

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 4 November 2015 at 1:00pm
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: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 7 October 2015 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
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4	Development Management Matters	3 - 102
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Contact: Lyndsey Lacey - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Development Management Committee Schedule

04 November 2015

Item Number: 1 Committee Date: 04 November 2015

Application Reference:	15/0356	Type of Application:	Full Planning Permission
Applicant:	Mr Alistair Clegg	Agent :	Bryze Building Design Consultants
Location:	LAND ADJACENT, 1 PEEL HILL, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5JP		
Proposal:	PROPOSED ERECTION OF TWO DETACHED DWELLINGS TO SIDE (TWO STOREY DORMER BUNGALOW STYLE DWELLING TO FRONT WITH TWO STOREY FLAT ROOF STYLE DWELLING TO REAR)		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	24	Case Officer:	Rob Clewes
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is the side garden dwelling to this property which is located in the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan, but is directly opposite the B & Q site at Whitehills and immediately adjacent to the roundabout at junction 4 of the M55.

The application proposes the erection of a pair of dwellings to this garden and whilst not in compliance with Policy SP2 it is considered to be acceptable due to the nature of the adjacent land uses ensuring it causes no harm to the character of the area, that it is in a sustainable location, and that it will assist with the council's 5-year housing supply shortage.

Due to the spacing and orientation of the neighbouring residential properties there will be no detrimental impact to their amenity, or impact on highway safety. It is considered that the proposal complies with paragraph 17 of the NPPF and Policy HL2 of the Fylde Borough Local Plan and so is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation for approval is in conflict with the objection from the Parish Council.

Site Description and Location

The application site is part of an existing side/rear garden belonging to No.1 Peel Hill. The site is at the northern end of Peel Hill with Preston New Road to the west and north and neighbouring

properties to the south and east. No.1 Peel Hill is a detached house with a detached garage at the end of the driveway. Peel hill is a cluster of residential properties that is characterised by detached and semi-detached houses.

Wider land uses are mixed with the employment uses at Whitehills to the west, junction 4 of the M55 to the north, countryside land to the east, and the other Peel Hill dwellings to the south.

Details of Proposal

The proposal is submitted in full and is for the erection of two 4-bed detached dwellings to the side garden of 1 Peel Hill which is between the dwelling and the motorway junction roundabout. The dwellings are both the same in appearance and design with a foot print of 6.85m by 9.5m with hipped roofs to an eaves height of 4.8m and a ridge height of 7.2m. Both have an integral garage and new 1.8m high fencing outlining the new boundaries. The access to the properties is gained off Peel Hill at the end of the cul-de-sac. They are sited alongside each other to front onto Peel Hill with garden areas to the rear.

This is a revision to the originally submitted scheme which proposed a traditional dwelling to the front of the site, and a more contemporary dwelling to the rear of that. These were replaced with the current scheme following officer discussions.

Relevant Planning History

Application No.	Development	Decision	Date
04/0721	DETACHED STABLE BLOCK	Refused	13/10/2004

Relevant Planning Appeals History

Application No.	Development	Decision	Date
04/0721	DETACHED STABLE BLOCK	Dismiss	06/07/2005

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 27 May 2015 on the original scheme and on 16 September 2015 regarding the revised scheme. Their comments are as follows:

Object to the original plans. *Parish Council recommends refusal – consider the application is over intensification of the site, proposed flat roof not compatible, which would have a visual impact on neighbouring properties.*

Object to the revised plans. *Parish Council have considered the amended plans and recommends refusal they consider the application is over intensification of the site, proposed flat roof not compatible, which would have a visual impact on neighbouring properties.*

Statutory Consultees and Observations of Other Interested Parties

Blackpool Borough Council

Comments - No comments received

Highways Agency

Comments - No comments received

Lancashire County Council - Highway Authority

Comments - No objections

Regeneration Team (Landscape and Urban Design)

Comments - No comments received

Neighbour Observations

Neighbours notified: 27 May 2015
Amended plans notified: 16 September 2015
Site Notice Date: 11 June 2015
No. Of Responses Received: 2 letters of objections received to original plans
Nature of comments made:

The comments received refer to:

- Impact on existing private drainage
- Dwellings are situated on top of the waste pipe
- Addition of 2 extra properties onto the system would require private agreements
- Increase in traffic

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

Other Relevant Policy:

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

Site Constraints

Within countryside area
Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

The principle of the development
Design and impact to the character of the countryside
Impact to residential amenity
Impact to highway safety

The principle of the development

The site is located within the countryside designation in the adopted Fylde Borough Local Plan. Therefore Policy SP2 applies and restricts the majority of development to preserve the openness and rural character of the countryside. The policy does allow for some exceptions with new housing

development not being one of them making this proposal contrary to that Policy. However, it is considered that in this case there are several factors that ensure that the development is acceptable in principle.

Firstly, the site is adjacent to a cluster of well-established residential properties and so would comply with the requirement of Policy HL2 of the Fylde Borough Local Plan that the proposal is compatible with nearby and adjacent land uses. Secondly, the presence of these properties and their number ensures that the location is one where service providers (post, shopping, etc) are already visiting to serve the existing dwellings, and that it is within a reasonable distance (less than 1km) to Mereside which forms part of the greater conurbation of Blackpool where a range of local services (shops, schools, public transport, etc).are available. Thirdly, the site is not in an area of open countryside, and so the visual 'harm' caused by the development would be negligible in the context of the urban setting to the site. Finally the NPPF advises that countryside restraint policies like SP2 cannot be considered to be up-to-date where the council is unable to demonstrate a five-year supply of housing, as is the case in Fylde.

Therefore taking all the above matters into account the principle of the application is considered acceptable.

Design and impact to the character of the countryside

The proposal will have minimal impact to the character and openness of the countryside. The site sits between adjacent existing residential properties therefore the proposed development will not appear detached from the main row of properties fronting onto Peel Hill. Furthermore the proposed curtilage of either dwelling does not extend any further out than the curtilage of the application property No.1 Peel Hill. The scale of the development, as a pair of two-storey detached dwellings, will reflect the scale of the other residential properties in the surrounding area and will not appear out of keeping with the general rural character of the area. Their spacing is considered appropriate and similar to other spacing seen down Peel Hill, and their design displays similar characteristics to those dwellings. It is therefore considered that the character of the countryside will not be detrimentally affected.

Impact to residential amenity

The proposed dwellings will not create any detrimental impact to the neighbouring properties to the east due to the spacing, orientation and separation distance from these properties with there being approximately over 35m between the facing front elevations. The southern most dwelling of the two will not have a detrimental impact on No.1 Peel Hill as its rear elevation does not project beyond No.1 rear elevation and there are no side elevation windows which belong to habitable rooms. The relationship between the proposed dwellings is such that there will be no detrimental impact to the amenity of either property. It is therefore considered that the proposal complies with policy HL2 of the Fylde Borough Local plan.

Impact to highway safety

The Lancashire County Council highway surveyor raised no objection to the proposed development as adequate sight lines are established at their entrance to Peel Hill, and presumably that the junction of that road with the wider road network can accommodate the additional vehicle movements involved.

Other matters

The revised comments of the Parish Council repeat their objection to the original scheme. However, the changes to the proposal were specifically to remove the flat-roofed design to the dwelling and so these are not relevant to the proposal under consideration.

The neighbour refers to a possible impact to a private sewer, but this is not a planning consideration. A condition to agree the drainage arrangements would be imposed for a planning permission such as this.

Conclusions

The application site is the side garden dwelling to this property which is located in the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan, but is directly opposite the B & Q site at Whitehills and immediately adjacent to the roundabout at junction 4 of the M55.

The application proposes the erection of a pair of dwellings to this garden and whilst not in compliance with Policy SP2 it is considered to be acceptable due to the nature of the adjacent land uses ensuring it causes no harm to the character of the area, that it is in a sustainable location, and that it will assist with the council's 5-year housing supply shortage.

Due to the spacing and orientation of the neighbouring residential properties there will be no detrimental impact to their amenity, or impact on highway safety. It is considered that the proposal complies with paragraph 17 of the NPPF and Policy HL2 of the Fylde Borough Local Plan and so is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be undertaken in accordance with the following plans:

- Location plan - Granthams ref 001133713
- Site Plan - Bryze Building Design Consultants 2015 66
- Proposed elevations and plans - Bryze Building Design Consultants 2015 68 (received 29 July 2015)

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

3. Prior to the first occupation of either dwelling hereby approved the site access and on-site turning/parking area shall be laid out as shown on the approved Site Plan listed in condition 2, with that part of the access extending from the highway boundary for a minimum distance of 5m into the site paved in tarmacadam, concrete, block paviours, or other such solid surface material.

To ensure adequate access to the site for all users and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

4. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be implemented, maintained and managed in accordance with the approved details.

To ensure the site and development are adequately drained.

5. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

CLASS VARIABLES

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding

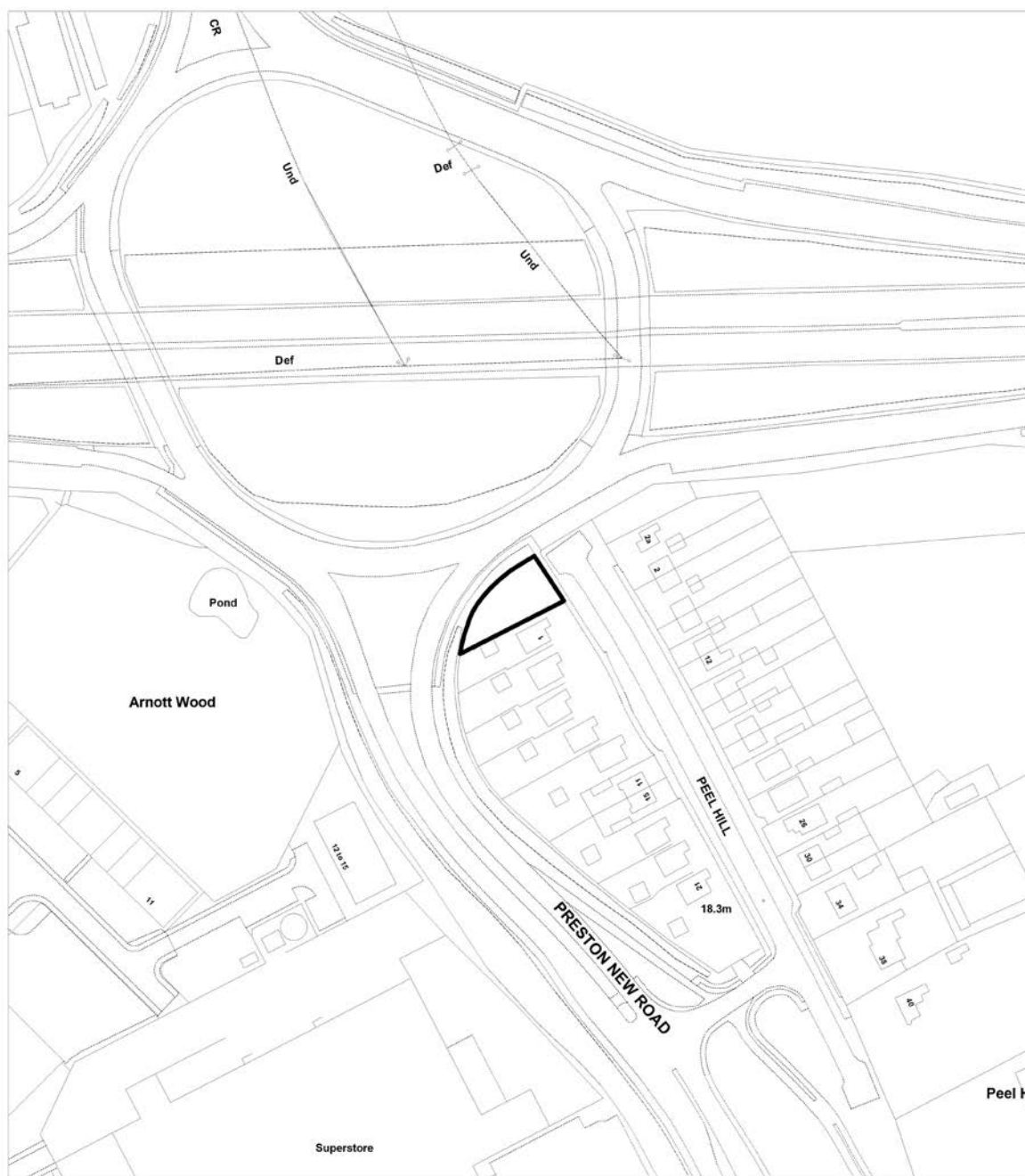
To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

6. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, the proposed garage shall be retained solely for the housing of a private motor car, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

To ensure that the on-site car parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic.

7. Notwithstanding any denotation on the approved plans samples of the external materials to be used in the construction of the dwellings, hereby approved, shall be submitted to and approved by the Local Planning prior to the commencement of any works on the site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0356	Address Land adjacent 1 Peel Hill, Westby	Grid Ref. E.3352 : N.4334	Scale 0 10 20 30 40 m

Item Number: 2 Committee Date: 04 November 2015

Application Reference:	15/0434	Type of Application:	Full Planning Permission
Applicant:	Mr Pickervance	Agent :	ML Planning Consultancy Ltd
Location:	ROSEACRE HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3UE		
Proposal:	PROPOSED AGRICULTURAL BUILDING AND RETENTION OF PART OF THE ADJACENT BUILDING BOTH FOR THE PURPOSES OF LIVESTOCK HOUSING.		
Parish:	NEWTON TREALES	WITH Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a dairy farm enterprise that operates from a site that is located in the Countryside on the Fylde Borough Local Plan and is to the immediate south east of Roseacre. The proposal relates to the erection of a new building and the retention of part of an adjacent, existing building to provide additional livestock housing in connection with the dairy enterprise operated by the Pickervance family at the site.

The enlarged facilities provide additional cubicle spaces to enhance welfare standards and comfort for each cow within buildings as is required by modern standards and as a requirement of the applicant's milk contract.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation for approval is in conflict with the objection from the Parish Council.

Site Description and Location

The application site is Roseacre Hall Farm, Roseacre Road, Roseacre. The site is run by the Pickervance family in conjunction with New Hall Farm as a large dairy enterprise. In particular the

application site is located on the south side of Roseacre Road alongside an existing group of agricultural buildings forming part of the wider farmstead and on land designated as Countryside on the Fylde Borough Local Plan, as altered (October 2005).

The proposed buildings are to the east of the existing farm and so adjacent to the open countryside that separates Roseacre from Wharles, with the other farms and properties in Roseacre to the other side of the farm and agricultural land around it in all other directions.

Details of Proposal

This application seeks permission for the erection of a building for the purposes of livestock housing together with retention of part of the adjacent existing building. The application is therefore applied for part retrospectively.

The existing element to be retained adjoins the building granted approval under application no. 14/0303 and measures 29.7 metres in length by 12.1 metres in width with an eaves height of 3.1 metres and an overall ridge height of 5.3 metres which combines to provide a building 60 metres in overall length. The building approved by this planning permission had a length of 30m but was constructed with an overall length of 60m and so this element is retrospective.

The new building to be provided is 60 metres in length by 12.1 metres wide with an eaves height of 3.1 metres and an overall ridge height of 5.3 metres which is to be sited alongside the above building.

Both buildings will be constructed in concrete panels with 'Yorkshire boarding' to the elevations with natural grey cement fibre roof sheeting and provide accommodation for livestock.

Relevant Planning History

Application No.	Development	Decision	Date
14/0440	COUNTY MATTER APPLICATION: LCC/2014/0101 PROPOSAL: CONSTRUCTION AND OPERATION OF A SITE FOR DRILLING UP TO FOUR EXPLORATORY WELLS, HYDRAULIC FRACTURING OF THE WELLS, TESTING FOR HYDROCARBONS, ABANDONMENT OF THE WELLS AND RESTORATION, INCLUDING PROVISION OF ACCESS ROADS AND IMPROVEMENT OF ACCESSES ONTO THE HIGHWAY, SECURITY FENCING, LIGHTING AND OTHER USES ANCILLARY TO THE EXPLORATION ACTIVITIES, INCLUDING THE CONSTRUCTION OF A PIPELINE AND A CONNECTION TO THE GAS GRID NETWORK AND ASSOCIATED INFRASTRUCTURE TO LAND WEST, NORTH AND EAST OF ROSEACRE WOOD AND BETWEEN ROSEACRE ROAD, ROSEACRE AND INSKIP ROAD, WHARLES LOCATION: AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE HALL, TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD, AND LAND THAT FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SERVICE (DHFCs) SITE BETWEEN ROSACRE ROAD AND	Raise Objections	5/11/2014

14/0441	INSKIP ROAD, OFF ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, PRESTON COUNTY MATTER FOR APPLICATION: Raise Objections LCC/2014/0102	5/11/2014
	PROPOSAL: APPLICATION FOR MONITORING WORKS IN A 4 KM RADIUS OF THE PROPOSED ROSEACRE WOOD EXPLORATION SITE COMPRISING: THE CONSTRUCTION, OPERATION AND RESTORATION OF TWO SEISMIC MONITORING ARRAYS COMPRISING OF 80 BURIED SEISMIC MONITORING STATIONS AND 8 SURFACE SEISMIC MONITORING STATIONS. THE SEISMIC MONITORING STATIONS WILL COMPRISE UNDERGROUND INSTALLATION OF SEISMICITY SENSORS; ENCLOSED EQUIPMENT AND FENCED ENCLOSURES. THE SURFACE ARRAY WILL ALSO COMPRISE MONITORING CABINETS. THE APPLICATION IS ALSO FOR THE DRILLING OF THREE BOREHOLES, EACH INSTALLED WITH 2 MONITORING WELLS, TO MONITOR GROUNDWATER AND GROUND GAS, INCLUDING FENCING AT THE PERIMETER OF THE ROSEACRE WOOD EXPLORATION SITE.	
14/0303	PROPOSED NEW BUILDING FOR LIVESTOCK HOUSING	Granted 29/07/2014
14/0089	CONSULTATION ON SCOPING OPINION FOR ENVIRONMENTAL STATEMENT TO ACCOMPANY APPLICATION FOR CONSTRUCTION OF A WELL PAD, DRILLING AND HYDRAULIC FRACTURING OF FOUR EXPLORATORY BOREHOLES, TESTING PROCEDURES AND RESTORATION OF SITE	Additional Details Required 03/03/2014
12/0333	NEW ROOF OVER EXISTING SILAGE CLAMP	Granted 18/07/2012
07/1134	EXTENSION TO EXISTING DAIRY CATTLE HOUSING BUILDING - PHASE 2 OF A TWO-PART PHASED DEVELOPMENT SCHEME	Granted 26/03/2008
07/1129	EXTENSION TO EXISTING CATTLE HOUSING BUILDING - PHASE 1 OF A TWO-PART PHASED DEVELOPMENT SCHEME	Granted 26/03/2008
06/0887	RE SUBMISSION OF REFUSED APPLICATION CK/AG/06/0002 OPEN SILAGE CLAMP	Granted 12/02/2007
AG/06/0007	RESUBMISSION OF APPLICATION AG/06/0002 FOR SILAGE CLAMP.	Withdrawn by Applicant 15/09/2006
AG/06/0002	AGRICULTURAL DETERMINATION FOR OPEN SILAGE CLAMP	Permission Required 18/08/2006
02/0592	ERECTION OF AGRICULTURAL BUILDING	Granted 21/10/2002
99/0586	GENERAL PURPOSE AGRICULTURAL BUILDING	Granted 01/12/1999
A/99/0006	AGRICULTURAL DETERMINATION FOR GENERAL PURPOSE AGRICULTURAL BUILDING	Permission Required 30/07/1999
95/0526	CEMENT SHEET CLAD SILO BUILDING	Granted 11/10/1995
94/0328	PORTAL FRAMED SHEET CLAD BUILDING TO HOUSE YOUNG LIVESTOCK	Granted 22/06/1994
93/0193	PROPOSED ERECTION OF CUBICLE BUILDING	Granted 19/05/1993
92/0024	ERECTION OF SLURRY STORE	Granted 29/06/1992
79/0747	DAIRY UNIT.	Granted 19/09/1979

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 27 July 2015 and comment:

"It was concluded that the data presented in the application is incomplete, inconsistent and, therefore, incorrect. The Parish Council therefore has no alternative but to OBJECT to the proposal until such time as full data is provided. This objection is on the grounds that the applicant has not demonstrated a sustainable agricultural need, in conflict with SP2.

The Parish Council is therefore unable to support the application until such time as:

- 1. The Environment Agency has ratified the actual approved slurry capacity for the whole enterprise (Roseacre Hall Farm and New Hall Farm).
Whilst the County Land Agent has included their assessment of the application 14/0619 detailing the requirement for additional slurry storage, there is no record that there has been any additional capacity created commensurate with the past assessment, never mind that required for the additional livestock quoted by the County Land Agent. It has previously been demonstrated that the volume assessment was incorrect and incomplete. There was no collection of official stock data records, nor - it would now appear - the stock housing either. The Applicant is now claiming a reduced volume of cattle housing, materially different from the previous County Land Agent's report. This further endorses the inadequacy of the assessment and reporting. Fylde Borough Council are aware that the enterprise is operating without Environment Agency approval for all the slurry storage and that storage has been created without planning permission. There is now doubt about the integrity and capacity of the existing southern slurry storage, which should also be reviewed by the Environment Agency. The above needs to be included within the assessment.*
- 2. All current cattle housing is declared and identified.
Based on local knowledge, not all housing has been declared and identified on either the applicant's plans or in the County Land Agents' Report. The County Land Agent's report and assessment do not include all livestock housing, nor does the site plan. The records reviewed and created by the County Land Agent's assessment need to be completed correctly and published to demonstrate the agricultural need and its sustainability.*
- 3. Independent evidence has been acquired to clarify the conflicting data statements in the two reports regarding cattle capacity. This should be easily verified from official records.*
- 4. The County Land Agent has assessed the farm accounts.
Whilst the County Land agent makes a general reference to the current milk market, there is no commensurate assessment of the farm accounts to assess the sustainability of the farm developments. There is material harm to the removal of the best agricultural land if development is not sustainable from an economic as well as environmental perspective. The County Land Agent should therefore issue their assessment of the farm accounts.*

The Parish Council requests that if the above is not completed satisfactorily that the application is referred to the Development Management Committee.

Should the officers be minded to approve the application, the Parish Council requests that conditions are placed with regard to:

- 1. Landscaping - An appropriate Landscaping scheme is introduced to reduce the impact of increasing building mass from views from the east*
- 2. Light Pollution - An appropriate lighting scheme is introduced to ensure that light leaving the farm is minimised.*
- 3. Written approval from the Environment Agency for all slurry capacity on the farming enterprise (Roseacre Hall Farm and New Hall Farm) - No further development should take place until adequate, approved (by the Environment Agency & Fylde Borough Council) slurry capacity is in operation."*

Statutory Consultees and Observations of Other Interested Parties

National Grid

No comments received

Health & Safety Executive:

The application is within the consultation zone of a major pipeline. The HSE advice is not against the granting of planning permission in this case.

Principal Land Agent

They have assessed the application and given the comments of the Parish Council on this matter their response is included in full below:

"Introduction

A planning application has been submitted by Mrs M Lawrenson of ML Planning Consultancy Ltd on behalf of Mr Thomas Pickervance. The proposed development is for the construction of a new agricultural livestock building and retention of existing building.

A site visit was made on 25 August 2015 whilst the applicant was present. The information provided at this meeting, together with the written submissions, forms the basis of this appraisal.

Background Information

I was consulted in respect of application number 14/0619, for the construction of an earth banked slurry lagoon, and my consultation response dated 25 November 2014 contains background information to the farming operations at Roseacre Hall Farm and New Hall Farm, much of which is still of relevance and I attach a copy for your reference. I do not therefore feel it necessary to repeat this information here, but will provide you with an update of the farming operations since my last visit and consider this in terms of the proposed development.

Agricultural Enterprise

The Pickervance family run a modern and progressive dairy enterprise, the number of cows in milk is presently 400 head, with a further 50 due to be introduced throughout the autumn. This increase is through natural growth of the herd, with their own replacements being introduced, and the reduction in older cows being taken out. I am informed that this has been attributed to by the provision of a new building providing improved accommodation facilities, enhancing cow welfare resulting in the older cows

staying in the herd longer.

The number of young stock and followers had increased to 520 head

Existing Buildings

There has been some slight alterations to the utilisation of the buildings at Roseacre Hall as follows:

- 4. Traditional cattle cubicle building with central feed passage and slatted floor. Containing 80 mattress cubicles is now occupied by the far off dry cows.*
- Traditional cubicle building containing 100 cubicles, actually contains 70 cubicles and houses the low yielding group.*
- Modern cubicle building with wide feed passage and automatic scrapers. The building houses 200 milking cows however there are only 180 cubicles, therefore there is a shortage of cow spaces in here at present.*
- At the time of my previous inspection a new cubicle building (application no. 14/0303) was being constructed to the East of the existing cubicle building. I was informed at the time of my inspection that this would contain 100 cubicles and the cows would be bedded on deep sand. This building has now been constructed and is in use. Part of this application seeks to retain half of this building, in order to regularise the development.*
- Application number 14/0619, in respect of an earth banked slurry lagoon has been approved and the construction is pending. This will provide an overall slurry storage capacity of 8406m³*

New Hall Farm is still utilised for rearing young stock and feed storage and remains as previously reported.

Stock Management

The applicant detailed how the herd is managed in specific groups, this is as follows; close up group, fresh calved, high yielders (cows), high yielders (heifers), low yielders, far off drys and high cell group. The applicant explained that cow welfare is a high priority and animal behaviour has also featured in their stock management. I understand it has been observed that since the new building has been erected, which has allowed for further grouping of the herd, the incidence of bullying has been reduced.

Agricultural Land

Land use is predominantly grassland with approximately 445 hectares (1,100 acres) being cropped for silage. Arable crops are also grown with the majority being wheat however barley, oats, maize and fodder beet are also being produced this year.

Proposed Development

It is proposed to construct a new livestock building being 14 bays and measuring 60m by 12.1m and would contain 100 cubicles. The building would have a steel portal frame and would be clad with concrete panels to the lower walls and Yorkshire boarding over. The roof would be clad with natural grey fibre cement sheeting, incorporating roof lights. The building would be 5.3m to the ridge and 3.6m to the eaves and there would be an overhang to the western elevation over the feed face. There would be two doors on each gable.

Planning application 14/0303 was approved in 2014 for a new livestock building. The County Land Agent was not consulted on this application, and I am informed that this has been constructed larger than the approved plans. Part of this current application seeks to retain the extension. This represents a 7 bay steel portal frame building constructed of concrete panel and Yorkshire boarded walls, fibre cement roof and external feed face to the east elevation, containing 50 cubicles.

The result of the proposed development would be two identical cubicle buildings, sited so they were facing each other, with a central feed passage between the buildings. The buildings would be used to house the higher yielding cows – enabling them to be moved from the existing, overcrowded accommodation. The proposed siting would facilitate movement of the cow groups to and from the milking parlour, an 'in/out' system to and from the new building would be operated.

The applicant explained that the new development would result in cubicle spaces for each cow, enhancing welfare standards and comfort with the buildings providing more spacious accommodation to meet modern standards. I understand this is something that is stipulated by milk buyers and accommodation and welfare is a requirement of the milk contract.

Slurry from the retained building would be scraped out directly into the slurry lagoon, situated to the south of the building. Within the proposed building, slats would be installed at the southern end of the building to collect the slurry, which would then be piped directly into the lagoon.

Assessment

The application site is located in an area designated as Countryside Area which is covered by policy SP2, in the Adopted Fylde Borough Local Plan (As altered: October 2005). With guidance offered by Policy SP2 in mind, I consider the following matters should be considered:

Whether the proposed development is essentially required for the purposes of agriculture

The County Land Agent was last consulted in respect of cattle housing at the site in 2007, since then the dairy herd has doubled in size, therefore this has given rise to the need for additional cattle accommodation at the site, and the requirement to meet higher health and welfare standards in respect of cow accommodation.

I understand that permission was granted in 2014 for a cattle building containing 50 cubicles. This current application seeks to retain an additional 50 cubicles which have been constructed and for the erection of a new building to provide a further 100 cubicles.

With the milking herd due to reach 450 head at turning in time, I consider 473 cubicle spaces to be required, based on the recommendation of 5% additional cubicle places. The existing cubicle accommodation for the milking herd is 350 cubicles (including the cubicles for which retrospective permission is sought). The new building would provide a further 100 cubicles, resulting in a total of 450 cubicle spaces. This demonstrates that there is not enough cubicle accommodation at the site at present and therefore I consider the development to be essentially required for the purposes of agriculture.*

I believe the proposal to be sustainable in terms of supporting facilities; the applicant has

adequate land availability and will have sufficient slurry storage in place, once the new lagoon is constructed, to support the dairy enterprise. I do not therefore feel that the construction of the new cattle accommodation should give rise to further development, in respect of the present dairy enterprise.

I cannot disregard the present difficulties being experienced by the dairy industry. Discussion was had in respect of the applicant's milk contract and I am satisfied that the proposed development is sustainable.

Whether the design and scale is appropriate for the proposed use

I consider the design and proposed materials to be appropriate in terms of the proposed use. The materials are typical of this type of agricultural building and Yorkshire boarding is commonly selected, as it provides an element of ventilation. The selected materials are also in-keeping with other agricultural buildings in the vicinity. The proposed scale of the building is commensurate with modern dairy housing design and as referred to above, the proposed number of cubicle spaces is acceptable.

Whether the siting is appropriate

The practical advantages of the proposed siting were discussed and I feel that the siting is acceptable. The reasons include; efficient movement of slurry directly into the lagoon, central feeding passage between the two buildings, increased welfare with similar group types being housed and milked together. The siting is appropriately situated in terms of existing buildings."

Neighbour Observations

Neighbours notified:	27 July 2015
Site Notice Date:	07 August 2015
No. Of Responses Received:	none received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character

Other Relevant Policy:

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

Site Constraints

- Pipelines
- 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 application

This application seeks permission to erect a new portal framed livestock building to provide 100 cow cubicles and the retention of part of the adjacent building which provides an additional 50 cow cubicles resulting in two identical buildings located alongside each other to the east of the farmstead.

Policies

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) are relevant together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

The need and principle of development

Policy SP2 is relevant to this application given its countryside location. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

Planning permission was granted on this site last year under reference 14/0303 for a building to provide additional livestock housing. However, this was built twice as large as that which was granted approval and the regularisation of this and erection of a new building is sought here, with the result that there would be two identical buildings sited alongside each other.

The application advises that the applicant has recently increased his dairy herd and this together with the changes introduced in welfare standards has resulted in the requirement for this additional accommodation. Given the numbers in the herd and the cow cubicle provision on the site, the County Land Agent has assessed the development as 'essentially required'. The applicant has adequate land available and adequate slurry storage for the herd and so the development is considered to be 'sustainable' as required by the NPPF.

In view of the above it is considered that the proposal is justified in principle and complies with the requirements of Policy SP2 of the local plan in regard to need.

Impact on visual amenity

The proposed site is alongside an existing agricultural building of the same scale, the two buildings applied for in this application will result in a group of three on the east side of the farm and are proposed to be constructed in materials which match those of the existing buildings. The location has been chosen as the most efficient in terms of welfare of the animals and their management and the development will result in a tight cluster grouping of farm buildings on this side of the site.

Whilst the buildings are visible from Roseacre Road and the surrounding open countryside, their scale and design is consistent with others on the farm and are a well-recognised and accepted feature on other farm sites across the Fylde. Accordingly the proposal is considered acceptable with

regards to visual amenity and will not result in any undue detriment to the character of the countryside.

Impact on neighbours

Due to the siting of the buildings the nearest neighbours are to the west of the farm at Briar Croft which is at a distance of over 100 metres from the proposed buildings. At this distance it is not considered that the scale of the development will not impact on the neighbours and given the nature of the farm the increase in livestock is unlikely to have a significant impact in terms of general disturbance and odour.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

Access and highway issues

No new accesses are proposed as part of this application transportation of the animals will be from existing entrances/exits to the farm and movement of slurry directly into the lagoon.

The proposal is therefore considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

Other matters

The Parish Council have objected to the proposal and have made several comments:

- *Slurry storage* - comments from the Environment Agency advise that the applicant has been in touch with the EA throughout the process of his application for slurry storage. The EA have advised that they *"don't share the concerns of the Parish Council regarding this particular slurry store"*
- *All current cattle housing is declared and identified* - the County Land Agents are engaged by the council to provide specialist advice on rural matters and so have given their advice to the council on the need for this development. The council are satisfied with the advice provided and that the development proposed is essentially required for the purposes of agriculture on this farm.
- *Independent evidence has been acquired to clarify the conflicting data statements in the two reports regarding cattle capacity* – The County Land Agent provide this advice to the council as is reported in this application.
- *The County Land Agent has not assessed the farm accounts* - The Land Agents have assessed the development as sustainable in terms of supporting facilities on the farm.

Conclusions

Taking the above matters into account it is considered that the proposal represents sustainable growth and expansion of an existing agricultural dairy business and is therefore supported by the aims of the NPPF.

The development is sited in an area that will result in some views of the development however the scale and appearance of the buildings is considered to be acceptable and consistent with the visual appearance of other buildings on this site and those on numerous farms in the Fylde countryside and will not alter the character of the countryside.

The proposal is therefore considered to comply with the requirements of Policies SP2, and EP11 of the Fylde Borough Local Plan, as altered (October 2005), in respect of the agricultural need for the development and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

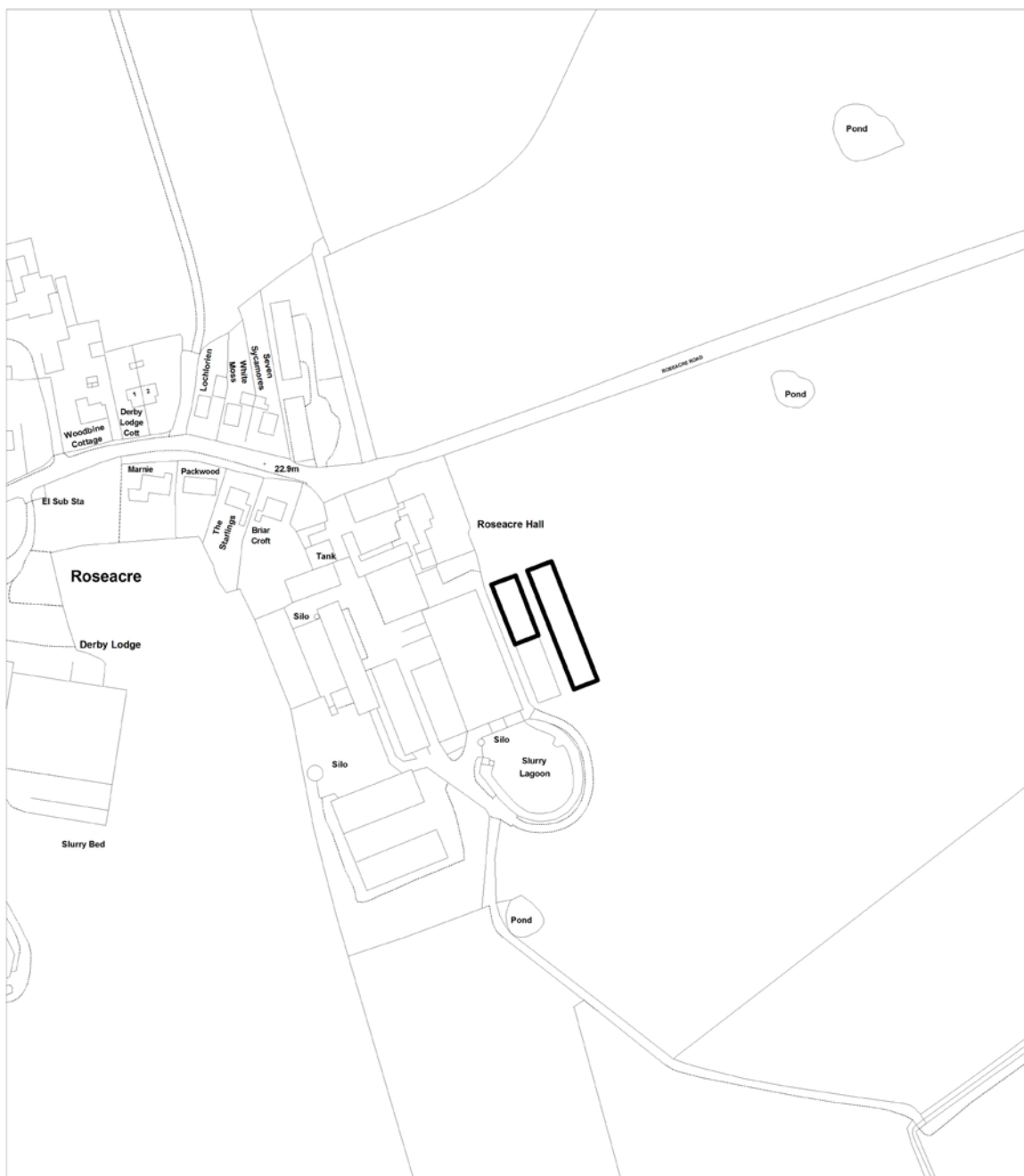
2. This consent relates to the following plans and / or reports:

- Location Plan - 'Standards' 1 : 2500
- Proposed floor plans and elevations both buildings drawing no. - LG/TP/5425
- Design & access statement

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

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. 5/15/0434	Address Roseacre Hall Farm, Roseacre Road, Roseacre	Grid Ref. E.3437 : N.4367	Scale 0 10 20 30 40 m

Item Number: 3 Committee Date: 04 November 2015

Application Reference:	15/0486	Type of Application:	Full Planning Permission
Applicant:	Ms ELLIOTT	Agent :	Firth Associates Ltd
Location:	THE GALLERIES, 2-4 KINGSWAY, LYTHAM ST ANNES, FY8 1AB		
Proposal:	CONVERSION AND EXTENSION OF EXISTING BUILDING TO PROVIDE 10 APARTMENTS (6 ONE-BED AND 4 TWO-BED) INCLUDING SPLIT-LEVEL REAR EXTENSION, ALTERATIONS TO SHOP FRONT AND PROVISION OF OFF-STREET PARKING		
Parish:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Matthew Taylor
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The scheme would make efficient use of previously developed land within the defined settlement boundary of Lytham St Annes on a sustainable site located in close proximity to local shops and services. The development, by virtue of its size, scale, layout, height, massing and design, would be compatible with the style and character of the existing building (including preserving its significance as a non-designated heritage asset), and would introduce an innovative and contemporary extension which would be sympathetic and subservient to the host property. The proposal would respect the scale, type and density of surrounding development in the locality and would harmonise with the street scene. The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have a detrimental impact on the safe and efficient operation of the surrounding highway network. Adequate measures can also be put in place to deal with drainage and contamination. There is no requirement for contributions (either on or off site) to be secured in this case in order to make the development acceptable in planning terms. The proposal 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 involves major development and is recommended for approval. Therefore, in accordance with the Council's scheme of delegation, it is to be referred to the Development Management Committee for consideration.

Site Description and Location

The application relates to a detached, two-storey building occupying a rectangular parcel of land fronting onto Kingsway, Ansdell. The site measures approximately 590 square metres in area and, with the exception of a forecourt to the front, is occupied entirely by built development. The existing building is currently in use as an auction house ('Kingsway Auction Rooms Ltd'), with a shop front to the ground floor of the main, two-storey building fronting onto Kingsway. A large, rectangular extension protrudes to the rear of the building, with this rising to the south as the ground level falls away towards the rear of the site. The extension is topped by a hipped roof to its northern end where it adjoins the rear of the main building and has a tall facing gable to its rear (south) elevation.

The application property is an attractive, *circa* 1920s building in an arts-and-crafts style with timber, sliding sash windows to the first floor, decorative stone strings and raised parapets to the front and rear eaves lines. The gables are framed by stone copings and the roof is finished in red rosemary tiles. The main building is finished in dark red Accrington brick and a series of timber windows are located on the eastern gable. The shop front to the ground floor is finished in slender UPVC with a shallow stallriser below. Two doorways are located to the ground floor – a central opening within a recess to the shop front; and a second opening to the northeast corner providing a separate access to the first floor. Whilst the building is not a designated heritage asset, it has architectural and historic interest which warrants consideration as a non-designated heritage asset.

Surrounding uses include a vehicle repair garage (Lytham Car Centre) on the opposite side of Kingsway to the northeast; a flat-roofed, three-storey block of flats (Belvedere Court) to the east; two-storey houses to the north (Kingsway) and south (Clifton Drive); and a two-storey building providing six apartments within the adjacent building ('Kingsway Court') to the west. Whilst the western end of Kingsway (from its junction with Lake Road North) is characterised by individual dwellings of a lower density, a notable transition occurs at the eastern towards the junction with Woodlands Road where apartments are accommodated within a series of larger scale buildings.

The site is separated from the block of flats to the east by a single lane road (Kingsway Court) which runs in a 'U' shape to the side of the application property and along the rear of nos. 8-24 Kingsway before re-emerging onto Kingsway alongside Wordsworth Court to the west. The application site includes a narrow strip of land to the east side of access road where this flanks the gable elevation of the building and a group of seven garages to the southeast at the rear of no.65 Clifton Drive accessed via an unadopted track off Kingsway Court.

Details of Proposal

The application seeks full planning permission for the conversion and extension of the building to provide a block of 10 apartments (6 one-bed and 4 two-bed) to the ground (3), first (4) and second (3) floor levels. The existing two-storey building to the front of the site facing onto Kingsway would be retained, with the extension to the rear demolished and replaced with a new split/level extension across three levels. The retail unit to the ground floor premises would be retained to the front of the building, as would its shop front.

The application seeks permission for the following external alterations in order to facilitate the building's conversion to apartments:

- The construction of a split level single, two and three storey extension to the rear. The extension would occupy the same footprint as the existing enlargement and would have a monopitch roof sloping away from the western boundary to a three storey height on the eastern elevation. The extension would incorporate three shallow facing gables to the

eastern elevation, with large floor-to-ceiling glazing set in 500mm deep reveals to this side. A shallow undercroft to the ground floor would provide a recess for 'window box' style planting. Three small windows would be located in the extension's rear elevation and three roof lights would serve the first floor apartments within the sloping roof.

- The removal of three ground floor windows in the east side of the building and their replacement with a doorway to provide access to the apartments.
- The creation of 12 off-road car parking spaces to the side and rear of the building through:
 - The provision of 5 spaces within a layby to the east side of the building flanking Kingsway Court; and
 - The formation of 7 spaces upon the garage site to the southeast of the building following the demolition of the existing outbuildings.
- The removal of the existing doorway to the northeast corner of the ground floor and its replacement with a new display window to enlarge the shop front.
- The formation of a shallow upstand to the southwest corner of the rear roof plane to provide head height for an internal lift shaft and staircase.

Relevant Planning History

Application No.	Development	Decision	Date
15/0175	OUTLINE APPLICATION FOR ERECTION OF FOUR STOREY BUILDING PROVIDING 14 APARTMENTS WITH ASSOCIATED PARKING (ACCESS, LAYOUT AND SCALE APPLIED FOR)	Withdrawn Applicant	by 24/04/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A (non-parish).

Statutory Consultees and Observations of Other Interested Parties

LCC Highways: No objections. However, the level of parking provision does not meet the Council's current parking standards and, accordingly, the Local Authority should consider any impact on residential amenity that this may have.

LCC Education:

- This application has been assessed by LCC's Education Service and has resulted in no request for planning contributions.

Lead Local Flood Authority (LLFA): No objections subject to the imposition of conditions which require:

- The submission of a scheme for surface water drainage which ensures that the post-development rate of surface water run off does not exceed the pre-development rate, including an appropriate allowance for climate change.
- The submission of a scheme to ensure appropriate management and maintenance of any sustainable drainage system.

Police (Lancashire Constabulary): The following measures are recommended in order to prevent the opportunity for criminal activity associated with the development:

- The main communal entrance to the apartment block is on the side elevation therefore afforded minimal natural surveillance. This entrance should be a door of enhanced security tested and certificated to PAS 24/2012 standards. It should be fitted with access control arrangements such as a video entry system so as to reduce the opportunity for human tailgating.
- Each individual apartment should be fitted with a PAS 24/2012 fire rated doorset of enhanced security. Each door should include a door viewer and security bar/chain.
- Windows should be PAS 24/2012 security standards, fitted with restrictors and laminated glazing at the ground floor level, particularly at the side and rear of the building
- A dusk till dawn anti vandal light should be fitted above the communal entrance doorset and the 12 car parking spaces should be illuminated with a street lighting column. If this area is well illuminated and visible from the apartment block offenders will feel more uncomfortable committing vehicle crime.

Electricity North West:

- ENW records show a live low voltage mains/service cable in close proximity to the boundaries of the proposed development. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

Neighbour Observations

Neighbours notified:	29 July 2015
Site notice posted:	19 August 2015
Press notice:	6 August 2015
Amended plans notified:	N/A
No. Of Responses Received:	None
Nature of comments made:	N/A

The appropriate neighbouring properties have been notified of the application by letter. In addition, as the application constitutes major development it has also been advertised by site and press notices. No representations have been received.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP07	Features & artefacts of local importance
EP08	Shop fronts
EP14	Landscaping of new developments
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
TR10	Car park design

Other Relevant Policy:

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

Supplementary Planning Documents (SPDs):

Extending Your Home SPD

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 (category 10(b)). However, as it does not exceed the threshold in Column 2 of the table, it is not Schedule 2 development. Accordingly, the scheme is not EIA development and the application does not need to be accompanied by an Environmental Statement.

Comment and Analysis**Principle of development:**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The 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 NPPF and policies in Local Plans adopted prior to the publication of 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 to paragraph 17 of the NPPF states that one of the Framework's core planning principles is to:

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

The site falls within the settlement boundary of Lytham St Annes as defined on the FBLP Proposals Map. FBLP policy SP1 seeks to direct development towards defined settlement boundaries, including Lytham and St Annes.

In addition to indicating a preference for the re-use of previously developed sites, criteria (1), (3) and (7) of FBLP policy HL2 state that housing developments will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- 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.

- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.

As the site is already occupied by buildings it constitutes previously developed (brownfield) land for the purposes of the definition in Annex 3 of the NPPF. The proposed redevelopment of the site for housing would make efficient use of previously developed land within the defined settlement boundary and, therefore, is in accordance with the objectives of FBLP policies SP1, HL2 and the NPPF.

Surrounding uses are predominantly residential in character, including several larger-scale buildings which have been converted and/or constructed to provide apartments. The development of the site for 10 apartments would result in a density of 169 dwellings per hectare. Whilst this exceeds the range in criteria (3) of policy HL2, this acknowledges that higher density developments will be permitted in locations with good access to public transport and criterion (7) encourages housing developments in sustainable locations.

The site occupies a prominent location amongst established housing in the urban area and is readily accessible by modes of public transport other than private car. Bus stops are located in comfortable walking distance on Clifton Drive and Ansdell & Fairhaven railway station is in close proximity to the north. Various local shops are located in a shopping parade on Woodlands Road to the east. Therefore, it is considered that the site's urban setting is well suited to an apartment scheme of higher density and, moreover, would be compatible with adjacent developments of a similar nature in accordance with the provisions of FBLP policy HL2. As a result, it is considered that the principle of development is acceptable in this location.

Layout, scale and design:

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.

Criterion (2) of FBLP policy HL2 states 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;

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

With respect to shop fronts, FBLP policy EP8 stipulates that:

- the removal or significant alteration of original or existing shop fronts of particular character and quality will not be permitted and encouragement will be given to their proper repair and restoration. Development or re-development proposals for commercial frontages will only be permitted where they are compatible with the character of the building of which they form a part and are complementary to the street scene in general.

The application proposes the retention of the existing two-storey building to the front of the site and the construction of a new, contemporary extension to the rear. With the exception of the insertion of an additional display window to the shop front and a new ground floor doorway on the side elevation, the current building and its façade onto Kingsway would remain unaltered. The new display window to the shop front would match the proportions and design of the existing openings, ensuring a seamless transition following the removal of the existing doorway. The new entrance door to the eastern gable would form a small, unimposing opening which not adversely affect the building's style or character.

The rear extension proposes a contemporary design with a large proportion of glazing to the eastern elevation divided by narrow brick bands to give a lightweight appearance across the façade where the transition between the retained and newly developed sections of the building is most prominently in view from Kingsway. The extension would occupy the same footprint as the existing enlargement and, whilst of a greater height and massing, owing to its location to the rear of the property and the screening provided by adjacent buildings, it would be visible only in oblique views via the narrow access road to the east side. The extension would incorporate shallow gables to its side elevation which would complement that to the side of the existing building, whilst remaining subservient to it by virtue of their reduced height, width and pitch. These features would also be largely screened from views on Kingsway by the three-storey apartment block to the east (Belvedere Court).

The monopitch roof to the rear elevation of the extension would not be visible from vantage points to the front of the site and its pitch would match that of the existing rear facing gable (albeit that this would continue to form a third storey). Depth would be added to the extension's eastern elevation through the use of a recessed undercroft to the ground floor and upper floor windows set in substantial reveals. Materials would comprise a deep red brick to complement the existing building, with a tiled roof (though a condition has been recommended to control these).

The proposed extension, by virtue of its size, scale, layout, height, massing, materials and design, would result in a sympathetic, innovative and contemporary addition to the host building which is compatible with its character and style. The fusion of contemporary and traditional designs would ensure a successful integration between the original and extended parts of the building which preserves its original character and features, whilst complementing these through the addition of a lightweight, modern extension. The development is therefore considered to be in accordance with the requirements of FBLP policies HL2, HL6 and EP8, and the NPPF.

Heritage impact:

Heritage assets are defined in Annex 2 of the NPPF as:

- A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

The application building is not statutorily listed, nor is it located within a conservation area. Therefore, it is not a designated heritage asset. However, it has architectural and historic significance which warrants its classification as a non-designated heritage asset.

Paragraph 131 of the NPPF requires that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 135 of the Framework states that:

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

This is further supported by FBLP policy EP7 which indicates that the removal of local features of quality or craftsmanship will be avoided, including the use of appropriate conditions to ensure their retention.

The application proposes to retain the existing two-storey building to the front of the site. The building is *circa* late 1920s in an arts-and-crafts style and incorporates various attractive decorative architectural features which contribute to its significance and justify its retention as a heritage asset. Whilst historical maps suggest that the large outrigger to the rear is also original, this lacks any comparable features or special significance to warrant consideration as a heritage asset.

With the exception of minor alterations to the existing shop front and the addition of a doorway on the east side, the existing building would be retained in its present state, with the current façade (and roof) unaltered as part of the conversion works. The ground floor retail unit would be retained behind the shop front, with a single flat provided to the first floor through the reuse of existing window openings.

Conditions have been imposed with respect to the materials used in both the construction of the new extension and blocking up the existing ground floor windows to the east side in order to ensure a sympathetic relationship between the old and new elements of the development, and to ensure that any replacement windows to the retained areas of the building are finished in timber and painted white to match the existing frames. The proposed development would be sympathetic to the architectural and historic character of the host building and would not diminish its significance as a heritage asset. The proposal is therefore in accordance with the requirements of FBLP policy EP7 and the NPPF.

Impact on surrounding occupiers:

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

In addition, policy EP27 indicates that development which would result in unacceptable harm by way of noise pollution will not be permitted.

Although relating more closely to residential extensions, policy 1D of the Council's SPD 'Extending Your Home' identifies recommended separation distances to be achieved between neighbouring dwellings in order to ensure satisfactory levels of privacy. In particular, criterion (iii) of the policy states that:

- Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.

With the exception of the vehicle repair garage on the opposite side of Kingsway, surrounding uses are residential in character and include a mix of individual dwellings and apartment blocks. Adjacent buildings to the side (Belvedere Court) and rear (67-69 Clifton Drive) are three storeys in height, with the flanking building to the west (Kingsway Court) being limited to two storeys.

The existing outrigger to the rear of the building provides ground floor accommodation for the auction house. Nevertheless, its rear facing gable and the fall in levels to the rear of the site affords the enlargement substantial scale and massing. Indeed, the proposed three storey extension would be only 1.4m taller to its ridge than the existing outrigger. The extension would incorporate a monopitch roof sloping away from the western boundary with Kingsway Court at an angle of 30 degree to match the pitch of the dual-pitched roof to the existing outrigger. Accordingly, any increase in massing in comparison to the existing arrangement would occur to the east side facing towards the rear yard of Belvedere Court.

Habitable room windows at Belvedere Court are located in the north (front) and south (rear) facing elevations of the apartment block. An external yard area comprising hardstanding and a series of single-storey outbuildings is located to the rear of Belvedere Court. This yard is separated from the eastern elevation of the site by the intervening highway of Kingsway Court over a distance of 7m. The eaves level of the extension would extend 0.6m above the flat roof of Belvedere Court, with the ridge being 1.8m taller. Accordingly, there is very little difference between the scale of the two buildings and, given the south-facing orientation of windows in the rear of Belvedere Court and their offset position in relation the application building owing to the separation provided by intervening land, it is not considered that the development would have an oppressive or overbearing impact on occupiers of the adjacent apartment block. Whilst the large areas of glazing to the east side of the extension would face towards the rear courtyard of Belvedere Court, this is also true of windows in the rear of the apartment block at Fairhaven Court to the east and it is considered that the 7m separation between these windows and the courtyard at Belvedere Court would be sufficient to ensure that there would be no undue infringement of privacy with respect to overlooking having regard to the general levels of privacy typical in the area.

To the west, there are windows at ground and first floor levels in the east-facing side elevation of Kingsway Court. However, these windows already face onto the roof of the existing outrigger and, given the monopitch profile of extension to match the pitch of the current facing gable, the additional bulk added by the extension would be located 8.5m to the east of these windows, with only a 1.3m increase in roof area (sloping away from the boundary) being visible from the first floor windows. Velux windows within the roof slope would not afford enhanced views beyond those typical between opposing side elevation windows.

The closest properties to the rear (nos. 67-69 Clifton Drive) would achieve a separation of approximately 27m with the rear elevation of the extension, well in excess of that recommended in

the SPD. The rear elevations of these properties have a northerly facing aspect and their three-storey height is comparable in scale to that of the extension. As the only external changes to the front elevation of the building relate to its shop front, there would be no material change with respect to the impact on surrounding occupiers on the opposite side of Kingsway.

With respect to amenity for future occupiers, new window openings would achieve the recommended separation distances with surrounding buildings as recommended in the SPD and, giving the prevailing residential character of surrounding buildings, there should be no unacceptable noise nuisance arising as a result of neighbouring uses. In particular, the car repair garage is an established use which operates in daytime hours when noise-sensitive receptors are less likely to be disturbed.

The proposed development, by virtue of its size, scale, height, massing and design (including the layout and proportions of fenestration), would not have an oppressive or overbearing impact on surrounding occupiers and would not unduly affect the privacy and amenity of adjoining residents through overlooking, overshadowing or loss of outlook. The proposal is therefore in accordance with the requirements of FBLP policies HL2 and EP27, and the objectives of the 'Extending your Home' SPD.

Access and 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.

In addition, policy TR10 sets out six criteria for developments including car parks as follows:

- the car parking scheme provides a high degree of safety for vehicle drivers, cyclists and pedestrians;
- the car park is accessible to emergency service vehicles;
- the car park includes the provision of a landscaping scheme which will enhance the character and quality of the development without compromising security;
- the car park is well designed using surface materials, boundary treatments, lighting and other street furniture items of high quality;
- the scheme provides facilities for the parking of motorcycles and cycles;
- where car parks are being provided for employees or the general public, the scheme incorporates facilities for the vehicles of disabled persons.

A wide pedestrian forecourt is located to the front of the site, merging with the footway of Kingsway. A single lane road (Kingsway Court) loops around the side and rear of the building to form a vehicle access route to the rear of properties on Kingsway and Clifton Drive. This route serves a number of outbuildings to the rear of these properties, including a group of seven garages to the southeast of the building. A further strip of informally surfaced land between the east side of

Kingsway Court and the boundary wall with Belvedere Court is presently used for parking in connection with the auction house.

The application proposes the provision of 12 off-road car parking spaces upon the garage site (following the demolition of these structures) and within the strip of land to the east side of Kingsway Court. These spaces are to be accessed via the existing junction between Kingsway Court and Kingsway. The car parking standards in Appendix 4 of the emerging Local Plan require a maximum provision of 1 car parking space for single bed dwellings and 2 spaces for 2-3 bed properties. Having regard to the bedroom numbers applied for, the development would be required to deliver up to 14 parking spaces in accordance with these standards.

Whilst the proposed level of parking provision falls 2 spaces below the standard identified in the emerging Local Plan (which, in any case, is expressed as a maxima), this is offset by the site's accessible location in close proximity to public transport and local shops situated within a comfortable walking distance. This would minimise the need for car-borne journeys and, accordingly, it is not considered that the maximum parking standard should be applied rigidly in this case.

Vehicle access to the parking spaces would be via the existing single-lane road at the junction between Kingsway and Kingsway Court. Whilst this route is of an insufficient width to allow two-way traffic flow, given the low number of vehicles utilising the road it is considered sufficient to handle the volume and characteristics of traffic associated with a development of this size. In addition, there is adequate visibility where the route turns and available passing places in order that the new car parking spaces would not create an obstruction to the free flow of traffic along the road. No objections have been received from LCC Highways on transport grounds. A condition has been recommended requiring the parking spaces to be laid out and made available for use before any of the apartments are first occupied.

The proposed development would facilitate safe and convenient access and circulation for vehicle traffic to and from the site and would ensure satisfactory parking and manoeuvring arrangements are provided as part of the scheme. Therefore, the development would not have an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site and is in accordance with the requirements of FBLP policies HL2, TR10 and the NPPF.

Flooding and drainage:

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

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

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

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

The site falls 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 and, as it is under 1 hectare in area, the application does not need to be accompanied by a Flood Risk Assessment. However, as it falls within the category of 'major' development, the LLFA have been consulted on the application.

The existing building is already served by infrastructure providing connections to the foul and surface water sewer network. However, in accordance with the requirements of the NPPF (and as noted by the LLFA), the development should provide betterment to the existing scenario by ensuring that the post-development rate of surface water discharge does not exceed the pre-development rate, including an appropriate allowance of 30% for climate change. An appropriate condition has been recommended in this regard in accordance with the advice of the LLFA. Therefore, the development would not itself be at an unacceptable risk of flooding, nor would it increase flood risk elsewhere in conflict with the requirements of FBLP policies EP 25 and EP30, or 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.

As the site is located within the urban area and is previously developed, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether it 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.

Contributions:

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.

Policy H4 of the Revised Preferred Options 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.

The threshold of “more than 10 homes” cited in policy H4 of the emerging local plan followed guidance in the NPPG which sought to limit the use of mechanisms to secure contributions towards affordable housing and other tariff-style contributions to schemes involving 11 dwellings or more. This part of the NPPG was removed in August 2015. Nevertheless, as this threshold has been brought forward through the emerging local plan process it represents the most up-to-date policy position as to when contributions will be sought in connection with residential developments, and supersedes the threshold of 15 dwellings identified in the Council’s Interim Housing Policy.

In this case, as the application seeks permission for a development of 10 apartments it does not meet the threshold identified in policy H4 of the emerging Local Plan and, accordingly, is not considered that any contributions are required to make the development acceptable in planning terms for the purposes of this either this policy, TREC17 and CF2 of the FBLP, or the NPPF.

Conclusions

The scheme would make efficient use of previously developed land within the defined settlement boundary of Lytham St Annes on a sustainable site located in close proximity to local shops and services. The development, by virtue of its size, scale, layout, height, massing and design, would be compatible with the style and character of the existing building (including preserving its significance as a non-designated heritage asset), and would introduce an innovative and contemporary extension which would be sympathetic and subservient to the host property. The proposal would respect the scale, type and density of surrounding development in the locality and would harmonise with the street scene. The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does not have a detrimental impact on the safe and efficient operation of the surrounding highway network. Adequate measures can also be put in place to deal with drainage and contamination. There is no requirement for contributions (either on or off site) to be secured in this case in order to make the development acceptable in planning terms. The proposal 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 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. Kingsway 1/010 Rev D – Proposed site plan.
- Drawing no. Kingsway 1/110 Rev E – Proposed floor plans.
- Drawing no. Kingsway 3/310 Rev E – Proposed elevations.

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. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings (including both the extension and in any alteration to the existing building) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be constructed in accordance with the duly approved materials.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of the building 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. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no above ground works shall take place until details of all windows and doors (including both new and replacement openings) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their materials, finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

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

5. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- 1) a survey of the extent, scale and nature of contamination
- 2) an assessment of the potential risks to:
 - (a) human health;
 - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - (c) adjoining land;

- (d) groundwaters and surface waters;
 - (e) ecological systems;
 - (f) archaeological sites and ancient monuments.
- 3) where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the 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 Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

6. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site 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:
- a) separate systems for the disposal of foul and surface water;
 - b) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the pre-development rate;
 - c) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - d) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - e) details of flood exceedance routes (both on and off site);
 - f) details of how surface water will be managed and pollution prevented during the construction phase;
 - g) a timetable for implementation, including details of any phased delivery; and
 - h) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the apartments hereby approved are first occupied, and maintained as such thereafter.

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

7. No above ground works shall take place until a scheme for the design, construction (including surface treatment) and drainage of the 12 car parking spaces shown on drawing no. Kingsway 1/010 Rev D has been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed in accordance with the duly approved scheme and marked out in the positions shown on the approved plan before any of the apartments are first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order to ensure that adequate provision is made for vehicle parking and manoeuvring, to ensure appropriate surface treatment and an adequate standard of engineering works to hardstanding areas and that satisfactory provisions are made for the disposal of surface water in

accordance with the requirements of Fylde Borough Local Plan policies HL2, EP25 and EP30.

8. Within three months of development first taking place, a scheme for the provision of a bin store for the apartments shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting, size, design and materials of the bin store. The bin store shall be constructed in accordance with the duly approved scheme and made available for use before any of the apartments hereby approved are first occupied, and retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of the amenity of future occupiers and to ensure the appropriate siting and design of any refuse storage facilities within the site in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

Application Reference:	15/0530	Type of Application:	Full Planning Permission
Applicant:	Solar Developments	Park Agent :	Pegasus Planning Group Ltd
Location:	LAND NORTH OF MOSS SIDE LANE AND SOUTH OF THE RAILWAY, RIBBY WITH WREA, PRESTON, PR4 2WP		
Proposal:	RE-SUBMISSION OF 14/0696 - PROPOSED INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR ARRAYS TOGETHER WITH POWER INVERTED SYSTEMS; TRANSFORMER STATIONS, INTERNAL ACCESS TRACK; LANDSCAPING; FENCING; SECURITY MEASURES AND ANCILLARY INFRASTRUCTURE.		
Parish:	RIBBY WITH WREA	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Kieran Birch
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land north of Moss Side Lane, Wrea Green. The principle of this form of development in the countryside is acceptable in light of the support for renewable energies in NPPF, and the information submitted in respect to alternative site search is considered acceptable by officers to justify the use of agricultural land. The scheme will involve the loss of four hectares of Best and Most Versatile agricultural land, which is not a positive impact, but in isolation is not so significant that the proposal could be justifiably refused on this basis. It is also the case that the land can continue to be used for grazing during the operation period of the development, and biodiversity enhancements can be conditioned in accordance with NPPG. It is not considered that the development will have an unacceptable impact on residential amenity, the highways network or ecology.

Visually, it has been assessed that the development would have significant impacts on the site itself but that the landscape is not designated for its special landscape quality. Close views of the site would be limited from all directions, with the site well set back from the road and no dwelling directly overlooking the site. Mitigation tree planting is proposed along the northern boundary to screen the site from users of the railway. The impact of the development on medium and long range views would not be significant as whilst it is located in a relatively flat and low lying landscape, it will be well enclosed by existing vegetation and with the provision of hedgerows and native trees the impact of the development will be softened to a degree that will not create unacceptable harm to the openness of the countryside.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation

planting, it is considered that, on balance, the development gain would outweigh the visual impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

Whilst the officer view is that the principle of the development is generally acceptable, there remains a need to undertake a Habitats Regulation Assessment to determine whether the development will have an unacceptable impact on protected species and their habitat. Given the lack of objection from Natural England it is not anticipated that there will be any unacceptable impact. It is recommended that the decision to determine the application be delegated to the Head of Planning and Regeneration pending the completion of this assessment.

Reason for Reporting to Committee

The application is for a Major development and therefore under the Council's scheme of delegation has to be determined by the Development Management Committee.

Site Description and Location

The application site comprises two fields totalling 9.7 hectares of agricultural land that is sited to the north of Moss Side Lane, south and east of the South Fylde railway line with Ballam Road beyond. The site is located approximately 250m west of Wrea Green with the smaller developed area of Moss Side approximately 700m to the south west. The settlement of Westby is approximately 500m to the north. The site is designated as countryside under the adopted Local Plan. There are five listed buildings within 600m of the site. There are a number of tree subject to a Tree Preservation Order directly east of the site just north of Moss Side Lane. A Public Rights of Way crosses through the site from the east to west, and there is another Public Right of Way to the south of the site leading south from Moss Side Lane. The site is its entirety is in Flood Zone 1. There is a Biological Heritage Site; Willowmead Park Swamp south of the site adjacent to the housing estate and road. The agricultural assessment submitted with the application indicates that the land is a mix of Grade 3a, 3b and 4 agricultural land.

The wider site is made up of interconnected fields of irregular shapes. The field subject to this application are reported to be used for arable production. The northern boundary of the site is formed by the railway, the other boundaries of the application site are currently undefined as part of larger fields that have hedgerows and hedgerow trees growing on their boundaries. The boundary of the field with Moss Side Lane consists of a low wall, with the internal field boundaries formed by hedgerows of differing sizes. There is a field accesses to the site from Moss Side Lane, from which the application site can be viewed. There are two small ponds within the application site, and several more in the wider landscape surrounding the site.

In terms of topography from the boundary with Moss Side Lane the site is 17m AOD, rising three metres to the north to 20m AOD before rising beyond the railway to 26m AOD. Wrea Green is 28m AOD at the Green's centre. The site therefore slopes from south to the north with a high point in the middle of the site where the PROW turns. The landscape character of the wider area is low lying and undulating fields within which hedgerow and hedge trees and small strips of woodland are prevalent. There are scattered farmsteads and roadside dwellings across the landscape with clusters of residential development alongside Moss Side Lane. Shepherds Farm and the Villa are directly east of the application site.

Details of Proposal

The proposed development is for the installation of photovoltaic panels laid out in rows running across the field enclosure. The maximum height of the arrays will be 2.3m above ground level and will be installed at a gradient of approximately 20 degrees from the horizontal, facing south. The panels will be fixed and will not move or track the movement of the sun and will be placed 4m apart. Each of the arrays are connected to three inverter stations which are within the site, which are then connected to the grid via a substation. Within the site as well as the inverter stations are proposed to be a storage shed, control room, substations, CCTV camera's and 2m high deer fencing. The dimensions of the apparatus is;

- 1no. control room cubical measuring 2.9m (height) x 6.5m (length) x 2.5m (width);
- 1no. storage room cubical measuring 2.9m (height) x 6.5m (length) x 2.5m (width);
- 2m perimeter deer stock fence comprising wooden posts at 3m intervals with an underpass for small animals and (if required) badger gates;
- 1no. Distribution Network Operator (DNO) switchroom made from brick, measuring 5.2m (h) x 7m (l) x 5.5m (w);
- 1no. Client HV switchroom measuring circa 2.9m (h) x 6.5m (l) x 2.5m (w);
- 3no. inverter enclosures measuring 2.9m (h) x 4.5m (l) x 1.75m (w);
- 3no. transformer enclosures measuring 2.9m (h) x 6.5m (l) x 2.5m (w);
- CCTV cameras located within the perimeter of the fenceline measuring 2.2m in height; and
- Internal access track measuring 3.5m width.

No artificial lighting is proposed at the site. The existing footpaths within the site and the ponds will be retained. It is proposed to screen views of the arrays from the surrounding area by planting new and bolstering existing hedgerows, with a new tree belt proposed along the northern boundary of the site to screen the site from the railway.

The proposed development comprises a free standing 'static' 5MW solar PV farm, with all the power exported to the National Grid. The applicant states that the development will provide power for the equivalent of approximately 1,515 homes annually. It is intended that the development would operate for a period of 25 years after which the site will be de-commissioned and returned back to agricultural use. Over the course of its lifetime the applicants state that this will save potentially 2,150 tonnes of carbon dioxide emissions per annum. It is proposed that sheep grazing will continue around the arrays during the operational period.

The site would be accessed from Moss Side Lane from the southern boundary, using an existing access point. Access for the construction vehicles would be this road with a temporary construction compound is proposed adjacent to the site, to be used during the construction period. A construction traffic management plan has been submitted which details the delivery route during the construction period.

The application has been accompanied by supporting documents as follows:

- Planning statement
- Design and access statement
- Heritage desk based assessment
- Statement of community involvement
- Agricultural assessment
- Alternative site search
- Glint and glare study.

- Construction Environmental management plan
- Construction Traffic Management Plan
- Ecological surveys
- Ecological impact assessment
- Wintering bird surveys
- Landscape and Ecological Management Plan
- Tree survey, arboricultural impact assessment and tree protection plan.
- Landscape and Visual impact assessment
- Flood risk assessment

Relevant Planning History

Application No.	Development	Decision	Date
14/0696	INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR ARRAYS TO PROVIDE APPROXIMATELY 16MW GENERATION CAPACITY TOGETHER WITH POWER INVERTED SYSTEMS; TRANSFORMER STATIONS, INTERNAL ACCESS TRACK; LANDSCAPING; DEER FENCING AND ASSOCIATED ACCESS GATE.	Refused	09/02/2015

Planning application 14/0696 was refused for the following reasons;

1. The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the rural development and character of the area. This incongruous proposal would be highly visible from a large number of receptors both wide and localised which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed, to the detriment of the enjoyment of the countryside by all users and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.
2. The proposed development would have an unacceptable impact on the Public Right of Way within the site. Users of the PROW running through the site would experience a loss of amenity caused by the incongruous proposal that would harm the views of the site and surrounding countryside thus affecting the character of the path. When established in parts of the site as shown on the submitted site layout plan the erection of 2.4m hedgerows within the site would have an enclosing effect on the users of those Rights of Way to the detriment of their enjoyment of them. This impact would be contrary to policies contained within the National Planning Policy Framework.
3. The proposed development of 38.74 hectares of solar panels and associated infrastructure would result in substantial harm to the setting of the Wrea Green by virtue of the scale and pattern of development adjacent to this rural settlement. The development would lack any relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to local plan policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.

4. The application does not demonstrate that there will be no impact with regard to the ecology within the SSSI including the Ribble and Alt Estuaries (SPA) and Ramsar site which are European Sites or if necessary how this impact would be mitigated. The proposal has the potential to have harm to wintering and nesting birds, primarily Lapwings and Skylarks and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of these areas and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced.
5. The application does not demonstrate that there will be no impact with regard to the ecology to the site, the impact on protected species, specifically Great Crested Newts and common toads which are a species of principal importance, or if necessary how this impact would be mitigated. The proposal has the potential to have harm these species, particularly because of the nature of the site which contains ponds and hedgerows and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of the site and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced.
6. The proposed solar farm would occupy a significant area of best and most versatile agricultural land with 26.5 hectares of the application site being classified as Grade 3a agricultural land. The nature of the development and the length of time that it will be present on the site is such that it will not be available for productive agricultural use during that time and so will not function as best and most versatile land. The applicant has not demonstrated that there is an overriding need for the solar farm to occupy such a significant area of best and most versatile agricultural land in the borough and so the proposal is contrary to Policy EP22 of the Fylde Borough Local Plan and guidance in para 112 of the NPPG with which that policy is consistent.

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Ribby with Wrea Parish Council** who were notified on 10 August 2015 and comment:

“Whilst the vast majority of those people airing an opinion on the subject of renewable energy are in favour of solar power (especially as an alternative to Fracking), the parish council unfortunately would recommend refusal of this development.

The following are the reasons behind the decision:

1. *Noise pollution – buzzing which will worsen over time as transformers age*
2. *The visual impact will still be evident from some aspects – Wrea Green is a conservation area*

3. Location – Some of the land is grade 3A and should be retained for agricultural use
4. Opinion questioned whether all Brown Field site options had been explored
5. Effect on the wildlife population

Unfortunately, general opinion saw the development of the industrialisation of a conservation area.”

Westby with Plumpton Parish Council notified as a neighbouring Parish on 10 August 2015 but no comments have been received.

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No objections.

Blackpool Airport

No comments received.

Lancashire County Council - Highway Authority

No objections received in response to this application, but they had no objections to the previous larger scheme on this site which utilised the same access for construction.

Their comments at that time were: *“The development proposal will have its greatest impact on the highway network during its construction phase. Once complete there will be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there will be no highway capacity issues and as such it is the safe movement of vehicles which is the major concern. The developer is proposing to use an existing field gate access of Moss Side Lane at a point where there is a double white line system in place and the road is subject to the national speed limit. The developer has provided traffic data which shows that existing vehicle speeds are significantly below the speed limit. I have no traffic count data to verify the speeds and volumes of traffic produced by the developer, however, site observations lead me to conclude that the information provided by the developer is correct. The sightlines at the access are restricted when looking towards Wrea Green due to the hedge opposite the development site. The developer acknowledges this and has indicated that some hedge management may be required in order to achieve acceptable sightlines, if the hedge remains a sightline of approximately 2.4m x 50m (measured to the centreline) can be achieved. However, the developer is proposing a traffic signing scheme which would influence vehicle speeds and provide adequate warning of turning vehicles for approaching and emerging vehicles.*

With an appropriate traffic management scheme I am satisfied that the means of access to the site is acceptable. The developer has indicated a willingness to provide a Construction Traffic Management Plan. The details of the plan will need to be agreed and the developer should make provisions to avoid HGV's using The Green at the start and end of the school day due to the presence of child pedestrians and congestion caused at these times. The developer has also indicated a willingness to carry out a Highway Condition Survey. The details of which will need to be agreed.”

Lancashire County Archaeology Service

It is recommended that this 'Strip, Map and Record' approach is used as part of this development, to address the potential presence of prehistoric remains identified by the developer's own archaeological contractors. This can be required by the use of an appropriate planning condition.

Network Rail

It is noted that the proposal includes vegetation screening to mitigate any impacts of glint and glare from the proposal on the railway and that the screening is not adjacent to the railway. Also the panels should be pointing away from the railway. There is only one signal in the area, which is the best part of 400m away. The signal is a repeater aspect (no stop aspect) so there is no immediate risk beyond the signal.

Regeneration Team (Landscape and Urban Design)

A development of this nature will have an impact on the landscape character of the immediate area. However, the proposed development has been reduced in size, thus the visual impact has been reduced. In addition much of the existing woodlands and landscape features does contribute to minimise against any potential visual impact. To enable a comprehensive review, a planting plan is required. This planting plan should address the interface with the railway and the development to ensure that the development is quickly and effectively screened. In addition, the plan needs to show a screening of the proposed service area to the southern boundary. In this instance, a woodland glade plantation to the southern boundary and to the service area would provide an effective screen.

As a result of these comments a planting plan has been submitted which the landscape officer states is acceptable.

Environmental Protection (Pollution)

There are no objections to the above proposals.

Regeneration Team (Heritage)

No comments received.

Environment Agency

No comments received.

The Ramblers Association

No comments received.

BAe Systems

No comments received.

Ministry of Defence - Safeguarding

No safeguarding objections.

Natural England

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), and Ribble & Alt Estuaries Special Protection Area (SPA) which are European sites. The sites are also listed as Morecambe Bay and Ribble & Alt Estuaries Ramsar sites and also notified at a national level as Lune Estuary, Wyre Estuary and Ribble Estuary Sites of Special Scientific Interest (SSSI's) respectively. Please see the subsequent sections of this email for our advice relating to SSSI features.

European Site - No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats

Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- 1. the proposal is not necessary for the management of the European site*
- 2. that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment*

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- *Ecological Survey, Michael Wood Associates, September 2014*
- *Wintering Bird Survey, Michael Wood Associates, January 2015*
- *Ecological Impact Assessment; Birds and Great Crested Newts, Bowland Ecology. July 2015*

It is of note that the enhancement measures outlined in Ecological Impact Assessment; Birds and Great Crested Newts, Bowland Ecology. July 2015 and Landscape and Ecological Management Plan. Bowland Ecology, June 2015 are not suitable for SPA birds, who in the majority like good sightlines and larger fields. However Natural England has no objection to the enhancement for other birds.

SSSI - No objection

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Species

We have not assessed this application and associated documents for impacts on protected species

Lancashire County Council Rights of Way

The proposed development will not directly affect the public footpath. They request that the developer makes the drivers of any vehicles visiting the site for construction or for future maintenance are made aware of the PROW and the likelihood of pedestrians walking along the PROW. If any changes to the surface of the PROW are required as part of the development the developer should discuss this prior to the commencement of any works with the LCC team.

National Grid

No comments received.

Electricity North West

There is a 33kV tower line running through the development site. All works around this tower must be carried out in accordance with Health and Safety Guidance document

GS6 – Avoidance of danger from overhead electric lines.

Campaign for the Protection of Rural England

In general, CPRE Fylde District Group does not wish to see proliferation of solar farms in the countryside and semi-rural areas of the Fylde, especially where there would be loss of productive farmland. Instead we suggest there are potential locations for large-scale PV schemes on brownfield land in the Fylde. We objected to the original 19MW/39ha scheme (Reference 1). Having assessed the proposed reduced scheme (5MW/9.7ha) against national policy and guidance, and CPRE's own solar farm policy guidance, on balance we still maintain objection.

This refers to:

- CPRE policy guidance – states solar farm should avoid adverse impact on countryside
- Potential sustainable brownfield sites in Fylde – Suggest alternative sites at Blackpool Airport, Warton Enterprise Zone and Westinghouse site at Salwick
- Loss of BMV agricultural land – NPPF promotes use of brownfield sites and certainly before good quality agricultural land.
- Impact on landscape character – Visually intrusive at close quarters from footpaths, roads and the railway line which are both gateways to Wrea Green. The height of 2.3m is higher than the typical height of hedging in Fylde. However they accept the visual impact on the wider landscape would be minimised by flat topography. Recommend a condition to ensure security fencing.
- Impact on the setting of Wrea Green – harm to setting of Wrea Green by virtue of form and scale. Loss of amenity from PROWs.
- Impact on protected bird species – Findings of the survey must be assessed by competent authorities.
- Environmental and ecological management plan – Recommend condition.
- Decommission and return of land to agricultural use – require condition and land not to become brownfield land.

Fylde Bird Club

No comments received.

Other interested parties

CAPOW - Community Association for the Protection of Wrea Green

Whilst we do appreciate that this proposal is much smaller and better sited than the previous application, we consider that this is still contrary to Government policies, local planning policies and the NPPF. We object to this application for the below reasons.

General

- Errors in the submitted documentation.
- Missing documents
- Site search should have been wider.

Specific

- Loss of agricultural land over 25 years.
- Visual impact on character of the area.
- Impact on PROW
- Noise and disturbance
- Poor construction access and disturbance created.
- Impact on wildlife through various works.

- Proposed hedges are higher than normal ones.
- Additional surface water run-off.
- SCI was from last application and done by letter.

Neighbour Observations

Neighbours notified: 10 August 2015

Site Notice Date: 11 August 2015

Press Notice Date: 20 August 2015

No. Of Responses Received: Two letters of objection and one of support. (Previous larger application received 16 letters objecting and one in support).

Nature of comments made:

Summary of comments made in objection

- Loss of agricultural land. Brownfield land should be used.
- Land is prime agricultural which has been in continual rotation of wheat, barley, potatoes and oilseed rape and is registered with Defra for agricultural payments.
- Visual impact – blight on rural area.
- Impact on wildlife and biodiversity.
- Impact on residential amenity.
- Impact on aviation safety.
- Negative impact on PROW.
- Access is on a bad bend with blind spots.

Summary of comments made in support

- Extremely important renewable energy produced in the UK and should welcome in Fylde.
- Reduced nature will not affect character of area or countryside.
- Glad PROW has been taken seriously.
- Will help diversify the rural economy.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land
SP09	Diversification of rural economy

Emerging Local Plan:

NP1	Presumption in favour of sustainable development
SD1	The Spatial Development Framework
ENV1	Landscape and Biodiversity
CL2	Renewable and Low Carbon Energy Generation

Other Relevant Policy:

NPPF: National Planning Policy Framework

Section 10 – Meeting the challenge of climate change, flooding and coastal change

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Paragraph 98. When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and even recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Section 11 - Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils...minimising impacts on biodiversity and providing net gains in biodiversity where possible...Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

Paragraph 112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

Paragraph 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

NPPG: National Planning Practice Guidance

Renewable and low carbon energy

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include: encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays; that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no

longer in use and the land is restored to its previous use; the proposal's visual impact, the effect on landscape of glint and glare; the need for, and impact of, security measures such as lights and fencing; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect. In the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

Department of Energy and Climate Change UK Solar PV Strategy Part 2.

While large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of "10 Commitments" for solar farm developers (see box) which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long-term land use are minimised. In addition, the National Solar Centre is publishing two best practice guides on the development of large-scale solar farms. The first of these is on the factors that developers should consider in the design and installation of large-scale solar farms. The second is a guide to enhancing the biodiversity benefits from ground-mounted solar PV. When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems. The Solar Trade Association and National Solar Centre (NSC) are working with The National Trust, RSPB, the Bumblebee Conservation Trust and others on best

practice guidance for optimising biodiversity on solar farm developments. This guidance will be available shortly on the NSC website. The Solar PV Roadmap set out as one of its four principles that support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit. The National Planning Policy Framework emphasises the importance of valuing ecosystem services using tools developed by Natural England and the Environment Agency. It also stresses the importance of creating and managing specific environmentally beneficial features and undertaking mitigation or offsetting if damaging development is permitted.

Solar farm developers, builders or tenants who are members of the Solar Trade Association will comply with the following best practice guidance:

1. We will focus on non-agricultural land or land which is of lower agricultural quality.
2. We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.
3. We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.
4. We will engage with the community in advance of submitting a planning application.
5. We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.
6. We will do as much buying and employing locally as possible.
7. We will act considerately during construction, and demonstrate 'solar stewardship' of the land for the lifetime of the project.
8. We will seek the support of the local community and listen to their views and suggestions.
9. We commit to using the solar farm as an educational opportunity, where appropriate.
10. The end of the project life we will return the land to its former use.

BRE National Solar Centre Biodiversity Guidance for Solar Developments

Guidance on how biodiversity can be supported on solar farms. Best practice in solar farm development seeks to optimise biodiversity enhancements, but it is recognised that a number of wider constraints exist, including legal or lease conditions, or planning considerations such as visual or heritage issues.

BRE Agricultural Good Practice Guidance for Solar Farms

Describes experience and principles of good practice to date for the management of small livestock in solar farms established on agricultural land.

Site Constraints

Within 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 to be considered when determining this application are:

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site searches

Visual impact/Impact on setting of Wrea Green village

Ecological issues.

Flooding and drainage

Highways issues

Other issues

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site search

This application is a resubmission on a smaller scale of planning application 14/0696 which comprised a 16MW solar farm over approximately 39 hectares of agricultural land. This application was refused for various reasons which are outlined earlier in this report. Amongst these reasons it was considered that the extent of the development proposed would have an unacceptable impact on the landscape character of the area, that the development would have an unacceptable impact on the PROW within the site, that the development would have harm to the setting of Wrea Green, and that the loss of best and most versatile land was unacceptable.

This application comprises a smaller portion of that application site, with 9.7 hectares used to form a 5MW solar farm. The NPPF supports the increase in the use and supply of renewable and low carbon energy and requires local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. In paragraph 98 of NPPF, Local Planning Authorities are advised to approve an application if its impacts are or can be made acceptable. NPPF states 'local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy' and there are no available local energy targets, therefore the scale of energy production proposed cannot be limited.

The site falls on agricultural land that is designated as countryside. Policy SP2 of the Adopted Local Plan, allows development in the countryside for a limited number of exceptions stating;

In countryside areas, development will not be permitted except where proposals properly fall within one of the following categories:-

- *that essentially required for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including those provided for in other policies of the plan which would help to diversify the rural economy and which accord with policy SP9;*
- *the rehabilitation and re-use of permanent and substantial buildings which are structurally sound, in line with policies SP5 and SP6;*
- *the re-use, refurbishment or redevelopment of large developed sites in line with policy SP7;*
- *minor extensions to existing residential and other buildings.*
- *development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside*

It states that uses appropriate for a rural area should be permitted and therefore what needs to be considered is whether the development of the countryside for a solar farm is appropriate. There are no policies within the adopted Local Plan that refer specifically to solar farms but this will be covered

in the emerging Fylde Local Plan. The Revised Preferred Option contains Policy CL3 on this subject which requires an assessment of whether development takes into account:

- a) The cumulative impact of the renewable and / or low carbon development within Fylde and across the boundary in Blackpool, Wyre and Preston.*
- b) Singular or cumulative impacts on landscape and townscape character and value;*
- c) Impact on local residents (including noise, odour and visual amenity, such as flicker noise and shadow flicker);*
- d) Ecological impact on mammals and birds on protected sites and on the migratory routes and functionally linked sites;*
- e) Impacts on land resources, including agricultural land and areas of deep peat which are now seen as a carbon store;*
- f) That the proposal for renewable and low carbon energy would not harm the significance of heritage assets and their settings;*
- g) Community, economic and environmental benefits of the proposal;*
- h) Impacts on aviation and defence navigation systems and communications, particularly Blackpool Airport, Warton Aerodrome and Ministry of Defence Radio Inskip;*
- i) Impacts on highway safety and capacity from movements associated with the development;*

This policy considers the above issues that need to be satisfied in order for development to be acceptable, and all are considered in the relevant sections of this report. The site is on agricultural land in the open countryside and the NPPF requires the intrinsic character and beauty of the countryside to be respected. The NPPG requires Local Planning to encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Alternative site search

When assessed against both National and Local Policy, to be acceptable in principle, it has to be demonstrated that it is necessary for this development to be provided in the countryside and not on previously developed and non-agricultural land. Solar farms need relatively flat land that is free of buildings or landscape features that would cause significant overshadowing of the arrays and to that end open fields are perfect for them. Also important is the proximity to a National Grid substation that has the capacity to accommodate the connection. The applicant has submitted an Alternative Site Search document along with an agricultural assessment of the site which considers its quality. To be in accordance with NPPG, the site search should demonstrate that there are no previously developed and non-agricultural land that can be used for the development. The discussion of scale should be the starting point for the search. The previous application was for a larger site (39 hectares) whereas this scheme is a 5MW scheme taking up approximately 9.7 hectares. The search is divided between four stages;

- a) Preliminary desk based assessment to identify sites within the vicinity of the route of the local grid connections within the area of search.
- b) Review of brownfield sites and non agricultural land in area of search.
- c) Review of alternative greenfield sites within area of search.
- d) Review of agricultural land.

The submitted alternative site search demonstrates that brownfield, non-agricultural and alternative agricultural sites were considered before progressing with the application site. The NPPF states that LPA's should identify suitable areas for renewable energy in development plans, the adopted Local Plan does not do this as it pre-dates this advice. The emerging Local Plan will identify specific areas of search for renewable energy development and refers to the Lancashire Sustainable Energy Study which concludes that the borough has some resource potential for solar farms.

There is no guidance in the NPPG with regard to a reasonable search area, however the North West Economic Strategy sets a regional target of 8.5% of electricity to come from renewable sources. There is no reason why Fylde cannot, in principle, accommodate some form of renewable energy and it is therefore reasonable for developers to consider the Fylde for renewable developments. This approach has been accepted at planning appeals in other parts of the country, with it being found 'onerous and impractical' to prevent renewable developments in a specific area as it would require an applicant to assess every location within the district to prove that there was no better site". The applicant has provided an alternative site search of brownfield sites that would meet the minimum size of site required for a viable solar farm. Assessment of the available brownfield sites in the area has demonstrated that there are no previously developed sites or non-agricultural land available of the scale required to support this type of development. The reasons why brownfield sites of an appropriate size were discounted varied from strategic allocations for housing and employment within the Local Plan, planning permission for other uses already granted, unviable asking prices and poor grid capacity. The stage 2 review of brownfield sites and non-agricultural land in the area if search found that there was only 1 brownfield site within 5km from the point of connection which was at Warton Airfield. There were therefore no suitable brownfield or non-agricultural sites that could accommodate the scheme. The third stage of the search, as a result of the lack of available brownfield sites is a review of alternative greenfield sites which are not agricultural. This found that there were no non-agricultural greenfield sites available for ground mounted solar development and therefore agricultural land is required to accommodate the development.

The alternative site search provided, as a result of the lack of available brownfield sites then considers the availability of poorer quality agricultural land to support the development that is within the range of the grid line to provide a viable connection and without constraints such as buildings or other developments. To enable a comparison of all the search areas a scoring system has been applied using the criteria requirements and this five sites that were considered suitable for solar schemes. Other sites were discounted because of constraints such as being in the green belt, being in flood zones and grid connections. Defra mapping software was used to undertake reviews of the sites and guide the scoring. This data showed the majority of greenfield site in the area to be Grade 2 and 3, with no obvious significant areas of Grade 4 quality land. This concurs with the Natural England records which grades land in Fylde as;

Grade	Hectares	%
Grade 1	0	0.0
Grade 2	7,736	47.5
Grade 3	5,524	33.9
Grade 4	349	2.1
Grade 5	0	0.0
Non Agricultural	939	5.8
Urban	1,748	10.7

These Agricultural Land Classification (ALC) statistics derive from the digital 1:250,000 scale Provisional ALC map, originally published as a regional series of paper maps in 1977, and Ordnance Survey Boundary Line 2003. It should be noted that the Provisional ALC map was designed to

provide general strategic guidance on land quality and not for identifying the agricultural quality of individual parcels of land. It is based on reconnaissance surveys, rather than detailed field surveys, and has a minimum mapping unit of approximately 80 hectares. The maps were created prior to the sub-division of Grade 3 into Sub-grades 3a and 3b. Consequently, there may be limitations to the statistics which reflect the limitations of the maps from which they are derived. However they do provide a broad indication that there is limited Grade 4 land in Fylde and no grade 5. The eight other sites considered were all found to be unacceptable due to issues such as availability and viability. The application site however was found to be available and could viably be connected to the grid.

Loss of agricultural land

The final reason for refusal of application 14/0696 was;

The proposed solar farm would occupy a significant area of best and most versatile agricultural land with 26.5 hectares of the application site being classified as Grade 3a agricultural land. The nature of the development and the length of time that it will be present on the site is such that it will not be available for productive agricultural use during that time and so will not function as best and most versatile land. The applicant has not demonstrated that there is an overriding need for the solar farm to occupy such a significant area of best and most versatile agricultural land in the borough and so the proposal is contrary to Policy EP22 of the Fylde Borough Local Plan and guidance in para 112 of the NPPG with which that policy is consistent.

Paragraph 112 of the NPPF stipulates that:

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

FBLP policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough and, resultantly, Grades 2 and 3a will be considered the best and most versatile (BMV). This is reinforced by criterion (d) of emerging Local Plan policy CL3.

In addition, the first, second and third bullet points to paragraph 13 of the NPPG state that, where a proposal involves greenfield land, the LPA should consider:

1. *encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;*
2. *whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;*
3. *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.*

The Sequential Analysis study submitted with this application has given the reasoning why this site is suitable for this development and why it needs to be located on agricultural land because there is no brownfield land located in the district.

As shown above the majority of Fylde is grade 2 (47.5%) and grade 3 (33.9%) agricultural land, with the remainder being non-agricultural or urban. This data, however, is based on reconnaissance surveys and it is accepted that the results of detailed site surveys will find specific site conditions. The application has been submitted with an Agricultural Assessment of the land on the site with the methods of survey appropriate and to industry standards. The report details factors that define ALC Grade including climate and altitude, geology and soils, with the below table detailing the results of the survey for this site.

Grade	Description	Area (Ha)	Area (%)
1	Excellent		
2	Very Good		
3a	Good	4.0	47
3b	Moderate	3.53	41.5
4	Poor	0.97	11.5
5	Very Poor		
Non-Agricultural	Non-Agricultural		
TOTAL		8.50	100

The land is classified as being 47% Grade 3a quality which is good quality land, and 41% grade 3b which is moderate quality land and so not best and most versatile agricultural land. Other areas of Grade 3 agricultural land in Fylde have been assessed to be unsuitable for the proposal due to site constraints such as flood risk, grid connection and steep ground and Fylde has only small amounts of grade 4 land.

The submitted agricultural assessment also details that it is intended to continue the agricultural use of the land throughout the duration of the solar farm, through the grazing of sheep on the land. Thus providing a dual use of the site for agricultural and solar energy production. As such the land would not be completely lost from productive agriculture. Biodiversity enhancements are proposed, such as native hedge and tree planting and wildflower sowing. This is compliant with NPPF, which has a requirement that 'the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays'. The grazing of small animals on the land is considered to be a viable proposition (see BRE Agricultural Practice Guidance for Solar Farms). This could be conditioned to be implemented through the submission of a grazing management plan, to ensure the continuation of access to the land for the farmer and its continued use for agriculture. The land will also not be irreversibly developed and will be brought back into agricultural use after 25 years. In addition the applicants have indicated that it would not affect the occupying farms business, and that the arable land to be taken up by the arrays is part of a five year crop rotation which are utilised in the business's Anaerobic Digester (AD), this will change from crop production to solar production with grazing and it is stated by the applicant that it will not affect the existing business.

The previous application resulted in the reduction in value of 38.74 hectares of agricultural land, 26.5 hectares of which classed as Grade 3a BMV land and so comprising 74% of the application site and was subsequently refused on that basis. This proposal is spread over 9.7 hectares, with 4 hectares being Grade 3a BMV land, comprising 47% of the site. Therefore this proposal results in the loss of 22.5 hectares less BMV land than the application previously refused, and the BMV used as a proportion of the developed site is also less. It is considered that the loss of 4 hectares of BMV agricultural land is acceptable in this instance subject to there being no visual or ecological issues, given that there would not be a permanent loss in the longer term and that some (albeit lower productivity) use could continue in the interim. Moreover, the development would deliver biodiversity improvements with respect to the strengthening and addition of landscaping which should also be considered favourable to the scheme. In conclusion, it is considered that there is

sufficient justification in this case to allow the temporary loss of BMV, having particular regard to guidance in the NPPG.

Principle of the development – summary

Solar farms have to be accommodated in locations where the technology is viable, i.e. sites that are large enough, relatively flat and not overshadowed, therefore making the countryside a suitable location for the technology. However, National policy aims to direct such development to previously developed and non-agricultural land before the consideration of greenfield sites, through a sequential test approach. As the applicant has demonstrated that there are no suitable sites for a viable solar farm on previously developed land or non-agricultural land in the area, the development is considered to be acceptable in principle in a countryside location. The applicant has demonstrated that the proposal would use significantly less BMV agricultural land than previously and would allow for the continued agricultural use of the land and biodiversity improvements around arrays. The site is considered to be in a sustainable location for the use proposed, being approximately 2km from a main A-road and therefore accessible during the construction period and for maintenance.

NPPG states ‘that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.’ It is proposed that the development would be in place for 25 years, then the land be restored back to its current agricultural use. A condition could be added that no development commences until a decommissioning method statement has been submitted and approved by the local planning authority. The statement would include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational (or upon expiry of the time period of a temporary planning permission), along with the measures, and a timetable for their completion, to secure the removal of the panels, fencing and equipment, and restoration of the site, including how resources would be secured for decommissioning and restoration at a later date. Such a condition could ensure the restoration of the site to agricultural land.

Visual impact/impact on character of the area/impact on Wrea Green

The previous application was refused for reasons of visual impact on the character of the area, the public right of way and on the settlement of Wrea Green as follows;

- *The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the rural development and character of the area. This incongruous proposal would be highly visible from a large number of receptors both wide and localised which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed, to the detriment of the enjoyment of the countryside by all users and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.*
- *The proposed development would have an unacceptable impact on the Public Right of Way within the site. Users of the PROW running through the site would experience a loss of amenity caused by the incongruous proposal that would harm the views of the site and surrounding countryside thus affecting the character of the path. When established in parts of the site as shown on the submitted site layout plan the erection of 2.4m hedgerows within the site would have an enclosing effect on the users of those Rights of Way to the detriment of their enjoyment of them. This impact would be contrary to policies contained within the National Planning Policy Framework.*

- *The proposed development of 38.74 hectares of solar panels and associated infrastructure would result in substantial harm to the setting of the Wrea Green by virtue of the scale and pattern of development adjacent to this rural settlement. The development would lack any relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to local plan policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.*

With the application being reduced considerably in scale as oppose to that previously refused it has to be considered whether or not the reduction in scale, and consequently visual impact, overcomes these reasons for refusal. The principle of the solar farm and the loss of 4 hectares BMV has been accepted in this instance if there is not any unacceptable visual impacts. With regard to the policy guidance on solar farms and their visual impact the NPPG (2014) states 'the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'. The particular factors advised by NPPG to be considered include the proposal's visual impact, effect on the landscape of glint and glare, the need for security measures such as light and fencing and the impact on heritage assets. Also, the potential to mitigate landscape and visual impacts needs to be considered.

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

The application site itself consists of 9.7 hectares of undulating agricultural farm land containing ponds, with hedgerows and trees forming boundaries. The boundary to the road is formed by a low wall adjacent to Moss Side Lane, with a public right of way passing through the fields to the south of the application site running east - west from Shepherds Farm to North Farm. Walking from the east to west it is flanked by hedgerows before opening up in the middle of the field directly south of the application site as one turns south and then west again. The application boundaries are not formed by natural field boundaries but are instead mainly set back from the existing hedgerows. In terms of topography the fields slope towards the south and west and range from 17mAOD at its southern boundary with the road towards 20mAOD at its northern boundary, with the land to the north of the railway higher again.

It is considered that the site sits in with the Fylde landscape character of undulating large agricultural fields surrounded by key landscape elements of large enclosed irregular shaped fields, with hedges, trees and ditches. The site can be viewed from various points in the surrounding area including from the PROW to the south of the site, the road to the south, the railway and land to the north of the site, and residential development to the west. When views are not obstructed by buildings etc the submitted LVIA and its zone of theoretical visibility state the site could be viewed from within 2km away, largely to the north south and west of the site.

The proposal would introduce 2.3m high solar panels laid out in arrays facing south, access tracks, substations inverters, storage sheds and control room into this area of countryside in the Fylde landscape character area, that is currently undeveloped and open. The site comprises open fields divided by boundary hedgerows. The current field pattern would be retained with the retention of existing hedgerows, although some new planting is proposed to bolster some of the boundaries of the site and along the PROW, and a tree belt is proposed to provide screening for the development. The 2m deer fencing proposed is considered to be agricultural in appearance with post and netting, however, at 2m high would not be of a height typical of this rural area. The various apparatus would be mainly located to the south of the application site and would be visible in a similar way to the solar panels, with the bulk of these buildings in the south east corner of the site.

In order to mitigate the visual impact of the development the application proposes setting back the development approximately 360m from Moss Side Lane, native hedgerows planted, bolstered and maintained at 2.5m high adjacent to the site boundaries and alongside the PROW through the site, a native tree belt planted along the northern section of the site. The buildings within the site will not be specifically screened. This mitigation if the development were to be found acceptable would have to be provided and retained through a planning condition, which would include provision of suitable plant species. The LVIA submitted with the application assesses the character of the existing site and the visual impact of the proposal on the landscape character from different viewpoints. It finds that the site has a medium sensitivity to change and that the proposal would have a high magnitude of change to the application site itself and that there would be a moderate adverse impact on the landscape of the application site but from the wider landscape the magnitude of change would be low and that as a result there would be a minor adverse effect on the local landscape character in the short term which would reduce over time to negligible.

For example Viewpoint 1 is from Moss Side Lane directly south of the application site looking north west and finds that the significance of effects on this view would be negligible adverse impact in year 1 and year 5 of the development. This is a reduction in impact from the previous proposal which was much closer to the road and was found to have a moderate to minor adverse visual impact during construction period and during the first year of the development. Another example is viewpoint 14 which is the view from the PROW to the south east of the proposal, because of the nature of this view it has a high sensitivity to change and for the previous larger scheme found that there would be minor adverse impact during and after the construction period but by year 15 this would reduce to negligible with the establishment of the southern hedgerow, for the development subject to this application the impact is there would be a minor adverse impact during year 1 reducing to negligible by year 5.

In all the LVIA considers 24 viewpoints in all and concludes that;

'The proposed solar panels would be dark in colour, low lying and follow the existing topography, and as such would not be a dominant feature in the landscape. The proposal would be in scale with the existing fields and agricultural infrastructure that already exists. The proposal is temporary and reversible and at the end of the 25 year life of the development it is proposed that the site be de-

commissioned and reinstated as farmland....It has been demonstrated that the visual effect would be contained by the existing and proposed vegetation. Although the landscape character of the site itself would change the key landscape elements and features of the site and surrounding area would be unaffected. With a medium sensitivity to change and a low magnitude of change given the high level of human influence present which has already altered the landscape character of the area the proposal would have a minor effect on the wider landscape character of the area. Although in close proximity to Wrea Green due to the retention of the Proposed Development within the existing field boundaries and the surrounding vegetation within the area, physical separation is provided from the development and built form meaning that the Proposed Development is not perceived as an extension of the urban environment. It is to be noted that the land underneath the solar panels and surrounding the Proposed Development within the redline boundary will be retained as grassland and for agricultural use....It is considered that the proposal would be consistent with national and local planning policy and that the proposed solar farm could be successfully integrated into the landscape without causing unacceptable harm to the landscape character, landscape features or visual amenity of the site and surrounding area.

Visual impact/Character of area

As the scale of the development has significantly decreased from the previous refusal, it needs to be assessed whether or not the impact has been reduced to the point where it is acceptable, or if it will still have the same detrimental impact on the character of the area. The site is considered to be located within an undulating landscape and the impact on such landscapes is one of its core planning principles that should be taken account of when determining planning applications. The NPPG however also says that the *visual impact of a well-planned and well screened solar farm can be addressed within the landscape if planned sensitively*. The wider landscape is formed gently rolling agricultural fields forming an ever changing sets of views, vistas and panoramas. The landscape in this area is defined by open farmed fields, small settlements and villages, farmsteads and woodlands. This very rural landscape is apparent and much appreciated by residents of the area as well as visitors attracted to the area by these different features. The development proposed will have an impact on this character that will be adverse on the application site itself, but because of its siting, location and reduced scale would not create the harm that its predecessor would have done if permitted to the wider character of the area.

In terms of the general impact of the solar farm this will be felt closest to the site with longer views restricted by existing vegetation and buildings. The main views of the site from the north will be from the railway line and to mitigate this impact the application has been submitted with planting proposals which propose a native woodland tree belt with understorey planting across the northern boundary of the site. The land to the north of the application site is elevated and this tree belt will help screen the development from these views. Views from the south will be restricted by existing vegetation including trees to the south as well as the high hedges of the PROW assisting in this. The road is now approximately 360m away from the solar farm, with existing hedgerows bolstered to improve screening. The result of the development being set back so far from the road behind hedgerows is that it has significantly less impact on the visual amenities of the area.

Views from the east are probably the most restricted and this is shown on the applicant's zone of theoretical visibility plan, this is due to existing vegetation and built development. It would still be visible however from some view points and there will be some views of the site at the point where you enter the PROW which would have a negative influence upon its entrance. The impact on the PROW is assessed in full below. Shepherds Farm would be approximately 300m from the solar farm to the east with Tile Cottage and Whitecroft further still, and neither of these properties would have direct views of the solar farm. Views from The Villa would be screened by the existing plantation

tree planting. The views from the west of the site because of the set back from the road will be mostly visible from North Farm which is located adjacent to the railway line approximately 600m from the nearest array. The occupiers of Willowmead Park views of the site will be limited by the existing vegetation surrounding their properties with the farm approximately 550m north of this site.

Overall, it is considered that the because of the revised size and location of the solar farm, the topography of the site and the existing and proposed planting that whilst the proposed farm will create some visual harm that it would not be highly visible in the local landscape and would not unduly harm the rural character.

Impact on Public Right of Way

The previous scheme placed solar panels which surrounded the public right of way that runs through the fields and consequently one of the reasons for refusal was; *"The proposed development would have an unacceptable impact on the Public Right of Way within the site. Users of the PROW running through the site would experience a loss of amenity caused by the incongruous proposal that would harm the views of the site and surrounding countryside thus affecting the character of the path. When established in parts of the site as shown on the submitted site layout plan the erection off 2.4m hedgerows within the site would have an enclosing effect on the users of those Rights of Way to the detriment of their enjoyment of them. This impact would be contrary to policies contained within the National Planning Policy Framework."*

The submitted LVIA for this application states that the closest PROW to the Application Site is public footpath, (FP2 5-10), which traverses along the sites southern field boundary in an east to west direction from Shepherds Farm to North Farm. From the majority of the public footpath, views of the proposed development would be screened by existing boundary vegetation and the proposed hedgerow indicated on the proposed plans, which would be maintained at a minimum height of 2.4 m.

The impact of the development from the PROW is limited as it is located to the north of the path, set well back behind the 2.4m high hedgerow, the panels at their nearest point would be 25m from the path. The reason why the previous application was refused for impact on this PROW no longer apply to this application as the development is located totally to the north of the path whereas previously when users of the path turned to the south they would find themselves surrounded by arrays. The users of this path for the majority of its length adjacent to the site would be unaware of the solar panels existence and it is not considered it would result in a loss of amenity for users of this footpath as the main views that they would experience looking south would not be affected.

Impact on the settlement of Wrea Green

The application site is located approximately 250m west of Wrea Green. The application site is approximately 9.7 hectares although solar arrays will not occupy all of that area, and will take up approximately 3.4 hectares of the total site due to the 6m gap required between them and the undulating land. The previous scheme because of its scale and proximity to the settlement was refused because of the harm it would have to the setting of Wrea Green; *"The proposed development of 38.74 hectares of solar panels and associated infrastructure would result in substantial harm to the setting of the Wrea Green by virtue of the scale and pattern of development adjacent to this rural settlement. The development would lack any relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the*

form, character and setting of the locality contrary to local plan policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.”.

The reduced scheme because of its siting and scale will not have the same impact on the settlement. By way of comparison, the defined settlement boundary of Wrea Green constitutes an area of approximately 46 hectares, application 14/0696 had a site area that extended to 39 hectares and was within 250m of this settlement and so was only 7 hectares smaller than the area of the village itself. The submitted scheme constitutes only 9.7 hectares and so is notably smaller and will not cause the same harm to the setting of Wrea Green. Furthermore, the site is screened from the settlement and as discussed above the impact on the character of the open countryside is reduced.

It is considered that the reduced scheme because of its limited visual impact will not impact upon the setting of Wrea Green, visitors to the village will only have fleeting views of it and it will not impact upon the rural character of the village. The panels remain an uncharacteristic feature of the open countryside but as they have been sensitively sited, with tree belt screening proposed to mitigate views from the railway the proposal complies with the requirements of the NPPG. The scale and siting of development proposed means that despite its proximity to the villages built form that it will not dominate the setting of the village or upset the natural balance of the rural character between fields and settlement. The site will not be able to be viewed from the village, with only limited views to it from the surrounding countryside and therefore would not be viewed as part of the village itself and thus would not affect its character, setting or attraction to visitors and residents alike.

Visual impact summary

From this consideration of the visual impacts of the development, it can be concluded that there would be significant visual impacts from the development to the site itself, but the effect on medium range and long range views would be minimal due to the existing screening, proposed screening and the topography of the site. The users of the railway will have a different visual experience than at present to the east of the site however it is considered that this would be a fleeting feature of journey rather than being for its entirety. The PROW adjacent to the south of the site would experience some views of the site but this would be limited, and given that it is a relatively short stretch of path it is not considered that the change of outlook would harm the view to a degree that could warrant refusal of the application. Some users may view this experience as negative, with a view of modern development over currently open countryside, so it has to be considered that there would be some harm to the visual amenity of the PROW. The effects of the development on the character and appearance of the landscape during the lifetime of the solar farm is not considered to be harmful to the extent where it would be weighed against the contribution of the scheme to the national strategy on low carbon energy. It is officer's opinion that the scale of harm in this location is minor and as such that it would be outweighed by the wider benefits of renewable energy provision.

Ecological Issues

The preceding larger application for this site resulted in objections being raised by both LCC Ecology and Natural England, with the latter stating that there was not enough information submitted to determine whether or not significant effects can be ruled out on wintering bird use and so their disturbance and consequential implications for the protected areas that support them. This led to a reason for refusal as follows:

“The application does not demonstrate that there will be no impact with regard to the ecology within the SSSI including the Ribble and Alt Estuaries (SPA) and Ramsar site which are European Sites or if

necessary how this impact would be mitigated. The proposal has the potential to have harm to wintering and nesting birds, primarily Lapwings and Skylarks and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of these areas and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced.”

Wintering and nesting birds

To overcome this reason for refusal the application has been submitted with additional information, an Ecological Impact Assessment for Birds and Great Crested Newts and a Landscape and Ecological Management Plan have been supplied in addition to the Ecological Survey submitted with the previous application. In total four reports have been submitted with this application;

1. the Extended Phase I Habitat Survey (MWA, September 2014);
2. Wintering Bird Survey Report (MWA, January 2015);
3. Ecological Impact Assessment: Birds and Great Crested Newts (Bowland Ecology, July 2015);
and
- (i) Landscape and Ecological Management Plan (Bowland Ecology and Pegasus Group, June 2015).

This application has been submitted with a further desk study to update that already undertaken to give further details of the presence of bird records on the site and within the local area. The impact assessment also includes spring passage surveys and breeding bird surveys which took place on site, these surveys were undertaken by qualified ecologists and to industry standards. The result of the spring passage survey was that eleven species were observed from one vantage point and 12 from another. None of the passage bird species noted as being qualifying features of the Ribble and Alt Estuaries SPA and Ramsar were observed to cross or stop within the Site. Of the over wintering species identified as being qualifying features of the SPA and Ramsar, lapwing, lesser black backed gull, oystercatcher, shelduck, black headed gull and Eurasian curlew were recorded during the vantage point surveys. In particular, lapwing, lesser black backed gulls and shelduck, passed the site on a number of occasions. However, with the exception of shelduck, few of the qualifying species were recorded to land on the Site. Skylarks were also recorded to land and sing over the Site during the VP surveys. Shelduck were observed to utilise Pond 3 throughout the survey period,

The breeding bird surveys found that a total of 54 species of bird were observed during the bird surveys, of which 22 species were confirmed to be breeding on site. With the exception of one pair of breeding skylark and two pairs of song thrush, which are red list species, all of the species recorded during the visits are typical of the habitats present on site and are common and widespread throughout Great Britain and within Lancashire.

The applicant's evaluation of these survey results states; *“It is likely that the Site is used occasionally by wildfowl during the winter as evidence of light grazing by wildfowl around the ponds was found; however, the species attributable were not known. It is therefore considered that over wintering birds from the statutorily designated sites do not show a strong association with the Site as only lapwing were observed in small numbers occasionally on Site during the vantage point surveys and none were observed on Site during the winter bird survey by Micheal Woods Associated (2015), despite a number of the surveys being timed to coincide with the peak high tide state within the SPA. As previously assessed, the Site is likely therefore to form a minor constituent part of a much wider foraging resource across the wider area...The Site does offers limited habitat for the qualifying*

species associated with the statutory wildlife sites; including foraging habitat (crops and grassland) for wildfowl and potential breeding habitat (ponds and open grassland), however, no passage birds and only lapwing (recorded in small numbers during the passage bird survey and not during the over wintering bird survey) were recorded to utilise the Site during the surveys. As the habitat surrounding the proposed development is similar in nature to the Site, the Site itself is unlikely to be greater in foraging or breeding value than that of its surroundings. In addition, due to the limited use of the Site by qualifying features of the SPA and Ramsar site and the low importance of the tetrad in which the Site is located, the conservation status and integrity of the qualifying features are considered unlikely to be at risk from detrimental impacts caused by the proposal “

With regard to breeding birds they state; *“it is considered that potential impacts to breeding skylark and meadow pipits, albeit minor may arise as a result of disturbance from construction vehicles along the proposed access track. The area of arable land in the centre of the Site has potential for breeding skylark and meadow pipits, however, none were observed at the time of the surveys.*

The application has been supported with a Landscape and Ecological Management Plan, this plan aims to mitigate the impact of the development on the ecological issues found by the surveys including the construction and operational damage and loss of hedgerow and open habitat for breeding birds; and the potential disturbance to breeding birds during construction. The mitigation proposed to avoid disturbance includes measures during construction to include;

- The installation of temporary fencing at least 8 m from the banks;
- All fuel will be stored in appropriate storage containers
- The refuelling of all plant and vehicles on site should be avoided; if it is to take place it should be completed within a designated bunded refuelling area, away from waterbodies; and
- A spill kit must be kept on site and all spills will be dealt with appropriately and logged.
- The hedgerows, trees, rough grassland, ponds and stream corridor are suitable habitats for birds, amphibians, mammals, reptiles and invertebrates. These habitats will be retained and protected by suitable protective fencing during construction.
- Any vegetation removal works, management or infilling will therefore take place outside the breeding bird season which runs from late February until September, in order to prevent any impacts upon nesting birds.
- A breeding bird check of the grassland and arable areas will be undertaken to ensure that they are clear of ground nesting birds, prior to any vegetation clearance. Bird deterrents will be in place across the construction site throughout the construction period to ensure that any ground nesting birds do not commence nesting activity on the exposed soils during construction.
- Works should be completed outside the breeding bird season (March to August inclusive)
- Mitigation for the loss of breeding bird habitat will include the planting of native hedgerow species in existing gaps within the hedgerows and the creation of a tree belt to the north of the Site.
- Loss of grassland and arable habitat that could potentially be utilised by ground nesting birds such as skylark, lapwing and meadow pipits will be mitigated by the creation of grassland to the east of the Site, which is managed specifically for ground nesting birds. This will include the restriction of sheep grazing and/or cutting to periods outside the key ground nesting birds season, which falls between March and August inclusive. Prescriptions for the management of the grassland in this area are detailed within the LEMP.

Natural England have considered the data submitted and consequently raise no objection to the development with regard to the impact of the development on wintering and breeding birds. They state that the proposal is not necessary for the management of the European site and that it is unlikely to have any significant effect on any European site. There are therefore no issues with this

application with regard to Wintering and Breeding Birds and sufficient information has been submitted to determine that the proposal not have an unacceptable impact. Natural England state that a Habitats Regulation Assessment will need to be undertaken and they recommend that we refer to the documents submitted with the application to assist us in screening for likely significant effects.

Protected species

The application was also refused for the following reason because of inadequate information with regard to Great Crested Newts (GCN's);

"The application does not demonstrate that there will be no impact with regard to the ecology to the site, the impact on protected species, specifically Great Crested Newts and common toads which are a species of principal importance, or if necessary how this impact would be mitigated. The proposal has the potential to have harm these species, particularly because of the nature of the site which contains ponds and hedgerows and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of the site and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced."

In order to overcome this objection additional Amphibian surveys have been undertaken and submitted, these surveys were carried out by qualified ecologist using appropriate methods and standards. Five ponds were surveyed and their suitability for GCN's assessed. The amphibian survey results found that smooth newts, a frog and tadpoles were present within the ponds, with ponds 1 and 2 with the greatest species diversity. No amphibians were encountered in pond 4. Great crested newts and common toad were not found to be present at the time of the survey, within any of the four ponds surveyed using standard survey methods. The eDNA sample taken of Pond 5 was tested by SureScreen Scientifics Division Ltd and found to be negative for the presence of great crested newts. The report states that it is considered that impacts to great crested newts and common toad are unlikely to arise as a result of the proposed development for the following reasons:

- No great crested newts or common toad were identified during the survey, only commonly occurring amphibians (smooth newt, common frog and tadpoles) were found.
- Direct negative impacts to the ponds are not anticipated as a result of the proposed works.

However despite this the submitted Landscape and Ecological Management Plan includes mitigation to protect the ponds including;

- During the construction phase the two ponds on the southern side of the site and the pond immediately adjacent to the Site boundary will be retained and protected from the direct impacts of the development. Temporary suitable protective fencing will be installed at least 6 m from the pond edge to protect the structural integrity of the pond banks and faunal interest (to include the area of holes identified by the ornithologist as the suitable/possible shelduck breeding site). This fencing will be checked and maintained until the installation of a permanent deer proof fence and stock fencing are installed
- the fencing of the Root Protection Zones of the hedgerows across the Site and protection of the ponds will minimise potential disturbance and protect the hibernation habitat of amphibians from impacts arising during construction.

It is considered that these survey results which show that there are no GCN's or Common toads within the ponds surrounding the site and the protection of the ponds proposed in the Management plan will ensure that there will not be an unacceptable impact on these species. In line with the NPPF which states that "opportunities to incorporate biodiversity in and around developments should be encouraged" various compensation and enhancement measures are proposed to maximise the biodiversity potential of the site. These are within the Landscape and Ecological Management plan which will be conditioned to be carried out and include but are not limited to the following;

- The grassland to the north and west of the solar array area will be managed to provide a nectar rich sward with seed heads and a longer sward providing invertebrate refuge. Minimal grazing or mowing at an appropriate time of year will ensure this is achieved.
- The ponds with rubble and debris pollution will be cleared out (see the LEMP). The grassland around the ponds (approximately 25 m) will be protected from construction activities and from grazing during the operational phase by stock fencing, thereby protecting breeding birds such as shelduck, which currently utilise the ponds. The grassland around the ponds will be managed in such a way as to promote invertebrates, amphibians and use by foraging and breeding birds.
- Hedgerows will be infilled with new planting to close up gaps and a new tree belt will be planted along the northern edge of the proposed development, creating further continuous habitat for use by birds, amphibians, invertebrates and small mammals.
- Log and brush piles will be created around the Site to enhance the potential of the site for amphibians.
- Between and outside solar arrays, species rich grasslands will be created and enhanced through sowing of diverse wildflower seed mixes to benefit invertebrates and birds.

It is therefore considered that the development will have an acceptable impact on ecology and biodiversity.

Highways issues

Whilst no response has been received from LCC Highways at the time of writing the application has been submitted with a Construction Traffic Management Plan and addendum which have both been considered previously by LCC Highways when considering the larger application site. These have been prepared to address the highways issues with the application, and details the site access, routing of construction vehicles, vehicle trips during and post construction as well as supplying vehicle speeds for the area. LCC commented previously that the development proposal will have its greatest impact on the highway network during its construction phase and that once it is complete there will be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there will be no highway capacity issues and as such it is the safe movement of vehicles which is LCC Highways major concern. The developer is proposing to use an existing field gate access of Moss Side Lane at a point where there is a double white line system in place and the road is subject to the national speed limit.

The same point of access is proposed for this application to that previously considered to which LCC stated that the sightlines at the access are restricted when looking towards Wrea Green due to the hedge opposite the development site, as such the developer proposes that hedge management may be required in order to achieve acceptable sightlines. LCC state that if the hedge remains a sightline of approximately 2.4m x 50m (measured to the centreline) can be achieved. However, the developer is proposing a traffic signing scheme which would influence vehicle speeds and provide adequate warning of turning vehicles for approaching and emerging vehicles. With an appropriate

traffic management scheme they are satisfied that the means of access to the site is acceptable. LCC require the submission of a Construction Traffic Management Plan (in addition to that already considered) which should make provisions to avoid HGV's using The Green at the start and end of the school day due to the presence of child pedestrians and congestion caused at these times and a Highway Condition Survey. They confirmed that there are no highways objections and requested conditions relating to the access to the site, wheel cleaning of construction traffic, off site highway works, the construction management plan and highways condition survey. As the site being considered proposes the same access but will be developed over a smaller scale with these conditions in place there are no highways issues.

Flooding and drainage

The Environment Agency have no comments to make due to the size of the site and its location, the site is in Flood Zone 1, which is defined as having a low probability of flooding. They had no objections to the larger proposal and accepted the findings of the submitted FRA. A Flood Risk Assessment (FRA) has been provided with the application produced by Clive Onions consulting Civil Engineer. This FRA states that the site will be prepared and seeded to allow a mixture of grasses to flourish within the deer fences and species rich wild flowers outside of the fence, with sheep grazing the area around the arrays within the fence. This will therefore provide a high level of natural surface water attenuation and better than current farming practices. No specific drainage channels or pathways will be introduced other than swales. A swale is proposed to be formed along the northern and western boundaries to intercept run off in intense storms and encourage evapotranspiration and infiltration thus reducing the rate of run-off from the site. The swales are located in the marshy areas of the site adjacent to the railway where solar arrays are not suitable. The FRA includes details of the maintenance of the swales. A condition would be required that the development is carried out in accordance with the submitted FRA. It is not considered that there would be an unacceptable flood risk from the development. As the majority of the site is in Flood Zone 1, this development does not require a Sequential Test. There are therefore no flooding or drainage issues with the application.

Other issues

Archaeology

The application was submitted with a Heritage desk based assessment. LCC Archaeology have considered this and have no objections to the development subject to a condition requiring the developer to undertake a programme of archaeological investigating and recording using the 'strip, map and record' approach and that these works are carried out in accordance with a written scheme of investigation approved by the LPA.

Residential Amenity

Some residents surrounding the site will be able to see the development and the proposals visual impact is considered above. In terms of other potential impacts from noise and glint and glare the Council's Environmental Health Officer has considered the submitted information in relation to this and has no objections to the application. It is considered that there would not be an unacceptable impact on residential amenity

Conclusions

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land north of Moss Side Lane, Wrea Green. The principle of this form of development in the countryside is acceptable in light of the support for renewable energies in NPPF, and the information submitted in respect to alternative site search is considered acceptable by officers to justify the use of Agricultural land. The loss of four hectares of Best and Most versatile land whilst not a positive, is not considered that the loss of this land in isolation is significant to the degree that the proposal could be justifiably refused. It is viable that the land can continue to be used for grazing during the operation period of the development and biodiversity enhancements can be conditioned. This is in accordance with NPPG. It is not considered that the development will have an unacceptable impact on residential amenity, the highways network or ecology.

Visually, it has been assessed that the development would have significant impacts on the site itself but that the landscape is not designated for its special landscape quality. Close views of the site would be limited from all directions, with the site well set back from the road and no dwelling directly overlooking the site. Mitigation tree planting is proposed along the northern boundary to screen the site from users of the railway. The impact of the development on medium and long range views would not be significant. Because the site is located in relatively flat and low lying landscape, and will be well enclosed by existing built development and with the provision of hedgerows and native trees the impact of the development will be softened and would not create unacceptable harm to the openness of the countryside.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation planting, it is considered that, on balance, the development gain would outweigh the visual impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

Recommendation

That authority to grant planning permission be delegated to the Head of Planning and Regeneration to GRANT planning permission to allow a Habitat Regulation Assessment to be undertaken, and then also be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. The development 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 4 August

2015, including the following plans:

- Site Location Plan (Drg. BRS.5376_01E);
- Red Line Area Plan (Drg . PVF160-RL);
- Site Layout Plan (Drg. PVF160-SL-G);
- PV Array Structures (Drg. PVF160-Structures);
- Inverter and Transformer Enclosures (Drg. PVF160-Inverter);
- Control Room Cubicle (Drg. PVF160-Control);
- Storage Room Cubicle (Drg. PVF160-Storage);
- Temporary Construction Compound Layout (Drg . PVF160-Compound);
- CCTV Column with Perimeter Detection (Drg. PVF160-CCTV-A);
- DNO Brick Built 33kV HV Switchroom (Drg. PVF160-DNO Sw Room);
- Site Perimeter 2m Deer Fence (Drg. PVF160-Fence);
- Typical boundary clearances for hedge maintenance (Drg. PVF160-Hedge Maint)
- Tree Retention/ Loss and Tree Protection Plan incorporating revised layout (Drawing Ref: BRS.5376_08-B)
- Site layout and planting proposals (Drg BRS.5375_12-H)

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

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Dated 28 July 2015 by Clive Onions) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

4. No part of the development shall be commenced until details setting out the means by which the wheels of vehicles may be cleaned before leaving the site during the construction phase have been submitted to and approved by the Local Planning Authority and such wheel washing facility shall be operated in accordance with the approved details throughout the construction phase of the solar farm.

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

5. No part of the development shall be commenced until the site access and off site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

6. No part of the development hereby approved shall commence until a Construction Traffic Management Plan has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development scheme be carried out in accordance

with the approved plan.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the construction traffic does not have an adverse impact on road safety.

7. No part of the development hereby approved shall commence until a Highways Condition Survey has been undertaken. The survey shall be in accordance with details to be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that construction traffic does not have a detrimental impact on the integrity of the local highway network.

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

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

9. The development shall be carried out in accordance with the Landscape and Ecological Management Plan by Bowland Ecology dated October 2015. The development shall be phased, implemented, and managed in accordance with the approved scheme for habitat creation and management.

Reason: In order to secure adequate compensatory and mitigation habitat and species and to protect existing biodiversity.

10. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding including the proposed hedgerows, native trees and wild flower mix; hard surfacing and the materials to be used for the internal access roads; and, means of enclosure and shall follow the principles shown on landscaping plan BRS.5376_12-h dated 20.10.15.

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

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

11. This permission shall be for a period of 25 years from the date of first export of electricity following which the use hereby permitted shall cease and the site reinstated back to its previous agricultural

use in accordance with a scheme of work to be submitted as part of a Decommissioning Method Statement under condition 12 below. The date when electricity from the development is first exported to the local electricity grid network shall be notified to the LPA in writing within 28 days of its occurrence.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

12. If the solar farm ceases to operate for a continuous period of 12 months at any time during its lifetime, and in any event at least 6 months prior to the final decommissioning of the solar farm at the end of the planning permission, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include a programme of works to demonstrate that the solar panels, transformer and substation buildings, tracks, associated infrastructure, fencing and any other ancillary equipment will be removed from site, and how the site shall be restored back to its former agricultural use and a timescale for these works and site restoration. The approved Decommissioning Method Statement and its programme of works shall be fully implemented within 12 months of date of its agreement by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to ensure that the landscape impact of the development exists only for the lifetime of the development.

13. Construction and decommissioning works shall only take place between the following hours:-
08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays, with no site work on Sundays or bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

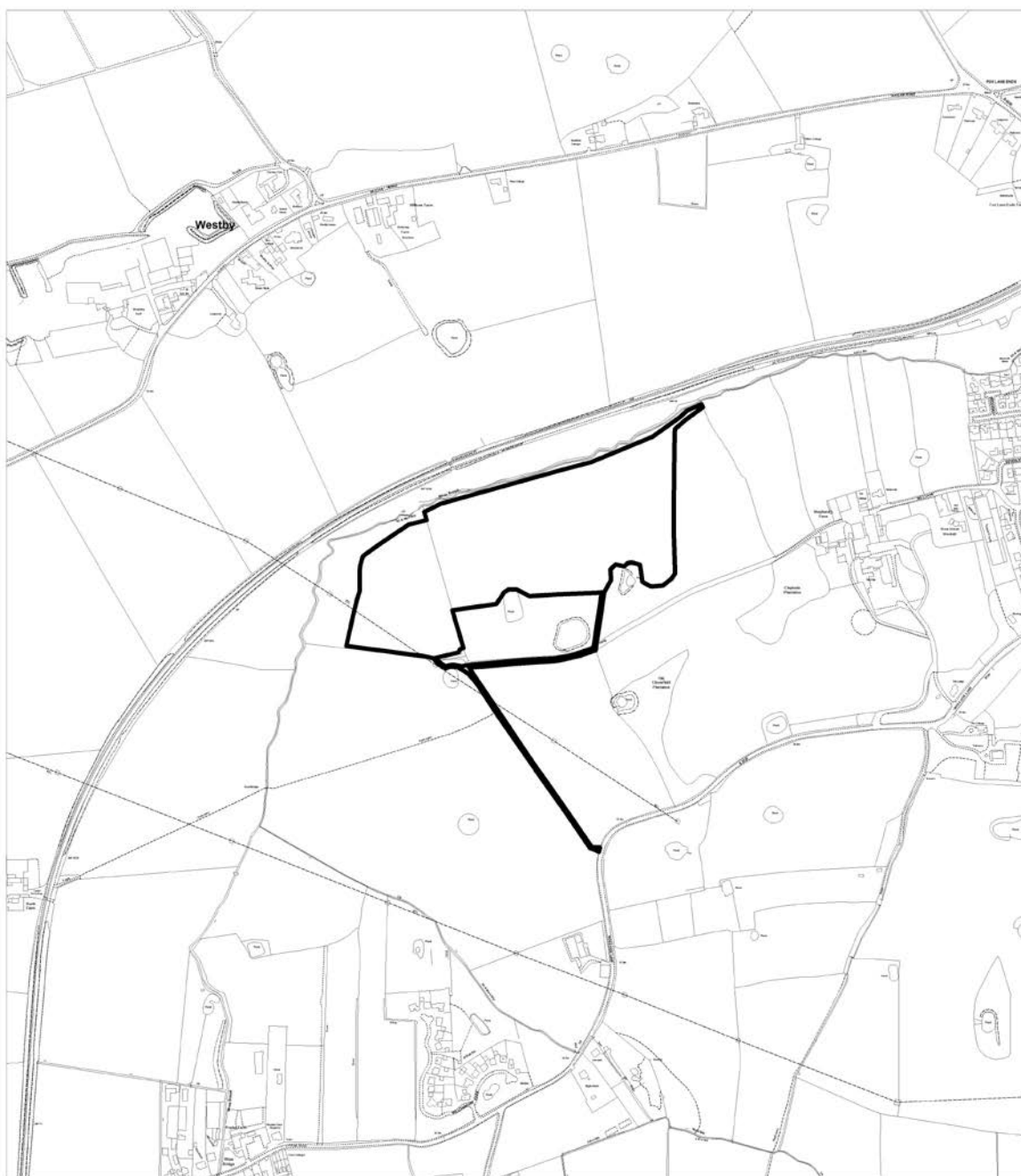
14. Prior to the commencement of development a grazing management plan shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved plan, which shall contain details of how the land will be made available, managed and retained for grazing livestock throughout the operation of the solar farm hereby approved.

Reason: To ensure that the land remains in agricultural use.

15. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

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

16. Within a month of construction of the development hereby approved the proposed temporary site compound shown on drawing PVf160-SLG shall be removed in its entirety and the land reinstated as grassland.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0530	Address Land north of Moss Side Lane & south of the Railway, Wrea Green	Grid Ref. E.3387 : N.4313	Scale 0 40 80 120 160 m

Application Reference:	15/0593	Type of Application:	Full Planning Permission
Applicant:	Mr Young	Agent :	Gary Hoerty Associates
Location:	FYLDE TROUT FISHERY, BACK LANE, WEETON WITH PREESE		
Proposal:	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application site is located in the countryside at Weeton and has been established for some years as a commercial fishery. In recent years the use of the site has broadened to include provision of overnight and other supporting accommodation for those fishing. More recently accommodation for others visiting the site on a recreational basis has also been offered. This application seeks permission for the regularisation of the change of use that this involves and relates to the land, the 'facilities building', a series of camping 'pods' and associated buildings and car park to allow it to be used for general camping use and not necessarily restricted to any association with the fishery.

The application does not involve any new physical development works that would have any visual impact on the countryside. The scale of the site is such that it is not considered to lead to any highway impacts, and with the support for the economic tourism benefits that the development brings it is considered that the use is an acceptable one in principle. It is acknowledged that there have been some amenity concerns raised by other activities at the site in the past year, but camping is considered to be an acceptable use for a rural site such as this. With the imposition of suitable conditions the proposal is in compliance with Policies SP2, SP8, TREC 6 and TREC 10 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the National Planning Policy Framework and is therefore recommended for approval by Members.

Reason for Reporting to Committee

The Head of Planning and Regeneration has agreed to a request from a local ward councillor (Councillor Chew) that the application be presented to Committee for determination due to the local public interest it has raised. It is also the case that the officer recommendation is contrary to the objection raised by Greenhalgh Parish Council albeit that the site is not within that Parish.

Site Description and Location

The application site is Fylde Trout Fishery, Back Lane, Weeton and is also known as 'Stanley Villa Farm Camping'. It is situated on the west side of Back Lane and was granted permission for a leisure fishing lake in 1993. Permission was granted for a timber 'facilities' building alongside the lake in March 2010 to provide supporting accommodation for those using the fishing lake, with a further permission obtained in October 2012 for the siting of 25 camping 'pods' in association with the use of the site as a fishery. There are currently 24 pods on site which provide basic overnight shelter and each measures 3.7m x 2.4m x 2.8m high to the peak of the roof.

There is a further timber building and a 'portacabin' on the site that serve as office and storage accommodation for the site alongside a gravel surfaced parking area. The site is within designated countryside on the Fylde Borough Local Plan, as altered (October 2005).

The area around the lake is generally flat with some wooded areas in the wider countryside. Surrounding land uses are generally in agricultural use with the Little Orchard Caravan Park located adjacent to the western boundary of the site and provides 45 touring caravan pitches on a seasonal basis. In addition there are a small number of other residential properties in the immediate vicinity.

Details of Proposal

The lawful planning use of the site is lake fishing, and the other accommodation around it such as the facilities building, pods and car parking area provided to support those fishing at the site. Over recent months the council became aware that the pods were being used to provide accommodation for visitors that were not undertaking any fishing at the site and so the land was effectively being used as a general camp site. This application seeks permission to regularise that use and to allow the use of the existing pod accommodation for camping use, with use of facilities building, car park and other ancillary elements to support that use. This would allow camping at the site to be undertaken by any visitor irrespective of whether they are intending to use the fishing facilities or not.

A Planning Statement has been submitted in support of the application with the following extract taken from that to explain the applicant's case:

"This application seeks to clarify and in part regularise an existing use. Its two elements (pods and facilities building) essentially comprise one use i.e. the use of the site for camping. That use is existing and has operated without any harm or adverse impact of any kind. It is an appropriate use in a rural location. Its continued operation in the manner in which it currently takes place will assist the continued vitality of a rural business and with the rural economy generally. It conforms with relevant national and local planning policy.

Both the pods and the facilities building are existing. Their design and landscape impact were considered when planning permission was originally granted, and are not issues material to the consideration of this application. Similarly planning permission was granted for the use of 25 pods and a facilities building. Whether their use is for general camping or for use by users of the fishing lake has no impact on the scale or intensity of use therefore makes no meaningful difference in terms of their potential to generate noise and disturbance. Notwithstanding this, the site is well screened and distant from any residential 'receptors' so it is hard to see how its use has any adverse impact on terms of noise and disturbance. The use has no adverse impact on the local highway network, which is more than adequate to accommodate it.

The proposal complies with the National Planning Policy Framework and Policies SP2, SP8 and TREC10 of the Fylde Borough Local Plan as altered (October 2005) as well as TREC6 and TREC7 (to the extent that they are applicable to the site) in that it is sustainable development which will relate to an existing facility and supports the rural economy. The proposal would have no additional landscape or other visual impacts. Planning permission should therefore be granted."

Relevant Planning History

Application No.	Development	Decision	Date
14/0190	RESUBMISSION OF APPLICATION 13/0197 FOR PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Withdrawn	by 24/11/2014
14/0191	RESUBMISSION OF APPLICATION 13/0198 FOR PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Withdrawn	by 24/11/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Refused	11/02/2014
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Refused	11/02/2014
12/0247	CHANGE OF USE OF LAND FOR SITING OF 25 UNITS OF MOBILE "POD" ACCOMMODATION ALONG WITH COOKING AREA, FOR USE ASSOCIATED WITH FISHERY- (PART RETROSPECTIVE).	Granted	10/10/2012
11/0421	VARIATION OF EXISTING CONSENT FOR FISHING LAKE, APPLICATION NO. 09/0839 TO RE-SITE SEPTIC TANK.	Granted	15/11/2011
09/0839	PROPOSED FACILITIES BUILDING, OVERFLOW CAR PARK AREA AND WATER TREATMENT WORKS.	Granted	17/03/2010
07/1143	RETROSPECTIVE APPLICATION FOR BALANCING POND ADJACENT TO EXISTING FISHING LAKE	Raise Objection	No 23/11/2007
06/0174	SIX TIMBER CHALETs	Refused	09/10/2006
05/0440	RE-SUBMISSION OF 04/1066 - PROPOSED ERECTION OF 6 TIMBER CHALETs.	Refused	13/06/2005
04/1066	SIX TIMBER CHALETs	Refused	23/12/2004
04/0369	COUNTY MATTER FOR PROPOSED EXTENSION TO A FISHING POND	Raise Objection	No 26/05/2004
04/0034	EXTENSION TO EXISTING FISHING LAKE, CAR PARK & LANDSCAPING	Withdrawn Applicant	by 09/03/2004
93/0742	LINKING TWO PONDS TO FORM LEISURE FISHING LAKE	Granted	12/04/1994

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0197	PROPOSED CHANGE OF USE FOR SITING OF	Dismiss	19/08/2014

	LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	
13/0198	PROPOSED CHANGE OF USE OF LAND FOR Dismiss SITING OF TWO HOLIDAY LODGES	19/08/2014

Parish/Town Council Observations

The site is located in the area of **Weeton-with-Preece Parish Council**. They have considered the application and state:

“Parish Council has no objections to the application.”

Back Lane is the Parish boundary and so the site is immediately adjacent to **Greenhalgh with Thistleton Parish Council**. They comment:

“Greenhalgh with Thistleton Parish Council determined to object to the proposal to authorise 'general' camping at the Fishery.

There has been a history of significant neighbour complaints over the operation of this site since non-fishing patrons have been attracted and this is very relevant to this application. The planning permission for the over-night accommodation pods was made on a case to support the operation of the fishing lake, not to meet a wider need for camping facilities in the area. The promotion and use of the site currently goes beyond the scope of this previous permission. The Fylde Borough Officers' view accords with this, hence the present application.

In his planning statement the applicant says there are no factors which would militate against the continued operation of the campsite (as now run). Greenhalgh Parish Council disagrees with this viewpoint as it has, on many occasions, reported to the Borough Council incidents of trespass and noise nuisance from camping parties.

Whilst the general thrust of the 'saved' policies of the Local Plan in relation to campsites, and principles of the NPPF would generally support the development of rural recreation sites, there are exceptions.

The NPPF, Para 14 tempers this where 'significant impacts would be felt by the wider community

Local Plan policy TREC 7 suggests 'Campsites will be permitted where the existing provision is inadequate

There has been no case advanced to demonstrate this lack of general camping facilities in this part of rural Fylde. In fact one of the websites used to promote this site indicates that there are 2 other camping sites within 2.5 miles.

This policy also requires that there is 'satisfactory foul drainage'. This appears to be a 'low-facility site with only 'Portaloo' type units serving the camping field and complained about in customer feedback. The Application form does not answer the usual drainage questions. This site does not offer the basic level of infrastructure found on most sites in the UK.

It is not, therefore, a niche site in relation to its facilities. However, it does welcome groups and party bookings normally excluded from most rural sites...

Greenhalgh Parish Council does not feel that this qualifies as meeting an inadequate provision.

At Para 2 of TREC 7 there is a requirement that any development should not have a prejudicial effect on the character of the area. The countryside on the border of Weeton and Greenhalgh is the very heart of green Fylde and, hitherto, has been an example of the tranquil rural landscape and community we are seeking to preserve. The neighbouring small touring caravan site operates without noticeable impact on the area.

Policy TREC10 allows development of recreational facilities in the countryside 'provided they do not conflict with the quiet enjoyment of others'. Since the Applicant has promoted his wider camping business and allowed birthday, stag and wedding events there have been many complaints of aggravated trespass to neighbouring land, loud music, noise and fireworks into the early hours. Unaccompanied very young children have been found wandering in woods and by ponds outside the site.

In his written case the Applicant states at Para 32 that his current wider camping use operates without any adverse harm or impact. This statement appears to be at odds with the many complaints lodged and the actions of Council enforcement staff. The campsite area has also been used for a number of licensed and un-licensed events and it is understood that more are being promoted.

Such use is not in line with the 'quiet enjoyment' principle that applies to Countryside areas.

At Para 33 he suggests that the wider 'general' camping status would make no difference to the intensity of use. The Parish Council believes that by widening the scope beyond the fishing fraternity, the occupation level at the site has increased filling unused capacity. The proposed status would allow the further influx of tent campers.

It was intended that the pod site would accommodate those fishing the lake by day and night. Pond fishing is an unobtrusive, quiet activity and the anticipation was this site would have no adverse impact on the locality. However, the wider non-fishery campers are a mix of families and children and groups sometimes visiting for celebration events. The latter will clearly make 'a material difference in terms of their potential to generate noise and disturbance'.

In relation to highways matters, any increase in the activity of site will create more vehicle movements. As the site offers limited facilities, campers must journey from and to the site for provisions or get 'take-aways' delivered all generating more trips on the narrow lanes serving the area

Accordingly, for these reasons Greenhalgh-with-Thistleton requests that the APPLICATION BE REJECTED.

However, if the Committee is minded to approve the application, we suggest that significant conditions including those listed below, are attached to limit adverse impacts on neighbours.

- *No group or party bookings allowed*
- *No activities on site after 10.00pm*
- *Introduction of appropriate flushing toilets, showers etc.*
- *Gates closed 10.00pm till 08.00am*
- *Duty Manager contact details to be available to site users and others*

Lastly, it must be emphasised that the Parish Council do not accept that the lack of managerial control over the campsite would warrant the development of any Managers accommodation on site."

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

"I have no objections to the site being used for camping but there have been a number of issues during the last 18 months under the current management. In August 2014 a noise abatement notice was served on the site owner as a result of excessive noise from amplified music performed in the open air or within marquees.

This year there were a number of weddings booked but a few were cancelled and some guests withdrew their interest as a result of the restrictions now placed on the site owner. However there were 8 events that were honoured for 2015.

From August 2014 to September 2015 there were a total of 8 separate complaints regarding noise from loud music and 10 recorded complaints of noise from behavioural activity (shouting, screaming etc.). The music events held in 2015 did not result in any complaints to this Department other than the last event on 4th September 2015. In my opinion it is not in the public interest to take formal action under noise legislation as we only have evidence of one breach and this is the last event of this kind. The owner did agree not to have any more functions of this kind after these 8 had taken place.

During 2014 and 2015 other complaints have been received to this department relating to the activities on site. Most have originated from [a neighbour]. They own and reside at [a close neighbouring property to the site]. Last year their emails were complaining about noise from the music. This year the complaints have been with regard to more generic noise from guests camping at the site.

The noise refers to children playing (shouting/screaming/singing), adults singing around campfires and adults laughing and shouting when camping late at night. The site has also been used for corporate events with teams competing against each other resulting in noise from cheering and shouting between each other.

Another concern raised is children being allowed to play, allegedly unsupervised in the wooded area and around the lake."

The Officer then highlights the quiet nature of the surrounding area and the implications that this has for assessing noise and disturbance. He also recognises that there is an adjacent holiday site albeit one that follows a business model that promotes peace and tranquillity whereas Stanley Villa follows a more family, fun and activity based model.

He then continues:

"I would agree that noise as a result of amplified entertainment taking place on site is not in keeping with the locale and should be conditioned. I would ask that no amplified entertainment takes place on site either formally as part of an event or from individual guests who bring their own entertainment as part of a block booking.

People noise is difficult to control and manage – most camp sites have a curfew enforced by the owners. However I am aware that this site allows guests to "block book". This has led to noise complaints as the guests have all arrived together and their activities can encroach onto other campers and those on the adjacent site. However I do not believe a

planning condition can be imposed restricting this. If permission is granted and the site operates as it has it is then it is anticipated that further complaints will be received, and we will look to the applicant to introduce measures that can control the guests on site.

It would be for the committee to decide whether this campsite with an opposing business model to an already established site is approved."

Commercial & Licensing (Caravans)

"This Department does not wish to raise any representations to the application. However, I would support any condition to prevent the erection and use of tents between pods."

Lancashire County Council - Highway Authority

"No objections."

Neighbour Observations

Neighbours notified: 28 August 2015

Site Notice Date: 18 September 2015

No. Of Responses Received: 9 letters of objection (7 from owners of adjacent Little Orchard Campsite, 1 from caravan owner at Little Orchard, 1 from neighbouring property)

Nature of objection comments made:

- on-going noise and vibration from events
- complaints to Police
- upstart business allowed to disrupt and destroy peace and tranquillity
- Stanley Villa Camping run rings around many people without planning consent
- as tax payer expect to be treated better
- nothing done to prevent events
- amount of distress cannot be quantified
- our business being tarred by their brush
- current operations are damaging the rural countryside and neighbouring businesses
- my family's home is being ruined
- general principle of camping no difference but on occasions playing of loud music late in evening heard in property and outside
- use of site for wedding changes from camping to events management
- rural ambience should be respected and noise levels not disturb others
- tents pitched without permission
- noise from site causes distress to friends dogs
- wrong this type of business introduced into countryside
- no requirement for this type of development
- noise pollution
- not operating within conditions of previous planning permissions
- operating a planning breach and unlawful
- screaming, shouting in woods
- children not supervised
- neighbouring caravan park given 'David Bellamy Gold Conservation' award
- haven for wildlife
- events also taking place in facilities building
- difficult to get to sleep
- site in untidy condition

- camper vans seen parked at site
- watershed moment for character of Weeton/Greenhalgh
- what kind of signal will this send out if approved
- strongly object to unlimited number of tents
- unlimited tents requires expansion of toilet facilities
- plan does not show development of Little Orchard Caravan Park

11 letters of support (from neighbours at local addresses)

Comments made:

- we support the proposal and think permission should be granted

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TREC06	Static Caravans and Chalets
TREC10	Countryside Recreation

Other Relevant Policy:

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

Site Constraints

Within Countryside Area

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the change of use of the land and the existing pod accommodation, facilities building, car park and other ancillary elements to support an ongoing general camping use at the existing fishing lake site.

Background information

This site was originally granted planning permission for leisure fishing lakes in 1993, with a further approval granted for an extension to the lake in 2004. Permission was then granted in 2009 for a 'facilities building' to support the authorised use of the site as a leisure fishing lake. This building provides showers, toilets, kitchen and a function room.

Various applications have been submitted for timber 'chalets' on the site, the most recent being applications 13/0197 and 13/0198 which proposed the siting of three lodges, two of which were proposed for holiday use, with the other to provide for manager's accommodation. Both of these

applications were refused, with the manager's lodge on the basis of lack of justification for the creation of an isolated dwelling in the countryside, and the holiday lodges for reasons of their detrimental impact on the visual amenity of the countryside. Both applications were dismissed at appeal.

Prior to the submission of these applications planning permission was granted in 2012 for the siting of 25 timber 'pods' for accommodation use associated with the fishery. The current application relates to these timber 'pods' and the use of the 'facilities building' which has a condition restricting its use to be *"for uses incidental to the existing fishing lake and not for any other purpose including sales of equipment not related to the fishing at the premises."* For information 24 pods are on site although the permission allows for 25.

Policies

The policies relevant to this application are Policies SP2, SP8, TREC6 and TREC10 of the Fylde Borough Local Plan, as altered (October 2005) together with the aims and guidance of the National Planning Policy Framework and National Planning Practice Guidance.

The particular issues for consideration are whether the use of the site for general camping is acceptable in principle, and if so whether it would cause harm to matters of highway safety, the character of the rural area, or to neighbouring amenity; and if harm is caused can this be effectively mitigated by planning conditions.

The principle of a camping use

The site is located in the Countryside where Policy SP2 applies and restricts activities to those uses appropriate in a rural area as set out in a series of criteria. These allow for development which helps to diversify the rural economy and development that allows existing enterprises to continue where that does not harm the character of the rural area. This is consistent with guidance in para 28 of the NPPF which *"supports the sustainable growth and expansion of all types of business enterprise in rural areas"*, and *"support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside"*.

Since the development of the accommodation pods the applicants have expanded the business from simply a fishing lake where they provide accommodation in association with the fishing activity, to a use for general camping. This type of activity would be directly supported by the NPPF as quoted above.

Policy SP8 provides guidance to assess applications for the expansion of businesses in countryside areas. Principal to this is that the development does not cause any harm to the character, appearance or nature conservation value of the countryside and this is assessed below. The other elements for assessment are that the development does not increase the scale of the site that no new taller buildings are constructed, and that the development is within the developed part of the site. All of these criteria are complied with here.

The use for general camping is proposed to be contained within the red edge, as shown on the site plan, which covers the pod area and facilities building site and does not expand to the wider site. Consequently there is no increase in the developed portion of the site and the buildings are acceptable in regards to their scale.

The pods are existing features that are well set back within the site, are small scale, and add 'quirky interest' due to their unusual form. It is suggested that a condition be imposed to any planning permission to ensure that appropriate landscaping is introduced between the site boundary and the adjacent caravan site to enhance the existing provision and to further soften views.

Impact on the character and appearance of the countryside

Fylde Fishery or the more recently named 'Stanley Villa Camping' is located on the west side of Back Lane and is served by a gravelled access road leading off Back Lane which separates the site into two parts. On the right-hand side is the lake, facilities building and car park, on the left the open grassed area of the camping pods and further car parking areas. The pods are arranged in an approximate 'kidney shape' beyond which is an open, rough grassed area separating the application site from the adjacent Little Orchard Caravan Park and from Back Lane. From the highway the site is well screened by high mature hedging, whereas there is a post and rail fence with little landscaping separating the site and Little Orchard.

In terms of visual amenity the application does not propose any additional development on the site beyond that which currently exists. However, a condition was imposed upon granting permission for the camping pods which required a landscaping scheme to be submitted and agreed and this has not been implemented and so it is considered that it should be re-imposed here. This would enhance the existing landscaping on the site and ensure that the development causes no harm to the visual amenity of the countryside.

With regard to the character of the countryside, it has also been argued that the tranquillity of the area is harmed by this development and this is assessed in the following section of this report.

Impact on neighbours/other nearby land uses

Policy TREC6 refers to the development of static holiday caravan and holiday chalet sites. Whilst this application does not propose any extension of the physical aspects of the site it does seek to broaden its use and so its criteria are relevant for the assessment of this application.

Members can see from the reported comments from neighbours that the use of the site over the past months has caused distress to the neighbours and operators of the adjacent Little Orchard Caravan site. This site is a family run business which has won national awards and prides itself on running a quiet, tranquil site.

Policy TREC 10 states "*development proposals for rural recreational purposes in the countryside areas will be permitted provided that they do not prejudice agriculture, nature conservation and other environmental interests, or conflict with the quiet enjoyment of other recreational users of the countryside*".

This application seeks permission for the use of the pods in the red edged area for general camping. The pods are very basic and are in effect timber tents and offer limited facilities having two beds in each pod with little additional space around the beds. Cooking can be undertaken outdoors or in the facilities building. Washing/toilet provision is again available in the facilities building or in the small timber office/shower building at the entrance to the site.

The complaints received in respect of the recent use of the pods has in the main been in regard to the wider use of the site for events which have included weddings, music festivals, parties, etc. These have been undertaken using the permitted development allowance that allows for temporary

uses of land for up to 28 days in any calendar year and so are outside of planning control. However, there is a requirement under the licensing legislation for them to be subject to a 'temporary events notice', with the events that generated complaints being granted such Notices in a block in advance of their taking place. As a consequence of the level of complaints received from neighbours and the observations of officers who have attended to monitor events the council's Environmental Protection Team served a noise abatement notice on the owner of the site in August 2014 relating to the excessive noise from amplified music performed in open air or within marquees. It is also likely that any future application for a Temporary Event Notice would be the subject of an objection from the Environmental Protection Team due to this history and so would be determined by the Licensing Committee.

As these events are outside of planning control and are unrelated to the proposed camping use of the pods under consideration they are not relevant to this decision, but the above information sets the context of the recent use of the site. Having said that, it is appropriate and reasonable in a quiet rural location such as this for the planning system to impose controls that seek to preserve the tranquillity of the countryside by restricting amplified music. These measures could also be imposed as conditions to any Caravan Site Licence issued by Environmental Protection.

Comments have also been received in regard to the behaviour and noise from campers. The owners of the application site and Little Orchard site operate on different business models and have different target markets. Controlling people noise and behaviour is difficult but with better management and restrictions on the licence this is achievable and both businesses could operate without impingement on either side. Accordingly the proposal is considered to comply with criterion 6 of Policy TREC6.

The other criteria of Policy TREC 10 are complied with as the site is not within designated Green Belt, it is in Flood Zone 1 so not in danger of flooding, has appropriate foul and surface water drainage, and is not in use for any agricultural purpose.

The site access to Back Lane is a well-established one with a suitable standard of visibility and construction and has not attracted any objection from the highway authority on this basis. The site is slightly remote from local services, but this is common for the majority of camping sites in the borough, including the adjacent Little Orchard site, and it is not considered that this separation from amenities is an issue that prevents the access implications from being considered appropriate.

Other matters

Weeton Parish Council have not objected to the application. However, the adjacent Greenhalgh Parish Council have objected and have suggested several conditions should the application be approved. These seek to prevent group bookings, prevent activity and access after 10pm, refer to improving site washing/toilet facilities, and relate to management contact details.

With regard to the group bookings suggestion it is not considered that such a condition would be reasonable or enforceable or would serve any planning purpose. The access controls are felt to be unduly restrictive on a holiday operation. The flushing toilets and showers requested are already provided on the site in the facilities building and assessed as part of the Site Licence. A condition is suggested to require confirmation and implementation of an agreed site management plan.

Conclusions

This application seeks permission for use of existing camping 'pods' and a 'facilities building' for a general camping use in a countryside location.

It is considered that the proposal complies with policies SP2, SP8, TREC6 and TREC10 of the Fylde Borough Local Plan, and more particularly the clear guidance in paragraph 28 of NPPF which refers to promoting a strong rural economy to support the sustainable growth and expansion of all types of business and enterprise in rural areas, and to promote the development and diversification of agricultural and other land-based rural businesses; supporting rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Whilst the use of the site for camping is supported in principle it is important that appropriate controls over this are introduced and so conditions are suggested to ensure that the landscaping is enhanced and the camping is restricted to the existing pods on visual impact grounds, and that appropriate management arrangements are secured.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following plans and / or reports:

- Location plan - drawing no. YOU.708.1938.02
- Site plan - drawing no. YOU.708.1938.01
- GHA supporting statement - August 2015

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

2. The use of the site for camping hereby approved shall be limited to the red edge area indicated on drawing no.YOU.708.1938.02 received by the Local Planning Authority on 26th August 2015. Overnight stays shall only be undertaken within the 25 camping 'pods' located in this area with no additional forms of camping on the site such as within caravans, motorhomes, tents, etc.

Reason: To define the permission and layout the site in the interests of clarity, and to control the scope of the permission to ensure that the visual impact of the development on the character and visual amenity of the rural area is maintained.

3. Notwithstanding the provisions of the General Permitted Development Order 2015, the use of the facilities building shall be limited to purposes which are incidental to the use of the site as a fishery and/or camping site only and shall not be used as a venue for functions, parties, or other such events.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site.

4. No 'pods' or other building/structure on the site shall be occupied as a persons permanent, sole or main place of residence.

Reason: The development is provided for fishery and holiday use only as occupation on a

permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

5. Within 2 months of the date of this decision a landscaping scheme, including a programme of implementation and management, shall be submitted to and approved in writing by the Local Planning Authority. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

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

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

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

7. Within 2 months of the date of this decision for the use of the site for camping, hereby approved; a 'Management Plan' shall be submitted to the Local Planning Authority and agreed in writing. This management plan shall include details of the time periods the 'Manager's office' will be manned, security arrangements for the site, contact details (including out of hours) for the Manager and emergency procedures.

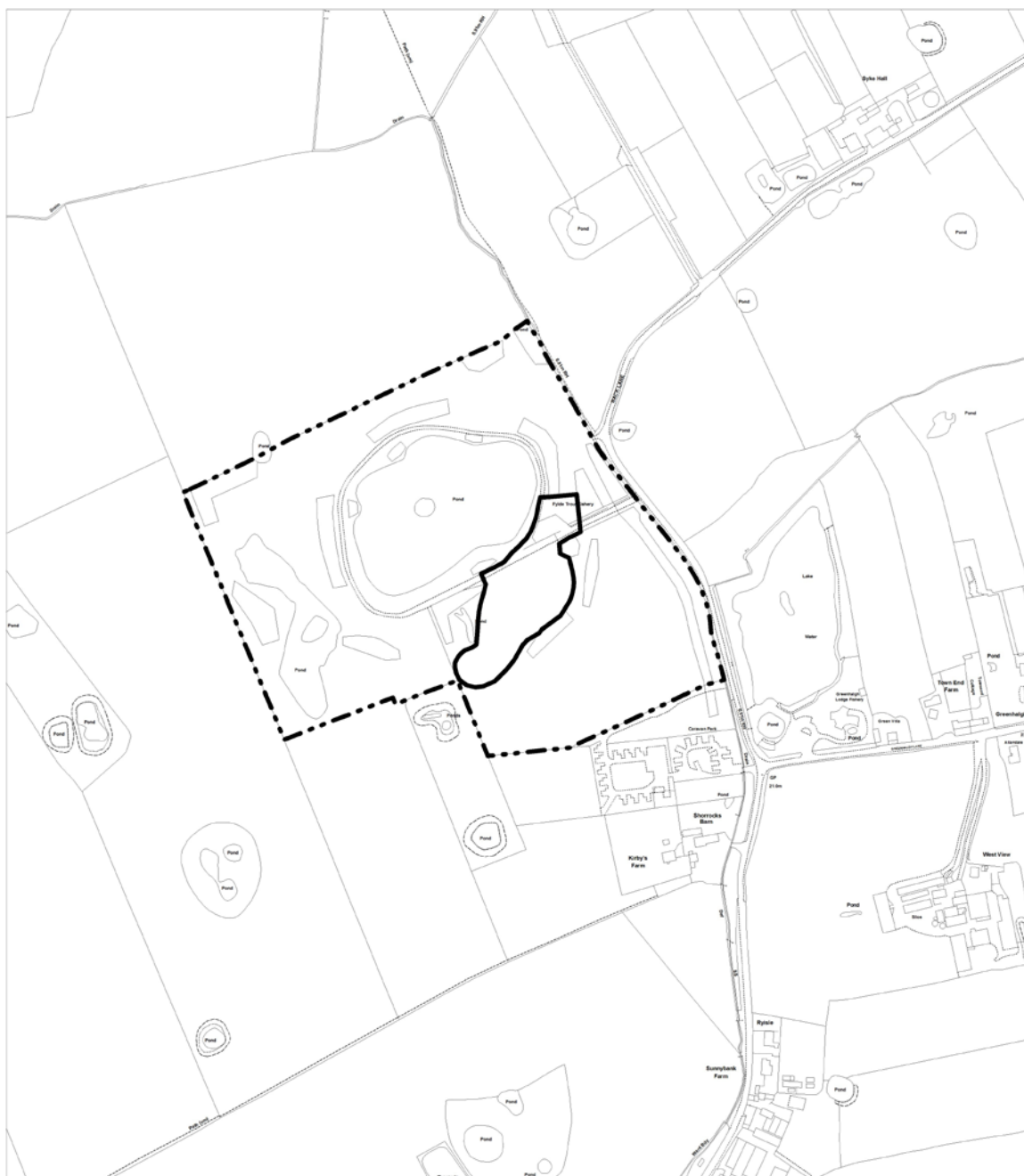
Reason: To provide adequate supervision and security on the site.

8. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015, there shall be no further development or extension of the 'pods' without the prior permission of the Local Planning Authority.

Reason: In order to retain control over the development of the site to preserve the rural character of the site.

9. There shall be no amplified music or any other form of amplified entertainment played outdoors, or permitted to take place, on the site either formally as part of an event or from individual guests who bring their own entertainment that is audible at the boundary of the site.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0593	Address Fylde Trout Fishery, Back Lane, Weeton	Grid Ref. E.3397 : N.4360	Scale 0 25 50 75 100 m

Application Reference:	15/0652	Type of Application:	Advertisement Consent
Applicant:	Fairhaven Lake Cafe	Agent :	Poppy Signs Ltd
Location:	CAFE, FAIRHAVEN LAKE AND GARDENS, INNER PROMENADE, LYTHAM ST ANNES, FY8 1BD		
Proposal:	ADVERTISEMENT CONSENT TO DISPLAY 1 X NON ILLUMINATED POST SIGN WITH FIXED POSTS TO ENABLE ADDITIONAL BANNERS TO BE ADDED		
Parish:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	6	Case Officer:	Mrs C Kitching
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application relates to an advertisement sign promoting the location of the café at Fairhaven Lake. This café is located on the shores of the Lake adjacent to the bowling greens and is separated from Inner Promenade by those facilities. The proposal relates to the erection of a posts-mounted V- shaped sign on the Inner Promenade frontage at the entrance to the car park that serves those facilities.

Whilst the separation of the business itself from the public highway makes it understandable that they would wish to erect a sign to advertise their presence, it is considered that the size of the sign and its height are excessive for this requirement and cause harm to the public amenity of this area. Accordingly it is recommended that advertisement consent be refused due to conflict with Policy EP9 of the Fylde Borough Local Plan and with para 67 of the NPPF.

Reason for Reporting to Committee

The application site is in council ownership and so the decision on the application is to be made by the Development Management Committee.

Site Description and Location

The café is located on the shores of Fairhaven Lake in a brick building that is accessed from the pedestrian route around the lake, and from the car park that serves the bowling green, tennis courts and the other facilities in that area. The actual location of the sign is adjacent to the access point to the car park from Inner Promenade and so would be sited in a grass area that is behind the frontage wall.

Details of Proposal

The application is for advertisement consent and proposes a non-illuminated sign that is V-shaped to be visible in both directions. It is mounted on posts and has sign dimensions of 1.8m wide x 900mm high with the bottom of the sign 1.8m above ground level. This height is proposed to allow the sign

to be seen above the 1.2m boundary wall, and to allow further signage to be added to the posts to display temporary signage to promote cafe events.

The signage proposal involves a colour photograph of the café building in its lakeside setting along with the name and opening hours. No details have been provided of the temporary signage below it.

Relevant Planning History

Application No.	Development	Decision	Date
89/1038	ADVERT CONSENT: FOR CANOPY BLINDS, SPOTLIGHT TO FLAG & FLOODLIGHT TO CAR PARK ENTRANCE	Granted	31/01/1990

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Not in a Parished area.

Statutory Consultees and Observations of Other Interested Parties

Principle Estates Surveyor

Object to the advertisement sign as proposed due to the impact on the Lake and its surroundings as a wider council-owned asset, although a smaller and lower advertisement sign of a different design may be acceptable.

Neighbour Observations

Neighbours notified:	25 September 2015
Site Notice Date:	29 September 2015
No. Of Responses Received:	None

Relevant Planning Policy

Fylde Borough Local Plan:

EP9:	Advertisements
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Other Relevant Policy:

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

Site Constraints

FBLP	Area Special Control for Advertisements
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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

Policy EP9 of the Fylde Borough Local Plan relates to the provision of advertisements, and whilst it is principally framed at shop front advertisements it is relevant for the determination of this application. This policy requires that to be acceptable advertisements must respect the character of their surrounding area in terms of scale, details, siting and illumination. This sign is not illuminated, but is a large sign in its width, height and two-faced nature that will be unduly prominent in this location which is provided and maintained as part of the borough's attractive tourism offer. The proposed photographic style of the sign is also a concern, as is the intention to provide additional changeable signage to both sides of the sign given that no details of this are available and that this will add to the cumulative scale of the sign. It is considered that the sign is contrary to the requirements of this Policy.

The NPPF provides guidance on signage in para 67 and highlights that *"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment"* and requires that the council assess such signs to ensure that they do not cause harm to public amenity or public safety. In this case the sign is not in a location where it is considered that it will have any public safety implications. However, the excessive scale of the sign is such that it will detract from the public amenity of the area and so is contrary to this guidance.

Conclusions

The application relates to an advertisement sign promoting the location of the café at Fairhaven Lake. This café is located on the shores of the Lake adjacent to the bowling greens and is separated from Inner Promenade by those facilities. The proposal relates to the erection of a posts-mounted V-sign on the Inner Promenade frontage at the entrance to the car park that serves those facilities.

Whilst the separation of the business itself from the public highway makes it understandable that they would wish to erect a sign to advertise their presence, it is considered that the size of the sign and its height are excessive for this requirement and cause harm to the public amenity of this area. Accordingly it is recommended that advertisement consent be refused due to conflict with Policy EP9 of the Fylde Borough Local Plan and with para 67 of the NPPF.

Recommendation

That Consent be REFUSED for the following reasons:

1. The proposed advertisement, by reason of its scale (height, width, two-faced nature), its details (photographic image design) and its siting (remote from the premises it relates to) will fail to respect the character of the surrounding area and will harm the public amenity and tourism importance of that area. As such the proposal is contrary to Policy EP9 of the Fylde Borough Local Plan and to para 67 of NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0652	Address Cafe, Fairhaven Lake, Inner Promenade, Lytham St Annes	Grid Ref. E.3340 : N.4273	Scale 0 10 20 30 40 m

Application Reference:	15/0654	Type of Application:	Full Planning Permission
Applicant:	Mrs Robson	Agent :	Cowan & Co
Location:	RIBBY WITH WREA PRIMARY SCHOOL, THE GREEN, WREA GREEN		
Proposal:	FORMATION OF MULTI USE GAMES AREA (MUGA) WITHIN EXISTING PLAYGROUND INCLUDING INSTALLATION OF ASSOCIATED PERIMETER FENCING		
Parish:	RIBBY WITH WREA	Area Team:	Area Team 2
Weeks on Hand:	5	Case Officer:	Rob Clewes
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is within a generally rectangular area of land located to the rear of the School that provides its outside play space. The area is currently hard surfaced and contains a range of play equipment. The site is outside, but adjacent to the edge of, the village conservation area and contains a number of trees that are protected by TPO. The site is faced by a number of properties on Elms Drive and shares a boundary with one of these and other properties fronting The Green.

The application proposes a MUGA to enhance the level of play equipment available for the school, and in principle is supported as it sits within the existing grounds of the school and would complement the existing facilities available for school use.

The scale and modern design of such facilities does raise concerns, but this is a relatively small facility and has been relocated during the consideration of this application. It is not felt to form an overly dominant feature, and with the use of appropriate colours for the fencing, boarding and surface it will not have a detrimental impact on the character of the conservation area or visual amenity of the wider area.

The impact to the amenity of the nearby neighbouring properties from its use is also considered acceptable and with the imposition of conditions restricting its use to that in connection with the school, and the hours of that use, their amenity is adequately protected.

Taking the above into account the proposal is considered acceptable and in compliance with the NPPF and Policies CF1, EP3 and EP12 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 officer recommendation for approval is in conflict with the objection from the Parish Council.

Site Description and Location

The application site is part of the grounds to Ribby with Wrea Primary School in Wrea Green. The school is situated at the junction of Dubside and Station Road at the centre of the village. The School buildings are within the Wrea Green Conservation Area, although the playground (and so this application site) is outside of it. The playground is bounded by residential properties on Station Road, Dubside, the-cul-de sac road of Elms Drive and a residential property on Elms Drive. There are protected trees within the playground which are situated primarily along the northern boundary which is that to Elms Drive.

Details of Proposal

The proposal is for the installation of a Multi-Use Games Area (MUGA) within the existing playground of Ribby with Wrea Primary School. It is located towards the northwest corner of the playground. The MUGA measures 12m by 7.96m and is surrounded by fencing that has a height of 2.6m at both ends and 1.14m high along the sides. At the centre of either end is a recessed 'goal' area with taller boards to 3.8m high which will support a basketball hoop. The facility is not to be floodlit with a scheme of landscaping proposed along the western boundary.

Relevant Planning History

Application No.	Development	Decision	Date
10/0724	LCC APPLICATION - PROPOSED CANOPY TO Raise SIDE, INSTALLATION OF PLAY EQUIPMENT, Objection GAZEBO AND CYCLE SHELTER.		No 29/10/2010
03/0883	ERECTION OF 3 NO. SINGLE STOREY Raise EXTENSIONS TO PROVIDE NEW ENTRANCE, Objection ADDITIONAL OFFICE, CLASSROOM & TOILET FACILITIES		No 08/10/2003
98/0599	L.C.C APPLICATION FOR SINGLE STOREY Raise EXTENSION TO ENLARGE YEAR 1 CLASSROOM Objection		No 07/10/1998
97/0610	LCC APPLICATION FOR EXTENSION TO SIDE FOR Raise SPECIAL NEEDS ROOM Objection		No 18/09/1997
91/0518	ERECTION OF SINGLE STOREY STORAGE Granted BUILDING AT REAR		11/09/1991

Relevant Planning Appeals History

None

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 01 October 2015 and comment:

"After consideration of the above planning application at the parish council meeting of 14th October 2015, the parish council would like to propose REFUSAL with reference to the following issues:

- Visual impact – not in keeping with the designated Conservation Area – wrong colour*

schemes relating to primary colours

- *Fencing – height issues and visual impact*
- *Ecological – removal of trees*
- *Flooding – increased chance of flooding within a prone area*
- *Noise pollution – this site would lend itself to extra-curricular activities and ‘other’ organisations using the site out-of-hours.*
- *Need – is there a relevant need for the site as the school has an existing playground, the Green and tennis club.*

It must be noted that, although the school was established prior to the properties on Elms Drive, the playground was not – this was established subsequently – therefore, residents of Elms Drive should be afforded the courtesy of being consulted, which to date, they have not.”

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

Comments - No objections

Regeneration Team (Heritage)

Comments - No comments received

Neighbour Observations

Neighbours notified: 01 October 2015
Amended plans notified: No re-notification carried out due to minor nature of alterations
Site Notice Date: 13 October 2015
Press Notice Date: 15 October 2015
No. Of Responses Received: 13 letters of objection received
Nature of comments made:

All letters raise objection to the proposal and the comments raised are summarised as:

- The development will harm the visual amenity of the area and the outlook from properties on Elms Drive.
- The potential for the facility to be used outside of school hours will cause excess disturbance to neighbouring residents
- The potential for the facility to be available for hire will also cause parking and congestion issues.
- The use of the facility will increase the noise disturbance that is inevitable with a play facility such as this.
- The development may lead to requests for the existing trees to be taken down due to them overhanging the MUGA
- There will be an increase in flooding
- The MUGA will take up an inappropriate amount of space and be an eyesore
- The school can use the Village Green and Village tennis club facilities for the children’s sport needs and so the MUGA is not required
- There may be requests for the MUGA to be floodlit in future
- The MUGA will attract trespassers and potentially increase crime in the area

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
CF01	Provision of community facilities

EP03	Development within conservation areas
EP12	Conservation trees & woodland
EP27	Noise pollution

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order
Conservation area site

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 visual amenity and character of the Conservation area
Impact to Protected trees
Impact to residential amenity

The principle of the development

The application site is within the existing school grounds which are located within the Wrea Green settlement boundary. The facility would complement the facilities at the site, allowing for a more structured participation for the range of sports/activities to that which can currently take place at the School. Recreational and sporting activities already take place within the school grounds, therefore in terms of use it is considered that the development does comply with Policy CF1 of the Fylde Borough Local Plan as it would merely complement existing uses rather than resulting in an extension to the existing school grounds. The NPPF is also supportive of developments that improve the quality of open spaces and so enhance the contribution that they make to the health and well-being of communities.

It is therefore considered that the principle of the provision of a MUGA to enhance the school play facilities is acceptable.

Impact to visual amenity and character of the Conservation area

The proposed MUGA is located adjacent the Wrea Green Conservation area and therefore its impact to the setting of the Conservation area and the wider area should be considered. The MUGA will have an impact on the visual amenity of the area due to the height of the fencing and boarding which will be seen from certain viewpoints, in particular along Elms Drive. However, whilst this will create an impact to the visual amenity of the area it is not considered so detrimental that it would be unacceptable with this due to its limited footprint of 12m x 8m meaning it will not appear overly dominant.

Whilst the application indicates a mixture of red, blue and green for the playing surface of the facility to differentiate between its different uses this can be controlled by a condition to be more muted and sympathetic to its surroundings, as can the colour of the fencing panels. Furthermore the proposed planting along the western boundary will help soften the visual appearance of the MUGA by creating a green buffer that will be visible through the MUGA.

Overall it is considered that the adjacent Conservation Area and visual amenity of the wider area will not be detrimentally affected provided adequate conditions are implemented and therefore complying with Policy EP3 of the Fylde Borough Local Plan and paragraph 131 of the NPPF.

Impact to Protected trees

The proposed MUGA is located adjacent to a number of protected trees. The Council's tree officer has visited the site and raised no objections to the proposed development in terms of the impact to existing root protection areas or future pressures from overhanging. The installation of the surface of the MUGA does not require excavation and is simply laid on top of the existing hard surfacing.

Impact to residential amenity

The use of the MUGA will create noise associated with those enjoying the activity within it, and at the relatively close proximity to the neighbouring properties on all sides it is clear that this will be heard by their occupiers. However it must also be acknowledged that the land on which the MUGA is to be located is an existing playground which contains play equipment and so will already generate noise associated with its use. This must be a reasonable expectation for those living adjacent to a Primary School. The Councils Environmental Health Officer has confirmed that no complaints have been received in connection with the use of the existing playground.

This MUGA could increase that noise level by its more 'sport' than 'play' use, but this will be controlled by the use of the mesh fencing to contain it and needs to be balanced against that benefits that this will bring to the physical and social well-being of its users as is promoted by the NPPF. Nevertheless the site is close to neighbours and it is considered by officers to be appropriate and necessary to impose controls over the extent of its use so that it is only used in association with the education offered at the school and that its hours of use do not extend into the evening.

With such controls the proposed MUGA will complement the existing use of the playground without causing any undue noise disturbance to neighbouring residents. The presence of a MUGA is a common feature within school grounds in both rural and urban areas, with this facility specifically designed to be used in constrained areas such as at this site. Furthermore in order to provide up to date facilities for schools some development must be expected/accepted in order to achieve this.

Other matters

Whilst there are other sports and recreation facilities available within the village these are not directly associated with the school and access to them is likely to be more problematic due to their separation from the school creating welfare and supervision challenges for the teachers.

The MUGA is to be installed over the existing hard surfacing of the playground therefore in terms of flooding and surface water run-off there will be no increase. As a planting strip has been proposed to the west of the MUGA it is considered that this will help deal with any surface water run-off.

The MUGA is not proposed to be floodlit and therefore this issue forms no part of the assessment. However should the school in future wish to install flood lighting this will require planning permission and be subject to the Councils full planning assessment.

With regard to the issue of trespassing, this is a private/civil matter between the relevant parties and any instances of crime are a police matter which do not form part of the assessment.

Conclusions

The application proposes a MUGA to enhance the level of play equipment available for the school, and in principle is supported as it sits within the existing grounds of the school and would complement the existing facilities available for school use.

The scale and modern design of such facilities does raise concerns, but this is a relatively small facility and has been relocated during the consideration of this application. It is not felt to form an overly dominant feature, and with the use of appropriate colours for the fencing, boarding and surface it will not have a detrimental impact on the character of the conservation area or visual amenity of the wider area.

The impact to the amenity of the nearby neighbouring properties from its use is also considered acceptable and with the imposition of conditions restricting its use to that in connection with the school, and the hours of that use, their amenity is adequately protected.

Taking the above into account the proposal is considered acceptable and in compliance with the NPPF and Policies CF1, EP3 and EP12 of the Fylde Borough Local Plan and it is recommended that planning permission be granted.

Recommendation

The 21 day period allowed for the submission of comments on the application does not expire until 5 November 2015 due to the site notice being posted two weeks later than the posting of letters to neighbours. As such the officer recommendation should be to delegate authority to approve the application to the Head of Planning and Regeneration subject to him being satisfied that all material considerations raised in any further consultation responses received are appropriately satisfied by the submission, have been appropriately considered, or can be satisfied by conditions.

Should he conclude that Planning Permission be GRANTED then this should be subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23 September 2015, including the following plans:

3172.SK1 Rev C - Existing and proposed site plan
PRIM005-B-PT - sheet 1 of 2
PRIM005-B-PT - sheet 2 of 2

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

3. Notwithstanding any denotation on the approved plans details of the finished colour to the playing surface and all elements of the perimeter fence of the MUGA shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a satisfactory standard of development that reflects the character of the Conservation Area and Elms Drive streetscene

4. The use of the MUGA shall be restricted to uses that are associated with the primary school education offered at the School, and shall not be available for hire or use by other groups not associated with the school.

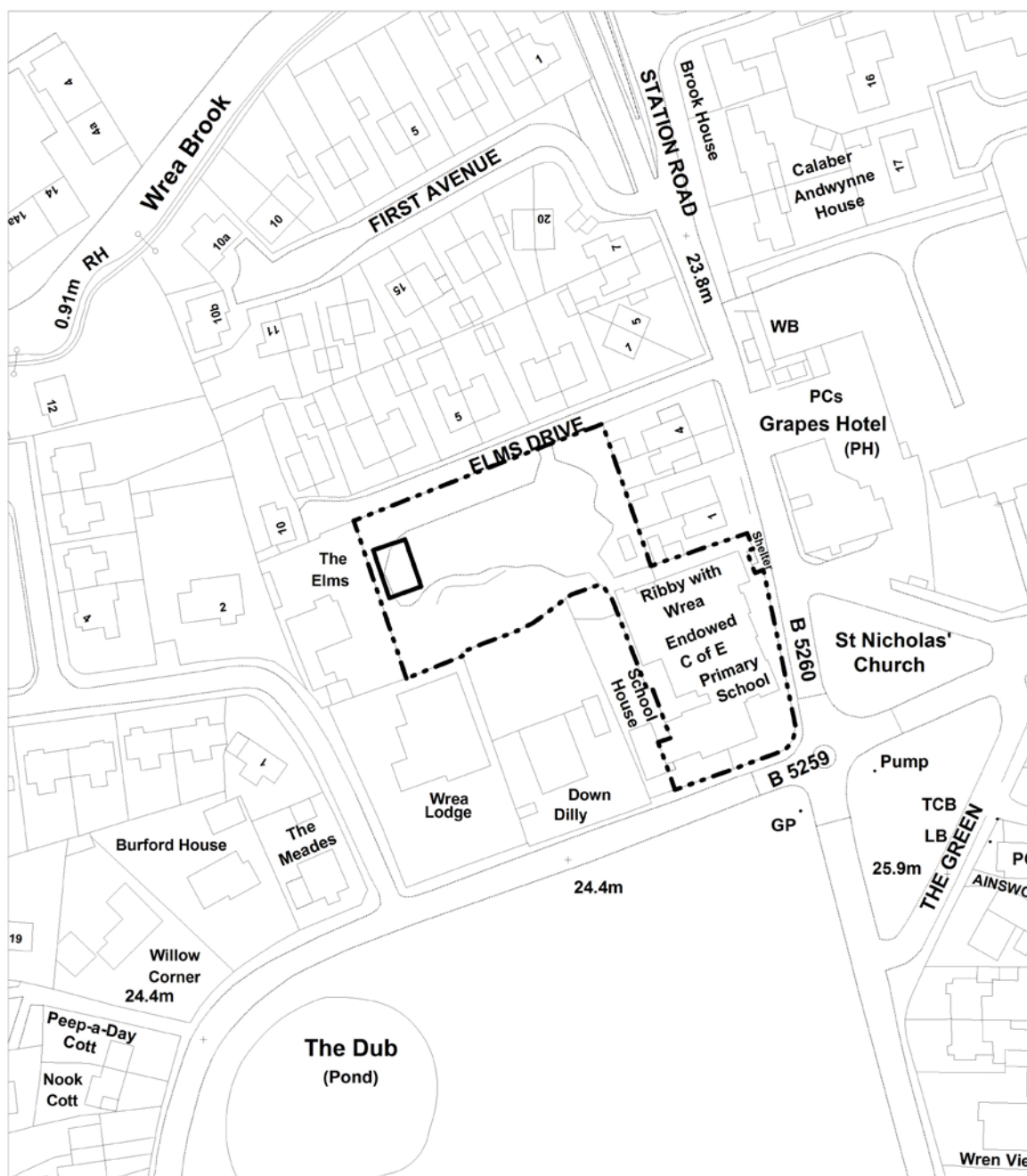
To provide an appropriate level of control over the extent of the use of the facility to protect the amenity of adjacent residential properties.

5. That the MUGA facility hereby approved shall only be available for use between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.

To provide an appropriate level of control over the extent of the use of the facility to protect the amenity of adjacent residential properties.

6. Prior to the first use of the MUGA, hereby approved, the landscaping scheme as shown on plan 3172.SK1, shall be implemented in full and shall thereafter be retained and maintained. Thereafter only those approved species shall be used unless otherwise agreed in writing with the Authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

To ensure that the development presents a satisfactory appearance in the street picture and visual amenity of the area.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0654	Address Ribby with Wrea Primary School, The Green, Wrea Green	Grid Ref. E.3396 : N.4315	Scale 0 6 12 18 24 m

Application Reference:	15/0660	Type of Application:	Listed Building Consent
Applicant:	Mrs Turner	Agent :	
Location:	PUBLIC OFFICES, 292-294 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1LH		
Proposal:	LISTED BUILDING CONSENT FOR MOUNTING OF BLUE PLAQUE ON FRONT ELEVATION.		
Parish:	CENTRAL	Area Team:	Area Team 1
Weeks on Hand:	6	Case Officer:	Mrs C Kitching
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application is for Listed Building Consent to affix a heritage blue plaque to the front elevation of the Public Offices building on Clifton Drive South in St Annes which is a Grade II listed building. The recognition of the building's history is welcomed and the plaque is not considered to cause any detriment to the listed building and so it is recommended that consent be granted.

Reason for Reporting to Committee

The application site is in council ownership and so the decision on the application is to be made by the Development Management Committee.

Site Description and Location

The application relates to the Public Offices building on Clifton Drive South in St Annes. This is a two storey office building providing reception and office facilities used by the council. The building is Grade II listed for its historical and architectural value.

Details of Proposal

Listed building consent is sought to affix a circular cast aluminium heritage blue plaque on the brickwork of the front elevation of the building at eye-level below an existing circular window where it can be read by visitors using the access ramp to the front door. This is to have a diameter of 400mm and contains text that refers to the previous use of the building as the offices of St Annes on the Sea Urban District Council and the current offices of Fylde Borough Council as well as the architect's name (Thomas Muirhead) and the builder's name.

Relevant Planning History

None to report.

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

St Anne's on the Sea Town Council were notified on 25 September 2015 and comment: *"Fully support this application in making the public aware of its significance and historic role in relation to the town's development."*

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 25 September 2015
Site Notice Date: 29 September 2015
Press Notice Date: 01 October 2015
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

Policy EP4 Adaptation of listed buildings

Other Relevant Policy:

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

Site Constraints

Listed Building
Conservation area site

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 principle of erecting blue plaques on listed and other historically important buildings is a well-accepted one with numerous examples in the borough. This plaque follows the accepted style and is positioned where it can be readily seen without detracting from the architectural features of the front elevation of the building. The plaque will raise interest in the heritage asset amongst visitors to the building and as such is welcomed.

Heritage plaques are administered by the Lytham St Annes Civic Society and they have proposed the wording for the plaque after discussion with several local experts. The wording provides details of the status of the building, its age, its architect, its original use, the local dignitary who opened it, and its current use. These details are considered to be relevant and appropriate for such a plaque.

Conclusions

The proposal effectively encourages interest in the history of the town and is acceptable in principle. The proposal is also fully in accordance with the requirements of Policy EP4 concerning the details and so is recommended for approval.

Recommendation

That Consent be GRANTED subject to the following conditions:

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0660	Address Public Offices, 292-294 Clifton Drive South, Lytham St Annes	Grid Ref. E.3320 : N.4286	Scale 0 6 12 18 24 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 23/09/2015 and 23/10/2015. Copies of the decision letters are attached.

The letter attached for Appeal 1 at Blackfield End Farm in Warton is that of the Secretary of State. His decision is based on a report from the Inspector who held the Public Inquiry. As this extends to 61 pages it is not reproduced here, but can be downloaded from the Planning Inspectorate at this [link](#).

Rec No: 1
01 May 2014 13/0674 LAND OPPOSITE AND BLACKFIELD END FARM, Public Inquiry
CHURCH ROAD, BRYNING WITH WARTON
OUTLINE APPLICATION FOR ERECTION OF UP TO 360 MA
DWELLINGS FOLLOWING DEMOLITION OF EXISTING
BUILDINGS (WITH ALL MATTERS RESERVED)
Appeal Decision: Allowed: 24 September 2015

Rec No: 2
06 July 2015 14/0771 LAND OFF SHARD ROAD, SINGLETON, POULTON-LE- Informal
FYLDE, FY6 9BU Hearing
PROPOSED SITING OF STATIC CARAVAN FOR RT
RESIDENTIAL USE (TEMPORARY FOR THREE YEARS)
AND FORMATION OF SAND PADDOCK
Appeal Decision: Dismiss: 02 October 2015

Rec No: 3
03 September 2015 15/0352 GREEN CLOSE, 1 LAUREL AVENUE, LYTHAM ST ANNES, Householder
FY8 4LQ Appeal
PROPOSED CONSTRUCTION OF A SINGLE STOREY RC
DETACHED GARAGE TO SIDE
Appeal Decision: Dismiss: 29 September 2015

Rec No: 4
03 September 2015 15/0257 MANOR HOUSE, THE GREEN, WREA GREEN, Householder
PRESTON, PR4 2WW Appeal
RESUBMISSION OF APPLICATION 14/0686 - RC
AMENDMENT TO APPROVED APPLICATION FOR
INSTALLATION OF TWO NO. BALCONIES TO
SIDE/REAR ELEVATION WITH ASSOCIATED
ALTERATION OF WINDOWS TO FORM DOORWAYS
Appeal Decision: Dismiss: 29 September 2015



Department for
Communities and
Local Government

Sebastian Tibenham
Pegasus Group
Barnett House
53 Fountain Street
Manchester
M2 2AN

Our ref: APP/M2325/A/14/2217060

Your ref: 13/0674

24 September 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY HALLAM LAND MANAGEMENT LTD
LAND AT BLACKFIELD END FARM, CHURCH ROAD, WARTON
APPLICATION REF: 13/0674**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry which opened on 21 October 2014 and sat for 7 days, with site visits on 14 and 26 November, into your client's application to Fylde Borough Council ("the Council") for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674.
2. The appeal was recovered for the Secretary of State's determination on 1 May 2014, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or on sites of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State has noted the agreed change to the description of the appeal site as "land at Blackfield End Farm, Church Road, Warton" (IR2); the

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various changes to access arrangements described at IR3-IR6; and the agreement of the parties that all options should be treated as illustrative (IR7). He is satisfied that no interests have been prejudiced by these minor changes.

Matters arising after the close of the inquiry

5. The Secretary of State has had regard to the correspondence which was submitted after the close of the inquiry, as listed in Annex 1 to this letter. This includes the responses to his letter of 16 June 2015, and the completed S106 Undertaking dated 31 July 2015 (and received from the appellants on 4 August) which is dealt with in paragraphs 18 and 21 below. The Secretary of State has carefully considered the representations received, and is satisfied that they do not raise matters which would require him to refer back to parties again prior to reaching his decision. Copies of these representations can be made available on written request to the address at the foot of the previous page.

Policy and Statutory Considerations

6. 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) as described at IR18-19. The Secretary of State has also taken account of the emerging Local Plan (ELP) (IR20-21); and he agrees with the Inspector and the main parties to the appeal (IR21) 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 (IR22) that the provisions of the emerging Neighbourhood Plan (ENP) can carry only limited weight at this stage.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”) along with the associated planning guidance published in March 2014; the Community Infrastructure (CIL) Regulations 2010 as amended; and the documents referred to by the Inspector at IR23-24.

Main issues

8. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR98.

Character and appearance

9. For the reasons given at IR 99-105, the Secretary of State agrees with the Inspector that the proposed development would have a minor effect on the surrounding landscape, but that moderate harm would be caused in respect of the site itself and from nearby viewpoints. The Secretary of State agrees that, as a consequence, there would be conflict with Policies HL2, HL6 and EP11 of the Local Plan, to which he gives moderate weight in the overall balance.

Highway safety and traffic movement

10. Having carefully considered the Inspector's discussion on the Lytham Road/Church Road/Highgate Lane junction at IR107-121, the Lytham Road/Mill Lane/Ribble View Close junction at IR122, the Lytham Road/GEC junction at IR123, and the site accesses and Church Road at IR124, the Secretary of State agrees with his conclusions within those paragraphs and at IR125 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 at IR125 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.

Prematurity in the context of a Masterplan and the emerging Neighbourhood Plan

11. For the reasons given at IR126-131, the Secretary of State agrees with the Inspector's conclusion at IR132 that the proposed development would not be premature having regard to the preparation of the ELP and the ENP (including the masterplanning exercise referred to at IR128).

Sustainability of the site's location

12. Taking account of the Inspector's findings on the sustainability of the site's location at IR133-137, the Secretary of State agrees with his conclusion at IR137 that the appeal site would be a sustainable location for residential development.

Housing land supply

13. Having carefully considered the Inspector's discussion on housing land supply at IR138-141, the Secretary of State agrees with his conclusion at IR142 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.

Affordable housing

14. The Secretary of State agrees with the Inspector at IR143 that the proposed development would make a significant contribution to meeting the need for affordable housing but that a flexible approach to the tenure of that housing is appropriate in the context of granting outline consent.

The Green Belt

15. The Secretary of State notes that part of the western parcel of the appeal site lies within the Green Belt but that no built development is proposed there (IR144). He agrees with the Inspector (IR145) that the beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the Framework, and that very special circumstances justify use of the land as open space if it is not retained in agricultural use (as indicated in Options 3 and 4 – see IR144). However, the Secretary of State also agrees with the Inspector (IR146) that the appeal proposal does not provide a benefit in terms of a more defensible Green Belt boundary.

Nature conservation

16. The Secretary of State agrees with the Inspector's conclusion that, as explained at IR147-148, appropriate mitigation measures can be secured by condition (see Conditions 10-15 at Annex 2 to this letter) to ensure that the proposed development would not have an adverse material effect on nature conservation interests.

Open space

17. The Secretary of State is satisfied that, as the main parties agree (IR149), the requirements of LP Policy TREC17, concerning open space provision, can be met by the appeal proposal.

Education

18. As the Inspector explains at IR150, the unilateral undertaking by the landowners and the Appellant submitted at the inquiry (IR10) included provision for the payment of an education contribution to secure the additional places required by the appeal proposal. However, as he also explains, the transitional period under Regulation 123(3) of the CIL Regulations has since ended and pooled contributions in respect of an infrastructure project may now only be taken into account from five obligations in the period from 6 April 2010. Accordingly, as suggested by the Inspector, the Secretary of State wrote to you and the Council on 25 June 2015 and, following your respective replies of 7 and 9 July, wrote again on 20 July 2015. In that letter, he accepted the suggestion that, in consultation with the County Council, a more specific Undertaking should be prepared setting out the schools for which the funding towards primary school provision would be targeted, and this was executed on 31 July 2015 (see paragraph 5 above).

Other matters

19. The Secretary of State has carefully considered the various matters referred to by the Inspector at IR151-152, and sees no reason to disagree with any of his conclusions.

Conditions

20. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions, as set out at IR95-97, and the conditions which he proposes as set out in the Annex to the IR. The Secretary of State is satisfied that the conditions set out at Annex 2 to this letter are reasonable and necessary and would meet the tests of the Framework and the guidance.

Planning obligation

21. The Secretary of State has considered the terms of the planning obligation dated 31 July 2015, and he is satisfied that, in this revised form, it meets the Framework tests and complies with the CIL Regulations.

Overall balance and conclusions

22. As the policies in the LP concerning housing land, including the limits of development shown on the Proposals Map, are out-of-date, the presumption in the Framework in favour of sustainable development applies unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Within that presumption, the provision of additional housing to contribute to the land supply in Fylde is a matter of considerable weight in favour of the proposal, as is the provision of affordable housing; and there is no reason why the development should be resisted for Green Belt reasons given the open uses proposed for that part of the site within the Green Belt.
23. Against these factors, only limited weight can be given to the provisions of the ELP and the ENP given their current state of progress. Furthermore, the relatively limited adverse effects for traffic movement and on highway safety, as well as the moderate harm to the character and appearance of the area, are insufficient either individually or cumulatively to outweigh the benefits in terms of housing provision.

24. Overall, the Secretary of State considers that, although the proposed development would represent an extension of the built-up area, it represents a sustainable form of development which will provide much needed housing and which accords with the policies of the Framework taken as a whole

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows the appeal and grants planning permission for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674, subject to the imposition of the conditions set out at Annex 2 to this letter.

26. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

29. A copy of this letter has been sent to Fylde Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Church Road, Warton, Fylde**Responses to Reference back letter (as revised on 25 June 2015)**

Name of Party	Date of response
Fylde Council	7 July 2015
Pegasus Group on behalf of appellants	9 July 2015 4 August 2015
Tony Guest	9 July 2015
Bryning-with-Warton PC Neighbourhood Steering Group	1 July 2015 9 July 2015 13 July 2015
Sebastian Heeley, Development Manager, Redwaters	28 July 2015 25 August 2015

Other responses received too late to be considered by the Inspector

Name of Party	Date of response
Bryning-with-Warton PC Neighbourhood Steering Group	9 June 2015

Conditions

1. Details of the access, 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 carried out as approved. The details of the reserved matters shall be consistent with illustrative masterplans refs 013-006-P008 Rev K or 013-006-P008 Rev L and proposed access arrangements refs 401-F01/D or 0401-F05.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the approved location plan ref 013-006-P001 Rev B.
5. Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to the local planning authority as part of the first application for reserved matters approval. The phasing plans shall include highways, pedestrian and cycle routes, and green infrastructure. No development shall take place until the phasing plans have been approved in writing by the local planning authority, and it shall thereafter be carried out in accordance with the approved phasing plans.
6. The details of the reserved matters for each phase shall include:
 - i) Dwellings in a range of scales and designs, none of which shall exceed 2.5 storeys in height, and
 - ii) The provision of public open space, together with a programme for the maintenance thereof.
7. No development shall take place until a scheme of measures for the protection of retained trees and hedgerows has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in respect of each phase prior to the commencement of development on that part of the site, and it shall be retained for the duration of the construction period.
8. That part of the site designated as Green Belt on the Proposals Map of the Fylde Borough Local Plan as Altered shall be retained as open land.
9. 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 Annex 2 of the NPPF or any future policy that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) 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.

10. No development shall take place until a biodiversity scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent disturbance to areas of natural habitat by people and domestic animals, the provision of bird boxes, a programme for implementation, and arrangements for maintenance. The scheme shall be implemented in accordance with the approved programme.
11. No development shall take place until an updated water vole survey has been carried out and the results submitted to the local planning authority. If any water voles are found on the site, no development shall take place until a mitigation strategy, including a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
12. No development shall take place until an updated great crested newt survey has been carried out and the results submitted to the local planning authority, together with a scheme of great crested newt mitigation measures, prepared in accordance with the report entitled *Great Crested Newt Survey – Blackfield End Farm, Warton, Lancashire – 2013* by Rachel Hacking Ecology (CD7.9), and including a programme for implementation. The mitigation measures shall be implemented in accordance with the approved programmes.
13. No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March – 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.
14. In each phase, no development shall take place until a scheme of external lighting, including a programme for implementation, has been submitted to and approved by the local planning authority. The scheme shall be designed to minimise light spillage and to avoid the illumination of bat roosting opportunities. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
15. In each phase, no development shall take place until a scheme for green infrastructure, including a 5m buffer zone alongside watercourses, ponds and ditches, and a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
16. No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G *Proposed A584 Lytham Road/ Church Road Improvement Scheme*¹, have been submitted to and approved by the local planning authority.
17. No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.

¹ The reference in the title of plan ref 0401-F02/G to the A548 is incorrect.

18. No development shall take place until a scheme to provide an hourly bus service between Lytham and Kirkham via the site at Backfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.
19. No development shall take place on the phase of the site adjacent to the site of the residential development proposed at Riversleigh Farm until a scheme to provide a pedestrian and cycle link to that development has been submitted to and approved by the local planning authority. None of the dwellings in that phase shall be occupied until the pedestrian and cycle link has been constructed in accordance with the approved scheme.
20. None of the dwellings shall be occupied until a travel plan, prepared in accordance with the travel plan framework and including a programme for its implementation, has been submitted to and approved in writing by the local planning authority, and until a travel plan coordinator has been appointed, and notification of that appointment shall be given to the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
21. In each phase, no development shall take place until a scheme for surface water drainage, based on sustainable drainage principles and including a programme for implementation and arrangements for management, designed in accordance with the outflow rates set out on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and no surface water shall discharge to the public sewerage system other than as shown on plan ref TPIN1017-100B. The surface water drainage system shall be constructed in accordance with the approved scheme and programme, and maintained thereafter in accordance with the approved management arrangements.
22. In each phase, no development shall take place until a programme for implementation of the foul drainage system shown on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and arrangements for its management, have been submitted to and approved by the local planning authority. The foul water drainage system shall be constructed in accordance with plan ref TPIN1017-100B and the approved programme, and maintained thereafter in accordance with the approved management arrangements.
23. No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

24. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) hours of construction and demolition work, and of trips to and from the site by construction and delivery vehicles
 - ii) the identification of safe access for construction vehicles
 - iii) the parking of vehicles of site operatives and visitors
 - iv) loading and unloading of plant and materials
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction and demolition
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Appeal Decision

Hearing held on 22 September 2015

Site visit made on 22 September 2015

by S. Ashworth BA (Hons) BPI MRTPI

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

Decision date: 2 October 2015

Appeal Ref: APP/M2325/W/15/3062084

Land off Shard Road, Singleton, Poulton-le-Fylde FY6 9BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Paul Currey against the decision of Fylde Borough Council.
 - The application Ref 14/0771, dated 24 October 2014, was refused by notice dated 23 February 2015.
 - The development proposed is siting of static caravan for residential purposes (temporary for three years) and formation of sand paddock.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit there was a barn, a number of storage containers and both timber and temporary stables on the site, being used in connection with the appellants' equestrian business. The Council contend that none of these structures has the benefit of planning permission and, although the appellant states that one of the buildings occupied the site at the time he purchased it, no convincing evidence has been produced to the contrary. Nevertheless, the appeal before me relates to the static residential caravan, which is already on site and in use, and to a proposed sand paddock. I have determined the appeal on that basis.
3. It transpired during the course of the hearing that the application plans inaccurately show the location of the static caravan as it exists and was intended. I have taken this into account in the determination of the appeal.
4. Prior to the hearing date the Council confirmed, that on advice received from Natural England it would not be pursuing the second reason for refusal which related to the effect of the use on the nearby SSSI and Wyre estuary. I am satisfied that the disposal of waste from the site could be dealt with by condition had the appeal been allowed.

Main Issues

5. The main issues in this case are :

- Whether the proposal would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan.
- The effect of the proposed development on the character and appearance of the area.

Reasons

6. The site lies outside the defined boundary of any settlement, in an area of open land designated as countryside for planning purposes. The adopted Fylde Borough Local Plan (2005) (the Local Plan) seeks to control development in the open countryside in order to encourage development and investment in existing settlements and to help protect the intrinsic value and rural character of the countryside. Accordingly Policy SP2 of the Local Plan states that in countryside areas development will not be permitted except where it falls within certain specified categories. These categories include purposes essentially required for uses appropriate to a rural area. Policy SP11 relates to temporary accommodation for an agricultural worker and states that such accommodation will only be permitted where, amongst other things, there is an established functional need; there is evidence that the enterprise has been established on a sound financial basis; there is a firm intention to develop the business, and that the caravan is sited satisfactorily in relation to other buildings and does not prejudice the visual amenity or the character of the countryside. Policy SP13 relates to the development of equestrian centres and requires, amongst other things, that the proposed development is located where an existing dwelling can provide accommodation for security and supervision and new buildings are appropriately designed using materials which respect the character of the countryside.
7. These policies pre-date the National Planning Policy Framework (2012) (the Framework) which is itself a material consideration. The Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities. It seeks to avoid isolated new homes in the countryside unless there are special circumstances including the essential need for a rural worker to live permanently at or near their place of work in the countryside.
8. The appellants contend that there is an essential need for a worker to live at the appeal site. The key considerations in relation to this issue are the welfare of the horses kept there and the security of the stables. This need relates primarily to a presence when the business is closed at night, rather than during the day when the appellants and other members of the family or staff are working at the unit. To establish whether any need is permanent it is reasonable to consider the nature of the work to be undertaken and whether the business was financially viable and sustainable in the long term.
9. The equestrian enterprise consists of the keeping and breeding of high value horses. There are currently around 7 stallions and a number of brood mares and foals kept at the site. Stud services are not offered to horses other than those belonging to the appellant, although the business includes the sale of straws of semen from the stallions, which are stored elsewhere. The value of the horses is increased by their successful competition in shows around the world and as such this forms part of the business operation.
10. At the hearing the appellant, Mr Currey, explained that the main concern was the possibility of stallions becoming loose from their stables and causing injury

to other horses, particularly to the foals. One such incident had occurred recently. In addition, the appeal statement sets out concerns that the stallions, which are kept in their stables for most of the day, may become cast or suffer from colic and require assistance.

11. Stallions are powerful animals that, I understand, could be dangerous to humans and other animals on site. I noted the damage caused to the timber stables by the horses. However, whilst I accept that the stables require on-going maintenance, there seems no convincing reason why with good management the stables could not be made and kept secure. Indeed it is in the interest of all the animals and the business itself that the stables are fit for their purpose. I accept that as a result of Mr Currey's on-site presence he is able to respond quickly to emergencies. However, on the basis of the evidence before me and given the limited size of the enterprise, instances of horses escaping or becoming ill or cast, appear to be rare. Furthermore other measures, including the use of CCTV would also help in monitoring the welfare of the animals and their security.
12. I acknowledge the appellants' concern relating to the risk of theft from the premises which could relate to the theft of equipment or of the animals themselves. However, no specific evidence relating to the likelihood of such occurrences has been presented. With adequate security measures in place, including adequate boundary treatment, it seems to me that the risk of such theft would be lessened.
13. I understand that the current business has been recently established and accounts are based on forecasts. Nevertheless, the appellants' have considerable experience in this type of business having previously operated a similar, larger scale operation elsewhere. No accounts to demonstrate the financial viability of that business have been provided to support the case and Mr Currey suggested at the hearing that the enterprise had been heavily sponsored by another family business.
14. Moreover, the business plan and financial details for the new business are limited. Although it has been estimated that income in the first year would be £45,000, no receipts for any previous sales have been provided and Mr Currey confirmed that only a limited number of straws had been sold last year. Whilst I acknowledge that the sale of one of the stallions could produce a sizeable income, details of when the horses were likely to be sold and how they would be replaced as part of an on-going business, were limited. Moreover costs associated with the business were not fully detailed; salaries were not included, depreciation did not appear to have been taken into account and expenses associated with the business were not fully set out. To an extent, the business appears to rely on foreign interest in the horses, including the costs of transporting the horses aboard to shows. No contingency for unforeseen circumstances, including the loss of goodwill or injury or loss of a horse, has been demonstrated.
15. It is clear that some investment has been made in the business with the purchase of the land. However, there are no plans to develop the business further. Moreover, and crucially, there is currently no planning permission for the stabling which is essential to the business or for the containers which are used for storage. Based on the evidence available it cannot therefore be concluded that the business is either sustainable or in a position to grow.

16. Taking the above matters into consideration, there may be benefits to the business in having a skilled worker on site to deal with emergencies. However, it is far from clear that there is an essential need for a worker to live on site or that the appeal building would offer a significant benefit over an off-site dwelling. Furthermore, given the lack of certainty over the financial security of the business or the planning status of the buildings, the issue of permanency must also be brought into question.
17. This being so, I conclude that the appeal proposal is unable to demonstrate that there is an essential need for a rural worker to live permanently at the appeal site and, as such, the proposal fails to meet the requirements of paragraph 55 of the Framework, or the requirements of Policies SP2, SP11 or SP13 of the Local Plan which seek to safeguard the countryside from isolated development.

The effect of the development on the character and appearance of the area.

18. The appeal site lies in an open, flat landscape, to the south of the River Wyre. Built development in the locality is sporadic and the character of the area is that of an open, largely featureless, rural landscape. The site is accessed via a track which runs parallel to Shard Road and which is partially screened from view from the road by a hedge. The caravan is located adjacent to that track.
19. In terms of its character, the caravan represents an incongruous feature in an isolated position in the landscape. I accept that in its present position the caravan is partially screened by the hedge. I note Mr Currey's willingness to undertake further planting, which could be secured by planning condition and the suggestion that the caravan could be coloured green. Whilst this would help mitigate against the stark appearance of the caravan as it is at present, nevertheless, even with screening, the development would still be apparent as an isolated development. As such I conclude that the development has a harmful effect on the character of the countryside, particularly in the absence of planning permission for an associated viable business. In this respect the caravan would be contrary to Policies SP2 and SP13 of the Local Plan which seek to protect the character of the surrounding countryside.

Other Matters

20. The appellant has drawn my attention to the development of new houses in the vicinity of the site, which I saw at my site visit, situated close to the river. I do not have the full details of this case before me but I understand that the development was a replacement of a former toll house. As such the circumstances of the case are not directly comparable with the appeal proposal. Moreover it is necessary for me to determine the appeal on its own merits.

Conclusion

21. For the reasons outlined above and taking all other matters raised into account the appeal is dismissed.

S Ashworth

INSPECTOR

APPEARANCES:

For the Appellants:

Mr Paul Currey - appellant

For the Council:

Mr Andrew Stell - Fylde Borough Council

Mrs Ruth Thow - Fylde Borough Council

Mr Edward Robertson - Lancashire County Council

Appeal Decision

Site visit made on 21 September 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 29 September 2015

Appeal Ref: APP/M2325/D/15/3132528

1 Laurel Avenue, Lytham St Annes, Lancashire FY8 4LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Taylor against the decision of Fylde Borough Council.
 - The application Ref 15/0352 2015, dated 15 May 2015, was refused by notice dated 17 July 2015.
 - The development proposed is the construction of a single storey detached garage to side.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the description of development given on the application form. The one used in the above heading, and on which basis I have determined the appeal, is that used on the decision notice and the appeal form.

Background and Main Issue

3. Permission was granted on the appeal site in November 2014 for the construction of a new dwelling following the demolition of the existing house¹. This included a detached garage adjacent to No 105 Ballam Road, in a similar position to the garage on the original property. The house is currently under construction and the appeal scheme seeks to construct a detached garage on the other side of the house.
4. The main issue in the appeal is the effect of the proposed garage on the character and appearance of the area.

Reasons

5. The appeal site is situated on the junction of Ballam Road and Laurel Avenue. Houses in the area consists of large detached houses in generous plots. Laurel Avenue has a spacious and open character created by the houses being set back from the road, and the large grass verge on either side of the road. Despite a number of the houses having been rebuilt, the properties to both side of the road follow a consistent building line which contributes to this character.

¹ Application Reference 14/0633

6. Although the dwelling currently under construction on the site would have its principle elevation to Ballam Road, its side elevation on Laurel Avenue follows the building line along this road. The proposed garage would be located in front of the side elevation of the property. As a result it would project forward of the established building line. It would therefore appear as an incongruous feature that would not respect the character of the street.
7. I accept that the hedge and other vegetation along the boundary would help to screen the garage from view. However, as the height to the ridge would be approximately 4.5m, the structure would still be visible above the hedge, and would appear out of keeping due to its prominent position in comparison to other buildings on the road.
8. It has been highlighted that the other dwellings in the vicinity that front onto Ballam Road all have their garages to the right of the houses. Be that as it may, as the garages are set to the rear of the dwellings they are not prominent features in the street scene. As a result this pattern of houses and garages is not a defining element in the character and appearance of the area. Moreover, the garage to the original dwelling was situated to the left of the house, adjacent to that on No 105 and contrary to the prevailing pattern, and there is no evidence to show that this had any detrimental impact on the character and appearance of the area.
9. Overall, I consider that the proposed garage would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with criterion 1 of Policy HL5 of the Fylde Borough Local Plan (adopted October 2005) which seeks to ensure that developments do not adversely affect the street scene.
10. In support of the appeal, my attention was drawn to the garage at 113 Ballam Road which is located in a similar position in relation to the properties on Laburnum Avenue. I do not know the circumstances that led to this proposal being accepted, or the policies that applied at the time it was considered, and so cannot be sure that it is directly comparable to this proposal. Furthermore, from what I observed, I agree with the Council that the layout of the houses on this street is not as consistent as on Laurel Avenue, nor does it have the same open character. In any event, I have determined the appeal scheme on its own merits.
11. I note that a number of the houses on Lilac Avenue are positioned to take advantage of natural daylight and sunlight. I also accept that the proposed position of the garage may increase the amount of sunlight/daylight to the rear garden in comparison to its position previously approved to the south west of the dwelling. However, given the size of the rear garden, any overshadowing from the garage would be limited in its extent, and the occupier would still have large parts of the garden that would benefit from extensive amounts daylight and direct sunlight.
12. It has been suggested that as the position of the garage would create less noise and disturbance for the occupiers of No 105, and would also require less driveway/ hard landscaping around the house. Nevertheless, these matters would have been considered at the time of the previous application and were considered to be acceptable. As such, I give any benefits that would accrue from these matters little weight.

13. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 21 September 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 29 September 2015

Appeal Ref: APP/M2325/D/15/3132609

The Manor House, The Green, Wrea Green, Lancashire PR4 2WW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Natalie Hawe against the decision of Fylde Borough Council.
 - The application Ref 15/0257, dated 17 April 2015, was refused by notice dated 8 June 2015.
 - The development proposed is described as "amendment to the approved French doors and Juliette style balconies (App Ref 14/0686)".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of nearby residents with particular regard to privacy.

Reasons

3. The proposed balconies would be located on the side elevation of the property in close proximity to the common boundary with No 3 Manor Way. At present the windows that are the subject of the appeal overlook the rear gardens and rear elevations of both this adjoining property, and a number of surrounding properties. Due to their lack of projection, the previously approved Juliette balconies would not significantly increase the degree of overlooking of these neighbouring dwellings and their gardens.
4. However, the current proposal would include a balcony that projected approximately 0.5m from the side elevation. As this would be sufficient depth to enable a person to walk onto the balcony, it would enable a greater range of vision than is currently possible, particularly of the attached house and its garden. Consequently, and bearing in mind the limited distance to the boundaries with the surrounding houses, the proposal would increase both the level of overlooking of the neighbouring properties, and the perception of being overlooked. Therefore it would reduce the level of privacy for the occupiers of nearby dwellings.
5. It has been suggested that when open the door frames would restrict the view sideways. Nevertheless, as the doors would be fitted with clear glass, sideways views would still be possible. Moreover, I agree with the Council that the use

of obscure glass would not be acceptable given that the doors would be the only openings for the bedroom.

6. I note that the inward opening doors and Juliette balcony previously approved would restrict the useable space within the bedroom. Be that as it may, this is not sufficient reason to justify the proposal, given the harm I have identified.
7. Overall, I consider that the proposal would unacceptably harm the living conditions of nearby residents with particular regard to privacy. Therefore, it would be contrary to criterion 2 of Policy HL5 of the *Fylde Borough Local Plan (adopted October 2005)* which requires that proposals do not unduly prejudice the amenities of adjacent and nearby residents.
8. The appeal property is located within a conservation area and as a result I have had special regard to the statutory duty to pay attention to the desirability of preserving, or enhancing, the character or appearance of the Conservation Area. I note that, in this regard the Council has no objection to the scheme. I am satisfied that due to the scale, design and position of the proposal, and the presence of other balconies on dwellings within the area, the appeal scheme would preserve the character and appearance of the conservation area.
9. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSEPECTOR

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
Chief Executive	DEVELOPMENT MANAGEMENT COMMITTEE	4 NOVEMBER 2015	6

The Corporate Plan 2016-2020

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The link in the report is to the proposed Corporate Plan strategic objectives and outcomes for the period 2016-2020. The Corporate Plan is developed through consultation and feedback with stakeholders based on the key strategic responsibilities of the Council. The Plan takes into consideration emerging legislation, policy and changes in resources and responsibilities and is informed by partners, elected members and external organizations.

The Corporate Plan is a high level strategic document that forms part of the Council's budget and policy framework. The document has developed over time and is presented as a single sided 'poster' style matrix with long term outcomes, medium term targets and short term specific actions. The plan is part of a wider performance management framework and links with the Directorate Service Plans developed each year.

The current Corporate Plan expires in 2016, the revised plan outlines the key achievements that the council will deliver between 2016 and 2020. Members can submit comments, suggestions or feedback on the Corporate Plan by emailing alex.scrivens@fylde.gov.uk or calling 01253 658543. The final draft will be presented to Full Council in December for approval.

SOURCE OF INFORMATION

Current legislation in all service areas.
Local Government Association guidance.
District Council Network advice, initiatives and projects.
Service Plans.
Partner consultation, research and feedback.
Medium Term Financial Forecast.
Resident Survey and other customer feedback mechanisms.

LINK TO INFORMATION

<http://intranet.fylde.gov.uk/resources/performance/new-corporate-plan-draft/>

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is being included on the agenda of every committee in the November cycle of meetings to ensure that all elected members are aware of the opportunity to provide comment, suggestion and seek clarification on the proposed Corporate Plan.

FURTHER INFORMATION

Allan Oldfield, allano@fylde.gov.uk 01253 658500

Priorities & achievements...

VALUE FOR MONEY

Spending your money in the most efficient way to achieve excellent services we will:

- Increase income through new and existing means
- Progress the accommodation project
- Continuously review services and assets
- Manage and invest effectively in the council's finances
- Maximise marketing opportunities
- Create a digital council

CLEAN & GREEN

Delivering the services that customers expect of an excellent council we will:

- Continue to deliver high standards of cleanliness
- Mitigate the impact of the loss of the LCC waste subsidy
- Actively enforce waste and cleansing legislation
- Deliver high quality parks and open spaces
- Ensure beaches and waters are clean and safe
- Build on the achievements of the In Bloom initiative

A VIBRANT ECONOMY

Working with all partners we will:

- Improve the transport infrastructure and traffic flow
- Support Enterprise Zones
- Improve car parking
- Enhance and improve our town and village centres
- Deliver the sea defence project with DEFRA
- Attract new businesses and develop existing ones

A GREAT PLACE TO LIVE

To make sure Fylde continues to be one of the most desirable places to live we will:

- Complete the Local Plan
- Deliver housing that meets the need in all communities
- Ensure high standards of housing across all markets
- Approve development that enhances the community
- Implement enforcement action on illegal development
- Support and promote volunteers' efforts to improve their local community
- Involve local residents in the future of their community
- Deliver activities for all age groups
- Champion the quality and reputation of Fylde
- Recognise the significance of our heritage assets

A GREAT PLACE TO VISIT

Promoting Fylde as a great destination to visit, we will:

- Deliver and support quality events throughout the Fylde
- Maximise the natural assets of our coast and countryside by improving their facilities
- Offer an arts collection that is available to everyone
- Provide a positive first impression of Fylde
- Use technology effectively to make Fylde more accessible
- Encourage visitor feedback to improve our tourism of

The actions we plan to take to deliver our priorities...

ACTIONS

- Set a timetable with reporting milestones for the accommodation project
- Produce and implement an investment strategy
- Further reduce the requirement for paper/print through the use of technology
- Increase online service /information provision
- Explore and initiate new income streams

ACTIONS

- Identify and target fly tipping hotspots to reduce their levels
- Promote initiatives to reduce dog fouling
- Focus resources on the reduction of seasonal litter
- Maintain and increase Green Flag status for parks and open spaces
- Strive to achieve Blue Flag status for the beaches
- Work with partners to improve the quality of the bathing water
- Review the waste service to deliver savings through changes
- Improve signage in areas where dog controls are in place

ACTIONS

- Assess the benefits of becoming a member of the Combined Authority
- Engage effectively with the LEP
- Progress the re-opening of the M55/ Moss Road link
- Support the Transport Master Plan projects (junction 2)
- Enforce car parking regulations and review car parking options
- Develop the digital high street
- Engage positively in the Duty to Co-operate on planning initiatives
- Facilitate and support Town Centre Partnerships
- Channel business rates funding opportunities to economic development

ACTIONS

- Implement the timetable for the Local Plan delivery
- Provide appropriate provision for travellers
- Take enforcement action on illegal encampments
- Carry out resident surveys and act upon the findings
- Review and improve bus shelter provision
- Develop a policy to protect our heritage assets
- Build on the success of the Residents' Car Parking Scheme
- Review public information systems for residents

ACTIONS

- Develop a policy on events including Club Days, festivals and concerts
- Improve entrance signage and welcome points
- Improve information in tourist areas and about tourist areas
- Develop and promote rural tourism
- Decide the most effective way to market Fylde, including the future of the holiday guide
- Carry out visitor surveys and act upon the results
- Review and develop social media and online information
- Improve the Promenade and its attractions
- Review the art service
- Revisit the strategy for the development of Fairhaven Lake