following plans:

Drawing no. 439/SL/01 Rev A – Site location plan.
 Drawing no. 439_PL-01 Rev N – Planning layout.
 Drawing no. 439_MS_01 Rev H – Materials schedule.
 Drawing no. 439_RL_01 Rev G – Refuse layout.

Drawing no. 439_BT_01 Rev H – Boundary treatment.
Drawing no. 439/HLL/01 Rev H – Hard landscaping layout.
Drawing no. 439/BAR/C/01 – The Barwick.
Drawing no. 439/HEL/C/01 – The Helmsley brick elevation.
Drawing no. 439/HEL/C/02 – The Helmsley render elevation.
Drawing no. 439/FAW/01 – The Fawley brick.
Drawing no. 439/FAW/02 – The Fawley render.
Drawing no. 439/BTD/02 – Gate detail.

The development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the dwellings hereby approved shall be constructed in accordance with the materials indicated on drawing no. 439_MS_01 Rev H.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the boundary treatments to each plot shall be constructed in accordance with the details (including their siting, height, materials and design) indicated on drawing no. 439_BT_01 Rev H before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to provide adequate levels of privacy between neighbouring dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for each plot shown on drawing nos. 439/HLL/01 Rev H and 439_PL-01 Rev N shall be implemented during the first planting season after the dwelling on each associated plot is substantially completed. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve satisfactory provision of landscaping and adequate private garden space for the dwellings in accordance with the requirements of Fylde Borough Local Plan policies HL2 and HL4, and the National Planning Policy Framework.

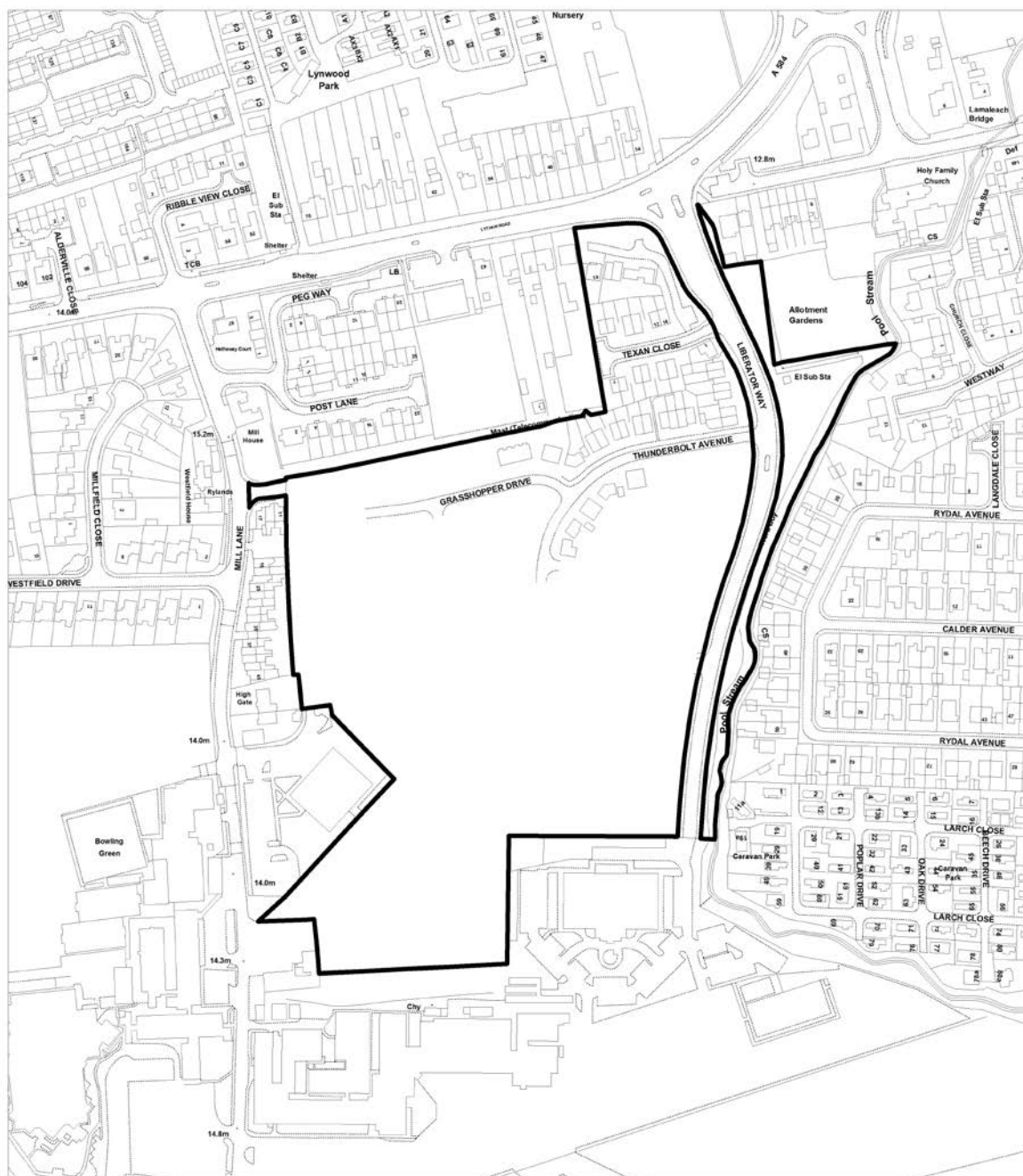
5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the parking areas for each plot shall be constructed in accordance with the details shown on drawing nos. 439/HLL/01 Rev H and 439_PL-01 Rev N and made available for use before the dwelling on each associated plot is first occupied. The duly constructed parking areas shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to ensure a satisfactory surface treatment to car parking areas in accordance with the

requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

6. No more than 240 dwellings within the development hereby approved (which includes all dwellings constructed in accordance with applications for approval of reserved matters submitted pursuant to outline planning permission 12/0550) shall be occupied prior to the completion and permanent opening of the vehicular access from the proposed Spine Road to the Enterprise Zone at BAE Systems, Warton.

Reason: In order that the developer delivers essential off-site highway infrastructure improvements in the interests of the capacity and safety of the surrounding highway network in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0706	Address Former GEC Marconi Site, Mill Lane, Warton	Grid Ref. E.3418 : N.4284	Scale 0 15 30 45 60 m

Item Number: 5

Committee Date: 06 January 2016

Application Reference:	15/0733	Type of Application:	Full Planning Permission
Applicant:	Mill Farm Ventures	Agent :	PWA Planning
Location:	MILL FARM VENTURES, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
Proposal:	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	11	Case Officer:	Kieran Birch
Reason for Delay:	Not applicable		

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

Summary of Officer Recommendation

The application relates to the northern part of the Mill Farm stadium site which benefits from planning permission for a range of uses, one of which was outline planning permission for all weather sports pitches. This application, whilst over the same site area, includes a larger number of pitches and a supporter's stand and therefore has been submitted as a full application.

The principle of the development given sites previous approval and allocation in the Emerging Local Plan as a mixed use site is considered acceptable and there are no drainage or highways issues with the application. With conditions restricting the hours of use of the pitches and the operation of the floodlighting the impact on residential amenity is considered acceptable. The application site along with the larger site as a whole will have a detrimental visual impact but this has already been accepted through previous applications and the sites allocation. The application is therefore recommended for approval.

Reason for Reporting to Committee

The application constitutes a full application on a site that was granted both full and outline planning permission by planning committee and therefore is being reported to members.

Site Description and Location

The application site is part of the Mill Farm development granted planning permission under reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m² warehouse and distribution centre (class b8), 1,518m² neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m² non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the

formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction has commenced on the site but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Adopted Fylde Borough Local Plan. Within the Council's Preferred Options for Development, the land is allocated as a mixed employment/leisure use, with 4 hectares specified for employment purposes. The application site comprises 2.44 hectares of the overall larger site and is located in the site area which was shown on the indicative plan and within the section 106 legal agreement to be part of the site to be applied for in outline for the all weather pitches. This plan showed within the site area one full size 3G football pitch, one full size artificial pitch, six small football pitches and a two storey changing room block. The land in question is currently undeveloped fields.

Details of Proposal

As stated above the hybrid application approved eight pitches in total, six small ones and two large ones. This application proposes over approximately the same site area two full size large pitches as previously approved and 10 smaller ones, of these 10 two are the same size as the previously approved six with the remaining eight created by halving the size of the remaining four previously approved. Also proposed is a stand which will accommodate 256 spectators and will serve the hockey pitch and portacabins to be used as changing rooms.

The football pitches will be constructed using all weather surfacing and will be separated by 3m high ball-stop fencing which will consist of a rebound fence and heavy welded mesh dark green in colour. All of the pitches will be floodlit using multiple floodlighting columns with the full size football pitch having 6 x 15 metre high masts and the smaller 5/7 a side pitches having 48 no. luminaires mounted on 8m high posts at fencing junctions.

The hockey pitch will be constructed using a proprietary sand dressed synthetic carpet system and will be enclosed to the north and south with a 1.2m high spectator fencing. It also will be floodlit using 8 x 15m high masts.

To the north of the hockey pitch it is proposed to erect a small spectator stand which support the use of the hockey pitch by hockey clubs. This stand is 22m in length, 4.9m in depth and with a maximum height of 4.8m. The stand is steel clad and provides seating for 256 spectators.

The outline planning application includes provision for a changing block building but as the final design of this building has not been settled the application proposes using three temporary portacabins as changing facilities in the interim. The application states that the temporary facilities will be replaced with a permanent building within 12 months of the first operation of the sports pitches. With this in mind the applicant is content to accept a planning condition which would provide only temporary consent for these 'buildings' for a period not exceeding 2 years from the date of the planning permission. The condition should require that the buildings be removed or a further application be submitted for their retention.

This full application places reliance upon the supporting technical information associated with application 13/0655 and as such supplementary technical reports are not provided, other than

where directly related to the development now proposed. In particular, the application relies upon the following information which supports the over-arching hybrid planning application and its associated planning conditions:-

- Ecological impact assessment;
- Foul and surface water drainage strategy;
- Noise impact assessment;
- Tree survey
- Landscaping proposals – site wide landscaping proposals currently under consideration

Relevant Planning History

Application No.	Development	Decision	Date
15/0545	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 FOR ALTERATIONS TO ELEVATIONS OF ALDI STORE	Granted	11/08/2015
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
15/0556	PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 RELATING TO REVISED LEVEL OF OFFICE PROVISION AND ALTERATION OF DOOR AND WINDOW LOCATIONS	Granted	14/08/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE		
	OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE		

OVERFLOW CAR PARK & THE FORMATION OF A
SURFACE WATER ATTENUATION POND.

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Medlar with Wesham Town Council** who have commented:

1. Restriction relating to times at which the floodlights can be used should be imposed.
2. Concerns were expressed regarding light evasion to residential properties on the Pastures and Crossing Gates developments in Wesham and the surrounding countryside.
3. Filters to lights need to be specified.
4. Restrictions relating to times at which pitches can be used should be imposed.
5. Specific requirements should be imposed relating to:-
 - a) fencing
 - b) landscaping
 - c) drainage
 - d) screening along all boundaries
6. Concerns were expressed in relation to the distraction of the traffic on A585.

It is adjacent to the boundary with **Greenhalgh with Thistleton Parish Council** and so they have also been notified, and comment:

Greenhalgh residents have grave concerns that the operation of the pitches will result in significant visual intrusion, and noise and light pollution to house-holders on Bradshaw Lane, immediate neighbours and harm will be caused to wildlife activity around Bradkirk Brook. The designation of a hockey pitch with new stand for 275 spectators and an increased number of small pitches to be used from 8.00am to 10.00pm will create even greater intrusion than the previously notified scheme. The impact of 76 Kw of floodlighting from masts of nearly 50 feet against a deciduous hedge-line of 15 to 20ft blackthorn will be totally unreasonable. The proposed fencing of the football pitches is 1.5 metres lower than the FA recommends and no perimeter security fencing is shown. Without adequate fencing there will be dangerous trespass to retrieve lost balls from neighbouring land, the deep stream cutting and the attenuation pond. Landscaping is required to mask the visual impact of the pitches and stand (and to soften the impact of the huge distribution warehouse.)

Greenhalgh-with-Thistleton Parish Council therefore OBJECT to this application as there is no scheme showing proper landscaping or mitigation for light or baffling for noise, or adequate security fencing at the site boundary. Without proper mitigation the proposal is inappropriate in a Countryside location and is contrary to both the NPPF and saved Local Plan Policies.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections to the proposal. Whilst there are a number of minor changes from what was included in the masterplan and in the Transport Assessment they will not have a significant impact above what has already been assessed. They request that conditions 29, 31, 32, and 33 of the hybrid application be repeated.

Sport England

No objection subject to a design condition for the football pitches. Sport England consider the proposal is consistent with the requirements of NPPF and Sport England planning objectives to provide new sports facilities.

Environmental Protection (Pollution)

No objections.

The lighting columns would only be a problem if light emitted is shining directly into a habitable room (bedroom, living room). The information provided suggests that light nuisance would be avoided however the council's Nuisance legislation cannot deal with night glow. It may be necessary to impose a condition restricting the operation of floodlights to an agreed number of times per week and extinguished by 21.30/22.00.

Noise is more difficult to control as the main source will be spectator/ players shouting and cheering and this sound level cannot be regulated. The only way to control the noise and to ensure compliance with the LAeq of 55dB is to limit the times of operation. The LAeqT is time averaged sound level over the specific hours stated. It is likely during the use of the pitches the sound level will increase above 55dB but the time averaged sound level over the 16 hours will be required to be below 55dB. I would ask that condition 20 as discussed is also applied/relevant here.

Regeneration Team (Landscape and Urban Design)

No objections, landscaping issues covered in the discharge of conditions application.

United Utilities

No objections to the proposed development subject to conditions in relation to foul and surface water drainage conditions.

Environment Agency

No comments received at time of writing report. Comments will be reported to members in the late observations

LCC Lead Local Flood Authority

No comments received at time of writing report.

Neighbour Observations

Neighbours notified: 22 October 2015

Amended plans notified: N/A

Site Notice Date: 22 October 2015

Press Notice Date: 29 October 2015

No. Of Responses Received: Two letters of objection received.

Nature of comments made:

- Noise pollution. Assessment done previously does not consider the increase in pitches. Noise levels could form a statutory nuisance.
- Light pollution, night time glow created resulting in loss of amenity.
- Inaccuracies on form.
- Loss of wildlife corridor. Thick border of trees, hedges and shrubs with a sound barrier would

make a big difference to noise and light.

- Impact on biodiversity.
- Inadequate landscape bunding and planting to the north, west and part east perimeters of the development.
- The number and type of pitches proposed for both commercial and community use is not supported by any evidence of need.
- The fencing plan provides inadequate barriers at the margins of the pitches. FA requires 4.5m, proposed are 3m.
- There is no dedicated parking or cycle storage provision. Potential undersupply when stadia in use.
- The pitch complex lacks appropriate changing room or management control facilities
- The proposed lighting scheme will cause environmental issues to wildlife, especially bats which fly the stream corridor.
- There is inadequate provision for spectator safety.

Relevant Planning Policy

Fylde Borough Local Plan:

EP14	Landscaping of new developments
EP28	Light pollution
EP27	Noise pollution
SP02	Development in countryside areas
TR09	Car parking within new developments

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. 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 principle of development

The principle of the development has been established by the previous hybrid application 13/0655 which allowed the development of the wider site, including sports pitches on the application site itself. This application has been submitted in full because it increases the number of pitches allowed by the outline application from eight to twelve, as well as introducing a small stand for supporters watching games on the hockey pitch. Therefore it could not be determined through a Reserved Matters application and a full application has been submitted.

The application site in the Fylde Borough Local Plan is located outside of any settlement on

greenfield land that is allocated as Countryside, and the proposal is contrary to policy SP2 of that Plan. The hybrid application proposed was allowed by members when balancing the benefits of the scheme as a whole against the harm, with the provision of sports pitches being a benefit of the overall scheme. It allowed the development subject to a legal agreement which secured the delivery of the sports pitches together with information on their community use and pricing policy for their use.

Following that permission being granted the emerging Fylde Local Plan to 2032 Revised Preferred Option now allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocation is as a mixed use site for employment, leisure and retail. This application is for leisure and therefore complies with the sites allocation in the emerging Local Plan. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. Policy HW3 – Provision of indoor and outdoor sports facilities states that the Council will support new outdoor sports facilities where; a) they are readily accessible by public transport, walking and cycling, b) the proposed facilities are of a type and scale appropriate to the size of the settlement and c) where they are listed in an action plan in any emerging or subsequently adopted Playing Pitch strategy or Built Facilities Review.

The application provides an increased number of pitches over the same site area which will therefore provide greater opportunities for participation in sport. Sport England have confirmed that they have no objections subject to a design condition for the football pitches. England Hockey have commented that the technical specifications meet their guidance. The issue of whether there is a need or not for the pitches is not a reason for refusing the application, the provision of the pitches will be of a benefit to the community and were a positive when allowing the Mill Farm development as a whole.

As the application proposes a leisure use which will be available to the general public it is considered that the development complies with emerging Local Plan. The site also benefits from outline planning permission for the same use as the development proposed. The application is therefore acceptable in principle.

Impact on residential amenity

Noise

The hybrid application was subject to a noise condition (condition 20), which was amended through application 15/0365 to set noise limited without requiring additional information to be submitted. The revised condition reads as follows;

“The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:

50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and

55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.”

This was found to be acceptable to officers and was therefore recommended for approval with members subsequently allowing the application. Noise was considered as part of hybrid application 13/0655 which is why condition 20 was placed on the approval. The original report considered noise from these pitches and found that the community use of the pitches will be at a much lower level in terms of the number of spectators than the main football stadium, but will be more frequent and prolonged. These pitches (3G training, multi-use artificial and 6 all weather) were situated 208 metres from the nearest dwelling at Demmingfield. The Applicant's Noise Assessment for that application calculated that for 50% of males shouting when on the pitch, for example, when celebrating a goal, when all pitches are in operation, the sound pressure within the nearest garden at would be 37dB LAeq (which is an average noise figure). This is below the Council's Environmental Protection Officer's suggested maximum figure of 55 dB LAeq for external noise in his consultation response.

The following condition was also put on that application with regard to opening times for the pitches;

Prior to the first use of the proposed sports pitches (5 a side, 3rd generation & artificial pitches), details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Any change from the approved scheme shall require the written consent of the Local Planning Authority.

That application proposed less pitches than is proposed by this application but over the same site area and therefore it is appropriate to consider whether 13 pitches and a 256 spectator stand will have an unacceptable noise impact. The applicant has applied for hours of opening between 08:00 to 22:00 on Monday to Saturday and 08:00 to 18:00 on Sundays.

The Council's Environmental Protection Officer has considered the application and raises no objections. He states that noise is difficult to control as the main source will be spectator/players shouting and cheering and that this sound level cannot be regulated. Unlike machinery there is no set decibel level at which people can shout at and therefore the only way to control the noise and to ensure compliance with the LAeq of 55dB is to limit the times of operation. The LAeqT is time averaged sound level over the specific hours stated. It is likely during the use of the pitches at times that the sound level will increase above 55dB but the time averaged sound level over the 16 hours will be required to be below 55dB. He asks that that condition 20 as amended is also applied/relevant to this application.

The World Health Organisation has provided Guidance that sets ideal noise parameters to be experienced at dwellings such that disturbance is unlikely or minimal. One of these parameters is that the time averaged sound level for external areas e.g a garden limited to 55dB. When a sports match takes place or these pitches are in use it is likely that sound level will be above 55dB for the time that the pitches are in use. However time averaged for the period 08.00 – 22.00 then the sound level can be attained that falls below 55dB. The WHO takes into account that there are noise sources when in operation will be above a set parameters however as long as the time averaged value is below 55 then this is deemed acceptable.

Policy EP27 of the Adopted Local Plan relating to 'Noise Pollution' states that where appropriate planning permission will be granted subject to conditions to minimise or prevent noise pollution. It is considered that the proposed condition would minimise and seek to prevent noise pollution and complies with this policy. The NPPF para 123 states that planning decision should aim to;

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

It is considered that by limiting the noise allowed cumulatively from the site to a level acceptable to the World Health Organisation the condition succeeds in the preventing the development from giving rise to significant adverse impacts on the health and quality of life of surrounding dwellings and that the condition can control this and is appropriate considering the site is to be allocated as a mixed employment/leisure site and does not place an unreasonable restriction on the developers thus complying with that element of the NPPF.

The NPPG states that neither the NPPF nor the Noise Policy Statement for England expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It states that conditions can be used to specify permissible noise levels as appropriate at certain times of the day and that Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens. Therefore the levels if considered to be exceeding those allowed by the amended and original condition can be monitored by Environmental Protection and if necessary action taken using this Act. It is therefore considered that the amendment to the condition is acceptable.

Lighting

With regard to light the Council's Environmental Protection Officer has commented that the legislation relating to light nuisance deals with how light affects a property or dwelling. Floodlights will of course light up the pitch and to some extent the surrounding area causing "night glow". However the Nuisance legislation that the Council enforces can only control light that is causing a Statutory Nuisance to a habitable room in a dwelling. For example preventing sleep in a bedroom or causing excessive glare in a living room. This can be enforced by the serving of a Notice. The matter could be rectified by directing the light source/having them fitted with a shield and/or placing restrictions on limiting their usage e.g. to be switched off after a certain time at night. Therefore the lighting columns would only be a problem if light emitted is shining directly into a habitable room (bedroom, living room). The information provided suggests that light nuisance would be avoided however the council's nuisance legislation cannot deal with night glow. The EHO states that it may be necessary to impose a condition restricting the operation of floodlights to an agreed number of times per week and extinguished by 21.30/22.00. Therefore as there will be no direct shining of light into residential properties there will be no unacceptable impact on dwellings.

Visual impact

The application will bring into this area of the site sports pitches with 3m high fencing constructed from green mesh, 15m high lighting columns, a 4.8m high spectator stadium and three changing room portacabins, which will in time be replaced by a more permanent structure.

The development of the sports pitches in the site area proposed and their visual impact was

considered by the hybrid application. It was considered that these (and other uses on the site) are development not normally found in rural areas and that the development would significantly alter the views of the site. Officer's opinion was that the overall impression of the site will be one more typically found in an urban or urban fringe location, that landscaping would take time to mature, and that the illumination of the site was another area for concern and that the impression of the site would contrast to the rural appearance of the site at present. The report stated; *"The Local Plan contains a series of policies that refer to development needing to preserve the character of the area including EP10, EP11, EP18 and TREC10. It is considered that the visual impact of the development will conflict with these policies and this aspect must be seen as a negative aspect of the development."*

It was therefore acknowledged that the development as a whole conflicted with the existing character of the area and was a negative aspect of the development, and that the application was a finely balanced one, but that when considering both the positives and negatives of the application it was recommended for approval.

Therefore this development has already been allowed regardless of the negative visual impact it will have including the floodlighting, and the sites allocation in the emerging Local Plan effectively permits the sites development as an urban extension to the existing settlement. This application whilst slightly different in composition to what was allowed in the hybrid application proposes the same use in the same location and will have similar visual impact. The addition of the stand adds to the quantum of development but it is not considered unduly large considering the size of the stadium and employment building in close proximity to it, and would not have a significant impact on views of the site from the north or west and would have no impact when viewed from directly south or east of the site. The hybrid application included conditions in relation to landscaping the details of which have been submitted and found to be acceptable by the Council Landscape Officer. The landscaping proposed around this development is a continuation of the type found around the site, with a native mix hedgerow proposed with intermittent tree planting along the western boundary, this landscaping will help soften the appearance of the development in time. It will not however completely screen the development.

Highways issues

The highways issues surrounding the application site as a whole were considered by LCC Highways at that time and a number of conditions were placed on that permission. LCC Highways have commented on the proposals and state that they have no objections to the proposal and that whilst there are a number of minor changes from what was included on the masterplan and in the Transport Assessment they will not have an significant impact above what has already been assessed. They request a number of conditions that were placed on the hybrid application be repeated on this one, including submission of a Delivery Management Plan, car parking being in place, a Car Parking Management Strategy and a Travel Plan being submitted. These can be placed on any permission granted and therefore there are no highways issues with the application.

Flooding and drainage

Whilst the drainage of the site as a whole was considered through the previous hybrid application and there are conditions on that approval which deal with the drainage of the site the applicant has submitted the proposed drainage scheme for this area of the overall site as well as accompanying strategy notes for the sports pitches. These state that the detailed design of the sports pitches and the under-drainage system is being carried out by specialist sports field providers. The proposed drainage system will allow the rain falling on the pitches to disperse into the sub-strata in all but the

most extreme conditions. In such circumstances, a system of under-drains will collect the excess flows and discharge them into the adjacent attenuation pond. The outline of this system is shown on the submitted plan No 2255-13-SFD01-C1. The notes state that an allowance of 25% impermeability for the sports field has been incorporated in the designs for the overall site drainage systems and in the attenuation pond. There will be no discharge of surface water into any adoptable surface water drains on the site.

With regard to foul water the drainage from the charging rooms will be discharged into the main foul drainage system located in the site spine road. The pitches will therefore have separate foul and surface water drainage systems; surface water will discharge primarily to ground; excess surface water flows will discharge to the attenuation pond and foul water to the adoptable main drainage system. The three drainage bodies have been consulted and none of any objections to the proposal plans subject to conditions. There are therefore no flooding or drainage issues with the application.

Section 106 implications

The approved application 13/0655 was approved following the signing of a section 106 agreement which referred to the following;

All Weather Pitches: means the 6 no. all weather pitches in addition to 1 no. multi-use artificial pitch and 1 no. full size artificial pitch, forming part of the development.

All Weather Pitches Land: means the land intended (from time to time) to house the All Weather Pitches as shown edged red on all the All Weather Pitches Development Plan 4884/36 (annexed) or any subsequent plans approved at Reserved Matters.

As the 11 football pitches and one hockey pitch replaces these pitches then a deed of variation needs to be submitted to change the definition of the all weather pitches to cover what is proposed by this application instead of the current definition, to change the definition of All Weather Pitches to introduce a new plan to replace plan 4884/36 annexed to the present agreement and to remove the obligation in schedule 1 part 2 (5) to make reasonable endeavours to obtain reserved matters approval for the delivery of the All Weather Pitches. Obligation 6 requires the delivery of the pitches to practical completion within 5 years of the material operations date which is defined as being 'the later of the date of full and proper use and operation of a) the retail unit and b) the warehousing centre'. This will be required to be retained in an amended form to refer to the pitches proposed in this application. Schedule 1 Part 2 Obligation 7 states that "to ensure that the All Weather Pitches are operated in accordance with the document entitled "operating and Pricing Protocols" annexed to this agreement, unless otherwise agreed with the Council'. This will need to be amended to consider the increase in number of pitches proposed by this development.

Conclusions

The application proposes a use which is acceptable in principle given the outline approval for that use at the site and the sites allocation in the emerging Local Plan. There are no highways and flooding issues and with conditions in place there will be no unacceptable impact on residential amenity. The visual impact of developing the site as a whole has already been considered, with the development being allowed despite the negative visual impact. The application is therefore considered acceptable.

Recommendation

That, Subject to variation of the existing Section 106 agreement in order to accommodate the increased number of pitches in the definition and Obligations planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. Prior to the commencement of the development hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The deliveries to the site shall take place in accordance with the plan unless the Local Planning Authority is notified in writing and agreement is reached regarding any proposed alterations.

Reason: In order to ensure highway safety is maintained at all time.

3. The car parking to serve the development hereby approved shall be surfaced, demarcated and made available for use prior to the use of the sports pitches, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

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

4. Prior to the first use of the development hereby approved, a fully detailed Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory car parking management strategy is implemented for the development.

5. The sports pitches hereby approved shall not be used in the one hour before, also during, and two hours after any AFC Fylde home football match with an expected attendance in excess of 1000 spectators or other large scale event (as identified prior to the start of each season through the procedures set out in the Stadium Management Plan and AFC Fylde Traffic Management Plan). The development shall then be operated in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the peak demand within the area and to ensure the availability of appropriate car parking within the site.

6. The Framework Travel Plan as approved/accepted/agreed for the site as a whole through application 13/0655 must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or

used/for a minimum of at least 5 years.

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

7. Notwithstanding any description of materials in the application no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the fences buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No development shall commence until details of the design and layout of the artificial turf football pitches, to include dimensions, run off areas, goal areas, materials, and the colour fo these materials have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The artificial turf football pitches shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with paragraphs 69-70 of NPPF.

9. Prior to the commencement of development, facilities shall be provided within the site by which means the wheels of vehicles will be cleaned before leaving the site. These wheel washing facilities shall be permanently retained during the construction period to the satisfaction of the Local Planning Authority.

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

10. The sports pitches hereby approved shall only be used between the hours of 08:00 and 22:00 on Monday to Saturday and between 08:00 and 18:00 on a Sunday.

Reason: To safeguard residential amenity.

11. The sports pitches floodlights hereby approved shall only operate between the hours of 08:00 and 22:00 on Monday to Saturday and between 08:00 and 18:00 on a Sunday.

Reason: To safeguard residential amenity.

12. The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:

50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and

55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity

13. Prior to the commencement of development full details of the temporary changing facilities shall be submitted to the Local Planning Authority for approval in writing. The details shall include their location, size and materials and for the avoidance of doubt shall be removed from the site in full within two years of the date of this planning permission.

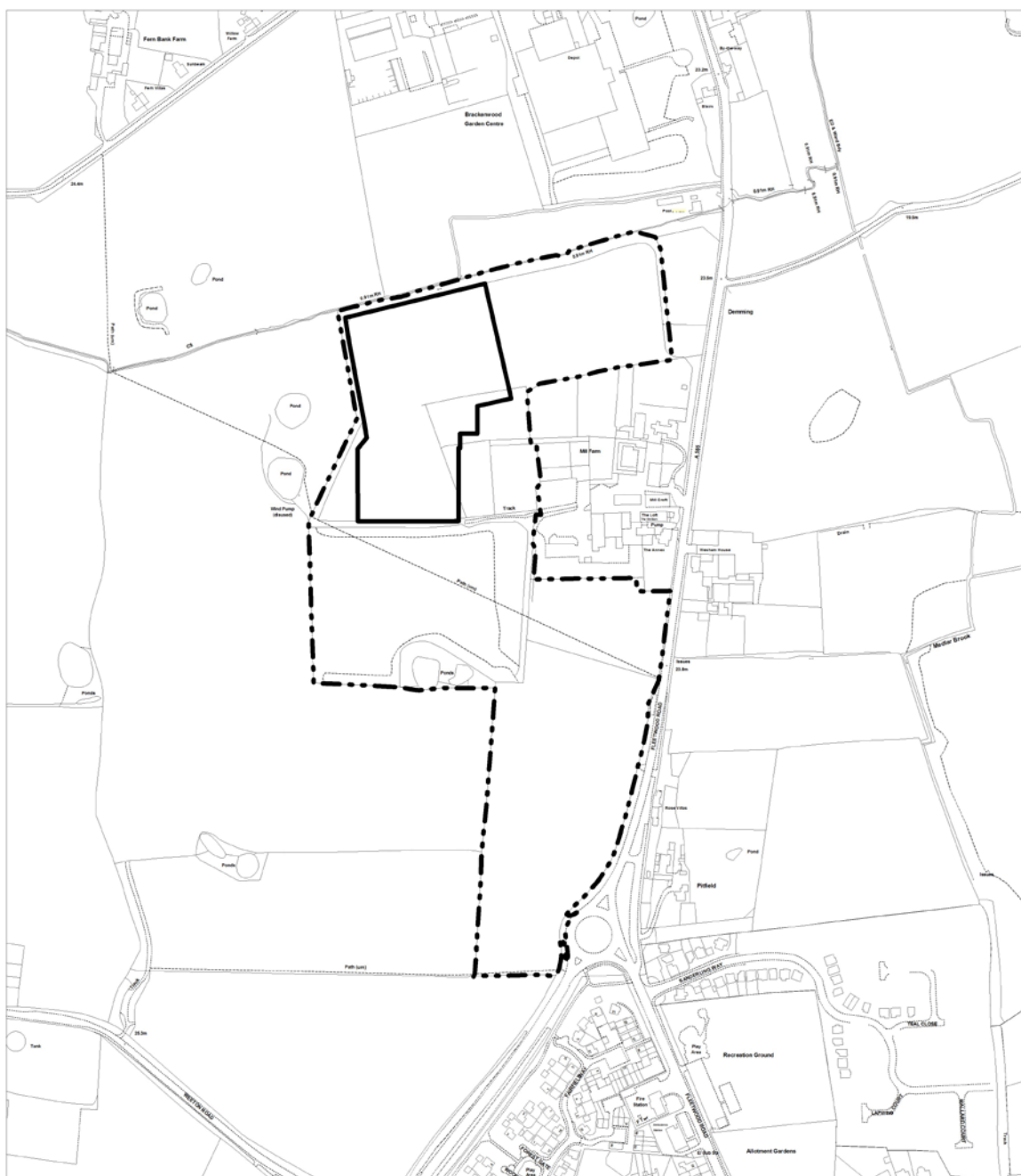
Reason: In order to ensure an acceptable visual impact in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

14. This permission relates to the following plans:

- Football Pitches Proposed Section Details;
- Hockey Pitch Proposed Section Details;
- Proposed Fencing Detail (drawing no. BEKASPORT-PLUS-30);
- Proposed Floodlighting Scheme (drawing no. UKS10042/B);
- Proposed Site Layout (drawing no. 4884_P_105);
- Proposed Stand Elevations (drawing no. 4884_P_109);
- Site Location Plan (drawing no. 4884_P_105);

Except where modified by the conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0733	Address Mill Farm Ventures, Fleetwood Road, Wesham	Grid Ref. E.3413 : N.4340	Scale 0 25 50 75 100 m

Item Number: 6

Committee Date: 06 January 2016

Application Reference:	15/0734	Type of Application:	Householder Planning Application
Applicant:	Mr & Mrs Fletcher	Agent :	Keith Gleeson
Location:	GLENVIEW, GARSTANG ROAD, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0ZQ		
Proposal:	SINGLE STOREY EXTENSION TO REAR AND FORMATION OF GABLED ROOF OVER EXISTING KITCHEN ELEMENT, ENLARGEMENT OF WESTERN REAR DORMER, ROOF LIFT / DORMER TO EAST SIDE, AND ADDITION OF PITCHED ROOF FEATURES TO FRONT TURRET AND DORMERS - REVISED SCHEME TO 15/0342		
Parish:	ELSWICK AND LITTLE ECCLESTON	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a detached house located in the countryside just outside of the village of Little Eccleston, with the proposal being to add a series of extensions to it. Essentially the proposal is a revision to that which was recently refused planning permission by the council under reference 15/0342 due to concerns over its relationship to neighbouring properties.

These extensions and alterations now proposed are considered to be in keeping with the existing property and to address the council's concerns over the impact of the previous scheme. The overall design and appearance is considered to be acceptable, and the amenity of the neighbouring properties either side will not be harmed subject to a condition requiring a series of the windows are obscurely glazed to ensure satisfactory privacy. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP2, HL4 and HL5 of the Fylde Borough Local Plan and so is recommended for approval.

Site Description and Location

The application property is a red brick detached house located on the southern side of Garstang Road to the southwest of the rural settlement of Little Eccleston. The property has a hipped roof and front and rear dormers.

To the rear of the property there are agricultural fields. Either side there are neighbouring residential properties of differing styles and designs.

Details of Proposal

The application is a revision to application 15/0342 which was recently refused planning permission.

The extent of the works are broadly similar and involve a single storey rear extension as before but now retains the roof over the existing rear extension albeit in a revised form. A rear dormer is to be extended (as before) but now features a standard rather than full height window to the rear. There is a roof lift proposed to the east side of the roof (as before), and revised alterations to the existing entrance. In more detail:

- The rear extension projects 5.8m and is 3.5m wide. It has a flat roof with a lantern and the existing hipped roof over the kitchen will be changed to a gable ended roof with a ridge height of 4.9m.
- The dormer extension is to the western rear dormer. The extension is 4.2m wide and it projects out the same distance as the existing dormer. The new hipped roof has an eaves height the same as the existing dormer and the ridge height is marginally lower than the ridge of the main roof.
- The roof lift to the eastern slope of the main roof increases the height of the roof by 2m and it is 6.3m wide. The new part of the roof is hipped.
- The addition and alterations to the existing porch consist of the re-sizing and repositioning of the windows and the addition hipped roofs as well as the insertion of glazing into the roof of the front dormer and front facing hip.

Relevant Planning History

Application No.	Development	Decision	Date
15/0342	SINGLE STOREY REAR EXTENSION TO KITCHEN, ENLARGEMENT OF WEST REAR DORMER, EAST SIDE ROOF LIFT TO FORM SECOND STOREY EXTENSION TO ROOF AND ADDITION OF FRONT ENTRANCE AREA ROOF CANOPY AND RECONFIGURATION OF WINDOWS/ENTRANCE DOORWAY	Refused	14/10/2015
01/0215	PROPOSED FRONT WALL WITH TWO GATES TO NEW DWELLING	Granted	14/05/2001
00/0605	NEW DETACHED DWELLING AND GARAGE	Granted	04/10/2000

Relevant Planning Appeals History

Application No.	Development	Decision	Date
99/0063	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SERVICE STATION AND ERECTION OF 1 NO. DWELLING	Allowed	02/09/1999

Parish/Town Council Observations

Little Eccleston with Larbreck Parish Council notified on 23 October 2015.

They have not provided any formal comments on the application, but have considered the application. Following that meeting the Clerk raised questions over a) the level of obscure glass proposed to be introduced to bathroom windows, and b) whether the plans accurately reflected works to the ground floor garage.

These matters were clarified by officers and no further questions or comments were received from the Parish. The Parish Clerk has been contacted and has confirmed they the clarifications were

circulated around the Parish Councillors, and as no further comments were passed to the Clerk she concluded that the Parish Council now have no objection to the application.

Statutory Consultees and Observations of Other Interested Parties

Wyre Borough Council

No comments received

Neighbour Observations

Neighbours notified: 23 October 2015
Amended plans notified: No re-notification required
No. Of Responses Received: 1 response received raising queries:
Nature of comments made:

- Side door of the garage has been omitted from the plan. Is the garage to be converted?
- What level of obscure glass is to be fitted in the bathroom windows?
- Will obscure glazing be two way?

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL04	Replacement and extension of rural dwellings
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this proposal are:

- Principle of the development
- Design
- Impact to the street scene
- Impact to residential amenity

Principle of the development

The application property is located within the countryside as defined by the Fylde Borough Local

Plan. The site is a residential property with a defined residential curtilage therefore the appropriate Local Plan policies that apply to this application are Policies HL4 relating to the scale of residential extensions and HL5 relating to the general design and amenity requirements of residential extensions. Both these policies allow in principle for the extension of residential properties within the countryside.

Design

The design of the proposed extensions and alterations are considered acceptable as they are in keeping with, and do not dominate, the existing property. Although it is a relatively large dwelling within the site the extensions are not considered to be of a size and nature that they would be considered over-development as the spacing and massing of the property remains similar to that which currently exists. The proposed extensions are therefore considered to comply with both Policy HL4 and HL5 of the Fylde Borough Local Plan.

Impact to the street scene

The proposal will not have a detrimental impact to the character of the street scene. The proposed extensions and alterations do not detrimentally alter the appearance of the property nor the wider area as the majority of the proposed development is to the rear of the property.

Impact to residential amenity

The proposal will not create any detrimental impact to either neighbouring properties in terms of overbearing or massing impacts. The single storey rear extension will create no increase in impact as the extension does not project beyond the existing kitchen and due to the distance from the eastern boundary there will be no overbearing to the neighbouring property to the east, Millfield. A condition will ensure that the side facing windows to be introduced into this elevation are non-opening and obscured.

With regard to the relationship to the other neighbour, the previous scheme was refused over concerns raised over the insertion of additional windows to the rear of the property and the removal of an existing roof that would allow views from the new windows to the rear garden of this neighbour. This scheme addresses that by retaining the existing roof over the original part of the kitchen and modifying it to a gable-ended roof, and reducing the scale of the new windows (with these behind the retained roof anyway). The revisions will result in some additional overbearing but as the roof is pitched away from the boundary and the ridge lower than the height of the eaves of the main roof the impact is considered acceptable. There are now no conceivable privacy implications to this property.

The first floor rear dormer extension will not create a detrimental to Glen Cottage in terms of overbearing as it projects no further than the existing dormer and the roof, albeit larger, is hipped thereby reducing its mass. The roof lift to the east side of the main roof will have no impact on the neighbouring properties. Although immediately adjacent the boundary with Millfield the increase in mass and bulk is minimal as it is lower than the ridge line of the main roof and the new part of the roof is hipped away from the boundary. This part of the proposal will have no impact on any other neighbouring property. The alterations to the existing entrance create no additional overbearing due to their small size.

Neither neighbouring property either side will suffer a detrimental increase in loss of light. This is due to the orientation of these properties, including the application property. The rear of the

properties face southwards and due to this existing orientation there will be no detrimental loss of light to either neighbouring property by any element of the proposal.

Other matters

Comments received from the neighbour and queried by the Parish Council refer to the removal of the side garage door and so its possible conversion, and the type of obscure glazing.

The omission of the side door of the integral garage was confirmed as an error and a revised plan has been submitted showing the door retained in place.

The type of obscure glazing to be fitted should be of Pilkington grade 3 or a comparable equivalent. This level of obscurity is considered sufficient and it should be retained thereafter. This would provide obscurity two ways. Electrified obscure glass would not meet the provisions of the condition.

Conclusions

The proposed extensions and alterations are in keeping with the existing property and the overall design and appearance is considered acceptable. The amenity of the neighbouring properties either side will not suffer a detrimental impact to their amenity however 3 first floor windows should be obscure glazed to ensure satisfactory privacy. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP2, HL4 and HL5 of the Fylde Borough Local Plan.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 21 October 2015, including the following plans:

- Proposed Elevations - Keith Gleeson drawing 1504/01/09 (Dated Oct 2015)
- Proposed Elevations - Keith Gleeson drawing 1504/01/08A (Dated Oct 2015)
- Proposed first floor plan - Keith Gleeson drawing 1504/01/07 (Dated Oct 2015)
- Proposed rear ground floor plan - Keith Gleeson drawing 1504/01/06 (Dated Oct 2015)
- Existing and proposed front ground floor - Keith Gleeson drawing 1510/04/02 (Dated Oct 2015)

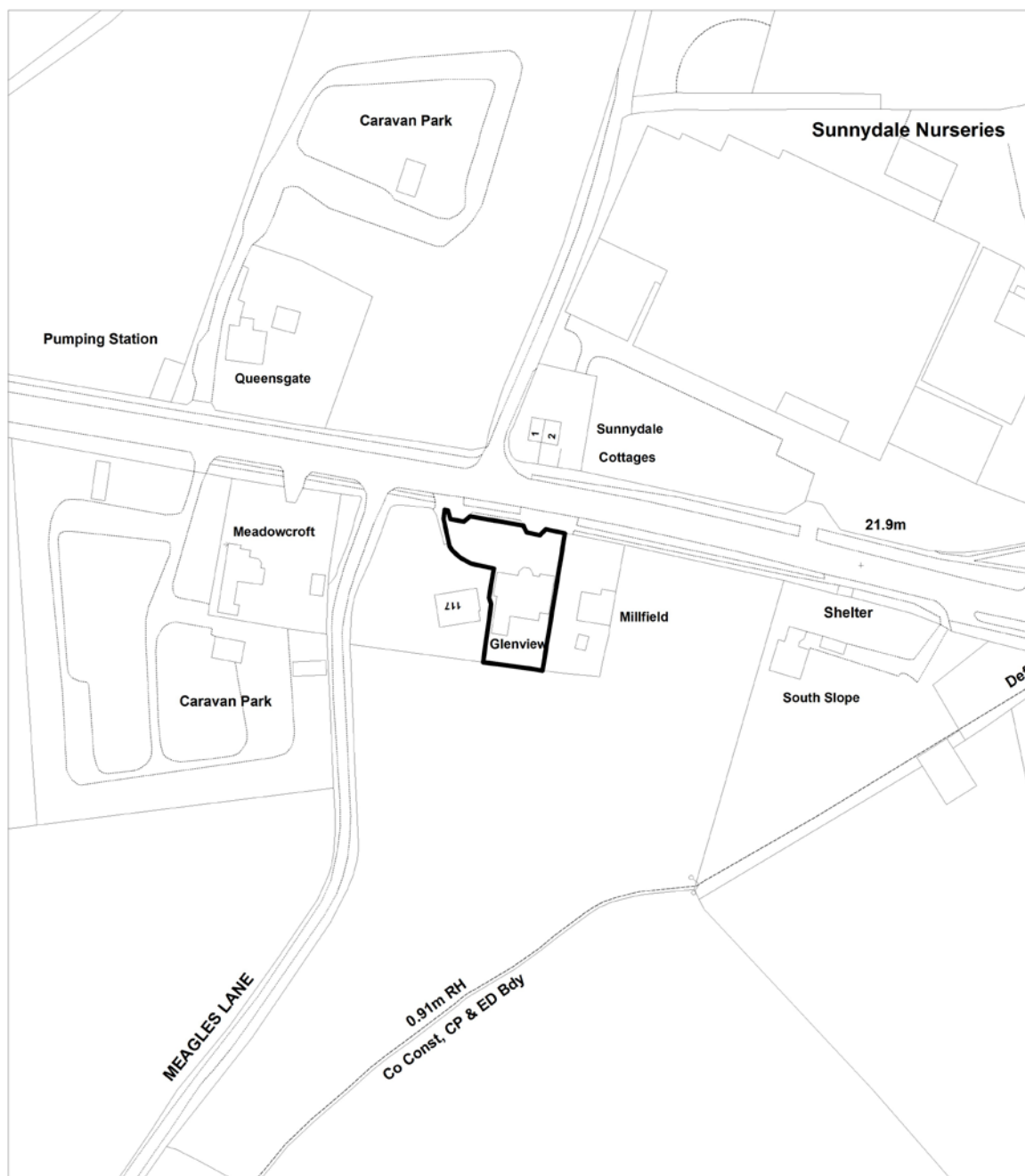
For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building as required by Policy H L5 of the Fylde Borough Local Plan.

4. The proposed first floor east facing side elevation windows and the two south facing rear elevation dormer windows serving the en-suite indicated on the plans hereby approved to be serving a bathroom and dressing room, and the rear facing windows indicated on the approved plans to serve an ensuite shall all be glazed with obscure glass to a level of Pilkington Grade 3 (or a comparable equivalent) and shall thereafter be retained in that form. These windows shall all be non-opening at a height below 1.7m when measured internally from the floor of the rooms that they serve.

To safeguard the amenities of the occupants of adjoining residential premises as required by Policy HL5 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0734	Address Glenview, Garstang Road, Little Eccleston	Grid Ref. E.3417 : N.4403	Scale 0 6 12 18 24 m

Item Number: 7

Committee Date: 06 January 2016

Application Reference:	15/0777	Type of Application:	Full Planning Permission
Applicant:	Fylde Borough Council	Agent :	
Location:	LAND TO REAR OF CAFE, FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BD		
Proposal:	INSTALLATION OF PLAY GALLEON WITHIN TODDLER PLAY AREA WITH A MAST HEIGHT OF 5.5M		
Parish:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the installation of an item of play equipment within the council-owned open space area around Fairhaven Lake in Ansdell. The proposed play equipment is to be located within an existing area of Public Open Space and within a site that is located on the sea front. The principle of expanding the range of facilities in such areas is acceptable, as it considered to be compatible with the existing uses on the overall Fairhaven Lake site and does not result in the loss of recreational space. Furthermore the addition of the proposal, as part of a wider play scheme, will provide additional facilities for the site which will allow for a wider age group to enjoy the Fairhaven Lake.

The proposed play equipment will not have a detrimental impact on the character of the Fairhaven Lake site due to the nature and size of the proposal and although near to a Biological Heritage Site it is considered there will be no detrimental ecological or other impacts.

The proposal is therefore considered to comply with the NPPF and Policies TREC8, TREC13 and EP17 of the Fylde Borough Local Plan and recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the development is proposed by Fylde Council on land that is within council ownership.

Site Description and Location

The application site is a piece of land adjacent, and to the west of, the Cafe within the Fairhaven Lake site which forms part of the Coastal frontage. The Fairhaven Lake site consists of many varying elements including the lake and associated buildings, tennis courts and bowling greens with associated pavilions and pathways and seating areas. To the north of the site on the opposite side of Inner Promenade there are residential properties.

Details of Proposal

The proposal is for the erection of a piece of play equipment in association with a new play area which is to be installed on the land. The majority of the equipment does not require permission as it can be implemented under the permitted development rights available to the council. However, there are size limitations on these rights and this particular item exceeds them, hence the need for planning permission.

The piece of play equipment is a child's/toddler's pirate ship which comprises of a slide and climbing apparatus. The foot print is 3.9m by 4.7m and it has a maximum height of 5.5m which is the mast, which is decorative only and is not part of the functional play apparatus.

Relevant Planning History

Application No.	Development	Decision	Date
15/0652	ADVERTISEMENT CONSENT TO DISPLAY 1 X NON ILLUMINATED POST SIGN WITH FIXED POSTS TO ENABLE ADDITIONAL BANNERS TO BE ADDED	Application Deferred	
10/0488	REPLACEMENT OF 11NO. WOOD WINDOW FRAMES & 3 NO. DOORS WITH WHITE UPVC.	Granted	02/09/2010
05/1064	INSTALLATION OF 18no. SECURITY ROLLER SHUTTERS TO WINDOW AND DOOR OPENINGS	Refused	11/05/2006
99/0220	REPLACEMENT OF PATIO WINDOW ON ICE CREAM SHOP WITH SLIDING WINDOW FRAMES	Granted	21/06/1999
90/0170	NEW WINDOWS AND DOORS TO REAR VERANDA	Granted	25/04/1990
89/1038	ADVERT CONSENT: FOR CANOPY BLINDS SPOTLIGHT TO FLAG & FLOODLIGHT TO CAR PARK ENTRANCE	Granted	31/01/1990
89/0979	GROUND FLOOR SIDE EXTENSION TO PROVIDE STAFF TOILET FACILITIES	Granted	03/01/1990

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Landscape and Urban Design)

They have been consulted as they are keen to promote the heritage value of Fairhaven Lake and its surrounding gardens. They have expressed some reservations over the height of this particular feature given the relatively low level nature of the other structures in the area and toddler play equipment in general. However, they do not object to the application.

Neighbour Observations

Neighbours notified: 12 November 2015
Site Notice Date: 04 December 2015
Press Notice Date: N/A
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TREC08	Tourism Development on the Seafront
TREC13	Safeguarding of Public Open Space
EP17	Dev't in or near Biological & Geological Heritage Sites

Other Relevant Policy:

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

Site Constraints

None

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

- The principle of the development
- Impact to the character of the park
- Impact to the nearby Biological Heritage Site

The principle of the development

The application site is located within an area designated as Seafront and Public Open Space in the Fylde Borough Local Plan where policies TREC8 and TREC13 are relevant. Policy TREC8 allows development that is considered appropriate for a seafront location providing it respects the character of the area and does not prejudice the visual and other amenities of the area. Policy TREC13 safeguards areas of public open space from being lost from that use.

The proposal is part of a wider scheme for the creation of a new play area for children which visit the Fairhaven Lake site. The introduction of a play area into a site used for recreational purposes is considered appropriate and would not prejudice any other use within the site. The land to which it is to be sited is a piece of open grass with no specific use and the installation of the equipment would not harm the functionality of the wider use of the site. It would complement other activities on the site and provide better facilities thereby allowing a wider range of age groups to enjoy the Fairhaven Lake site.

Impact to the character of the park

The installation of the scheme will have an impact on the character of the park due to the area currently being a piece of open grass adjacent the existing cafe. The impact to the character and visual amenity of the area is however considered acceptable as the equipment has a small foot print in comparison to nearby buildings etc. and due to existing hard and soft landscaping it will not appear overly exposed or isolated. In addition equipment of the type proposed is common within recreational areas such as this. It is therefore considered to comply with Policy TREC8 of the Fylde Borough Local Plan.

The concerns of the Regeneration team over the height of this particular piece of equipment are noted, but in the context of the Lake this remains a relatively modest feature that is sited appropriately close to the Café and car parking areas where any perception of an impact to the heritage value will be limited and outweighed by the community use benefit it will bring to the Lake and wider area.

Impact to the nearby Biological Heritage Site

To the south of the Fairhaven Lake site there is a Biological Heritage Site (BHS). Although near to the BHS it is considered that the development is of a type and nature and size that it would have no impact to the BHS and therefore complies with Policy EP17 of the Fylde Borough Local Plan.

Conclusions

The application relates to the installation of an item of play equipment within the council-owned open space area around Fairhaven Lake in Ansdell. The proposed play equipment is to be located within an existing area of Public Open Space and within a site that is located on the sea front. The principle of expanding the range of facilities in such areas is acceptable, as it considered to be compatible with the existing uses on the overall Fairhaven Lake site and does not result in the loss of recreational space. Furthermore the addition of the proposal, as part of a wider play scheme, will provide additional facilities for the site which will allow for a wider age group to enjoy the Fairhaven Lake.

The proposed play equipment will not have a detrimental impact on the character of the Fairhaven Lake site due to the nature and size of the proposal and although near to a Biological Heritage Site it is considered there will be no detrimental ecological or other impacts.

The proposal is therefore considered to comply with the NPPF and Policies TREC8, TREC13 and EP17 of the Fylde Borough Local Plan and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

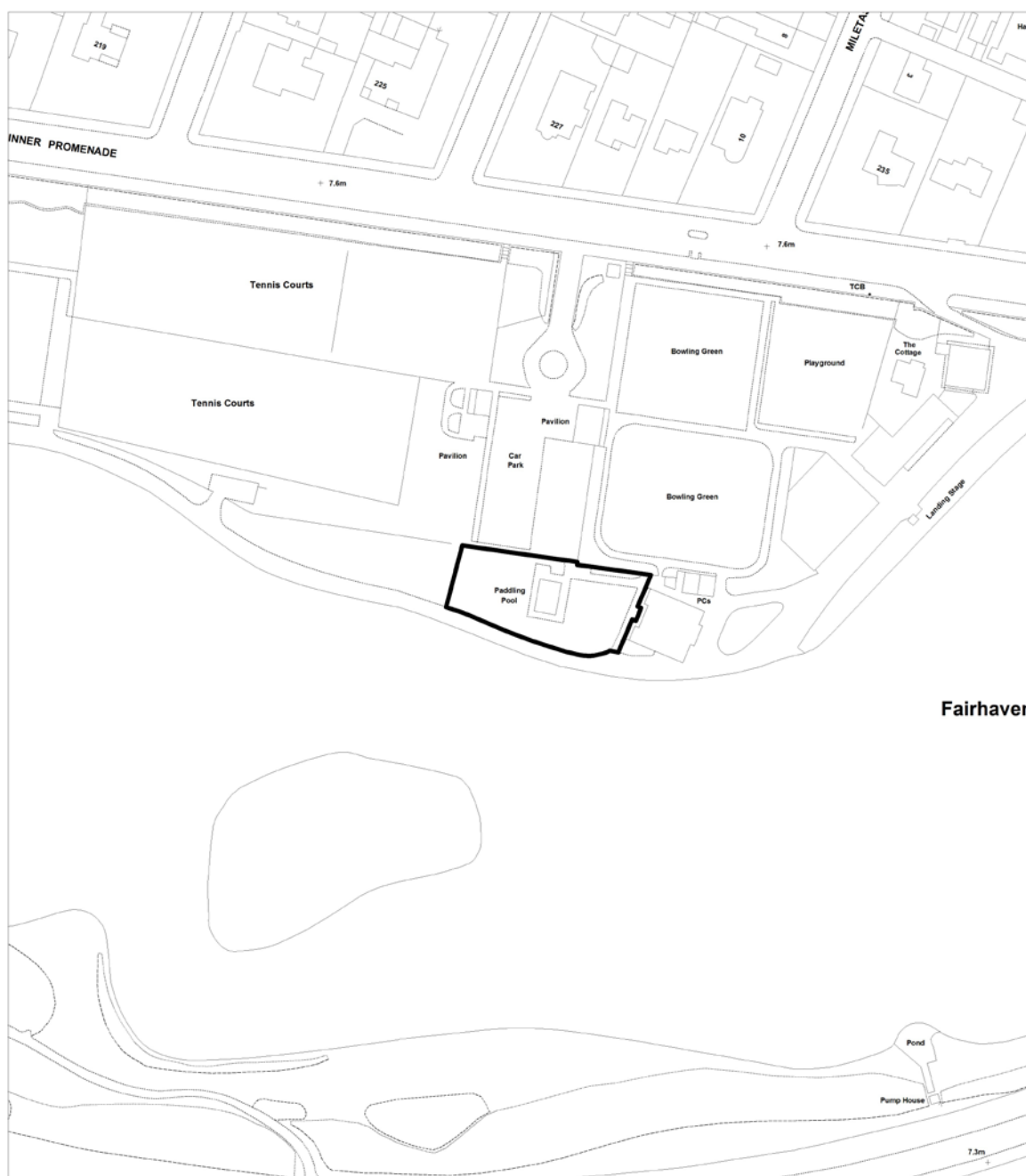
Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5th November 2015.

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

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0777	Address Land to rear of Cafe, Fairhaven Lake and Gardens, Inner Promenade, Lytham St Annes	Grid Ref. E.3340 : N.4273	Scale 0 6 12 18 24 m

Application Reference:	15/0778	Type of Application:	Full Planning Permission
Applicant:	Persimmon Homes	Agent :	
Location:	PONTINS, CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2SX		
Proposal:	ERECTION OF THREE DETACHED BUNGALOWS		
Parish:	ST LEONARDS	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Matthew Taylor
Reason for Delay:	Need to report to Committee		

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

Summary of Officer Recommendation

The principle of residential development on the site has been established through the approval of outline and reserved matters applications 10/0877 and 14/0392. The housing mix allowed under those permissions has been varied through an application for a minor material amendment (15/0447). This application seeks permission to erect three additional dwellings to the southeast corner of the site within the original site boundary which, in combination with the extant planning approvals, would allow a development of 76 dwellings. These are now shown as plots 51, 52 & 53 of that wider layout.

The proposed development seeks permission for three detached bungalows to the eastern periphery of the site alongside the existing railway line. The bungalows would replace a row of three dwellings (two, two-storey and one bungalow) previously approved on the same part of the site under application 14/0392 and, with respect to their layout and relationship with surrounding land and uses, would be substantially in accordance with that approval. The proposed bungalows would sit comfortably amongst identical house types on adjacent plots to the north and west and, owing to their reduced height and scale in comparison to the buildings permitted on this part of the site under the previous reserved matters approval, would have no greater impact on the character of the street scene or the amenity of surrounding occupiers both within and outside the site.

Whilst the development would result in an overall increase in the number of dwellings on the site in comparison to the previous approval (rising from 73 to 76), the modest increase in density and traffic generation which would arise would not have any significantly greater impact in comparison to the extant planning approvals. Similarly, as the scheme does not seek to extend the developed area of the site or alter any of the mitigation measures secured as part of the previous approvals, there would be no material change with respect to its impact on the nearby SSSI and railway line. Moreover, the proposed changes to the scale of the dwellings would overcome safeguarding concerns from Blackpool Airport. A proportionate uplift in contributions linked to the number of dwellings/bedrooms to be delivered as part of the comprehensive development of the site would also be secured through a deed of variation to the extant planning obligation. The proposed development is therefore in accordance with the requirements of the relevant policies of the FBLP and the

Reason for Reporting to Committee

The Town Council has objected to the principle of increasing the number of dwellings on the site beyond that approved as part of applications 10/0877 and 14/0392.

Site Description and Location

The application relates to the former Pontins Holiday Camp occupying a rectangular parcel of land between the A584 (Clifton Drive North) to the west and a railway line to the east. Blackpool Airport lies further to the east beyond the railway line and the Lytham St Annes Dunes Site of Special Scientific Interest (SSSI) is located to the south. This application relates specifically to a 1,135 square metre parcel located to the southeast corner of the site.

A residential development comprising 73 dwellings is under construction on the southern portion of the site pursuant to outline planning permission 10/0877 and reserved matters approval 14/0392. Subsequent applications for the substitution of house types on a total of 18 plots across the site have been permitted pursuant to planning approvals 15/0382 and 15/0447.

Details of Proposal

The application seeks full planning permission for the construction of three detached, three-bedroom bungalows (the 'Gilby' house type) to the southeast corner of the site. The three bungalows are to be located on the area of land shown as being "reserved for potential future development" on application 15/0447 which included a change to the housing mix through the introduction of terraced and semi-detached houses on seven plots across the southern site. These are now shown as plots 51, 52 & 53 of that wider layout.

The proposed bungalows would front onto a cul-de-sac and back onto the ecology buffer and railway line beyond the eastern boundary. Each dwelling would have a footprint of *circa* 87 square metres following a square-shaped layout with a narrow facing gable protruding to the corner of their front elevations. The bungalows would have an eaves height of 2.5m and would incorporate a steep, dual-pitched roof with a ridge height of 6m to accommodate a bedroom in the roof space. The first floor accommodation would be served by roof lights to the rear roof plane and non-habitable room windows in both gable ends.

The Gilby house type occurs on six other plots throughout the site, including those located immediately opposite (west) and to the north of the site.

Relevant Planning History

Application No.	Development	Decision	Date
15/0447	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0392 FOR REALIGNMENT OF DWELLINGS ON PLOTS 59,60 AND 62, AND SUBSTITUTION OF HOUSE TYPES AS FOLLOWS: (I) REPLACEMENT OF ROSEBERRY HOUSE TYPE WITH KENDAL HOUSE TYPE ON PLOTS 36 AND 57, AND WITH GILBY HOUSE TYPE ON PLOT 47; (II) REPLACEMENT OF KENDAL HOUSE TYPE	Delegated to Officers	

	WITH ROSEBERRY HOUSE TYPE ON PLOTS 37 AND 61, WITH GILBY HOUSE TYPE ON PLOT 49, AND WITH FOUR HANBURY (SEMI-DETACHED) HOUSE TYPE ON PLOTS 10 AND 13; (III) REPLACEMENT OF WINSTER HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOT 50 AND WITH THREE ALNWICK (MEWS) HOUSE TYPE ON PLOTS 11 AND 12; (IV) REPLACEMENT OF CORBY HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOTS 54 AND 55; (V) REPLACEMENT OF CHEDWORTH HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOT 14 AND (VI) REPLACEMENT OF HATFIELD HOUSE TYPE WITH CLAYTON HOUSE TYPE ON PLOT 48		
15/0382	SUBSTITUTION OF HOUSE TYPES PURSUANT TO RESERVED MATTERS APPROVAL 14/0392 TO REPLACE LUMLEY HOUSE TYPE ON PLOTS 2, 7 AND 20 WITH HATFIELD HOUSE TYPE	Granted	11/09/2015
14/0563	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED POST SIGN MEASURING 6M X 3M	Granted	07/10/2014
14/0392	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF LAYOUT, SCALE, LANDSCAPING AND APPEARANCE RELATING TO OUTLINE PLANNING PERMISSION 10/0877 FOR 73 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE.	Approved with 106 Agreement	23/12/2014
11/0611	RESERVED MATTERS FOR APPROVAL : ACCESS, APPEARANCE, LANDSCAPE, LAYOUT AND SCALE FOR 238 DWELLING UNITS.	Withdrawn by Applicant	05/09/2011
10/0877	OUTLINE PLANNING FOR REDEVELOPMENT OF THE SITE FOR UP TO 73 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT AND OPEN SPACE (PHASE 2)	Granted	01/05/2013
08/1049	REDEVELOPMENT OF SITE FOR UP TO 275 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE	Granted	01/05/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Annes on Sea Town Council were notified of the application on 19 November 2015. The Town Council submitted an objection to a previous application (reference 15/0447) on the following grounds:

- The Town Council is concerned that the change in styles is leading to a 'denser' development on some parts of the site creating an increased massing and over-intensive development. As a consequence of these proposed changes and the compactness of the buildings, land is being freed up on the site (identified on the plan) which will eventually be the basis of a planning application to increase the number of houses on the site beyond those which were originally agreed to.

Whilst the Town Council's grounds for objection on application 15/0447 are equally applicable to this scheme, no specific observations have been received in respect of the current application at the time of writing the report. Any late observations will be reported to members at the Committee meeting.

Statutory Consultees and Observations of Other Interested Parties

Environmental Health Officer (EHO): No objections.

Network Rail: No objections. Summary of comments as follows:

- The developer should submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway.
- If not already in place, the developer should provide a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary. Any acoustic fencing should be set back from the boundary with Network Rail's land by 1m.
- The developer must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land.
- Any scaffold which is to be constructed within 10 metres of the Network Rail/railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.
- If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted to the Network Rail Asset Protection Engineer.
- All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.
- Network Rail requests that the developer ensures there is a minimum 2 metre gap between the buildings and structures on site and Network Rail's boundary fencing.
- Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.
- Network Rail request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

Natural England – Comments as follows:

- Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which they would otherwise provide a more detailed consultation response and so does not wish to make specific comment.

Blackpool Airport - Provided that the development is constructed in accordance with the plans submitted with the application, and in the locations identified, Blackpool Airport would offer no aerodrome safeguarding objections to the Application.

Neighbour Observations

There are no neighbouring properties external to the development and the application land is located to the far eastern end of the site away from its frontage with Clifton Drive North. Therefore, no letters have been sent to surrounding properties. Instead, a site notice was posted on Clifton Drive North on 27 November 2015. No representations have been received in response to this notice.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP17	Devt in or near Biological & Geological Heritage Sites
EP27	Noise pollution
TR14	Blackpool airport
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

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

Environmental Impact Assessment

The development is of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended (category 10(b)). However, as it does not exceed the threshold in Column 2 and is not located within a sensitive area, the proposal is not EIA development and, accordingly, does not need to be accompanied by an Environmental Statement. It is also noted that reserved matters application 14/0392 which enveloped the whole of the application site was not EIA development as all environmental effects had been considered under the outline application on the same site (10/0877).

Comment and Analysis

Background

The need for the application has arisen due to aerodrome safeguarding concerns raised by Blackpool Airport. In particular, the airport expressed concerns regarding the height of a number of dwellings permitted under reserved matters approval 14/0392 (including the three approved on the site of this application). Reductions in the height and floorspace of 18 dwellings across the site have been approved under separate applications (references 15/0382 and 15/0447). This cumulative reduction in floorspace has, however, necessitated a change in the housing mix and, in order to achieve the same overall floorspace as approved under application 14/0392, an uplift in the number of dwellings

is also required. Accordingly, the current application seeks to introduce three additional dwellings to the southeast corner of the site (plots 51, 52 and 53) in order to address the safeguarding concerns raised by Blackpool Airport and to increase the overall number to 76.

Principle of development

The application land was included within the red line boundary for outline planning permission 10/0877 and reserved matters approvals 14/0392 and 15/0447 (a minor material amendment to approval 14/0392). As this is a full planning application the scheme is technically capable of being implemented independently of the extant outline permission and reserved matters approvals. However, the siting of the three bungalows is such that they would be reliant on the infrastructure to be delivered as part of the extant planning permission(s) and, accordingly, it is reasonable to consider the cumulative impact arising through the addition of the three dwellings in combination with the extant approvals (i.e. the overall impact of 76 dwellings on the site in comparison to the 73 already approved) as this development could only be implemented concurrently with those approvals.

The principle of development on this part of the site has been established through the outline planning permission, with subsequent reserved matters approvals setting out detailed design parameters with respect to the layout, scale, appearance and landscaping of the dwellings approved within this parcel. Reserved matters approval 14/0392 allowed the construction of three detached dwellings on this part of the site comprising two, two-storey houses (the 'Kendal' and 'Winster' house types) and one bungalow (the 'Corby' house type) laid out in substantially the same manner as the three bungalows now proposed.

In these circumstances, it follows that the existence of an extant planning approval for three dwellings on the same part of the site is a material consideration which establishes the principle of development. In particular, the current application does not seek to extend the developed area of the site outside that permitted under application 14/0392 (the same size of 'ecology buffer' is to be retained along the southern and eastern boundaries) and, with the exception of the 'Corby' house type, the proposed bungalows are of a reduced scale and height in comparison to the dwellings previously approved on this part of the site.

Layout, scale and design:

The three plots in question are located alongside the railway line to the southeast corner of the site. The dwellings would follow a linear arrangement fronting onto a cul-de-sac which terminates in this corner and would back onto the railway line lying beyond a minimum 3m deep 'ecology buffer' to the eastern perimeter. Each dwelling would occupy a rectangular plot with two off-road car parking spaces flanked by landscaped garden frontages. Rear gardens would be enclosed by 1.8m high close-boarded timber fencing. The bungalows would be located opposite two other Gilby house types to the west (plots 49 and 50) and adjacent to another two orientated at right angles to the north (plots 54 and 55).

As the three dwellings would be positioned adjacent to other Gilby house types to the north and west, they would form part of a wider group of bungalows concentrated in this area of the site. Accordingly, there would be consistency in the size and scale of buildings within this group in order that the three additional dwellings would sit comfortably alongside adjacent houses and are seen as a continuation of the existing development stepping down towards the eastern boundary with the railway line (and airport beyond).

With respect to density the development on the application parcel would, in isolation, result in a density of 30 dwellings per hectare. When considered in its wider context (e.g. as 76 dwellings across a 2.1 hectare site), this density rises to 36.2 dwellings per hectare. This compares to a density of 34.7 dwellings per hectare approved as part of application 14/0392. The proposed density (whether taken individually or cumulatively) remains within the range permitted under criterion (3) of FBLP policy HL2 (30-50 dwellings per hectare) and is appropriate to this urban setting. Therefore, it is not considered that the proposal would result in an overdevelopment of the site in comprehensive terms.

The three bungalows would replicate the house types on surrounding plots with respect to their size, materials, external and elevational treatments. Accordingly, they would be compatible with the character of surrounding development and would achieve comparable spacing with adjacent properties to the north (12m) and west (23m) as is typical throughout the remainder of the development. The reduced height of the bungalows in comparison to the two-storey Kendal and Winstler house types previously approved on the site would also reduce their prominence when viewed across open land to the south.

Impact on surrounding uses:

The site is located between the busy thoroughfare of Clifton Drive North which lies to the west and a railway line to the east. Blackpool Airport is situated beyond the railway line further to the east and the Lytham St Annes Dunes SSSI is located to the south. The closest external residential uses fall approximately 385m to the southwest at New Thursby Nursing Home and Dunepoint, and do not directly overlook the site.

The need for the application has arisen due to safeguarding concerns expressed by Blackpool Airport with respect to the height of some of the dwellings approved as part of application 14/0392. This application seeks to address those concerns with respect to the three plots in question by reducing building eaves and ridge heights as part of a comprehensive review of house types across the site. Blackpool Airport have confirmed that the changes to the house types on these 3 plots address their previous concerns with respect to this part of the site. Accordingly, no safeguarding implications would arise which affect the function of the airport.

With respect to both existing occupiers of surrounding dwellings and future residents within the development, the proposed bungalows would have a lesser impact on amenity by virtue of the reduced height and scale of the Gilby house type in comparison to the two-storey dwellings approved under application 14/0392.

Highways:

The three dwellings would be served by the estate road and access onto Clifton Drive North which was approved as part of the previous outline and reserved matters permissions. The same cul-de-sac arrangement would serve the three plots in question and these would be reliant on the earlier phases of the development for access. Whilst there would be a three-dwelling increase in the overall number of units served by the access onto Clifton Drive North, the level of traffic generated by the additional three bungalows would be immaterial to the operation and capacity of this junction and the wider highway network. Each property would be served by two in-curtilage car parking spaces in order to ensure that adequate off-road parking provision is made commensurate to the level of provision available elsewhere on the site.

Other matters:

Despite minor differences in their footprint and siting within each plot, the layout of the three dwellings and their relationship with surrounding buildings and features both within and outside the site would be substantially in accordance with that approved as part of application 14/0392. In particular, the same size of ecology buffer would be maintained alongside the eastern and southern perimeters, the same separation would be achieved with the adjacent railway line and the developed area of the site would be consistent with the previous approval. Standard glazing and trickle vents would be installed to each plot in order to ensure that future occupiers are not unduly affected by way of noise and disturbance in line with the mitigation measures deemed sufficient as part of the previous scheme.

Accordingly, the development would have no materially greater impact on the adjacent SSSI or railway line in comparison to the previously approved scheme, and suitable mitigation measures would be introduced to ensure satisfactory living conditions for future occupiers in terms of noise arising from surrounding uses.

Developer contributions:

The applicant entered into a planning obligation as part of the outline permission which secured contributions towards affordable housing, public realm improvements, travel plan monitoring, the implementation of a Traffic Regulation Order and education. This obligation was subsequently varied as part of reserved matters approval 14/0392 to secure the provision of affordable housing for the southern site on the northern site (i.e. the affordable units required for the development on the southern site are, in addition to those required for the northern development, to be provided on the northern site).

The applicant will need to enter into a supplemental agreement to link the obligations for the outline (as varied by the reserved matters) to this application in order that those requirements are equally applicable to the new dwellings. The effect of this is that the obligations would apply to the whole of the site (i.e. a development of 76 dwellings rather than 73 dwellings) and the uplift arising as a result of this scheme would be accounted for when calculating contributions which are dependent on the number of dwellings or bedrooms to be delivered on the site. This will ensure that the three-dwelling scheme is aggregated with the extant approval and, accordingly, will yield contributions which are proportionate in scale and kind to the development as a whole.

Conclusions

The principle of residential development on the site has been established through the approval of outline and reserved matters applications 10/0877 and 14/0392. The housing mix allowed under those permissions has been varied through an application for a minor material amendment (15/0447). This application seeks permission to erect three additional dwellings to the southeast corner of the site within the original site boundary which, in combination with the extant planning approvals, would allow a development of 76 dwellings.

The proposed development seeks permission for three detached bungalows to the eastern periphery of the site alongside the existing railway line. The bungalows would replace a row of three dwellings (two, two-storey and one bungalow) previously approved on the same part of the site under application 14/0392 and, with respect to their layout and relationship with surrounding land and uses, would be substantially in accordance with that approval. The proposed bungalows would sit comfortably amongst identical house types on adjacent plots to the north and west and, owing to their reduced height and scale in comparison to the buildings permitted on this part of the site

under the previous reserved matters approval, would have no greater impact on the character of the street scene or the amenity of surrounding occupiers both within and outside the site.

Whilst the development would result in an overall increase in the number of dwellings on the site in comparison to the previous approval (rising from 73 to 76), the modest increase in density and traffic generation which would arise would not have any significantly greater impact in comparison to the extant planning approvals. Similarly, as the scheme does not seek to extend the developed area of the site or alter any of the mitigation measures secured as part of the previous approvals, there would be no material change with respect to its impact on the nearby SSSI and railway line. Moreover, the proposed changes to the scale of the dwellings would overcome safeguarding concerns from Blackpool Airport. A proportionate uplift in contributions linked to the number of dwellings/bedrooms to be delivered as part of the comprehensive development of the site would also be secured through a deed of variation to the extant planning obligation. The proposed development is therefore in accordance with the requirements of the relevant policies of the FBLP and the NPPF.

Recommendation

That, subject to the completion of a supplemental planning obligation under S106 of the Town and Country Planning Act to link the extant planning obligation for outline permission 10/0877 (as amended) to the new planning permission (a 'deed of variation'), planning permission be GRANTED subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

Drawing no. FP-LSA-LP1-PH2.02 – Location plan (phase 2).
Drawing no. LSA-PH2-301 Rev D – Estate layout (phase 2).
Drawing no. LSA-PH2-302 Rev F – Boundary treatment plan (phase 2).
Drawing no. LSA-PH2-303 Rev D – Surface treatment plan (phase 2).
Drawing no. 4830.02 Rev E – Landscape proposals sheet 2 of 3.
Drawing no. LSA.PH2.GVS.01 Rev B – Glazing and ventilation strategy.
Drawing no. The Gilby House Type Lancashire – 'The Gilby' – Plans and elevations – 3 bed – footage 1182.
Drawing no. SDF11 – Plot divisional fence.
Drawing no. DWFD.02 Rev C – Dwarf wall, pier and fence detail.
Drawing no. SDF05 – 1.8m high timber screen fence.

The development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local

Planning Authority, the external surfaces of the dwellings on plots 51, 52 and 53 shall be constructed in accordance with the materials specified in the Material Schedule dated December 2014 (reference LSA-MS-01 G).

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the boundary treatments to plots 51, 52 and 53 shall be constructed in accordance with the details (including their siting, height, materials and design) indicated on drawing nos. LSA-PH2-302 Rev F; SDF11; DWFD.02 Rev C; and SDF05 before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

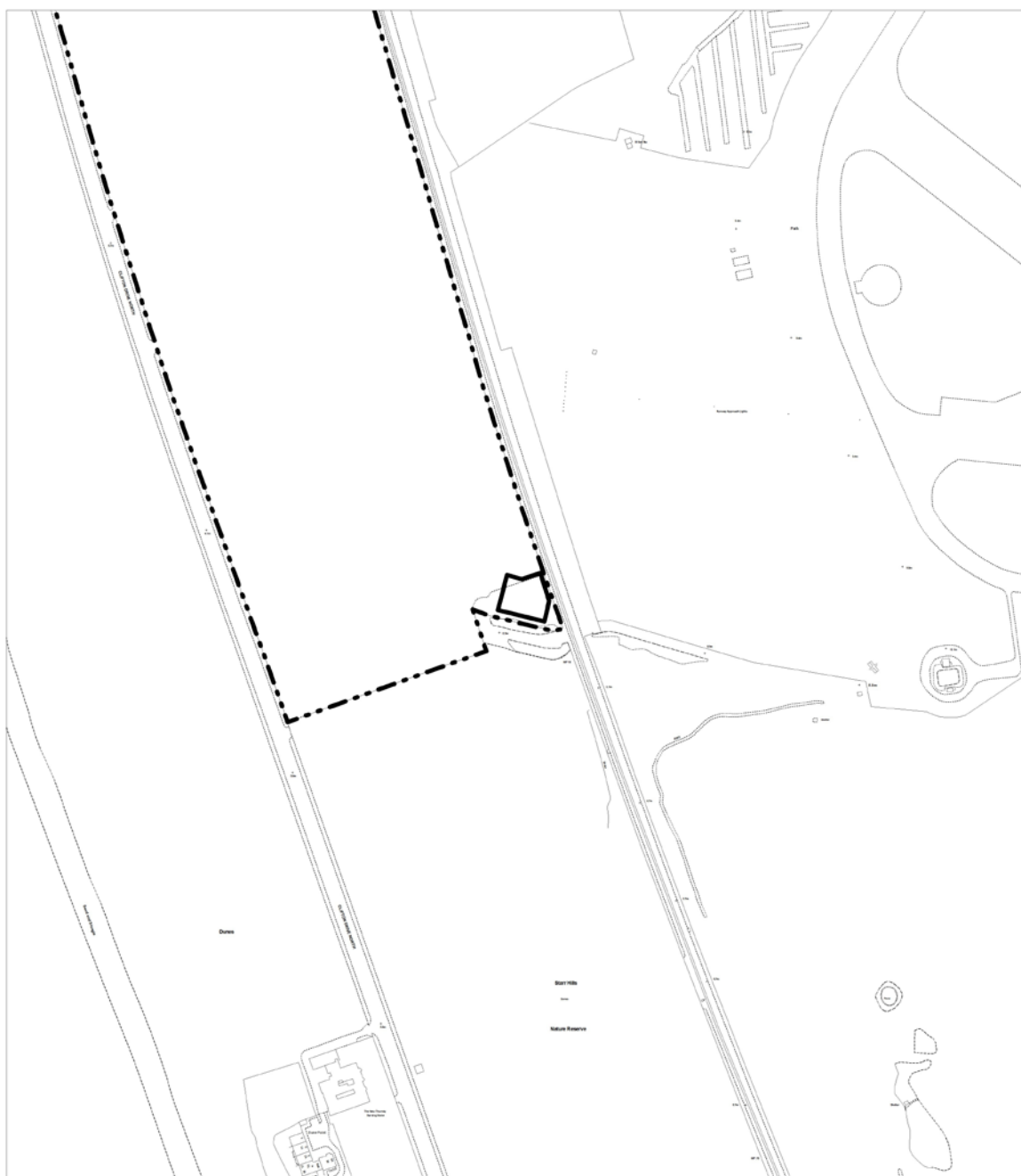
Reason: To ensure a satisfactory appearance in the interests of visual amenity and to provide adequate levels of privacy between neighbouring dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for plots 51, 52 and 53 shown on drawing no. 4830.02 Rev E shall be implemented during the first planting season after the dwelling on each associated plot is substantially completed. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve satisfactory provision of landscaping and adequate private garden space for the dwellings in accordance with the requirements of Fylde Borough Local Plan policies HL2 and HL4, and the National Planning Policy Framework.

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the parking areas for plots 51, 52 and 53 shall be constructed in accordance with the details indicated on drawing no. LSA-PH2-303 Rev D and made available for use before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to ensure a satisfactory surface treatment to car parking areas in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0778	Address Pontins, Clifton Drive North, Lytham St Annes	Grid Ref. E.3310 : N.4310	Scale 0 20 40 60 80 m

LIST OF APPEALS DECIDED

The following appeal decision letter was received between 27/11/2015 and 18/12/2015. A copy of the decision letter is attached.

Rec No: 1

24 August 2015

14/0875

253 INNER PROMENADE, LYTHAM ST ANNES, FY8 1AZ

Written
Representations
RT

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING
DWELLING AND REPLACEMENT FOUR STOREY
BUILDING FORMING 6NO 2 BEDROOM APARTMENTS
AND 1NO 3 BEDROOM APARTMENT. (ACCESS, LAYOUT
AND SCALE APPLIED FOR WITH OTHER MATTERS
RESERVED)

Appeal Decision: Dismiss: 09 December 2015

Appeal Decision

Site visit made on 13 October 2015

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 December 2015

Appeal Ref: APP/M2325/W/15/3039279

253 Inner Promenade, Lytham St Annes, Lancashire FY8 1AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robin Lawson of Paro Developments Ltd against the decision of Fylde Borough Council.
 - The application Ref 14/0875, dated 3 December 2014, was refused by notice dated 28 April 2015.
 - The development proposed is the demolition of existing dwelling and replacement building forming 6no 2 bedroom apartments and 1no 3 bedroom apartment.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access, layout and scale to be determined at this stage. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of the occupants of the neighbouring property, No 9 Beach Avenue, in respect of light and outlook.

Reasons

Character and Appearance

4. This stretch of Inner Promenade comprises large, predominantly detached dwellings that form part of the coastal suburb known as Fairhaven, which is a late 19th century planned resort centred around Fairhaven Lake. The dwellings are substantial in scale and situated within large plots. They follow a uniform building line and have similar proportions, roof heights and generous spacing between them. Whilst they differ in their design and materials there is a common architectural theme, although there are some more recent additions. Due to the wide road and development predominantly lining the north side of it, Inner Promenade has a very open aspect, which along with the architectural interest of the properties and the tranquillity of the lake creates a very attractive and pleasant area.

5. The appeal site comprises a large detached two and a half storey dwelling located on the end of a row of properties comprising large dwellings and very substantial four-storey apartment blocks, one of which is adjacent to the site. Whilst it has had some non-sympathetic additions, i.e. the insertion of PVCu windows, the existing dwelling still retains significant architectural merit with its impressive chimneys and symmetrical, double-fronted front elevation and I note that the Council consider it a non-designated heritage asset. It is not on a local list, nor has the Council suggested that it has been considered with regard to adopted criteria. This limits the weight I give to this; nevertheless, I consider it makes a very positive contribution to the character and appearance of the area.
6. The site's corner plot location gives it a dual aspect with a pedestrian access onto Inner Promenade and vehicular access off Beach Avenue. As a result, it is read in the context of Beach Avenue as well as Inner Promenade.
7. Beach Avenue comprises large, semi-detached and detached Victorian properties. There is somewhat of a hierarchy between the larger properties on Inner Promenade and the properties on the side streets, such as Beach Avenue, which are generally more tightly developed with the spacing between the properties being significantly less than those on Inner Promenade.
8. The proposed development would be larger than the existing dwelling. Its reference would be taken from the adjacent apartment block and others between Beach Avenue and Marine Drive. Although its height would only be slightly above that of the existing dwelling, due to its depth, width and eaves height its overall mass would be significantly greater. The siting of the development would be closer to No 9 Beach Avenue, significantly reducing the existing gap between No 9 and the appeal property.
9. As a result, the proposal would be a very dominant feature in the street scene, exacerbated by its corner plot location and further still by it being positioned slightly forward of the neighbouring apartment block. It would fail to respect the prevailing pattern of development, both on Inner Promenade and Beach Avenue, introducing a discordant note to the street scene.
10. Whilst there are examples of development within Fairhaven that are similar to the proposal, these do not offer any particular positive contribution to the character or appearance of the area and should not be considered as precedents.
11. I find therefore that demolition of the existing building and its replacement as proposed would significantly harm the character and appearance of the area, contrary to saved policy HL2 of the Fylde Borough Local Plan, as altered (2005), which, amongst other matters, seeks to ensure that development is in keeping with the character of the locality. Furthermore, the development fails to comply with paragraphs 17, 57, 58, 64 and 65 of the National Planning Policy Framework (the 'Framework'), which similarly seek to protect the character of the area through high quality design.

Living Conditions

12. The existing spacing between the appeal property and No 9 Beach Avenue is generous. The proposal would be positioned closer to the boundary with No 9. Whilst the height of the building would be similar to the existing dwelling, it

would be four storeys and therefore have higher eaves, which would in turn result in a significantly larger bulk. As a result, it would dominate the outlook and have a significant overbearing effect, particularly so when viewed from the rear garden and the windows in the side elevation of No 9 that face the appeal site. Furthermore, due to the orientation of the proposed building, to the south of No 9, it would also significantly reduce the level of light in the rear garden.

13. As a result, this would have a significant effect on the usability of the rear garden and the rooms with windows that face the appeal site. The appellant asserts that these concerns can be addressed at the reserved matters stage. However, the matter of scale and layout are to be determined by this appeal, the details of which indicate that there will be significant harm.
14. I note the Council's concerns regarding the likelihood that windows would be positioned in the north elevation of the development. However, it would be possible to address these concerns through the reserved matters.
15. The Council refer to paragraph 53 of the Framework. However, this paragraph concerns development of residential gardens. Given that the proposal is for the demolition of the existing dwelling and its replacement with a new building, this paragraph is not relevant.
16. I find therefore that the development would significantly harm the living conditions of the occupants of No 9 Beach Avenue in respect of light and outlook, contrary to saved policy HL2 of the Local Plan and paragraph 17 of the Framework, which, amongst other matters, seek to ensure that development does not affect the amenity and privacy of neighbouring properties.

Conclusion

17. The proposal would contribute to housing provision in the area and would be in a sustainable location. However, these benefits do not outweigh the considerations that led to my conclusions on the main issues. For the reasons given above, having considered all matters raised, I conclude overall therefore that the appeal should be dismissed.

Alexander Walker

INSPECTOR