

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

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|--------------------|---|
| Date: | Wednesday, 27 July 2016 at 10:00am |
| Venue: | Town Hall, St Annes, FY8 1LW |
| Committee members: | <p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.</p> |

Public Speaking at the Development Management Committee

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

| | PROCEDURAL ITEMS: | PAGE |
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| 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 29 June 2016 as a correct record. | 1 |
| 3 | Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25. | 1 |
| | DECISION ITEMS: | |
| 4 | Development Management Matters | 3-166 |
| 5 | Consideration of Council's Case to Defend Appeal Against Non-Determination of Planning Application 15/0547 at Brook Farm, Dowbridge, Kirkham | 167-208 |
| | INFORMATION ITEMS: | |
| 6 | List of Appeals Decided | 209- 215 |

Contact: Lyndsey Lacey-Simone - 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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27 July 2016

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Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November

2014 and May 2015

- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

Development Management Committee Schedule

27 July 2016

Item Number: 1

Committee Date: 27 July 2016

| | | | |
|-------------------------------|---|-----------------------------|-----------------------------|
| Application Reference: | 15/0505 | Type of Application: | Full Planning Permission |
| Applicant: | Warton Developments | Agent : | Steve Brougham Architect |
| Location: | LAND NORTH OF SNOWDROP GROVE & WEST OF HARBOUR LANE, BRYNING WITH WARTON, PRESTON, PR4 1YB | | |
| Proposal: | RESUBMISSION OF APPLICATION 13/0433 FOR 9 DETACHED HOUSES AND ASSOCIATED WORKS, WITH REVISIONS TO LAYOUT AND HOUSE DESIGNS | | |
| Parish: | WARTON AND WESTBY | Area Team: | Area Team 1 |
| Weeks on Hand: | 52 | Case Officer: | Kieran Birch |
| Reason for Delay: | Negotiations to resolve difficulties | | |

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

<https://www.google.co.uk/maps/@53.7558296,-2.8964764,560m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal involves residential development on a greenfield plant nursery site that is immediately outside of the village boundary of Warton and is allocated as Countryside in the Fylde Borough Local Plan. However, the site has previously been granted planning permission in principle by members for 13 dwellings and is sustainably located adjacent to existing housing approvals and there are clear material considerations in favour of the development in that the borough does not have a five year supply of housing, and the development is adjacent to the existing settlement does not cause any undue harm to the character of the village.

It is considered that the layout and design of this development are appropriate. The submitted details in respect of access, ecology, flood risk, ecology & open space provision are all acceptable and therefore, it is recommended that planning permission should be granted.

Reason for Reporting to Committee

The application site is one that has previously been considered by members and the development draws an objection from the Parish Council, therefore needs to be determined by the Development Management committee.

Site Description and Location

The application site is a rectangular area of land located on the western side of Harbour Lane, Warton. It has a maximum width of 122m to that road and a maximum depth of 450m and is

0.88ha in total. The site is immediately adjacent to built development & the settlement boundary in the Adopted Local Plan and is used as part of a plant nursery. The site contains a pond, greenhouses, nursery buildings and hard standing associated with the nursery use. The site is allocated as a Countryside Area in the Adopted Fylde Borough Local Plan.

Surrounding land uses are mixed with residential properties to the south and east, and open agricultural land to the west and to the north interspersed with isolated dwellings. The land to the west has planning permission for residential development (Blackfield end farm). The site has a hedge boundary to the road and to the fields to the west and north & a modern close boarded fence to the residential gardens to the south.

Details of Proposal

The existing dwelling at the Nursery would be retained and the proposal is in full to erect 9 no. detached houses, comprising 3 different designs, around a 4.8m wide cul-de-sac. The existing vehicular access from Harbour Lane would be utilised and surfaced.

The pond and embankment would be retained and an area of public open space formed. It is proposed to plant trees, shrubs and hedges and create a wildlife meadow and ecological corridor. A post and rail fence will be erected around the existing pond which will have its fish removed and be enhanced to make it more attractive to newts.

The dwellings are designed with pitched, tile roofs and the elevations comprise brick, timber boarding and artstone lintels and cills.

In addition to the indicative plans the application is supported by a Great Crested Newt Survey, an Ecological Statement, A Transport Statement, a Drainage Strategy, a Flood Risk Assessment, a Design and Access Statement and an Arboricultural Impact Assessment & Landscape Statement.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|------------------------|-------------|
| 14/0856 | RESUBMISSION OF APPLICATION 13/0759 FOR PROPOSED ERECTION OF 9 ADDITIONAL DWELLINGS ON PART OF PUBLIC OPEN SPACE | Delegated to Officers | |
| 14/0589 | PROPOSED VARIATION OF DETAILS APPROVED UNDER CONDITION 6 OF PLANNING PERMISSION 12/0289 TO DELAY PROVISION OF THE LOCAL PLAY AREA UNTIL NO LATER THAN 3 MONTHS AFTER THE LAST DWELLING HAS BEEN OCCUPIED, AND TO VARY CONDITION 7 OF THE SAME PERMISSION TO REPLACE APPROVED HEDGE BOUNDARY TO SIDE OF PLOT 66 WITH 2 METRE HIGH TIMBER FENCE AND HEDGE | Refused | 08/10/2014 |
| 13/0759 | PROPOSED ERECTION OF 13 ADDITIONAL DWELLINGS (9 FOR MARKET SALE AND 4 AFFORDABLE) ON PART OF PUBLIC OPEN SPACE, AND CHANGE OF USE OF LAND TO EAST OF HARBOUR LANE TO PROVIDE REPLACEMENT PUBLIC OPEN SPACE | Withdrawn by Applicant | 05/11/2014 |

| | | | |
|---------|--|--|------------|
| 13/0433 | PROPOSED ERECTION OF 13 DETACHED DWELLINGS | Withdrawn - Appeal against non-determine | 12/03/2015 |
| 12/0487 | CHANGE OF USE FROM FORMER GARDEN CENTRE/AGRICULTURAL USE TO RESIDENTIAL CURTILAGE, AND ERECTION OF BOUNDARY FENCE FOR THE PURPOSES OF EXTENDING THE REAR GARDEN BOUNDARIES TO PLOTS NOS 1-15 PERMITTED UNDER PLANNING PERMISSION REF 12/0289 AND RESERVED MATTERS PERMISSION REF 11/0816 | Granted | 18/10/2012 |
| 12/0289 | APPLICATION TO REMOVE CONDITION 18 RELATING TO PROVISION OF ACCESS TO NINE ACRE NURSERY FROM WITHIN SITE, AND ALTER CONDITION 16 TO ALLOW FRONTAGE FOOTPATH TO BE ROUTED BEHIND HEDGE ON PLANNING PERMISSION 10/0776 FOR RESIDENTIAL DEVELOPMENT OF SITE. | Granted | 12/07/2012 |
| 11/0816 | RESERVED MATTERS FOR APPROVAL OF ACCESS, LAYOUT, LANDSCAPING, SCALE AND APPEARANCE FOR THE DEVELOPMENT 66 DWELLINGS, INCLUDING PUBLIC OPEN SPACE, HARD STANDING AND ASSOCIATED WORKS. (OUTLINE PERMISSION 10/0766) | Granted | 02/03/2012 |
| 11/0597 | PROPOSED ERECTION OF REPLACEMENT GLASS HOUSES, DOUBLE DOMESTIC GARAGE AND NEW VEHICULAR ACCESS TO HARBOUR LANE WITH ASSOCIATED DRIVEWAY AND TURNING AREAS | Granted | 06/02/2012 |
| 10/0766 | OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF UPTO 67 NO. DWELLINGS INCLUDING 20 NO. AFFORDABLE DWELLINGS. (ALL MATTERS RESERVED) | Approved with 106 Agreement | 14/09/2011 |
| 04/0261 | OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT | Withdrawn Called In: Secretary of State | 17/03/2005 |
| 99/0475 | RE-SUBMISSION OF APPLICATION NO. 5/98/648 FOR OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT. APPLICATION RE-ACTIVATED JANUARY 2003. | Withdrawn by Applicant | 16/12/2003 |
| 99/0804 | RE-SUB. OF APP. NO. 99/37 (AS AMENDED) FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT, OPEN SPACE, ACCESS ROADS, & ANCILLARY MATTERS; PLUS CONSTRUCTION OF BY-PASS UP TO HARBOUR LANE | Withdrawn by Applicant | 27/11/2006 |
| 99/0037 | OUTLINE APPLICATION FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT, OPEN SPACE ACCESS ROADS, BYPASS AND ANCILLARY MATTERS INCLUDING BALANCING POND PROVISION ON LAND TO THE EAST OF WARTON. | Migrated code | 05/01/2000 |
| 98/0648 | OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT | Withdrawn by Applicant | 11/02/1999 |

Relevant Planning Appeals History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 13/0433 | PROPOSED ERECTION OF 13 DETACHED DWELLINGS | Withdrawn | 12/03/2015 |
| 04/0261 | OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT | Dismiss | 28/03/2006 |
| 99/0037 | OUTLINE APPLICATION FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT, OPEN SPACE ACCESS ROADS, BYPASS AND ANCILLARY MATTERS INCLUDING BALANCING POND PROVISION ON LAND TO THE EAST OF WARTON. | Dismiss | 06/03/2002 |

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 31 July 2015 and comment:

The Council OBJECT to the proposal and recommend refusal, citing the objections below

Grant of this application at this time would completely undermine the submitted Neighbourhood Plan by the Parish Council and draft revised 'Local Plan' of the Borough Council. While under previous planning regulations approval of 13 detached houses may not have been considered as a major development impacting on local planning, events have moved significantly forward in accord with the National Planning Policy Framework and the Localism Act. Fylde Borough Council have a number of significantly larger application for the area around the site of this application, one of which is being reviewed and considered by the Secretary of State following appeal with the Inspectorate and another which pending on this decision and may be subject of the appeal process also resulting in reference to the Secretary of State. Both mentioned applications depending on the accepted stage of the submitted Neighbourhood plan moving toward formal approval and the draft revised 'Local plan' which will also heading toward formal adoption. Grant of this application therefore has the potential to significantly invalidate both 'Plans' meaning the financial consequences to both local authorities would be devastating. The representation therefore is that this application, and any other multiple residential development, would so prejudice both 'Plans' that No consideration to grant the application can be made until the Secretary of State has determined the matters before him. The fact that the application does not address several other issues should also be taken into consideration in regard to planning policy and the weight attached to both 'Plans' in consideration.

In consideration under the existing Fylde Borough Plan (as amended) 2005 this revised application was originally submitted in reference to its immediate neighbouring site; Nine Acres or now called Meadow View, but as resubmitted presumably is independent of the former development. Again there are serious concerns that this application would not meet the criteria required for approval and specifically regarding this proposed development in that under the existing local plan it does not conform to the requirements including TREC 17, Chapter 6, Tourism and Recreation, Section 6.80 – 6.85, Public Open Space with New housing developments under this policy require provision in regard to open space particularly central to the development. There is insufficient provision of public open space in the Councils calculations and here is no provision for any affordable housing.

The Council cannot emphasise the Traffic problems already prevalent on Harbour Lane and the surrounding roads. This application boasts provision for an additional 26 vehicles, the Trip generation

tables 3.0.1 are highly contentious and limited number of peak time journeys improbable in the views of the council, routinely coming and going at various times of the day on already heavily congested highways that were not designed for these levels yet the developers describe in the Transport Statement 2.0.4 "traffic flows on Harbour lane are relatively light and therefore no obvious problems are caused by the on street parking..." anyone that is familiar with Harbour Lane knows that this is far from the truth. The transport statement takes reference from the 2010 TA report which is now not only five years out of date but precedes the Nine Acres/Meadow View development. Reference at 2.0.10 Public Transport is also inaccurate, misleading and clearly out of date. The bus service 2 does not service Warton.

Sewage and surface water drainage remain a concern and is raised time and time again. Concerns previously raised about developments in the area have already been vindicated at the 'Riversleigh' development where additional measures have had to be taken by the developers yet the site has only just commenced actual construction. Further difficulties are anticipated in the future as the concerns appear unheeded.

That the development purports to comply with being sustainable is highly questionable and it does not accord with either the 2005 'Local plan or the draft revised 'Local Plan. The National planning policy framework 2012 does not change that a "Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. In the absence of 'other material considerations' this application should be refused pending the Borough's revised draft local plan being put in place and the Neighbourhood plan formally adopted. There are No material considerations to support this further development even though limited to 13 extra dwellings.

It should also be noted that if this application is granted it voids many of the reasons that the original development at Nine Acres was supported in principle and not strongly objected to in breach of the then residential boundary. This application extends the residential Boundary even further and will have a more pronounced detrimental impact visually on the rural surroundings. Strong representations were made by the developers in regard to gains for local indigenous wildlife, habitat, nature and biodiversity being positively supported and improved yet before the original development is completed this further application is submitted that will undermine much if not all of the grounds in this regard. Combined with a similar residential application for Blackfield end farm and the adjacent land to Nine Acres which has more recently been approved there will be nothing left of the habitat to support any wildlife species in the area. The applications also brings into question many other issues in regard to surface water runoff, drainage, sewerage, increased traffic particularly on Harbour lane which in the original application would not have been considered in totality.

Both the Borough and Parish Council are seeking to avoid 'haphazard' developments that are not consistent with a structured and acceptable Neighbourhood and Borough 'Local Plan' in accordance with current legislation therefore the Parish Council make the strongest representations that this application should be refused.

Should the application be approved, despite the representation, a condition to provide financial investment through 106 monies to improve local recreational facilities in the area is felt to be a necessity to improve the sustainability of the development.

It is requested that any final consideration to approve the application be made by the Development Management Committee.

They were notified again on the 16 November 2015 when the number of dwellings was reduced to

nine but did not make any comments to the revised plans.

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

No objections.

Ministry of Defence - Safeguarding

Comments.

United Utilities - Water

United Utilities will have no objection to the proposal provided that conditions are attached to any approval relating to drainage of foul and surface water.

Electricity North West

No objections.

Environment Agency

No comments to make.

Natural England

Thank you for your consultation on the above dated 25 May 2016 which was received by Natural England on 25 May 2016. This letter is in response to the request by Fylde Borough Council to review the Great Crested Newt Method Statement 101043EC1R0 (written for the adjacent Meadows View Extension but the same methodology is relevant to the Cartmell Site) in relation to Great Crested Newts and the licensing history at this site.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

NATURAL ENGLAND'S ADVICE IS THAT FURTHER HABITAT CREATION SHOULD BE SOUGHT AND COMMENTS THAT SOME OF THE ACTIVITIES WITHIN THE REASONABLE AVOIDANCE MEASURES ARE LIKELY TO REQUIRE A LICENCE SHOULD GCN BE PRESENT WITHIN THE DEVELOPMENT AREA.

Natural England advised Fylde Borough Council in 2015 that this area of land formed part of a licensed receptor site and that current licensing policy was such that we do not issue licences to develop in these areas. This is due, in part, to there being a likely satisfactory alternative to developing on areas agreed to provide habitats as compensation to that lost to development.

The Cartmell site was destined to provide an area of rough grassland, hibernacula and connecting hedgerows to provide compensatory habitats to the GCN population affected by development in this area. An additional breeding pond was also included in this area. These habitats were required, in part, for the construction of the new greenhouses to the east of the proposed site. None of these works were undertaken. The current proposals reduce this compensatory habitat further to a corridor along the northern and western boundaries, a reduced area of grassland, and the additional breeding pond has been

replaced by enhancement of the fish pond.

Natural England has reviewed the Great Crested Method Statement 101043EC1R0 in relation to the proposals, Landscape Plan 2215-PA01-C and our advice is outlined below:

- *The Reasonable Avoidance Measures (RAMS) set out in the Method Statement include repair and replacement of amphibian fencing that was erected under licence and now stands in a state of disrepair. This was also noted on a compliance visit undertaken by Natural England in 2014. Natural England's guidance is that use of Temporary Amphibian fencing is a licensable activity because it obstructs dispersal and can constitute disturbance. If any GCN are present in this area, searching for and removal of individuals is also a licensable activity since the offence of deliberate capture would be likely. It is our advice that works in this area are likely to need a licence if this area is to be cleared in advance of the consented development. As we have previously made Fylde Borough Council and the developer aware of our policy to not issue licences to develop on receptor area, we again recommend the use of our chargeable services to seek a suitable resolution.*
- *Planning consent has not yet been issued for this area and we would again wish to make Fylde aware of our concerns regarding the licensed history of the site.*
- *Should development be consented, we would ask for the following to be included within a method statement drafted specifically for this site:*
 - *Suitable methodology for capture and removal of individual GCN which may present on site.*
 - *Dropped kerbs and offset gully pots to be used on the section of road abutting the pond and grassland area in the centre of the site.*
 - *Clear proposals for the removal of fish from the onsite pond in addition to aquatic planting. Fish are extremely difficult to remove effectively and we view the provision of a suitable breeding pond onsite to be essential. Pond drain down and dry out would be required, alongside ongoing management and maintenance of this pond and removal of fish should any be introduced. Interpretation signage should also be used adjacent to this feature.*
 - *Post development monitoring of the onsite pond and (if possible) pond 6 on adjacent land.*
- *We strongly recommend that a habitat management and maintenance plan is conditioned setting out the management and maintenance of aquatic and terrestrial habitats around the periphery of the site to reduce the post development impacts of interference and potential introduction of fish. This should run for at least 4 years following the completion of the development.*

LCC Highways

I refer to the above planning application and would make the following comments. Since being submitted revisions have taken place to the site. These amend the red edge and reduce the number of dwelling from 13 to 9.

The site benefits from an extant planning permission for 13 dwellings. The means of access to the site remains as previously proposed. I can confirm that there are no highway objections to this proposal and would as that the highway conditions imposed on 13/0433 be repeated here.

Regeneration Team (Trees)

In arboricultural terms this proposal is very low-impact. It necessitates the removal of some young silver birches planted as part of a screen by the site owner, but these were

deliberately over-planted with a view to thinning out anyway.

There's an impressive line of mature native species trees along the northern boundary. These are offsite, and presumably function as a dense screen for the neighbouring property. Already important in their own right, I feel these will increase in significance as a backdrop to a development and a maturing landscape feature in the vicinity. There's the odd bit of safety work needs doing in here but in the main these are a gratifying mix of trees with many years' amenity ahead of them.

The proposal brings no threat to these trees. The land immediately south of them is earmarked for biodiversity purposes in the main with only two proposed dwelling approaching the tree line. Some management of overhang may be necessary, as well as removal of some outgrowing blackthorn scrub that has encroached across the boundary, but there seems no prospect of direct pressure on these trees. Drawings submitted with the tree report indicate tree protection fencing for these so it'd be wise to invoke this by pre commencement planning condition but otherwise I see no issues. That only leaves the question of landscape planting. This is mentioned in the report but I can't see any landscaping plan. My only input at this stage is to ask for some larger-growing trees to be included rather than the clichéd run of Prunus, Sorbus, Betula and so on that make only moderate trees of medium lifespan. This can be agreed later.

Environmental Protection (Pollution)

With reference to your memorandum dated 31 July 2015, there are no objections to the above proposals in principle, however I would add the following conditions:

Construction time shall be limited to 08.00-18.00 Mondays to Friday; Saturdays 08.00 – 13.00 and no work on Sundays or Bank Holidays.

Regeneration Team (Landscape and Urban Design)

I have reviewed the above application. My understanding of the applicants submitted information, is that much of the existing trees and vegetation will be retained and enhanced. Therefore I have no objection.

Lancashire CC Flood Risk Management Team

No objection to the proposed development subject to the inclusion of conditions relating to surface water, SuDs and maintenance of the surface water drainage scheme.

Greater Manchester Ecology Unit

Note – Although I am aware of some elements of the history of the application site, including proposals to develop adjacent and nearby sites, and the 'combined' great crested newt mitigation strategy prepared by REC Associates for both this application site and the 'Meadow View extension' site adjacent to the south in my comments below I have necessarily considered this as a stand-alone application on its own merits.

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

Great crested newts

The most significant ecological consideration for this application is the possible impact of the development on great crested newts. Great crested newts are specially protected

under the terms of the Conservation of Habitats and Species Regulations 2010. Their presence would be a material consideration in the determination of a planning application. The application site and the wider area have been identified previously as potentially supporting terrestrial habitat used by great crested newts. A small population of great crested newts has been recorded in a pond some 50m north of the application site and great crested newts are known to make use of habitat 250m+ from breeding pools. Further, during an amphibian trapping and exclusion exercise undertaken in connection with the implementation of an adjacent housing development a single great crested newt was found and moved; this is an indication that the site does in fact have some value as terrestrial habitat used by small numbers of great crested newts. The newt translocation and exclusion exercise was undertaken under License from Natural England, License no. ESPM2012-4267.

Currently the application site supports a pond, hedgerows and semi-improved grassland. At the time of my site visit (June 2015) the grassland was unmanaged. There is amphibian exclusion fencing in place running along and across parts of the application site. The fencing is not comprehensive and there is tall vegetation growing at the side of the fencing in places, meaning that it will not now be entirely effective as an amphibian barrier. I would not therefore agree with the report of the ecological consultants submitted in support of the application that parts of the site can be considered free of amphibians because of the fencing.

Currently I would consider that the site does have some potential as terrestrial habitat supporting great crested newts. There is direct landscape connectivity to the known breeding pond and connectivity with the wider landscape. The development proposal has potential to cause harm to newts by reducing the amount of available terrestrial habitat and by causing direct harm to newts that may be using the site.

Under the terms of the Conservation of Habitats and Species Regulations 2010 a licence will therefore be required from Natural England to derogate the terms of this legislation before any works can commence that may cause harm to great crested newts. Before a licence can be granted three tests must be satisfied. These are:

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

In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Defra Circular 2/2002 gives guidance to local authorities on how these issues should be considered. The first two tests are essentially ‘land-use planning’ tests. As regards the third test the following points are relevant –

- Optimal great crested newt habitat is generally located within 50m of the breeding pond. In this case the habitat immediately surrounding the known*

- breeding pond is of high quality and will be retained.*
- *The population of newts in the area is small.*
- *Connectivity between the known breeding pond and the wider landscape is capable of being retained.*
- *Mitigation for harm to great crested newts has been put forward in the 'great crested newt mitigation strategy' prepared by REC consultants Ltd, dated November 2014. Mitigation includes the enhancement of an on-site pond for amphibians, the creation of a dedicated receptor site around this pond, hedgerow planting, access restrictions and the installation of amphibian hibernaculae.*

My conclusion is therefore that this site could be developed without causing long-term harm to great crested newt populations providing that the proposed mitigation strategy is implemented in full. This is because sufficient terrestrial habitat and sufficient landscape connectivity would be retained such that the newt population would be sustainable. The third test above could therefore be satisfied. I would recommend that if permission is granted to the development the implementation of the great crested newt mitigation strategy should be required by condition.

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

Other ecological considerations

The hedge-line and the pond have local nature conservation value; should the application be approved these features should be protected from harm.

Neighbour Observations

| | |
|-----------------------------------|--|
| Neighbours notified: | 31 July 2015 |
| Site Notice Date: | 03/08/2015 |
| Press Notice Date: | 20/08/2015 |
| No. Of Responses Received: | 2 (from same address) |
| Summary of Issues Raised: | Housing not required and contrary to Warton Parish Plan. Development should be for bungalows. |

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|--------|--|
| CF01 | Provision of community facilities |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |
| EP23 | Pollution of surface water |
| EP25 | Development and waste water |
| HL02 | Development control criteria for new housing proposals |
| SP02 | Development in countryside areas |
| TREC17 | Public Open Space within New Housing Developments |
| HL06 | Design of residential estates |

| | |
|------|--|
| EP01 | Environmental Improvement Schemes |
| EP10 | Protection of important landscape and habitat features |
| EP18 | Natural features |
| EP24 | Pollution of ground water |
| TR01 | Improving pedestrian facilities |
| TR03 | Increasing provision for cyclists |
| TR05 | Public transport provision for large developments |

Bryning with Warton Neighbourhood Plan

Whilst this Plan remains at an early stage in its preparation and has recently been the subject of extensive comments from the Examiner who has suggested wholesale changes, this site is noted within the plan as already having planning permission (which is not true) and is outside of any proposed housing allocations.

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

Previous application on the site

Planning application 13/0433 was an application for 13 dwellings on this site which members determined to delegate to the Head of Planning to approve subject to a satisfactory response from Natural England with regard to an amendment to the European Protected Species License previously granted. However no such response was received so the applicants decided to appeal for non-determination to the Planning Inspectorate. This appeal effectively removed the LPA from the decision making process despite members resolution to approve the application. As any appeal has to reach the Inspectorate within 6 months either from the date of the LPA's notice of the decision or the end of the period allowed for such a decision, and the application had not been determined and was over 6 months past its expiry date, the Inspectorate were unable to take any action on it. Therefore whilst members supported the principle of development and delegated it to the Head of Planning to approve no decision was issued by the LPA or the Inspectorate and the appeal could not be accepted a being made in time.

Subsequently the application before members today was submitted, originally for 13 dwellings which was subsequently reduced down to 9 dwellings on 23 October 2015. These revised plans were sent out for consultation then with the Parish Council, LCC Highways, Natural England, and the Councils Landscape officer.

Policy Background

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

Under the Adopted Fylde Borough Local Plan the whole of this application site is outside of the settlement boundary of Warton and the land is allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

The Fylde Borough Local Plan is dated, and work is taking place on its replacement which will look at the period to 2032. The Council will be undertaking consultation on the publication version of the new Local Plan in August, with examination due to take place in January and adoption in March 2017. Within the publication version of the plan the application site is within the open countryside located directly adjacent to a strategic housing site and a non-strategic housing site. Warton is identified as a Local Service Centre (in policy S1) and as a Strategic Location for Development (in Policy DLF1). As such it is a location where residential and other development could be focussed. With regard to residential development this is progressed by Policy SL3 which indicates a number of sites where development would be supported, with these based on existing committed developments. This site is not one of those. This Plan is a material consideration, but with the Plan yet to be subject to any examination the weight that can be attributed to it remains limited.

The Bryning with Warton Neighbourhood plan has been prepared in a draft form by a Steering Group from the local community and is more specific than the Fylde Local Plan to 2032 in that it identifies a housing number (650 dwellings) and locations on a plan where this is to be delivered. This is indicated in Policy BWH1 which sets the 650 unit limit and then there are sites identified to the east and west of the village to provide for this number. This site is identified as already having planning permission due to members previous resolution to approve application 13/0433 as outlined above. However, since that Plan's publication in its draft form there have been two notable events. Firstly, the commitments brought forward through the grant of planning permissions since this plan was prepared have exceeded this 650 dwelling limit, and have included sites that are not indicated for development on the plan, most notably the Blackfield End Farm site. Secondly, in late April 2016 the independent Examiner looking at the Neighbourhood Plan published his report which recommended a number of significant modifications be undertaken to enable the Plan to meet the basic conditions set out in legislation, with one of these being the deletion of the Housing Chapter. It is not yet known how the Steering Group will wish to move forward with their Plan following the Examiner's report, but his comments are of such significance that it seems highly unlikely that the inclusion of this site in this Plan can be given any material weight in a planning decision.

Need for Residential Development

The NPPF requires local planning authorities to provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements", and then refers to additional amounts being required where there has been consistent under-delivery.

As such it is critical to understand what the council's housing supply performance is against the

annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2016 and was that the council could demonstrate a 4.8 year supply, which is below the 5 years required by legislation and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF to deliver development. The result of this, is that the council remains unable to demonstrate the 5 year housing requirement.

The guidance in paragraphs 14, 47 and 49 of NPPF is therefore relevant and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance states that planning permission should be granted. There is therefore a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations, most locally to this site at Blackfield End Farm, due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable should be supported. Accordingly it is necessary to examine if this scheme delivers sustainable development.

Sustainability of Location

It is a basic planning principle that development should be directed to the most appropriate location. This is explained throughout the NPPF with its 'presumption in favour of sustainable development' which includes the economic, social and environmental sustainability of development.

The sustainability of the location is a key aspect of this. The site is situated within walking distance of the nearest shops and social facilities in Harbour Lane and Lytham Road. It benefits from existing access to the highway network and is situated in close proximity to a cycle route on Hillock Lane. The village is at a connection of cycle routes and offers a regular bus service to connect to Blackpool and Preston and to Kirkham and the rural villages. These connections allow access to services that are not available in the village, such as a supermarket or a Secondary School, within relatively easy travel times.

The development would not have any direct adverse impact on the built form of Warton, which is the nearest settlement and there is potential for the additional residents that would accrue from this development to bring economic benefits to the nearest shops. The proposed development site is directly adjacent to the established settlement boundary, therefore the development, on its own, would be regarded as an extension to the existing built form of the settlement.

Furthermore the Council has allocated Warton as a Strategic Location for Development and a Key Service Centre in its emerging Fylde Local Plan. This in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions that are available in smaller settlements. This ensures that the village is a suitable one for accommodating growth. The services available include the obvious presence of BAE Systems, Warton which is a major employer and so provides direct and indirect employment opportunities. The village also benefits from churches, two primary schools, a petrol filling station and associated shop, a pub, newsagent, Scout Hut, parade of shops, village hall, playing field and play facility at Bridges, pubs, food outlets, a small Tesco and Co-op, a social club, etc. There is also a health centre located close to the village in Freckleton.

The proposal would not, in environmental terms, result in any harm to visual, ecological or landscape features of note, it is considered that the site of the development, taken on its own or in conjunction with the adjacent land within the proposed Strategic Location for Development would constitute a sustainable form of development.

Principle of development summary

The council is presently unable to demonstrate a five year supply of housing land and so the policies which seek to restrict the development of land outside of settlement areas, i.e. Policy SP2 of the Fylde Borough Local Plan are not consistent with current government guidance in the NPPF and must be considered to be out-of-date.

The more recent borough policy context available at this site in the emerging Fylde Local Plan to 2032 can only be given limited weight at this stage due to its relatively early stage of production. This is supportive of development in Warton in principle, but suggests a target figure of 788 dwellings which has already been exceeded by other sites, and so would be further breached by this development. This Plan does not allocate sites as it relies on the Bryning-with-Warton Neighbourhood Plan for that aspect.

That Neighbourhood Plan has recently been examined by an independent Inspector, who found it necessary to remove the housing chapter so that it met the basic conditions required by legislation. This leaves a limited policy context for assessing applications around the settlement at this time. The default position must therefore be to assess if they offer sustainable development as is required by the NPPF. Having undertaken that assessment it is concluded that the development of this site will be appropriate. Accordingly it is considered that the development of the site for residential development of the scale proposed in this application is acceptable in principle.

Design & Layout

House Design

With regard to the design of the dwellings, the application proposes a mix of three different house types, all 4 bedroomed properties and 2 storeys in height. They are all detached with traditional eaves levels and pitched roofs and would not appear out of character when viewed against the neighbouring residential developments. The materials of construction are proposed to be the use of red brick and concrete roof tiles, which are characteristic of the neighbouring developments. Details of the proposed materials are required to be submitted for approval prior to commencement of development.

Site Layout

Policy HL6 of the Fylde Borough Local Plan relates to the design of residential estates and does not permit layouts that would prejudice the character of the area. In this instance the proposed layout reflects the character of the residential areas to the south and east with the properties fronting the street, private gardens to the rear, off-street parking, and clearly distinguishable boundaries between public and private spaces. The layout is linear in nature to reflect the site constraints and the design facilitates surveillance of the pond and public open space with dwellings overlooking these landscaped areas.

Relationship with Neighbouring Properties

With regard to neighbour amenity the layout has been designed so the dwellings to the south's rear elevations face the rear elevations of the dwellings to the south and are 25m away, this exceeds the

Council's preferred distance for such an arrangement of 21 metres. To the north of the site is undeveloped agricultural land and the distance from the dwellings at the end of the access road and the rear boundary of the site is 25m. As such it is not considered that the amenity of existing neighbouring residents would be affected to an unacceptable level.

Access

The existing access to the site, currently used by the nursery, would be utilised and surfaced, it benefits from satisfactory visibility splays to the north and south as the hedgerow at the site entrance is sufficiently set back from the edge of the carriageway of Harbour Lane. Lancashire County Council (LCC) have no objections to the development and simply ask that conditions placed on the previous application are repeated, which includes the provision of a pavement at the front of the site which is shown on the submitted site plan. LCC Highways have not raised any objection in their role as Highway Authority on grounds of highway safety or capacity.

Public Open Space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17 with appropriate provision made for the on-going maintenance of this. The layout plan indicates that an amount of the site is devoted to open space, however, there are no details of how this will be maintained. Therefore, a condition to secure the long term management of the open space is necessary, should the development be acceptable in principle.

Ecological Issues

The application is supported with a Great Crested Newt Survey which includes occupancy surveys of the wider area. Within the report it is outlined that no great crested newts were identified during any of the four surveys, however access was denied to pond 6 which is the pond that was most recently known to support them (2009 and 2011). Pond 6 is located to the north of the application site and is relatively unchanged since those surveys. As access was denied and previous surveys found them to be present the report assumes that a small population is still present. The submitted information also includes a copy of the development licence issued by Natural England for the Harbour Lane development site. During those works it has been confirmed that only one great crested newt was captured during a 30 day translocation. On the basis of the presence of existing amphibian proof fencing the report states that it is reasonably unlikely that the application site supports great crested newts. Pond 5 is located within the application site and is an ornamental pond located in the garden area of the nursery and has fish present within it, which renders it unsuitable for newts.

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

They state that there is direct landscape connectivity to the known breeding pond and connectivity with the wider landscape. The development proposal has potential to cause harm to newts by reducing the amount of available terrestrial habitat and by causing direct harm to newts that may be using the site. As such a license will be required from Natural England before any works can commence that may cause harm to newts. GMEU's view is that the site could be developed without causing long-term harm to the newt populations provided that the mitigation strategy is implemented in full. This is because sufficient terrestrial habitat and sufficient landscape connectivity would be retained such that the newt population would be sustainable. They would recommend that if permission is granted to the development the implementation of the great crested newt mitigation strategy should be required by condition.

Mitigation for harm to great crested newts has been put forward in the 'great crested newt mitigation strategy' prepared by REC consultants Ltd, dated November 2014. Mitigation includes the enhancement of an on-site pond for amphibians, the creation of a dedicated receptor site around this pond, hedgerow planting, access restrictions and the installation of amphibian hibernaculae. Planning application 14/0856 which allowed 9 dwellings at the rear of Snowdrop Grove was also subject to a condition requiring a method statement to be submitted which GMEU and Natural England have confirmed is acceptable and the applicants have confirmed that the same methodology would be used on this application site.

Natural England have commented and their response is as outlined in full above. Their response is based on the application and the Great Crested Newt Method Statement 101043EC1R0 (written for the adjacent Meadows View Extension but the same methodology is relevant to the Cartmell Site) in relation to Great Crested Newts and the licensing history at this site. This is because the two sites are linked in relation to newts and the connectivity between them and the surrounding area. Natural England have commented that this area of land formed part of a licensed receptor site and that current licensing policy was such that they do not issue licences to develop in these areas. The proposal reduces the compensatory habitat from the previous license and the additional breeding pond replaced by the enhancement of the fish pond.

They state that they have reviewed the method statement and landscape plan submitted in support of the application and that the Reasonable Avoidance Measures (RAMS) set out in the Method Statement include repair and replacement of amphibian fencing that was erected under licence now stands in a state of disrepair. This was noted on a compliance visit undertaken by Natural England in 2014. Natural England's guidance is that use of Temporary Amphibian fencing is a licensable activity because it obstructs dispersal and can constitute disturbance. If any GCN are present in this area, searching for and removal of individuals is also a licensable activity since the offence of deliberate capture would be likely.

It is NE advice that works in this area are likely to need a licence if this area is to be cleared in advance of the consented development. As NE have previously made Fylde Borough Council and the developer aware of their policy to not issue licences to develop on receptor area, they recommend the use of their chargeable services to seek a suitable resolution.

They state that should development be consented, they would ask for the following to be included within a method statement drafted specifically for this site to cover:

- *Suitable methodology for capture and removal of individual GCN which may present on site.*
- *Dropped kerbs and offset gully pots to be used on the section of road abutting the pond and grassland area in the centre of the site.*
- *Clear proposals for the removal of fish from the onsite pond in addition to aquatic planting.*

Fish are extremely difficult to remove effectively and we view the provision of a suitable breeding pond onsite to be essential. Pond drain down and dry out would be required, alongside ongoing management and maintenance of this pond and removal of fish should any be introduced. Interpretation signage should also be used adjacent to this feature.

- *Post development monitoring of the onsite pond and (if possible) pond 6 on adjacent land.*
- *They strongly recommend that a habitat management and maintenance plan is conditioned setting out the management and maintenance of aquatic and terrestrial habitats around the periphery of the site to reduce the post development impacts of interference and potential introduction of fish. This should run for at least 4 years following the completion of the development.*

Summary

Whilst Natural England state it is not their policy to issue licenses in receptor areas they have given advice on what they would want to see within a method statement for the site, and GMEU have stated that a license will be required from Natural England before any works can commence because of the potential harm to newts. However a license would not be applied for or granted unless a planning permission is in place, and as the Council's ecologists have recently visited the site and state that the site can be developed without causing long-term harm to the newt populations provided that the mitigation strategy is implemented in full because sufficient terrestrial habitat and sufficient landscape connectivity would be retained such that the newt population would be sustainable it is not considered that a refusal reason based on the potential impact on newts is justified. Therefore conditions will be put on any approval to secure the appropriate method statement.

Other Planning Considerations

Flooding and drainage

The application is supported with a Flood Risk Assessment and drainage strategy and LCC have raised no issues with its content or the impact on surface water drainage. Similarly, United Utilities have no concerns over drainage and it is considered that conditions on any approval would provide adequate security on this matter. The proposed method of dealing with surface water from the development is to mimic that of the site, it is therefore proposed to drain the surface water arising from the development into the existing ditch at greenfield rates using a hydrobrake flow control. Foul drainage will connect into the existing system.

Contributions

As the application is for less than 10 dwellings there can be no requirement to provide affordable housing or education contributions from this development.

Conclusions

This proposal is a full application for the development of 9 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan. The principle of developing the site however has been established by previous applications and since that decision was made the NPPF has been published which requires the delivery of sustainable housing development.

The scale of development and its context in relation to its location is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. The sites location is considered to be sustainable and an appropriate location for development. The proposed layout protects residential amenity. With regard to the sites previous use as ecology mitigation land, consultees are of the opinion that the site can be developed without impacting on newts. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

Recommendation

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

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

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

- Location plan - 2215-PA-LP
- Proposed site plan/landscape masterplan - 2215-PA-01 Rev C
- House Type C - 2215-PA-04 Rev A
- House Type D - 2215-PA-05 Rev A
- House Type E - 2215-Pa-06 Rev A

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

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

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

4. Prior to commencement of works a fully detailed method statement and habitat creation proposals to demonstrate that impacts on amphibians will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Such measures should include, but not be exclusive to the erection / retention and maintenance of amphibian exclusion fencing, suitable methodology

for capture and removal of individual GCN which may present on site, Dropped kerbs and offset gully pots to be used on the section of road abutting the pond and grassland area in the centre of the site, Clear proposals for the removal of fish from the onsite pond in addition to aquatic planting. Interpretation signage should also be used adjacent to this feature and post development monitoring of the onsite pond and (if possible) pond 6 on adjacent land. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person.

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

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

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

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

Reason: To safeguard the privacy of adjoining residents

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

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

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. Prior to the commencement of any development hereby approved details of the management and on-going maintenance arrangements for the communal areas of the site shown on the site plan approved under condition 2 of this permission shall be submitted to and approved in writing by

the Local Planning Authority. This scheme shall ensure that these areas are all retained available for shared public use / benefit and shall be implemented in the construction of the development and thereafter.

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

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the identification of the site access for construction traffic
 - b. the parking of vehicles of site operatives and visitors
 - c. loading and unloading of plant and materials
 - d. storage of plant and materials used in constructing the development
 - e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - f. wheel washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. hours of operation to be limited to 08.00-18.00 Mondays to Friday; Saturdays 08.00 – 13.00 and no work on Sundays or Bank Holidays.

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

11. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 19.9 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;

- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

- 1. To ensure that the proposed development can be adequately drained.
- 2. To ensure that there is no flood risk on or off the site resulting from the proposed development
- 3. To ensure that water quality is not detrimentally impacted by the development proposal

12. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

- 1. To ensure that the drainage for the proposed development can be adequately maintained.
- 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

13. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons

1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
2. To reduce the flood risk to the development as a result of inadequate maintenance
3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

14. Prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

15. The new estate road/access between the site and Harbour Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

16. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

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.

17. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off site works of highway improvement has been submitted to and approved by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway works are acceptable prior to work commencing on site.

18. No part of the development hereby approved shall be occupied until the approved scheme referred to in condition number 17 has been constructed and completed in accordance with the scheme details.

Reason In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

19. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.



| | | | |
|---------------------------------------|---|--|--------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/15/0505 | Address Land north of Snowdrop Grove & west of Harbour Lane, Warton | Grid Ref. E.3409 : N.4291 | Scale 0 10 20 30 40 m |

Item Number: 2

Committee Date: 27 July 2016

| | | | |
|-------------------------------|---|-----------------------------|-----------------------------|
| Application Reference: | 15/0827 | Type of Application: | Outline Planning Permission |
| Applicant: | Hollins Strategic Land LLP | Agent : | |
| Location: | BROOK FARM, DOWBRIDGE, KIRKHAM, PRESTON, PR4 3RD | | |
| Proposal: | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 95 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | | |
| Parish: | | Area Team: | Area Team 1 |
| Weeks on Hand: | 36 | Case Officer: | Kieran Birch |
| Reason for Delay: | Negotiations to resolve difficulties | | |

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

<https://www.google.co.uk/maps/@53.7797704,-2.8564887,560m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application is for an outline application for up to 95 residential units on a 4.9 hectare site located on land north of Dowbridge and west of New Hey Lane, on land allocated as Countryside in the Fylde Borough Local Plan. It adjoins the Kirkham limit of development boundary but is outside of it and actually located in Newton Parish.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of acceptable scale, and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. The ecology of the site has been considered and the evidence submitted shows the development would not impact upon protect species. The highways impact of the development is acceptable with appropriate conditions and contributions secured and there are no objections from LCC Highways with regard to traffic generation or safety.

As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. It will be necessary to complete a s106 agreement to secure matters such as affordable housing and education contributions prior to

issuing any planning permission and this is reflected in the recommendation.

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 is an area of land extending to 4.9 hectares and is located to the north of Dowbridge which becomes the main road running through into Kirkham and which joins the A583 bypass to the south and west of New Hey Lane. The site is located directly adjacent to the Kirkham limit of development boundary but is within the Parish of Newton with Clifton. Kirkham is identified as being at the top tier of the settlement hierarchy and the site is approximately 1km from the town centre. The site is well contained being located directly adjacent to the settlement boundary to the south and west, to the east the boundary is formed by New Hey Lane which runs along a local ridgeline with some residential development and extensive farm buildings beyond. To the north of the application site is the open countryside with Spen Brook which links to the Dow Brook which runs along the western boundary of the site. On the other side of this brook is existing residential development.

The application site itself comprises a dwellings with associated hardstanding and outbuildings, a pig farm in active use and ancillary farm shop and fields used for grazing. It is largely greenfield with some previously developed land. The landscape character surrounding the site outside of the settlement boundary is predominately rural in nature consisting of a patchwork of undulating improved pasture broken by woodland and isolated dwellings. Field boundaries are defined by hedgerows and a network of dykes and drainage channels. There are a number of ponds within the wider area. The railway line to the north is a dominant feature on the landscape as is the A583 to the south. Kirkham to the west is an urban area in a rural setting and has a mixture of commercial, retail and residential uses. The urban area adjacent to the site consists of residential development.

Details of Proposal

The application is an outline application for the development of the land described above with up to 95 dwellings with access a detailed matter for consideration and all other matters reserved for future consideration. The application has been accompanied with an indicative landscape masterplan, a landscape assessment, planning statement and a Transport Assessment all of which are important documents when considering this application with regard to its location as described in the preceding section.

The dwellings on the indicative plan are shown spaced around the site with an area of POS shown on the southern edge of the site. 30% of the dwellings would be affordable housing units. Access is a detailed matter for consideration and it is proposed to be accessed off Dowbridge, with detailed access plans submitted.

Relevant Planning History

| Application No. | Development | Decision | Date |
|-----------------|--|---------------------------------|------|
| 15/0547 | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL | Appeal against non-determinatio | |

| | | | |
|---------|--|---------|------------|
| | DEVELOPMENT OF UP TO 170 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | n | |
| 01/0091 | PROPOSED TWO NEW POULTRY BUILDINGS | Granted | 18/07/2001 |

Relevant Planning Appeals History

No appeals have been determined at the site, although there is a current appeal concerning application 15/0547.

Parish/Town Council Observations

The site is entirely within the area of **Newton with Clifton Parish Council** who commented as follows;

“Council duly considered the above application documents and parishioner observations regarding the proposed development. Reference was made to policy in planning documents; National Planning Policy Framework (NPPF), Fylde Borough Local Plan (as altered) October 2005, Joint Lancashire Minerals and Waste Local Plan and Fylde Local Plan to 2030 Part 1 Preferred Option and Sustainability Appraisal. Subsequently a resolution was adopted that Council submit a representation to the LPA that the application fails to address the Council’s previously intimated residential development concerns in correspondence dated 7th September 2015 and 1st October 2015.

Consequently, Council determined that the proposed development should still be refused planning permission, by Fylde Borough Council’s Development Management Committee, for the reasons previously outlined in its representations dated 7th January 2016;

- 1. The proposed development does not conform to the LPA Local Plan revised Preferred Option in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed “Brownfield” sites to be used before “Greenfield” and, consequently, agricultural land and NPPF paragraph 7.*
- 2. Council determined that the transport assessment provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is the B5192 Dowbridge. Council therefore considers it reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety in the locality generally and particularly the A583 Kirkham Bypass.*
- 3. The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF.*
- 4. Drainage is a key issue highlighted in Policy HL2. The proposed development is unacceptable because it involves building within eight metres of the top of the bank of the designated ‘main river’ watercourses, Spen Brook and Dow Brook and is unlikely to receive Environment Agency (EA) consent as it would restrict essential maintenance and access. No trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses. The proposed development includes the planting of many trees within the Main River easement. The proposed siting of the surface water attenuation storage within the floodplain is also likely to be unacceptable to the EA because*

this area will already be flooded and surface water storage will not be possible. 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham, and consequently the developable area of the site is located away from the settlement boundary. It is considered that the proposed development does not therefore fully address the capacity issues related to the sewer network serving a locality where over a significant period some existing properties have previously required structural repairs arising from drainage related issues.

5. *The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process. The land was proposed for allocation as Site H7: Land North of Dowbridge, Kirkham, in Strategic Locations for Development Policy SL4 in the Local Plan Preferred Options in 2013 and following the consultation review it is understood the LPA has agreed to delete the site in the Local Plan Revised Preferred Option.*
6. *The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes.*
7. *Policy SP2 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions. The application fails to provide the agricultural land classification of the site. However, the north west of the site, approximately 30%, does have a post-1988 Agricultural Land Classification which shows 2.5ha as Grade 3a, i.e. Best and Most Versatile Land (BMV) and therefore it is considered reasonable to assume that a considerable area to the north-east of the site also has a significant area of BMV land and therefore the proposed development conflicts with EP22 and NPPF paragraph 111, 112.*
8. *The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.*
9. *The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17.*
10. *The proposed development is to the detriment of the biodiversity, ecology and wildlife as it impacts on field pond(s) in the area*
11. *Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in Kirkham and the surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.*
12. *Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its Draft Local Plan to 2032 – Revised Preferred Option this application must be considered premature.*
13. *The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2, in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.*
14. *The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much*

development in the recent past to the detriment of parish amenity.”

As an adjoining parish, **Kirkham Town Council** have been notified of the original and revised scheme. They comment on the original as follows:

“Kirkham Town Council object on the following grounds:

- SP2. The development is outside the settlement boundary.*
- It does not comply with FBC's adopted Local Plan.*
- It does not comply with FBC's emerging Local Plan.*
- It sits within the Flood Zone 2.*
- The high percentage increase in addition to the current increase.*
- It fails to meet the objectives of EP10 and 11 in the context of the Lancashire Landscape Strategy.*
- It fails to demonstrate satisfactory access and egress or efficient operation of the highway network.*
- The increase in access and egress will be detrimental to highway safety.*
- It will be detrimental to the visual amenity and landscape of the area.*
- It will be detrimental to the biodiversity, ecology and wildlife in the area.*
- Drainage is a key issue and is highlighted in Policy 802.*
- The site currently has significant drainage issues and lies in and adjacent to Flood Plain 2. The area has been underwater during recent rainfall which highlights the dangers of building on flood plain.*
- The existing amenities, infrastructure and services will be inadequate if this proposal is granted permission.*
- The site is in a new strategic development area decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12 and include public consultation and independent inspection.”*

They commented on the revised plans as follows;

“Kirkham Town Council object on the grounds that the development is outside the settlement area/is not shown in the emerging local plan/ will increase pollution in the town which already has high levels/ is situated on a flood plain/is not sustainable in a town already suffering a shortage of school places and medical facilities-infrastructure to support this development is not in place/ Lack of 5 year supply does not override sustainability and as this site is not in the emerging local plan and Kirkham is already providing hundreds of new houses the infrastructure is inadequate so the application should be refused.”

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No objections.

Lancashire County Council - Highway Authority

LCC Highways have commented extensively on the application providing a 12 page response. The below contains both direct quotes in italic and a summary of their comments where seen as appropriate.

They expressed initial concerns about the proposal given the scale of development the initial access plans submitted. It was their view that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit. Therefore, in such circumstances where there is additional impact on the network it will be expected that a developer will be required where necessary to provide appropriate measures to mitigate the impact of their proposal to deliver an acceptable solution.

These final comments consider all the highways and transport information provided with the application documentation; this information includes a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant. These comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July, 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). In addition to the above, substantial further information relating to road safety was considered which was provided by a local resident (a retired Police Officer) as well as LCC's own analysis, site observations and surveys.

LCC consider that the documents submitted a reasonable basis to assess the highway impacts of the proposal. They state that the existing use on the site has the potential to generate traffic movements and that a number would be by HGV's.

Access Strategy

It is proposed that vehicular access to the proposed 95 residential dwellings will be from a single junction off B5192 Dowbridge. The proposed access is to be provided in the location of the existing Brook Farm access and the original proposed layout was shown in Appendix G of the TA.

Some 40m to the west of the proposed site access is the Oxford Road residential access and some 40m to the east of the proposed site access is New Hey Lane.

The proposed access submitted with the TA gave rise to a number of concerns. These required further consideration by the applicant in order to deliver an acceptable access arrangement, one that could be agreed and which would satisfactorily address issues raised by LCC. I highlighted the following initial concerns to the developers Transport Consultant:

I had concerns that there was only one access into a development of this scale (95 dwellings). The masterplan did not indicate any provision for emergency access. I requested further consideration for emergency access provision; The applicant has now confirmed that a separate emergency access provision from New Hey Lane is to be provided. This connection will also be made suitable for cycle access to New Hey Lane.

I expressed concerns that observed speeds (85th percentile) in the vicinity of the proposed access junction were likely to be higher than the signed speed limit. I considered a review of observed speeds in the vicinity of the proposed site was warranted

and therefore a speed survey would be required! Subsequently SKTP carried out a 24 hour speed survey. Given the importance of this issue and my concerns LCC also carried out our own surveys over a full week.

The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced my view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. This was an iterative process and the principles of the agreed scheme are set out under the heading s278 works on page 7 below.

Sustainable Transport

As part of the reforms of planning policy, the Department of Community and Local Government published the National Planning Policy Framework (NPPF), DCLG 2012. In terms of Transport, the NPPF sets out the principles that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Should the LPA be minded to approve this application, it would be appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network.

Pedestrian and Cycling Measures

It is clear there will need to be good provision of pedestrian/cycle routes through the site to the site access and also the existing bus stops. I requested that the developer give further consideration to the delivery of measures to support improvements for pedestrians and cyclists to improve connectivity to amenities in Kirkham and Wesham and support for wider connectivity improvements, for example to and within Kirkham Rail Station and to the main town centre and beyond (e.g. existing employment areas, education establishments and retail). These improvements to pedestrian/cycle links will help promote sustainable journeys.

This proposal creates an opportunity to improve connectivity for pedestrian/cycle movements by connecting route 62 of the NCN from New Hey Lane on to Carr Lane and the northern loop route. Delivery of a shared pedestrian/cycle route (3.5m width) through the site from the access track off New Hey Lane in the east through to the northwest of the site and beyond (to the church and primary school and on via FP5 through the park to Morrisons and the Railway station) would significantly improve connectivity and also help to address the single access issue for this 95 dwellings site (i.e. addressing emergency access requirements). This development can support delivery of an initial section of this route.

Public Transport - Bus

I consider the existing bus stop for eastbound services, immediately adjacent to the proposed site access may need to be re-located slightly to the west. The optimum location for the bus stop should be considered and implemented as part of the s278 site access/traffic calming highway improvement scheme. In addition, both the eastbound and westbound bus stops located closest to the proposed site access should be upgraded to Quality Bus Standard as appropriate. This work should also to be delivered through a s278 agreement.

Any proposed PT improvements should be delivered early in the development build out to support PT from the earliest opportunity. The current bus services in the immediate vicinity of the site have been reviewed by LCC with consideration for the latest position with respect to funding of subsidised services. The latest position (as 8th March 2016) is that Service 61 will continue to operate, however, Service 75 will be revised and therefore only partly retained.

Public Transport - Rail

Improvements to facilities for user of the Rail Station should be fully explored including appropriate funding to support an approach which seeks to be in line with NPPF and maximize use of sustainable modes by residents of the proposed development site. I consider the developer should ensure that every opportunity is taken to enhance pedestrian/cycle routes to the Rail Station. The need for level access at the station has been highlighted as an issue. In an agreement reached on a recently approved residential development at Mowbreck Lane, the LPA made request for a contribution towards improvement measures of £1000 per plot for.

Sustainable Measures to be Funded by the Developer

Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works. The agreed s106 funding measures are set out under the heading 'Planning Obligations (s106 Planning Contributions)' below. The balanced approach considers the latest position in regard to PT services and road safety. The necessary package of measures s106 and s278 includes the following:

- Improved linkages between the site and Kirkham Rail Station, the main town centre and existing employment areas, education establishments and retail;*
- Funding for pedestrian cycle improvements at the Rail Station*
- Travel Plan Support*
- Funding of further speed review and if shown to be necessary additional speed reduction measures (SPID signing).*

Personal Injury Accident (PIA) Data

Personal Injury Accident data for the most recently available 5 year period was presented in the TA. In summary, the TA concluded that there were no safety issues on the local highway network that would be exacerbated by the proposal.

I have reviewed the latest accident data and would conclude that the PIA data does not suggest any particular accident pattern that would be a cause for concern. However, I made it clear to the developers Transport Consultant that I had reason to believe, following a number of site visits, that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit.

In my assessment I have also taken into consideration further information passed to LCC which included: additional local information in regard to damage only collisions; vehicle speeds and other relevant local factors. Therefore, given the additional impact on the network expected from this development, I requested that the applicant develop their site access/highway improvement scheme to provide appropriate measures to address observed vehicle speeds and safety issues raised that would help mitigate the impact of

their proposal and which would deliver an acceptable access solution.

SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds.

With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction. The exact location of the eastbound bus stop and all associated considerations (i.e. whether the position of the bus stop in relation to the proposed refuge island will allow/will not allow traffic to pass a waiting bus) should be considered/integrated into the overall detailed design.

I am satisfied that there is a solution that can be delivered under a s278 agreement and the detail can be agreed at detail design stage. I am satisfied that the bus stop can be located in a position that will not impede access to private driveways etc.

Therefore, I consider at this stage it is sufficient that it is agreed that the bus stop (and the quality bus standard (QBS) raised kerb) will be located as appropriate when considered as part of the detailed design (s278 works) for the overall site access/highway improvement scheme. The agreed plan has been amended with appropriate wording to reflect this position.

An independent Stage 1 Road Safety Audit (RSA) was undertaken for the proposed access scheme agreed 'in principle'. A number of changes were made to the site access layout scheme in line with the recommendation of the Stage 1 RSA. I would note that the scheme now 'agreed in principle' may be subject to change as part of detailed design under a s278 agreement and will pick up a number of further detailed design matters raised in the Stage 1 RSA.

Travel Plan

A Framework Travel Plan (FTP) was submitted with the application documentation. LCC's Travel Plan Team provided comments to the developers transport consultant that identified a small number of omissions. A revised FTP was provided to LCC dated 20th November 2015 that addressed the issues raised.

For a development of this size we request a contribution of £6,000 to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.

Funding to Support the Measures and Targets set within the Travel Plan

If Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan. This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).

Note: the funding must have the potential to deliver a real change to more sustainable modes. Such a change could be delivered through funding towards a bike (and safety equipment) for each household and a month's travel on public transport to encourage modal shift. The level offered must be adequate to deliver the measures necessary to support the targets within the Travel Plan. LCC consider funding of £180 per dwelling is appropriate for this site and to be retained by the developers appointed travel plan coordinator (and not LCC or Wyre) for 5 years from first occupation. This has been agreed by the applicant.

Internal Site Layout, Parking Standards/Parking Provision and SUDS

In respect of the current outline application, while acknowledging that internal layout matters will be picked up at the reserved matters stage, I would make the following observations based on the Outline Masterplan:

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;*
- The Masterplan layout must include the emergency access proposal off New Hey Lane;*
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;*
- there will be a need for 1.8m service strips on access roads;*
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);*
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;*
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;*
- all shared footway/cycleways should be delivered as a 3.5m wide facility;*
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;*
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;*
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;*
- Parking to the appropriate Fylde standards is expected - Parking Standards were set*

out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.

- I would ask the applicant to note at this stage the following in regard to driveway and garage dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council. LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

Potential Pedestrian Routing Issue

LCC are aware of concern raised by a resident (No. 8 Friary Close, off Oxford Drive). The resident is concerned that there is potential for a short-cut through their garden, given the Dow Brook is culverted in this location. It is hoped the local planning authority and the developer will work together to ensure this concern is suitably addressed through any future detailed design layout.

S278 Works

Should the Local Planning Authority be minded to approve this application a Section 278 Agreement for off-site highway improvements would be expected between the developer and the local highway authority, which for this proposal includes the site access/highway improvement scheme, a highway improvement scheme at A583 Kirkham Bypass/B5192 Dowbridge (white lining/markings renewal/update scheme) and a wider improvement scheme 'Proposed Cycle Lane Provision' scheme.

The site access/highway improvement scheme, agreed 'in principle' at this stage, will be subject to detailed design. The agreed scheme is shown in the revised Layout Drawing (Scheme Drawing SK21542_002 Rev E, passed to LCC on 9th May 2016).

The proposed s278 works are expected to include the following measures:

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;
- With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;
- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be included as part of detailed scheme design to LCC's specification.

The access scheme is reinforced by the wider improvement scheme set out in Plan

SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design):

- Advisory cycle lanes
- Gateway Measures
- Pedestrian refuge island

(Note: it has been agreed that the trigger point for the works shown in Plan SK21542_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).

In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge

- renewal of existing road markings;
- review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.

The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LPA.

Planning Obligations (s106 Planning Contributions)

It is appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to improve routes to amenities; employment, retail and recreation from this development to the wider network.

Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works. The planning contributions requested and agreed are detailed below:

(i) £15,000 Funding for pedestrian cycle improvements at the Rail Station (It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)

(ii) £10,000, Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary). The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).

(iii) £6,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services. (Trigger - prior to the occupation of the 1st dwelling).

In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan asset out above on page 6, under the heading Travel Plan) This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA)

Summary and Recommendation

This development will result in increased flows on the existing transport network in and around the development site. LCC Highways Development Control expressed our initial concerns in respect of this application given the scale of the proposed development, the initial access proposal and observed traffic speeds in this location. However, LCC Highways operate a 'one team' approach and will always endeavour, where possible, to engage with developers and their transport representatives to give them an opportunity to address our concerns.

The developers Transport Consultant (SCKTP) has provided further information, including mitigation measures, since the submission of the original Transport Assessment. LCC have also carried out our own further analysis to fully understand the highway influence and impacts of this proposal before reaching a conclusion. LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety.

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as agreed and detailed above are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

Planning Policy Team

I draw your attention to the Fylde Borough Local Plan (As Altered: October 2005) and the emerging Local Plan.

Fylde Borough Local Plan

The proposed development lies within the Countryside Area, as designated in the Fylde Borough Local Plan. Policy SP2 of the Local Plan, which relates to development in the Countryside Area, only allows development in the countryside if it falls within one of the categories listed in the policy. The proposal does not fall within any of these categories, and is therefore contrary to policy SP2.

The Overall Housing Requirement

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub- National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need for housing.

The Emerging Local Plan

The draft Revised Preferred Option version of the Fylde Local Plan to 2032 (RPO) was presented to the Development Management (Policy) Committee on 16th September, where it was resolved to issue it for public consultation in autumn 2015.

The draft RPO identifies land for the provision of up to 974 homes on sites in the Kirkham and Wesham Strategic Location for Development over the plan period. It does not allocate this land for residential development.

You will no doubt be aware that the Preferred Option Local Plan 2013 included the application site as a potential housing allocation (H7). The Local Plan Preferred Options consultation was the subject of a Portfolio Holder Decision in July 2014. Page 92 of the Responses Report states "It was agreed to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham."

Flood zone 2 still occupies a significant area of the proposed development site, albeit this area is occupied by a linear park .

I am aware that the proposed development occupies a significantly reduced site area compared to that proposed by 15/0547. Notwithstanding this it still represents a settlement extension which encroaches into open countryside. The associated landscape impact should be considered and it is understood that comments have been sought from the Council's Urban Design Officer in this respect.

In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF.

National Planning Policy Framework

Paragraph 47 of the NPPF requires local planning authorities to identify a five year supply of deliverable housing land. However, the Council's Five-Year Housing Supply Statement (with a base date of 31st March 2015), is equivalent to 4.3 years supply. This calculation is based upon the annual housing requirement figure of 370 dwellings per, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Summary

The emerging Local Plan and the non-allocation of this site for housing is a material consideration. It is for the decision maker to determine the weight to be attached to these material considerations as part of the planning balance.

Environment Agency

Their initial comments were;

We have no objection in principle to the proposed development subject to the inclusion of conditions which meet the requirements set out below.

Flood Risk

We previously commented on Outline application 15/0547, which was for a larger development site at this location for up to 170 dwellings. Initially, we had raised an objection on the basis that it was unclear as to whether our 8 metre easement adjacent to Spen Brook and Dow Brook had been measured from the top of the bank of the watercourse. This Outline planning application is for the southern section of the site and therefore only the easement to Dow Brook is relevant to this site.

The latest version of the 'Landscape Masterplan' (Drawing No 1956_03) still does not show the top of the bank of the designated Main River, Dow Brook. However, it does include confirmation that the purple line which delineates the extent of our 8 metre easement is taken from top of the bank of Dow Brook, as based on the topographic survey drawings numbered 14E003/001 to 007.

Given that the extent of our 8 metre easement as shown on the 'Landscape Masterplan' drawing is measured from the top of the bank of the Dow Brook, as defined by the topographic survey of the site, we have no objection to the proposed development. We note that this is an Outline application with all matters apart from access reserved for future approval. Based on Drawing No HYD046 206 F "Floodplain Extents Plan Post Development", we have no objection to the principle of development on this site on the provision that all housing will be located within Flood Zone 1 and there will be no inappropriate development or infilling / land raising within areas considered to be at high risk of flooding.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment prepared by Betts Associates (Ref: HYD046 BROOK FARM FRA&DMS Rev 1.0, dated 19 November 2015) as submitted with this application are implemented and secured by way of a planning condition on any planning permission.

They were re-consulted on the revised Landscape Masterplan and stated the following on 8 March 2016;

We object to the proposed development on the basis that our Flood Map has been updated and the extent of Flood Zone 2 and 3 has been revised. We request sufficient time to enable us to review the applicant's hydraulic model which will allow us to determine whether or not it more accurately reflects the level of flood risk on the site than our revised Flood Map.

We are also aware that some parts of the site have been subject to flooding over recent months. Our assessment of information that has been submitted to us suggests that the flooding from fluvial sources was restricted to those parts of the site that the applicant identified as being at a high risk of flooding in the Flood Risk Assessment (FRA) submitted with the application. However, for the purposes of clarity, we would advise the applicant to delineate those areas of the site that have been subject to flooding during recent events and map them to allow a comparison with the updated Environment Agency Flood Zones and the areas of Flood Zone 2 and 3 mapped by the applicant as part of the FRA.

Their final comments dated 11 May 2015 stated that they have reviewed the applicants hydraulic model and found that it more accurately reflects the level of flood risk on the site than our revised Flood Map. As such, we are therefore satisfied that no dwellings or inappropriate development will be located in Flood Zone 2 or 3, and we will use the model to alter our Flood Map.

Given the above, we withdraw our objection to the above development, subject to our comments given in our response dated 21 December 2015 and the inclusion of the stated condition on any subsequent planning approval.

United Utilities - Water

No objections to the proposed development provided that conditions relating to the drainage of the site are included on any permission. Conditions require the drainage of the development carried out in accordance with the principles of the submitted Flood Risk Assessment. That surface water must drain to the watercourse and none into the sewer.

Electricity North West

Development will have no impact on their infrastructure or assets.

Lancashire CC Flood Risk Management Team

No objections to the development subject to the inclusion of conditions on any approval. These conditions include that an appropriate surface water drainage scheme is submitted, that there be no occupation of development until SuDs is completed and that a surface water lifetime management and maintenance plan is submitted.

Lancashire County Archaeology Service

I have been forwarded a copy of a geophysical survey report for the above site, undertaken by Magnitude Surveys Ref. MSSD09, January 2016 in connection with the proposed residential developments here.

As the authors of the report and Mr Miller of Salford Archaeology note, the geophysical survey does not show evidence of the early remains I was expecting to see on the site, though I would note that neither the line of the Roman road into the fort at Dowbridge nor the feature labelled 'Supposed site of Roman Road' on the OS 1:10,560 of 1848 (sheet Lancashire 60, surveyed 1844-5) were able to be surveyed. I telephoned Ms Harris of Magnitude Surveys and she confirmed that whilst there were practical difficulties in carrying out the survey the quality of the results is good. Asked specifically if she would have expected to have seen early Roman beam-in-slot structures she confirmed that she would have expected them to be visible in the areas surveyed.

There is still some possibility of archaeological features being extant within the survey area, such as short-lived cuts that were subsequently back-filled with the excavated material which are difficult to pick up with geophysical instruments, or post-holes whose pattern is lost amongst the 'background noise'. There is also some small possibility of remains masked by ferrous noise, e.g. in Area 4 close to the buildings, or remains in the un-surveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area.

I would still recommend that a programme of trial trenching is undertaken before development commences, to clear up these issues, but would agree that this can be required by a planning condition, rather than before a decision is made. To this requirement I would add the need to undertake a survey of the original buildings of the farm and of the occupation road/hollow way, mentioned in my previous letters.

As such I would suggest that a planning condition is applied to any consent granted.

Environmental Protection (Pollution)

With reference to your memorandum dated 30th November 2015, there are no objections to the above proposals in principle, however I would add the following conditions:

1. *Times of operation shall be limited to 08.00 – 18.00 Monday to Friday; 08.00 – 13.00 Saturday and no work on Sundays or Bank Holidays.*
2. *As per the contaminated land report, the applicant shall deposit 600mm of clean sub soil in the garden areas, 450mm in the soft landscaping areas and 150mm elsewhere. The applicant shall demonstrate that the subsoil complies with relevant guidance.*
3. *As gas movement has been detected, reinforced concrete floor slabs shall have at least a 2000 gauge DPM. All service entries to be sealed and sub floor spaces shall be ventilated to achieve one complete air change per 24 hours*
4. *Details shall be provided in a remediation report of the measures introduced to deal with the asbestos contamination.*

Blackpool Airport

No comments received.

NHS Fylde and Wyre CCG

No comments received.

LCC Contributions

Assessed that there will be a yield of 36 primary school places and request a contribution of £439,538 and 14 secondary school places and request a contribution of £271,561. These figures to be re-calculated once accurate bedroom information is available.

The Ramblers Association

No comments received.

Lancashire County Council Rights of Way

I have no comments to make on the application.

Natural England

The first consultation response from NE stated that the 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 Ribble & Alt Estuaries Special Protection Area (SPA) which is a European site. The site is also listed as Ribble & Alt Estuaries Ramsar site and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI).

They advised that a habitats regulations assessment would need to be undertaken that considers this site in combination with others and that survey information is required for the site and adjacent fields to establish its suitability for SPA birds. They did not assess the application in relation to protected species.

Subsequently the applicants undertook a wintering bird survey to which NE stated;

We are pleased with the level of survey effort (WINTERING BIRD SURVEY RESULTS 2015 / 2016, April 2016, ERAP Ltd ref: 2015-180c) and can confirm that it appears to follow the

survey methodologies we advised in our previous response.

Based on the wintering bird surveys that have been undertaken, Natural England consider that the proposed development would not result in Likely Significant Effect (LSE) alone. The submitted Shadow HRA (SHADOW HABITAT REGULATIONS ASSESSMENT, April 2016, ERAP Ltd ref: 2015-180c) has not considered in-combination or cumulative to a sufficient level. We advise that the Shadow HRA is not sufficiently robust for your authority to adopt it as its own HRA at this stage

Again following these comments the applicants amended the HRA to which NE in their final comments stated;

HRA comments

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided in this case only (see below), Natural England concurs with this view.

Natural England concur with the findings of the HRA based on the following;

- *Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016.*

– “the low numbers of birds recorded”

– “...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ...”

Greater Manchester Ecology Unit

The application site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site.

A significant part of the site is dominated by buildings and hard standing associated with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh.

The Ecology Surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate

standards, although the report does not discuss the potential value of the site for use by wintering birds, a point raised by Natural England.

The surveys have established that the site has only low potential to be used by specially protected species, except for breeding birds and foraging bats.

Impact on the Ribble and Alt Estuaries Special Protection Area

I am aware of the comments made by Natural England on the application that the application should be subject to an Assessment of its potential harmful impacts on European Protected Sites.

The application site is more than 4km from the nearest boundary of the SPA/SSSI. Direct impacts on the European site concerned arising from the development will not occur. Given the distance it is also unlikely that the development will cause any harm to the Estuary arising from increased recreational pressure.

But it is the case that the water birds, wading birds and geese associated with the SPA do use inland fields for foraging and for refuge at times of high tide and stormy weather. Sometimes these fields will be some distance inland from the Estuary and they could conceivably be regarded as supporting habitats for the SPA. Further, I would accept that Natural England, as the statutory body concerned with the protection of European Sites, probably has greater knowledge of the special interest of the site than I do. I would therefore defer to their view that further information and/or assessment concerning the possible use of the application site by birds associated with the Estuary should be provided by the applicant in order for a fully informed assessment of the potential impact of the development on the SPA to be carried out.

Impact on bats

The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme.

The majority of the buildings and structures on the site have negligible value for supporting bat roosts, but some of the buildings and trees that will be affected by the scheme have been assessed as having at least some potential for supporting roosting site. These buildings and trees have not been fully surveyed for the presence of bats.

I would recommend that further survey of these features (Buildings 39 - 43 and trees T2, T3, T13, T15, T17, T18, T25, T26, T27, T29, T30, and T31 as identified in the Ecology Survey report) should be required. If bats are found measures will need to be put forward for avoiding any possible harm to bats.

Impact on water voles

The Brook at the northern boundary of the application site has been assessed as potentially suitable for supporting water voles, a species protected under the terms of the Wildlife and Countryside Act 1981. The Landscape Masterplan indicates that the Brook will not be directly affected by the development and that a landscape 'buffer zone' can be established between the built development and the Brook. Providing that this remains the case no harm should be caused to water voles, even if they are in fact present in the Brook.

Impact on site-based habitats

The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows.

Invasive plant species

Stands of Himalayan balsam are present on the site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this plant to spread in the wild. The development has some potential to cause the plant to spread, although it would be possible to take simple precautions to prevent this from happening.

Conclusions and Recommendations

I have no overall objections to the application on nature conservation grounds but I would recommend that

- Further information / assessment is required on the potential value of the site for birds associated with the SPA.*
- Further survey of certain buildings and structures for the possible presence of bat roosts should be carried out.*
- Robust fencing should be erected and maintained between the application site and sensitive habitats to be retained (pond, hedgerows and watercourses) throughout any permitted construction period.*
- Measures should be taken to prevent the spread of Himalayan balsam. A Method Statement should be prepared giving details of the measures to be taken to eradicate this plant from the development site. Once approved the Method Statement must be implemented in full.*
- The adjacent watercourses (Dow Brook and Spen Brook) should be protected from possible pollution by adopting Best Construction Practice throughout the course of any approved development.*
- Groundworks and any required vegetation clearance should commence outside of the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)*
- I would support biodiversity enhancement measures incorporated into the scheme. To this end a comprehensive and detailed Landscape Plan should be prepared for the site, should the development be approved.*
- The SUDS features shown on the indicative Masterplan should be designed so as to maximise their biodiversity value (e.g. by appropriate new planting and by retaining at least some standing water in pools). If surface water is ultimately to be discharged from the SUDS to the Dow Brook precautions will need to be taken to avoid polluting the watercourse (e.g. silt traps).*

CPRE

Have raised objections on the basis that;

- The proposal is contrary to policy.*
- Alternative sites have been approved and allocated.*
- The development is in the countryside outside of the settlement.*
- Loss of BMV land.*
- Will have an adverse impact on setting of Kirkham.*
- Lack of five year supply is a consequence of unrealistic and unachievable housing*

requirement.

Neighbour Observations

| | |
|--------------------------------|------------------|
| Neighbours notified: | 30 November 2015 |
| Amended plans notified: | 08 April 2016 |
| Site Notice Date: | 3 December 2016 |
| Press Notice Date: | 10 December 2015 |
| Number of Responses | 110 |
| Summary of Comments | |

A summary of the issues raised by neighbours is as follows;

Flooding and drainage

The site is within a flood zone and the fields flood regularly.
The existing brooks are at capacity.
Maintenance of the brooks.
Increased run-off rate will lead to higher water level during flood conditions.

Highways

Busy road with access near two other busy junctions.
Increase in traffic and accidents.
Speed of existing traffic.

Other issues

Contrary to policy and not in emerging Local Plan
Too much housing in area – not needed.
Visual impact and scale of development.
Loss of view.
Inaccuracies/typos in reports
Schools are at capacity.
Strain on local services.
Loss of agricultural land.
Loss of ecology
Anti-social behaviour and potential trespass onto private property.

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|---------------------------------------|
| EP11 | Building design & landscape character |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |
| EP22 | Protection of agricultural land |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |
| EP25 | Development and waste water |

| | |
|--------|--|
| HL02 | Development control criteria for new housing proposals |
| SP02 | Development in countryside areas |
| TREC17 | Public Open Space within New Housing Developments |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this application are as follows;

- The weight to be accorded to relevant policies
- Principle of the development and housing need
- Visual and landscape impact
- Flooding and drainage
- Ecology
- Highways
- Impact on residential amenity

The weight to be accorded to relevant policies

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

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the Joint Lancashire Minerals and Waste Local Plan. In addition the National Planning Policy Framework is a key material consideration. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) 'due weight' should be given to the relevant saved policies in the FBLP, the weight given dependent on the degree of consistency with the NPPF.

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2032. The Council will be undertaking consultation on the publication version of the new Local Plan in August, with examination due to take place in January and adoption in March 2017. Within the publication version of the plan the application site is within the open countryside located directly adjacent to the settlement of Kirkham. The site was previously identified as a wider site for housing in the 2013 Preferred Options version of the plan for upto 240 dwellings but that larger site was removed because one third of the site was located in Flood Zone 2, which follows the route of Dow Brook and Spen Brook. A small part of the site was also within a mineral safeguarding area in the Lancashire Mineral and Waste Local Plan. The responses report of July 2014 recommended deletion of the larger 240 dwellings site as an allocation for housing, giving the following reasoning;

“The Council agrees to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham.”

Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. It identifies Kirkham and Wesham as a strategic location for development and states that within the settlement hierarchy Kirkham serves the role of a Key Service Centre, the same as St Annes and Lytham. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

The starting point in determining planning application remains the saved policies of the Local Plan. If there is a conflict between these policies and the NPPF then the NPPF should take precedence but be read as a whole and in context. The NPPF is a material consideration in planning decisions and should be given considerable weight. Thus, the statutory starting point is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise. The NPPF seeks sustainable development. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - which are mutually dependant, so that gains in each should be sought jointly and simultaneously.

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

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Principle of the development and housing need

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections, and the Analysis of Housing Need in light of the Sub- National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet

Fylde's objectively assessed need for housing.

The NPPF requires at para 47 that a council can demonstrate a five year supply of housing, and if it is unable to do so there is a presumption in favour of sustainable residential development. As such it is critical to understand what the council's housing supply performance is against the annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2016 and was that the council could demonstrate a 4.8 year supply, which is below the 5 years required by NPPF and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF.

The Council is still not able to demonstrate a deliverable 5 year supply of housing land. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted.

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable in all regards, should be supported. Accordingly it is necessary to examine if this scheme delivers sustainable development. Planning policies for the supply of housing for the purposes of determining applications are, therefore, considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This will be a material consideration when determining the planning application.

Does the proposal deliver sustainable development?

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

The application as proposed will provide up to 95 dwellings, of which 30% (upto 29) will be affordable dwellings. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the accessibility of the site to services, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

Accessibility of the site

The application site is located directly adjacent to the settlement of Kirkham and approximately 1km

from the town centre and all the services and facilities that are located there. There are regular bus services along Dowbridge and the Kirkham bypass road, with the nearest existing bus stop located directly adjacent to the proposed access to the site. Bus number 61 which travels between Preston and Blackpool via Kirkham and the 75 which travels between Poulton and Preston via Kirkham, as well as school buses to St Annes and Myerscough. In close proximity to the application site are a number of residential properties which have the same or similar scale of accessibility as the application site. Kirkham St Michaels C of E Primary school is located 0.62 miles from the site and Kirkham Carr Hill 11-18 High School is located 0.44 miles away.

Therefore whilst the site is located in the open countryside it is located directly adjacent to the settlement boundary and within 1km of the town centre and the services found there, and less than a mile from both primary and secondary schools. Bus services are located directly adjacent to the site which can take occupants to the wider area. Furthermore when considering the site for housing in the new Local Plan it was found to be sustainable, its removal as outlined above because of the flood zones not because the site was inaccessible to Kirkham. The Transport Assessment submitted with the application demonstrates that the site is within easy walking/cycling distance of a range of facilities.

Kirkham is also identified as a strategic location for development and a Key Service Centre in the emerging Local Plan, which in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions available in smaller settlement. Taking all the above it has to be considered that Kirkham is an appropriate location for growth. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the sites sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Scale of development

As stated above Kirkham is a key service centre and a significant settlement which serves both residents of the town and the surrounding rural area. The proposed development of upto 95 dwellings in a sustainable location adjacent to such a centre and strategic location for development is considered to be of an acceptable scale. Policy HL2 of the Fylde Borough Local Plan lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance.

Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality in terms of scale, space around buildings, materials and design. The development will have an impact on the character of the site itself and the adjacent rural area. It is self-evidently difficult to relate the proposed development in terms of scale to the surrounding rural area, however it is considered that the development of the site in terms of space around buildings, materials, character and design would be acceptable and similar to the adjacent urban area and being located on the edge of a key service settlement as large of Kirkham, the proposal is not considered to be out of scale. The design and layout of the overall site are matters to be determined by Reserved Matters application, however given the size of the site and the number of dwellings proposed it is considered the site can be developed at an appropriate density. The NPPF paragraph 52 states that 'the supply of new homes can sometimes best be achieved through planning for larger scale development, such

as new settlements or extensions to existing villages and towns that follow the principles of garden cities.

Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development'. The NPPF suggests, therefore, that applications that are large scale, such as this proposal, are sometimes the most appropriate in providing a supply of new homes that is sustainable. Officers consider this to be the case in this instance, the development is not inappropriate to the size of Kirkham or its services.

Visual and landscape impact

Whilst the principle of the development has been accepted another key issue is the impact of the development visually on the character of the area. 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 the Natural England 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 Borough's flat landscape'.*

The character of the site itself consists of undeveloped fields and an area of built development around the pig farm which would be removed. It is therefore very rural in nature however views of the residential development to the west are prominent from within the site giving the site an urban/rural fringe character. The site is also relatively well contained by existing development, highways and ridge lines.

This application was submitted during the consideration of a larger scheme for development that is now at appeal and attempts to address issues raised over the scale of the development in that initial proposal and the impact that would have on the landscape. The smaller site submitted for consideration in this application is the area which omits the areas that were felt to cause greatest harm in the initial proposal as the two field parcels to the northern end are removed and the development's impact on views from Carr Lane (including the linearity of the northern boundary) and its length along the boundary with Spen Brook would be removed. This impact would be accentuated by surrounding topography which rises from south to north to the red edge boundary

of this application. This application shows the development finishing at this point with a woodland tree belt proposed to provide a soft edge to the development.

Whilst the layout is constrained by the flood zone around the brook and is detached from the existing settlement by approximately 50m it will still appear as part of the Kirkham when viewed from the north, and would not be an unnatural extension to the settlement. It is also not unusual for public open space to form breaks in urban development, with it forming a natural break in the built form around a watercourse which is a traditional built form in settlements. The northern boundary follows a natural curvature which diminishes at the eastern end where the site moves away from the built up edge of Kirkham, thus ensuring a more sympathetic relationship with the adjoining countryside in this area of transition. The visual impact is therefore considered to be acceptable.

Principle of the development – conclusions

The site is located directly adjacent to the settlement of Kirkham, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent housing to the south and west. The site is located within 1km of Kirkham town centre and is within reasonable distance of local and community services in Kirkham. The proposed development is considered that the sites is sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of scale and would therefore comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore when considering the housing objective of the NPPF Fylde does not have a five year housing supply for which there is an identified need. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. This site is considered to be a suitable location for development, and the scheme is of a scale that can be accommodated without causing evidenced harm to the settlement.

Flooding and drainage

The site as a whole has elements that are located within Flood Zones 1, 2 and 3, with the actual residential development will be located solely within Flood Zone 1 so the principle of residential development in this area is acceptable. The area of the site which is part of flood zone 2 and 3 is proposed to be a linear park with woodland planting. The site has been submitted with a Flood Risk Assessment and drainage management strategy which outlines that surface water will be discharged via infiltration or if that is not feasible it will be discharged into the watercourse (Dow Brook) and will be restricted to the pre-development greenfield rates; calculated to be 20.7l/s for the annual event, 40.4l/s for the 1 in 30 year event and 49.6l/s during the 1 in 100 year event with an allowance for climate change. The FRA states; *It would be beneficial to implement a wider community green space/POS area with some SuDS features such as bio-retention, ponds and swales within the western/south-western portions of site. Such would add biodiversity and amenity value to the development, along with providing a sustainable means to manage some of the surface water run-off generated by the proposals. Detailed design should confirm whether this area would be suitable for incorporation of SuDS into the surface water management scheme for the development.*

No surface water will be discharged into the public sewer network. With regard to foul water the FRA considers a development of 180 dwellings (the amount proposed by other application) and states that the peak foul water flows generated by the development would be 8.3 l/s. It is proposed that the foul water flows generated by the development will discharge into the existing public sewer network (750mm dia) which dissects the site via a gravity connection. With regard to finished floor levels the FRA states; *An intra-sequential approach to flood risk management has been adopted with*

residential development being proposed within the extents of Flood Zone 1. Any residential development taking place should have Finished Floor Level (FFL) set a minimum of 600mm above the predicted Top Water Level (TWL) for the 1% AEP event with an allowance for climate change (1%AEP+CCA) to mitigate for potential fluvial flooding from the adjacent 'Dow Brook'. This level will vary based on the existing external levels and proximity to the watercourse however the minimum level is predicted to be between 10.92mAOD and 11.32mAOD.

None of the flooding consultees, (LCC as Lead Local flood Authority, the Environment Agency, or United Utilities) raise any objections to the development. Both the EA and UU have requested only one condition and that is that the development is carried out in accordance with the FRA and the mitigation measures within it. LCC require conditions relating to the design of the surface water scheme to be submitted, that no development will be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and that a management and maintenance plan for the drainage system is submitted and approved. There are therefore no flooding or drainage issues that cannot be addressed by condition and so would prevent the application being supported.

Ecology

The application was submitted with an ecological assessment of the site which has been assessed by the Councils ecological consultants (GMEU) and Natural England (NE). Following a consultation response from NE a wintering bird survey was submitted and a shadow habitats regulation assessment. NE did not assess the impact of the proposals on protected species but GMEU have.

Wintering birds and HRA

The ecology report submitted originally did not discuss the potential value of the site for use by wintering birds, a point raised by Natural England and subsequently addressed by applicants. 'Habitats Regulations Assessment' (HRA) relates to the Conservation of Habitats and Species Regulations, and applies to European sites (SPA, SAC and Ramsar sites). As at this site, however, a development site does not need to be within the European designated site to fall under the provision of the Regulations.

The wintering bird survey found that no geese were landing at the site but were flying over it to more inland sites and as such the HRA concluded that there is no likely significant impact on the European site and therefore an Appropriate Assessment is not required. Natural England concurred with this based on the following;

Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016. "the low numbers of birds recorded" "...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ..."

Protected Species

GMEU state that the site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site. A significant part of the site is dominated by buildings and hard standing associated

with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh. GMEU consider that the ecological surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.

Bats – The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme. The existing buildings on the site that will be demolished have potential to support bat roosts as such a bat activity survey was submitted during consideration of the application. GMEU have commented that the surveys were appropriate and that no bats were seen emerging from the buildings and the report concludes that there is not a bat roost at the site. As bats are highly mobile creatures a number of precautionary mitigation measure has been put forward together with one for breeding birds. These measures should be followed and form part of the conditions for any permission

Water voles – the brook at the north of the site has been assessed as potentially suitable for voles. This brook will not be directly affected by the development and no harm should be caused to voles in the brook even if they are present.

Habitats - The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows. The impact is therefore acceptable.

Ecology conclusions

The application presents an examination of the potential ecological impacts from the development of the site and concludes that there would be no significant impacts that cannot be mitigated. With appropriate conditions in place it is considered that there will not be any unacceptable impact on protected species or priority habitat. The scheme results in a loss of biodiversity, as does any scheme in a site such as this, however this proposal retains the features of greatest value and ecological and landscaping conditions will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application. The submitted HRA is acceptable and will be adopted by the Council.

Highways

Paragraph 32 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

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

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

The proposal would result in up to 95 dwellings, accordingly, the impact of the proposal on both the highway network has to be considered. To that end a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant have been submitted and assessed by LCC Highways. Their comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). LCC has considered all this submitted information when providing their consultation response which is outlined in the consultations section above.

The development is proposed to be accessed from Dowbridge via a new access point and this is a detailed matter for consideration. The precise internal layout will be determined through Reserved Matters application. A separate pedestrian/cycle access is proposed along New Hey Lane.

Sustainable transport modes

Notwithstanding the site sustainable location LCC seek contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network. They therefore request contributions in relation to pedestrian and cycling measures, upgrades to existing bus stops, improvements to the rail station including the links to it, travel plan support and a funding of further speed reviews and if shown to be necessary additional speed reduction measures (SPID signing).

Safe and suitable access

It is proposed that the access to the 95 dwellings will be from a single junction off the B5193 Dowbridge. The proposed access will be in the location of the existing Brook farm access and is 40m from Oxford Road to the west and 40m from New Hey Lane to the east. LCC were concerned that a development of 95 dwellings did not have any emergency access and was solely accessed from Dowbridge. This was addressed by the cycle/pedestrian link to New Hey Lane which will be designed so that it can be used by vehicles in an emergency. They also expressed concerns that the speed of vehicles travelling along Dowbridge were likely to be higher than the speed limit. They asked for a review of the speeds and a speed survey, subsequently a 24 hour speed survey was carried out by the developers and given the importance of safe access LCC also carried out their own surveys over a full week. Their response states;

“SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds.

With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and

agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction."

The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced LCC's view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. LCC have reviewed the latest accident data and consider there is any particular accident pattern which would be a cause for concern. Therefore with the works required to be undertaken via a legal agreement the development will have a safe and suitable access. The full highway works required are detailed below.

Layout and network capacity

LCC have considered the development and its impact on the highways network and whilst they state the development will result in increased flows on the existing network in and around the site they have raised no objections or concerns with regard to highway capacity. With regard to the layout they acknowledge that the application is made in outline and that the layout will be picked up at Reserved Matters stage. They however state that the following will need to be included;

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;
- The Masterplan layout must include the emergency access proposal off New Hey Lane;
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;
- there will be a need for 1.8m service strips on access roads;
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;
- all shared footway/cycleways should be delivered as a 3.5m wide facility;
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;
- Parking to the appropriate Fylde standards is expected - Parking Standards were set out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.
- I would ask the applicant to note at this stage the following in regard to driveway and garage

dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council.

- LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

They have also highlighted they are aware of concerns of the resident of 8 Friary Close and the potential to short cut through their garden given the Dow Brook is culverted in this location. They state that the LPA and developer should work together in the RM to address this concern in the future detailed design layout. This matter will be considered in the detailed design stage.

Highways contributions and required.

The below is what will be required through s278 works in order to make the development acceptable.

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;
- With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;
- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.;
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be included as part of detailed scheme design to LCC's specification.
- The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) including advisory cycle lanes, Gateway measure, Pedestrian refuge island. (Note: it has been agreed that the trigger point for the works shown in Plan SK21542_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).

In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge including the renewal of existing road markings and review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.

The below planning obligations (s106 contributions) will be required to ensure the development is acceptable;

- £15,000 Funding for pedestrian cycle improvements at the Rail Station (It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)
- b) £10,000, Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary)
- c) The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).
- d) £6,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services. (Trigger - prior to the occupation of the 1st dwelling).
- e) £1000 per dwellings towards sustainable travel improvements.

Highways conclusion

LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety. The development of up to 95 dwellings will not have an unacceptable impact on the highway network in terms of capacity or safety. The Policy test for highway and access matters is whether the 'cumulative residual impacts of traffic generation are severe' (para 32 of NPPF) and whether the development has a satisfactory access and does not adversely affect the safe and efficient operation of the highway network as required by criteria 9 of Policy HL2 of the Fylde Borough Local Plan. Having considered these aspects in this section it is concluded that the development is not in conflict with these requirements and so has acceptable highway implications.

Impact on residential amenity

The application is an outline application with all matters reserved asides access which is a detailed matter for consideration and is discussed above. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. Criteria 1 of Policy HL2 of the Fylde Borough Local Plan requires that new development is compatible with existing land uses, and criteria 4 requires that it does not affect the amenity and privacy of neighbouring properties. The submitted indicative landscape masterplan shows woodland planting between the development site and existing dwellings and that proposed dwellings would be 21m or more away from existing dwellings which exceeds the Council's spacing standards. The indicative layout shows the access to the site taken from Dowbridge with a collector road leading through the site to the north west with a turning head at the end and with dwelling access roads leading of it, with the dwellings grouped around these roads. It is considered that a layout that accords with the principles established in the indicative plan would result in no unacceptable loss of light or overlooking created to surrounding dwellings. The existing dwellings to the east and west would not experience any overlooking or loss of privacy as a consequence of this development. There are therefore no issues with this development when constructed in terms of impact on residential amenity.

Other Issues

Loss of Agricultural land

The application site was subject to an agricultural land survey, with soil sampling undertaken that confirms the land outside the farm buildings is Grade 3a.

Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. Fylde has a large amount of Grade 2 and 3 agricultural land, with 47.5% of the borough being of grade 2 quality. Therefore a re-location of the development to another greenfield site would likely be to other land classed as versatile agricultural land or better quality and therefore substantiate a greater loss. Whilst the loss of any productive agricultural land is to be regretted, the loss is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy for the provision of housing and economic development opportunities

Archaeology

The application has been submitted with a geophysical survey of the site which does not show evidence of any remains that LCC Archaeology thought may be present at the site. They state that there is still the possibility of archaeological features being extant within the survey area and the small possibility of remains masked by ferrous noise or remains in the unsurveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area. They still recommend a programme of trial trenching is undertaken before the development commences but state that this can be required by a planning condition. A condition will therefore be placed on any permission granted.

Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however because of the flood zone the illustrative layout shows a linear park in this area which would be provided as part of the development. It is considered that the proposal would provide greater POS than required by Policy TREC17 and so no reason for refusal on this matter is justified.

Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of 36 primary school places in the area to accommodate the additional children that would result from the development and the Applicant would have to make a contribution in the order of £439,538.40 towards this. There would be a shortfall of 14 secondary school places and the applicant would have to make a contribution of £271,561.92 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted.

Affordable housing

The Council's Strategic Housing team have not commented on the application, but have confirmed that the findings of the Housing Needs Study remain valid and this indicates that there remains a shortage of affordable housing in all parts of the borough. If members are minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications.

Conclusions

The application is considered to be in a sustainable location and given the lack of a five year housing supply will assist in the delivery of housing. The development has been found to have a safe access and will not have a severe impact on the existing highways network. The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site. It is considered that the visual impact of the development subject to appropriate landscaping is acceptable and that a suitable layout can be formed that would not impact on residential amenity. Therefore the application is recommended for approval.

Recommendation

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

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution of £1000 per dwelling towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- £15,000 Funding for pedestrian cycle improvements at Kirkham and Wesham Rail Station
- £10,000, Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary)
- £6,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.
- a contribution towards primary and secondary education, the total amount to be based on the final bedroom mix

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

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

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - [a] The expiration of five years from the date of this permission;
 - or
 - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

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

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

Nos. (1, 2, 3 and 5)

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

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

3. The 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 20/11/15, including the following plans:

- Proposed site location plan
- Landscape Masterplan 1956_03
- Proposed access improvement and traffic calming (Inset 1) SK21452- 005
- Proposed access improvement and traffic calming (Inset 2) SK21452-006
- Proposed access improvement and traffic calming general arrangement SK21452-002
- 2016 EA Flood Zone extents plan HYD046 205 (A) REV D

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

4. The details submitted as part of the reserved matters approval shall be substantially in accordance with the illustrative landscape masterplan (1956_03) and shall respect the layout principles established by this plan. This shall include the provision of a linear park along south west boundary and woodland planting around the other boundaries.

Reason: In the interests of layout, visual amenity and residential amenity.

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

Note:

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

(ii) The position of the eastbound bus stop will be subject to detailed design.

(iii) As part of the detailed design, the issues identified in the Stage 1 Safety Audits for the off-site highway works will be addressed through the S278.

(iv) The site access gradients will be constructed to the appropriate LCC adoptable standards.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final

details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

6. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 5 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

7. Prior to occupation of the 51st dwelling the Applicant/Developer will be required to carry out a traffic speed review in the vicinity of the site access. Should the review indicate that the 85th percentile speeds are greater than 30mph (in either direction) this will trigger further s106 funding in order for the developer to deliver additional measures (in particular SPID signing).

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

8. The Framework Travel Plan as agreed must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

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

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- ix) a scheme to control noise during the construction phase, and

x) the routing of construction vehicles and deliveries to site.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

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

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

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

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

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

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

13. Prior to the commencement of development details of fencing to be erected and maintained between the application site and sensitive habitats to be retained (pond, hedgerows and watercourses) throughout any permitted construction period shall be submitted to the LPA for approval in writing. The development shall take place with the approved fencing in place throughout.

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

14. Prior to the commencement of development details a Method Statement of measures to be taken to prevent the spread of Himalayan balsam and eradicate it from the development site shall be submitted to the LPA for approval in writing. Once approved the Method Statement must be implemented in full.

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

15. No works shall commence until details of bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include provision for Song Thrush, Dunnock and House Sparrow (Species of Principal

Importance). Consideration should also be given to provision of opportunities for other declining species of bird such as House Martin and Swift. The approved details shall be implemented in full.

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

16. No works shall commence until full details of bat roosting opportunities to be installed within the re-developed site have been submitted and approved in writing by Fylde Borough Council. Approved details shall be implemented in full. Please see the Bat Conservation Trust website Bat Product Listv5 (642 KB) on www.bats.org.uk/pages/new_build

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.

17. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

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.

18. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by Fylde Borough Council. The approved details shall be implemented in full.

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.

19. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment HYDO46_BROOK.FARM_FRA & DMS Rev 1.0 Dated 19/11/2015 which was prepared by Betts Hydro and the mitigation measures within it. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain to watercourse and no surface water will be permitted to drain directly or indirectly into the public sewer. 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. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.

20. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- a) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 20.7 l/s for the 1 in 1 year event, 40.4l/s for the 1 in 30 event and 49.6l/s for the 1 in 100 year event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

- g) To ensure that the proposed development can be adequately drained.
 1. To ensure that there is no flood risk on or off the site resulting from the proposed development
 2. To ensure that water quality is not detrimentally impacted by the development proposal

21. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

- 3. To ensure that the drainage for the proposed development can be adequately maintained.
 1. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

22. No development shall commence until details of an appropriate management and maintenance

plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

2. the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- a) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - b) on-going inspections relating to performance and asset condition assessments
 - i. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - ii. means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons

- c) To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
1. To reduce the flood risk to the development as a result of inadequate maintenance
2. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

23. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. 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. Note: the following range of works are required as part of the programme of works:

- (i) A survey of the original buildings of Brook Farm to Level 2 as set out in Historic England 2006 Understanding Historic Buildings: a guide to good recording practice;
- (ii) A topographical survey of the occupation road/hollow way as identified in the Heritage Statement (site 03);
- (iii) The careful demolition of the buildings to slab level followed by a phased scheme of archaeological investigation and recording of the ground beneath the modern farm buildings, tracks, hard-standing, etc. in a strip 10m wide each side of the projected line of the Dowbridge to Ribchester Roman road as shown on the OS 1:10,560 of 1848 (sheet Lancashire 60, surveyed 1844-5);
- (iv) A phased scheme of archaeological investigation and recording between the present farm buildings and the Dow Brook, looking for remains of the Roman road noted above and any roadside development or burials;

(v) A phased scheme of archaeological investigation and recording of the feature towards the northern end of the western boundary of the site labelled 'Supposed site of Roman Road' on the OS 1:10,560 of 1848 (sheet Lancashire 60, surveyed 1844-5);

(vi) The excavation of at least one archaeological trench within each of the five geophysical survey areas, to ground truth the results of the geophysical survey.

24. Times of construction shall be limited to 08.00 – 18.00 Monday to Friday; 08.00 – 13.00 Saturday and no work on Sundays or Bank Holidays.

Reason: In the interests of residential amenity

25. As per the contaminated land report, the applicant shall deposit 600mm of clean sub soil in the garden areas, 450mm in the soft landscaping areas and 150mm elsewhere. The applicant shall demonstrate that the subsoil complies with relevant guidance.

Reason: In the interests of public safety

26. As gas movement has been detected, reinforced concrete floor slabs shall have at least a 2000 gauge DPM. All service entries to be sealed and sub floor spaces shall be ventilated to achieve one complete air change per 24 hours

Reason: In the interests of public safety.

27. Prior to commencement of development full details shall be provided in a remediation report of the measures introduced to deal with the asbestos contamination. The measures shall be implemented in full.

Reason: In the interests of public safety

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Item Number: 3

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|--------------------------------|
| Application Reference: | 15/0836 | Type of Application: | Full Planning Permission |
| Applicant: | Mr & Mrs Gibbons | Agent : | Keystone Design Associates Ltd |
| Location: | MOORSFIELD FARM AND PRIVATE FISHERY (WAS STAINING HALL POULTRY FARM), CHAIN LANE, STAINING, BLACKPOOL, FY3 0DB | | |
| Proposal: | RETROSPECTIVE APPLICATION FOR CONVERSION AND PARTIAL REBUILD OF PIGSTY TO STABLES FOR PRIVATE USE AND PARTIAL REBUILD OF SINGLE STOREY BRICK BUILDING FOR THE PURPOSES OF STORAGE IN CONNECTION WITH THE USE OF THE ASSOCIATED LAND AND CREATION OF HARDSTANDING AREA. | | |
| Parish: | STAINING AND WEETON | Area Team: | Area Team 2 |
| Weeks on Hand: | 34 | Case Officer: | Rob Clewes |
| Reason for Delay: | Negotiations to resolve difficulties | | |

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

<https://www.google.co.uk/maps/@53.8171157,-2.9771171,559m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the partial rebuild of two buildings on a site located in a rural area outside of Staining village, and their use for equestrian purposes and associated storage.

The buildings subject of this application are located within an area designated as countryside and it is considered that their use and appearance are appropriate within the rural area. There is no detrimental impact to the character of the countryside as the buildings are modest in size and are partially rebuilt from the previous building in the same location. There is no impact to residential amenity due to the large separation distance and there will be no detrimental impact to highway safety. The proposal is therefore considered to comply with the NPPF and policies SP2, SP9 and EP11 of the adopted Fylde Borough Local Plan and 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 a field which was part of the Staining Hall Poultry Farm to the east of the settlement of Staining, but is now separated from that property. The site is located in an area designated as countryside in the adopted Fylde Borough Local Plan. The site is accessed off Chain Lane via a private track/lane which is also a Public Right of Way. The field is rectangular in shape and

there are two buildings on the site which are currently in use by the applicant. The field is surrounded by fields in use for agricultural purposes.

Details of Proposal

The proposal is for the partial rebuild of the two existing single storey buildings on the site and the change of use of the one that was formerly a pigsty to private stables. The works are all complete and so the application is considered retrospectively.

The stable building (former pigsty) has a foot print of 11.5m by 7.4m and consists of 4 stables which are to be used for stabling the applicant's horses. The roof is dual pitched with a ridge height of 3.6m and it has overhanging eaves which are 2.2m high. The building consists of red brick elevations and a metal profile roof.

The other building has a foot print of 22.1m by 6.75m. It has a dual pitched roof with a ridge height of 3.5m and an eaves height of 2.2m. The elevations consist of painted brickwork and a metal profile roof. It is used in connection with the agricultural / equestrian use of the land and provides a storage area.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|------------------------------|-------------|
| 15/0551 | SITING OF CARAVAN / PARK HOME ASSOCIATED WITH PROPOSED SMALLHOLDING | Refused | 18/12/2015 |
| 05/0281 | RESUBMISSION OF APPLICATION 04/659 FOR CONVERSION OF REDUNDANT FARM BUILDINGS TO PROVIDE ACCOMMODATION FOR DISABLED FISHING PLUS MANAGERS ACCOMMODATION. | Refused | 19/05/2005 |
| 04/0659 | CONVERSION OF REDUNDANT FARM BUILDINGS TO PROVIDE ACCOMMODATION FOR DISABLED FISHING PLUS MANAGERS ACCOMMODATION& USE OF POND FOR FISHING LAKE | Refused | 09/09/2004 |
| 03/1182 | PROPOSED CONVERSION OF AGRICULTURE FARM BUILDINGS TO ACCOMMODATION FOR DISABLED FISHING AND MANAGERS FACILITIES | Returned Invalid Application | 11/05/2004 |
| 15/0487 | PROPOSED EXTENSION OF EXISTING POND TO FORM FISHING LAKE FOR PRIVATE SYNDICATE USE WITH SITING OF 20 FISHING PEGS, SITING OF MANAGER'S CARAVAN, ERECTION OF TOILET BLOCK, FORMATION OF CAR PARK, CONSTRUCTION OF 2 NO. FOOT BRIDGES AND CONVERSION OF EXISTING PIG BUILDING TO PROVIDE 4 STABLES FOR PRIVATE EQUESTRIAN USE. | Returned Invalid Application | 02/11/2015 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Staining Parish Council notified on and comment:

The council strongly objects to the application

The council has concerns over the retrospective nature of this application. Consultation and application should have been made prior to any works being carried out. The application 15/0551 already states that two buildings have been reinstated and yet it is three months later that the conversion application is made. The previous application 15/0551 still being undecided.

It is the opinion of staining Parish Council that the planning department of FBC should inspect closely the progress of development of this site, making regular inspections to ascertain its exact use. The report of the Land Agent for LCC regarding application 15/0551 shows that there are still further plans for expansion of operations by the applicant.

There is also a discrepancy between the site plan and the building elevation plan. The area shown in red on the site plan shows an area of 150 square meters whereas the building elevation plan shows an area of 73.6 square meters. The plan does not make any reference to the other half (approx) of the area shown on the site plan.

Statutory Consultees and Observations of Other Interested Parties

National Grid

Comments - No comments received

Lancashire County Council - Highway Authority

Comments - No objections

Lancashire County Council Rights of Way

Comments - No comments received

Environment Agency

Comments - No objection. Apply local guidance.

Principal Land Agent

Comments - No objections

Stable

A key use of the site will relate to the keeping of the horses, which in my opinion, is a use appropriate to a rural area and on this basis, I believe that there is a need to provide appropriate stabling for those horses kept upon a unit.

In assessing this application, it is appropriate to consider the amount of land associated with the property, to ensure that the scale of any development is commensurate with the amount of grazing available. In this circumstance, the area of land associated with the property is in excess of 13 acres. In my opinion, this area of land is capable of supporting three horses and therefore stables for these three horses are justified and necessary.

In terms of the design of the stables, I understand that the building has been built on the site of the pigsty that it replaced, using reclaimed materials (brick walls and slate roof) from the original building. In my opinion, the use of these materials is unusual for a new stable block in such an isolated position, with most modern stables of this type being of a timber construction. However, notwithstanding the above, I recognise the re-use of existing materials in this situation and believe that the materials are not inappropriate for the construction of stables.

Whilst I note that the applicants only have three horses, the inclusion of a fourth stable, would provide a storage area for tack and feed and it is therefore, in my opinion, acceptable to be included within the proposed design.

In my opinion, the size of the stables are larger than the standard size of 3.6m x 3.6m, however I do not consider the stable are overly excessive in terms of their size. The height of the proposed building is, in my opinion, appropriate. I understand that the proposed stables is sited upon the footprint of the old pigsty which is situated adjacent to the site entrance. In my opinion the proposed siting is appropriate being adjacent to the site entrance whilst also enabling the applicants to turn out their horses straight onto the grazing land.

Storage Building

In my opinion the current use of the storage building is predominantly for non-agricultural purposes being the breeding of small animals and the storage of tools and other non-agricultural items the building is therefore more akin to a recreational type use.

Notwithstanding the above, I consider that since my last visit to the site, some limited hobby type activities have commenced, some of which could be considered as appropriate to a rural area and it is evident that a building could be justified in conjunction with such activities.

In my opinion, the building's design and materials are not typical for such a facility, with the inclusion of features such as double glazed windows, internal divides and the use of personnel doors only being uncommon. As such, it is my opinion that the building is more akin to one that might be found in an urban setting and is not a design that I would consider as appropriate should an assessment have been made prior to its construction.

In terms of size, it is my opinion that the building, when compared against the current activities undertaken by the applicants, is larger than necessary. I do however note that the applicants do plan to expand the activities undertaken upon the land and in my opinion, the application site could facilitate the expansion of activities undertaken upon the unit. Therefore, whilst I believe that the current activities do not justify the scale of the unit, I believe that the application site as a whole and the proposed expansions plans could justify the scale of the building.

The proposed siting of the building is, in my opinion, suitable being adjacent to the site access and other building.

Neighbour Observations

Neighbours notified: 14 December 2015
No. Of Responses Received: 1 letter of support received
Nature of comments made:

Site has been visually improved
Buildings are being used for an appropriate use and in keeping with the area
Any future development should be assessed on its own merits separate to this application

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|---------------------------------------|
| SP02 | Development in countryside areas |
| SP09 | Diversification of rural economy |
| EP11 | Building design & landscape character |

Other Relevant Policy:

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

Site Constraints

Within a Countryside Area

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

The principle of the development
Design and impact to the character of the countryside

The principle of the development

The proposed buildings are located in an area designated as countryside as defined by the adopted Fylde Borough Local Plan. The stables are to be used for private purposes and the store building is used in connection with the breeding and incubation of the applicant's animals and eggs, and for associated storage. Therefore the relevant policy that should be applied to the development is Policy SP2 relating to the countryside designation and rural uses.

Policy SP2 seeks to restrict development that would be considered inappropriate in the countryside. Although the use of both buildings falls outside what would be considered agriculture their use is appropriate for a rural area, and they are on a site that is sufficient in size to support the activities involved. Accordingly the principle of erecting the buildings is acceptable.

The application has been assessed by the County Land Agent who confirms that the buildings are capable of being used for the purposes proposed, and that the site is able to support the equestrian and associated hobby farm uses proposed. They raise no objection to the application.

Design and impact to the character of the countryside

The proposed buildings are not considered to be overly large and will not form a dominant feature within the site. Their ridge heights of 3.5/3.6m and eaves height of 2.2m are comparable to that of a typical single storey rural building such as a stable block and these heights are considered acceptable as it will not result in the buildings having a dominant appearance in the site or wider area. This is further helped by the existing boundary hedge which will mask views of the buildings from the

access road and public footpath.

The buildings have been partially rebuilt from two existing building on the site and so do not represent new structures in the countryside. Although the store building which is the larger of the two buildings does contain features which have a more urban appearance overall its appearance is considered acceptable and appropriate within its setting. The stable block is of an appropriate design and appearance for its proposed use. Overall it is considered that the character of the countryside will not be detrimentally affected by the presence of the building.

Impact to amenity

The proposed building is over 75m away from the nearest residential property, Staining Hall Farm. This separation distance is considered more than sufficient to ensure that there will not be any detrimental impact to the amenity of the property.

Impact to highway safety

The highways officer raised no objection to the proposal and it is therefore considered that there will be no detrimental impact to highway safety.

Other Matters

In addition to queries over the retrospective nature of the application and the accuracy of the plans, the Parish Council express concerns over the use. This is predominantly aimed at a proposed residential use under a separate application that has since been refused, and the actual siting of a caravan for that use. The site has been visited on a number of occasions by officers in recent months and is now presented to Committee as the caravan has been removed. Irrespective of that, officers will continue to monitor the site.

Conclusions

The buildings subject of this application are located within an area designated as countryside and it is considered that their use and appearance are appropriate within the rural area. There is no detrimental impact to the character of the countryside as the buildings are modest in size and are partially rebuilt from the previous building in the same location. There is no impact to residential amenity due to the large separation distance and there will be no detrimental impact to highway safety. The proposal is therefore considered to comply with the NPPF and policies SP2, SP9 and EP11 of the adopted Fylde Borough Local Plan and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. 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 24 November 2015, including the following plans:

A015/065/S/03 - Site location

A015/065/P/02 Rev D - Conversion of pigsty to stables

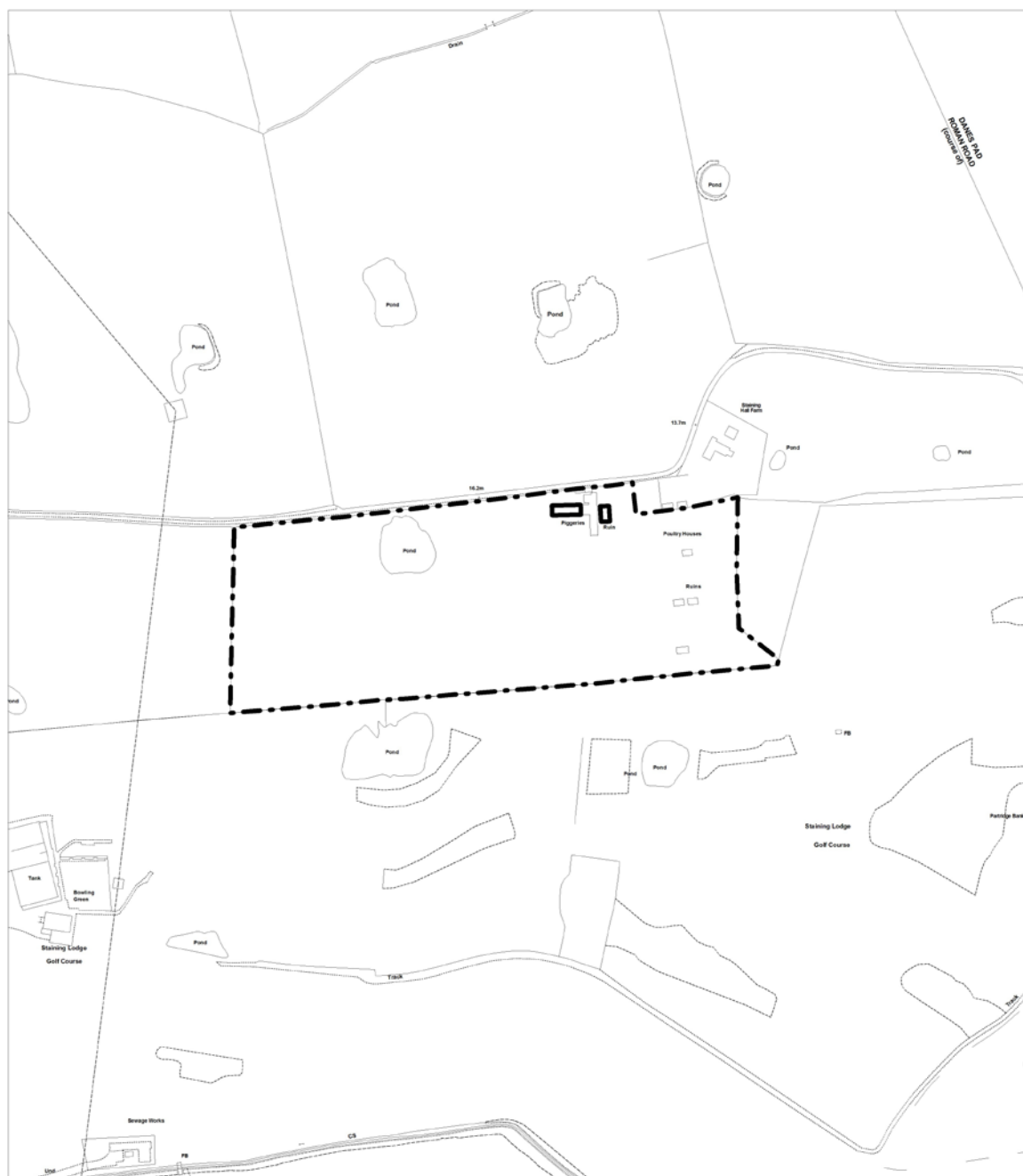
For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

2. The stables hereby permitted shall be used for the private stabling of horses and storage of associated equipment and feed only and shall not be used for any trade, business or other storage purposes.

To define the permission and in the interest of the visual amenities and character of the area.

3. The storage building hereby permitted shall be only used for agricultural purposes, or for the storage of equipment and feed in association with an agricultural / equestrian use of the land.

To define the permission and in the interest of the visual amenities and character of the area.



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|---------------------------------------|---|--|--------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/15/0836 | Address Moorsfield Farm & Private Fishery, Chain Lane, Staining | Grid Ref. E.3359 : N.4360 | Scale 0 20 40 60 80 m |

Item Number: 4

Committee Date: 27 July 2016

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 16/0194 | Type of Application: | Full Planning Permission |
| Applicant: | Baxter Homes LTD | Agent : | Croft Goode Limited |
| Location: | LAND REAR 23 TO 63 WESTGATE ROAD, WESTGATE ROAD, LYTHAM ST ANNES, FY8 2SG | | |
| Proposal: | RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS COMPRISING 17 HOUSES AND 8 APARTMENTS INCLUDING ASSOCIATED INFRASTRUCTURE | | |
| Parish: | ST LEONARDS | Area Team: | Area Team 2 |
| Weeks on Hand: | 17 | Case Officer: | Kieran Birch |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7775868,-3.0459872,560m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to the erection of 25 dwellings on a site that is located to the rear of the dwellings on Westgate Road and so against the boundary with the Airport. This is a site that has previously had planning permission for residential development albeit that it has expired without being implemented.

It is considered that the use of this land for residential development is acceptable and that the design and layout of the units now proposed is appropriate and will have an acceptable impact on neighbouring amenity. There are no highways issues and as such the development is considered acceptable.

Reason for Reporting to Committee

The application is for a major development and therefore needs to be determined by Committee.

Site Description and Location

This application relates to an essentially triangular shaped piece of land on the western edge of the airport and located to the rear of 11-63 Westgate Road, a row of inter war semi-detached properties of traditional construction. To the north of the site is the former Blackpool Borough Council's Office Westgate House site which has outline planning permission for a retail store and to the east are various airport hangars and support buildings. The majority of the site was formerly used as long stay and staff car parking relating to the airport use. The site is flat and level.

Details of Proposal

The application is made in full for 25 affordable rented properties with 9 x 2 bedroom dwellings, 8 x 3 bedroom dwellings and 8 x 2 bedroom apartments. Each property has its own parking and amenity

space. The development is set out in nine blocks with seven blocks of two or three dwellings, and two blocks at the southern end of the site of eight apartments. Each of these is two storey and are proposed to be constructed in red and contrasting buff brick with slate and red roof tiles. Each of the buildings will have pitched roofs and will incorporate features such as two storey bay windows too side elevations and pitched roofs over entrance doors.

Block paving will form the parking spaces and drives to the development. Appropriate levels of car parking are provided to serve the development with one space per two bed dwelling, two spaces per three bed dwelling and parking at 150% (or, 12no spaces) for the apartments. The application site is proposed to be accessed off Westgate Road from an established "gap" between numbers 35 and 37 (opposite Martin Avenue).

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-------------------------------------|-------------|
| 12/0499 | EXTENTION OF TIME LIMIT ON APPLICATION 08/0992 FOR DEMOLITION OF 2 No. DWELLINGS AND ERECTION OF 72 No. RESIDENTIAL PROPERTIES (46 No. APARTMENTS AND 26 No. HOUSES) AND FORMATION OF NEW VEHICULAR/PEDESTRIAN ACCESS | Not determined as no s106 completed | |
| 08/0992 | DEMOLITION OF 2 No. DWELLINGS AND ERECTION OF 72 No. RESIDENTIAL PROPERTIES (46 No. APARTMENTS AND 26 No. HOUSES) AND FORMATION OF NEW VEHICULAR/PEDESTRIAN ACCESS (RESUBMISSION OF APPLICATION 08/0037) | Refused but allowed at appeal. | 12/02/2009 |
| 08/0037 | ERECTION OF 74 No. RESIDENTIAL PROPERTIES (50 No. APARTMENTS AND 24 No. HOUSES) AND FORMATION OF NEW VEHICULAR/PEDESTRIAN ACCESS. | Refused | 27/10/2008 |
| 05/0977 | MODIFICATION OF CONDITION 5 ON APPLICATION 05/628. TO REMOVE THE GRASS MOUNDING AND REPLACE WITH SCREEN OF HIMALAYAN BIRCH TREES 'BETALA JACKUWONTII' AND SCREEN FENCE | Granted | 22/11/2005 |
| 05/0630 | REDEVELOPMENT TO PROVIDE RESIDENTIAL UNITS, ACCESS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS. | Withdrawn by Applicant | 12/09/2005 |
| 05/0628 | PROPOSED CREATION OF TEMPORARY CAR PARK | Granted | 25/08/2005 |
| 03/0621 | OVERFLOW CAR PARK | Refused | 30/10/2003 |
| 02/0983 | PROPOSED EXTENSION OF EXISTING OVERFLOW CAR PARK TO INCLUDE ERECTION OF 1 NO FLOODLIGHT AND EXTENSION OF RAILINGS TO FOOTPATH | Granted | 14/02/2003 |
| 87/0493 | OUTLINE, 2-STOREY BLOCK OF 4-FLATS | Granted | 07/10/1987 |

Relevant Planning Appeals History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 08/0992 | DEMOLITION OF 2 No. DWELLINGS AND ERECTION OF 72 No. RESIDENTIAL PROPERTIES | Allowed | 03/08/2009 |

| | | | |
|---------|---|-----------|------------|
| 08/0037 | (46 No. APARTMENTS AND 26 No. HOUSES) AND FORMATION OF NEW VEHICULAR/PEDESTRIAN ACCESS (RESUBMISSION OF APPLICATION 08/0037) | | |
| | ERECTION OF 74 No. RESIDENTIAL PROPERTIES (50 No. APARTMENTS AND 24 No. HOUSES) AND FORMATION OF NEW VEHICULAR/PEDESTRIAN ACCESS. | Withdrawn | 26/06/2009 |

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 04 April 2016 and comment:

No specific observations.

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport

No comments received.

United Utilities - Water

No objections subject to conditions in relation to surface and foul water.

Lancashire County Education Authority

Education request for 2 primary school places totalling £24,418.80 and one secondary school place of £18,397.28.

Lancashire County Council - Highway Authority

I refer to the above planning application and would make the following comments. The proposed development raises no specific concerns to LCC in terms of highway capacity or highway safety.

The layout of the development is acceptable as are car parking levels.

A Transport Statement (TS) has been produced by the developer in support of the application. TS identifies no highway or transport issues that should prevent the development proposal from being granted planning permission. LCC's view is that the development can be made acceptable providing mitigation is provided.

There are local concerns over the speed of vehicles in the area. Although LCC hold no data on actual speeds the carriageway of Westgate Road is relatively wide for a residential road at approximately 7.5m and straight. The current street geometry does not fit in with the philosophy of Manual for Streets or Creating Civilised Street as it does not meet with the layout that would encourage drivers to remain below 20mph. The layout of the proposed development does meet with the philosophy of Manual for Streets and Creating Civilised Streets and encourages low vehicle speeds. It also meets with LCC's requirements in order for the roads to be offered for adoption under a S38 agreement.

The sightlines at the proposed access onto Westgate Road is acceptable, however, vehicles parked north of the junction could impede sightlines. To address this issue I

would suggest that as part of the access arrangements a junction table should be provided, thereby leading to vehicles travelling slower. This would partly address some of the local concern over speed limits.

Given the length of Westgate Road I would suggest that a single junction table in isolation would not fully address local concern. However, the introduction of a second junction table at the junction of Westgate Road and East Gate Close would go further towards resolving the issues.

LCC has in recent times implements 20mph speed limits in residential areas on a countywide basis and in keeping with this LCC would recommend that this development proposal and the adjoining residential roads be made 20mph limits.

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

A series of standard conditions are then suggested.

Lancashire County Council - Flood Risk Management

Raised objections originally which resulted in a revised drainage strategy report being submitted. They were consulted on the 6 June and have responded to state that they wish to withdraw their objection subject to the inclusion of conditions in relation to surface water drainage, SuDs and finished floor levels.

Strategic Housing

The proposal on this site is for 100% affordable, which is welcomed.

The mix of the site gives a good range of affordable provision and we are happy with the layout. We would be confident there would be sufficient demand for all the properties to be let. Housing would support the development. We would like to request whether the possibility of larger one bedroom accommodation could be explored on the apartments as the table below indicates a need for one bedroom accommodation as well as significant demand for 2 bedroom.

National Air Traffic Services

No comments received.

Electricity North West

The development will have no impact on our Electricity Distribution System

Blackpool Borough Council

No comments received.

Blackpool Borough Council Highways

No comments received.

Neighbour Observations

| | |
|-----------------------------|---------------|
| Neighbours notified: | 04 April 2016 |
| Site Notice Date: | 4 April 2016 |
| Press Notice Date: | 14 April 2016 |
| Number of Responses | Four |

Summary of Comments

Below is a summary of planning issues raised;

3. Flooding and drainage issues.
 - Highway capacity and safety
 - Increase in traffic.
 - Housing not needed in area.
 - Contrary to the Local Plan.
 - Lack of recreational open space.
 - Lack of schools in Fylde in the area.
 - Proximity to aircraft hangars – noise and overlooking issues.
 - The inspectorate passed a development at the site with a number of conditions.

The following points have been raised which are not planning issues and cannot be taken into consideration when determining the application:

- Affordable housing will effect value of my house.
- Affordable housing occupants not bothered about views of aircraft hangars.
- Housing will bring children, provisions needed to discourage hanging around in gangs.

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|--------|--|
| SP01 | Development within settlements |
| HL02 | Development control criteria for new housing proposals |
| TR09 | Car parking within new developments |
| TREC17 | Public Open Space within New Housing Developments |

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

The main issues that need to be considered when determining this application are;

Principle of residential development
Design and visual impact
Impact on residential amenity
Highways issues
Flood risk and drainage
S106 Contributions

Principle of residential development

The principle of development of the site for a residential use is acceptable. The site is located within the settlement of St Anne's, near to the boundary with Blackpool and within walking distance of a local centre in Blackpool as well as retail parks in an area which has both residential and commercial properties and therefore accords with policy SP1 which directs development to established settlements. The site has also been previously granted permission for a higher density residential development. The site is located outside of the Blackpool Airport enterprise zone so does not prejudice this. Policy TREC 19 of the FBLP identifies the site as an area within which airport and ancillary leisure uses will be permitted. The policy is a permissive policy and does not prevent the establishment of non-airport uses within the allocated area. As such the proposed development of residential development within this area would not be contrary to the provisions of this policy. There are no local or national planning policies that preclude the development of the site and the principle of developing the site residentially is therefore acceptable.

Design and visual impact

Considering the density and scale of the development previously allowed on the site which included four storey apartment buildings the proposed development is considered to be more in keeping and appropriate to the existing residential development along Westgate Road. The layout and design of the dwellings is outlined in the details of proposal paragraphs above. The designs of the individual blocks of dwellings is considered acceptable. The predominant material to be used in the development is red brick which is the same as the wider area. Other materials proposed such as the contrast buff brick add visual interest to the elevations and help to break them up. The addition of the side bay windows will have a positive impact when entering the site as it is a side elevation on view as you access the site. The proposed use of block paving to the front of buildings to form the parking spaces and the footpaths together an appropriate landscaping scheme will also enhance the appearance of the development. The design of the dwellings is considered to be good quality and it is of an acceptable scale with respect to the area which it is located which features predominately two storey dwellings. The layout consists of four pairs of semi-detached units, three terraces of three units each and two blocks of four apartments each. This relates to the character of the area and are appropriately designed and given their location will have minimal visual impact on the area.

Impact on residential amenity

The proposal will not have a detrimental impact on the residential amenity of neighbouring dwellings. There are no dwellings to the north south or east of the site with the backs of dwellings on Westgate Road facing the site. The spacing between these dwellings and the proposed blocks meets the Council's spacing standards. The requirement is for 21m between rear and rear/front elevations and this distance is exceeded in every case. In four of the blocks will have side elevations facing the dwellings where the standard is 13m. The siting of the dwellings complies with the Council's spacing standards and are typical of an urban residential situation. Thus the development will not have an unacceptable impact on the residential amenity of surrounding dwellings. The proposed access is located between two dwellings and is located in the exact same position between dwellings as Martin Avenue opposite and will be used by less traffic. Therefore there is not considered to be an issue in terms of disturbance to these properties from vehicles.

Proximity to airport

No comments have been received from the Airport regarding the current proposal. The Airport Operations Manager has previously confirmed on other applications that there will be no safety or

operational impingements on the airport if the development were to go ahead.

When considering the previous planning applications on the site, your officers had initial concerns regarding potential noise disturbance to future occupiers of the development from aircraft movements and the employment buildings and a noise survey was submitted to accompany the application which advised that noise levels will be within accepted tolerances within the properties and the Council's Environmental Protection Team have raised no objections to the proposal.

A noise assessment has been submitted with this application which again found that the noise levels experienced in outdoor amenity area's would be acceptable as they are below 55dB (A) and therefore in accordance with the guidance for external amenity areas and that indoors the low noise levels in the area meant that to meet suitable internal noise levels thermal glazing and non-acoustic trickle vents can be used. It is considered appropriate to repeat a condition placed on the previous approval with regard to the noise so that the dwellings are constructed to provide sound attenuation of not less than 35dB(A) against external noise to which they may be exposed.

Highways, access and parking

There are no highways with the application. LCC Highways have commented that they have no objections and are of the opinion that the development raises no concerns with regard to highway safety and capacity. They also state that the layout of the proposal and the number of car parking spaces provided is acceptable. They state that there is local concern over the speed of cars in the area given the width and straightness of the Westgate Road. They state the access sightlines with Westgate road are acceptable but that vehicles parked north of the junction could impede sightlines. To address this issue they suggest that a junction table should be provided, thereby leading vehicles to travel slower which would partially address some of the concern around speed limits. Finally they state that given the length of Westgate Road they suggest that a single junction table in isolation would not fully address the concern but the introduction of a second junction table at the junction of Westgate Road and East Gate Close would go further towards resolving the issues.

LCC has in recent times implements 20mph speed limits in residential areas on a countywide basis and in keeping with this LCC would recommend that this development proposal and the adjoining residential roads be made 20mph limits. They therefore offer no objections but request conditions in relation to these off site works. With such conditions in place there are no highways issues with the application.

Flood risk and drainage

The site is not located in a flood zone but has been submitted with a drainage strategy report. This proposes that foul water will connect to existing combined sewer which is located within the access to the development. The design flow rate of 1.15 l/s of foul water is not materially different to existing flow rates. With no watercourse available within or adjacent to the site it is proposed to dispose of surface water run-off from the development to the combined sewer but at a restricted rate and provide surface water attenuation. LCC as the lead local flood authority initially objected because the report did not include evidence demonstrating why higher priority discharge points for the runoff water are not reasonably practical in line with the PPG. The Planning Practice Guidance requires applicants for planning permission to discharge surface water runoff according to a hierarchy of runoff destinations. The Planning Practice Guidance states that 'sustainable drainage systems should be provided unless demonstrated to be inappropriate' and 'the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable.' The applicant has not provided robust justification or evidence as to why preferable runoff destinations,

notably infiltration, cannot be used for this development proposal. The report was subsequently revised to include details of boreholes, which found standing water to be present at depths of between 0.7 and 1.2m below existing ground levels. Because of this infiltration is not a viable option for the disposal of surface water as with such high water levels the shallow depths of the soakaways would increase their footprint and bring them within 5m of buildings.

Surface water run-off will be restricted to green field run off rates or a minimum of 5l/s and will discharge to the sewer and attenuation provided. LCC have been reconsulted with the additional information but as yet have not responded. United Utilities have responded and have no objections to the proposal requiring conditions relating to the discharge of surface and foul water. These conditions include evidence of an assessment of site conditions and that if surface water does go into the combined sewer it is restricted to mimic the existing site run off plus 30% betterment. LCC have now also confirmed they have no objections subject to the inclusion of condition. Therefore with these conditions in place surface water runoff will be no greater than the existing site. There are therefore no drainage issues with the proposal.

Public open space and section 106 contributions

When allowing the previous appeal the Inspector considered the issue of open space provision and found that the shape of the application site and its location behind other houses mean that it is not suitable as a large area to be used by future occupiers. It found that the nearest park over Squires Gate and the nearby beach would meet some of the recreational needs of the residents and that a financial contribution would comply with Local Plan policy TREC17. The sites nature and location remain the same and the planning statement submitted with the application outlines that the policy requirement for the number of dwellings proposed would be for less than 0.2 ha of POS so therefore they propose a financial contribution towards off-site POS to help provide additional or improved open space or other recreational facilities nearby. Your officers considers this appropriate in this case.

The application has also resulted in a request for a contribution towards education contributions from LCC. The applicants have noted this and provided information that they argue renders the scheme unviable given that it is providing for entirely affordable housing. Officers are in further discussions over this and would ask that members confirm the authority to resolve this to secure the most appropriate balance of benefits from the scheme taking the provision of affordable housing, delivery of public open space, and improvement to education capacity.

Conclusions

The proposal is for 100% affordable housing and will operated by places for people on an affordable rent basis. It is acceptable in principle and offers a good quality design in a mixed residential and commercial area within the settlement of St Annes adjacent to Blackpool. It is considered an acceptable form of development in this location and is in accordance with the relevant policies of the Fylde Borough Local Plan. As such members are recommended to approve the application.

Recommendation

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

- The provision, retention and operational details for 100% of the proposed dwellings to be affordable properties
- A proportionate and viable financial contribution towards securing off site public open space, or

- the improvement of existing space.
- A proportionate and viable financial contribution towards enhancement of education capacity in the area

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: In the interests of visual amenity.

3. Prior to commencement of any development on site, full details of all hard surface treatments within the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be carried out prior to occupation of the residential units.

Reason: In the interests of visual amenity

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to mimic the existing site run off plus 30% betterment

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - a. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

7. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, 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.

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

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

9. Construction and demolition work shall be restricted to 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturday and no work on Sundays or Bank Holidays.

Reason: To protect neighbouring amenity

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

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

11. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 10 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

12. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

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.

13. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E, F, or G of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

Reason: 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.

14. 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 31 October 2014, including the following plans:

Proposed site layout PN001
Existing site location plan 15-2089-EX001 Rev A
Block 1 & 3 15-2089-PN101
Block 2 & 4 15-2089-PN102
Block 5 15-2089-PN103
Block 6 15-2089-PN104
Block 7 15-2089-PN105
Block 8 15-2089-PN106
Block 9 15-2089-PN107

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

15. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

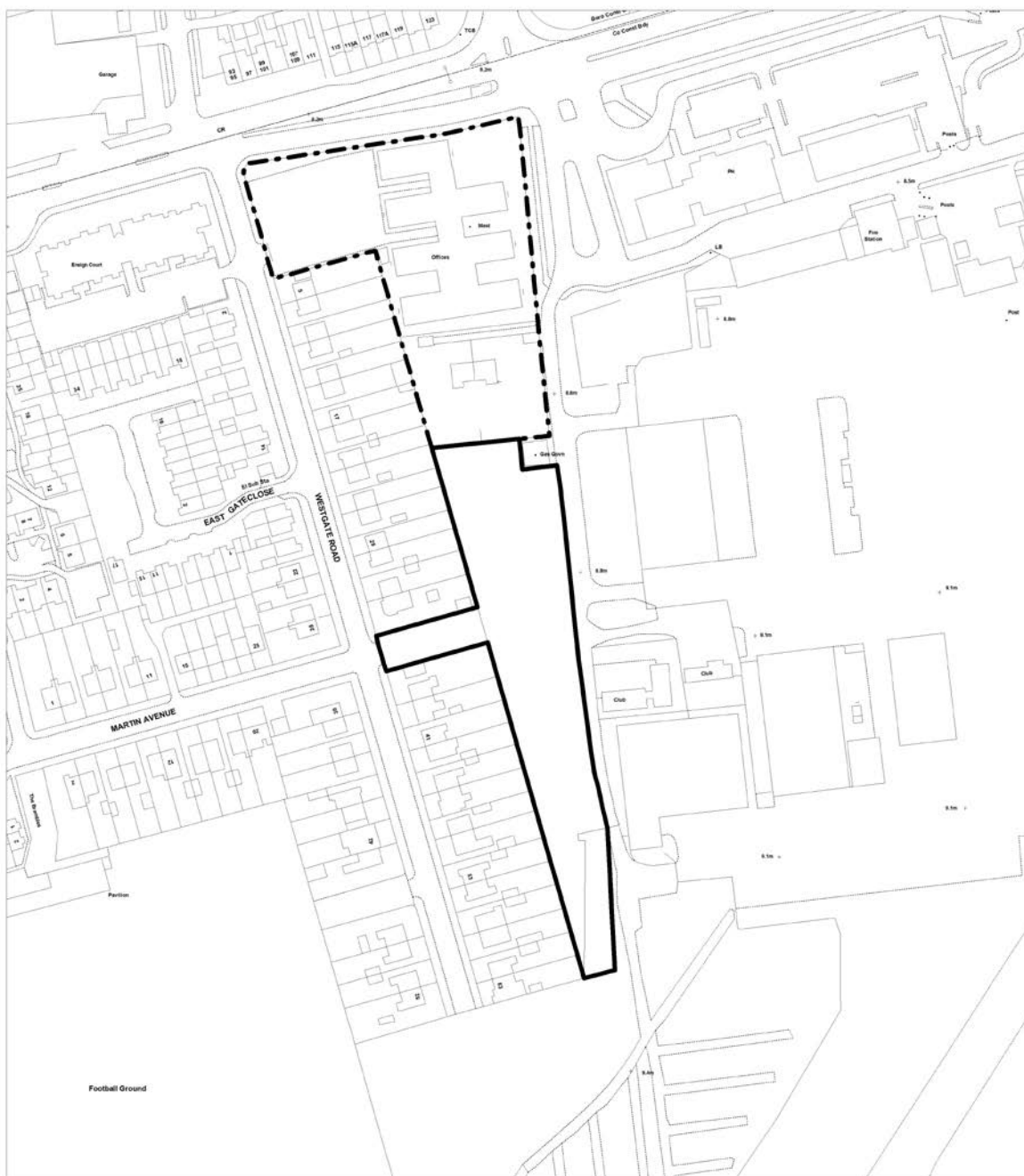
16. The dwellings shall be so constructed as to provide sound attenuation of not less than 35 db(A) against the external noise to which they will be exposed.

Reason: In order to protect the residential amenity of future occupiers

17. No development shall commence until details of the finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

Reason

To ensure a satisfactory standard of development.



| | | | |
|---------------------------------------|---|--|--------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0194 | Address Land rear 23 to 63 Westgate Road, Lytham St Annes | Grid Ref. E.3312 : N.4316 | Scale 0 10 20 30 40 m |

Item Number: 5

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 16/0200 | Type of Application: | Full Planning Permission |
| Applicant: | J T Smith | Agent : | Ian Pick Associates Ltd |
| Location: | SWARBRICK HALL FARM, SINGLETON ROAD, WEETON WITH PREESE, PRESTON, PR4 3JJ | | |
| Proposal: | EXTENSION OF EXISTING POULTRY REARING ENTERPRISE BY FURTHER 80,000 BIRDS THROUGH ERECTION OF 2 NO. POULTRY BUILDINGS WITH ASSOCIATED BULK BINS AND INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING PIG UNITS | | |
| Parish: | STAINING AND WEETON | Area Team: | Area Team 1 |
| Weeks on Hand: | 17 | Case Officer: | Ruth Thow |
| Reason for Delay: | Awaiting Further Information | | |

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

<https://www.google.co.uk/maps/@53.8148531,-2.9278819,1118m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is land at Swarbrick Hall Farm, off Singleton Road, Weeton. The application seeks permission for two further agricultural buildings for intensive poultry rearing with associated hard standing areas. The development is considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is recommended for approval by Members.

Reason for Reporting to Committee

The application is a 'major' application and under the terms of the Council's Scheme of Delegation such applications are to be determined at Committee where the officer recommendation is for approval.

Site Description and Location

The application site is land forming part of Swarbrick Hall Farm, Singleton Road, Weeton. The farm business operates as arable and livestock enterprise.

The proposed site is set within the existing farm complex and replaces four existing buildings within a group of agricultural style buildings currently used for pig rearing.

The area proposed in this application is 0.96 Hectares (excluding the existing access track), with the specific siting of the new buildings being to the west of the woodland and east of the farm dwelling.

The site is accessed from a private track leading from Singleton Road and serving the farm and one other property, occupied by the applicant's relatives.

The farm is within the countryside area as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the erection of two additional agricultural buildings, together with associated feed bins, hard standings and drainage attenuation pond.

The proposed buildings are identical in scale and each measure 106.9 metres by 24.38 metres with an eaves height of 2.75 and a ridge height of 5.98 metres. Each building will house 40,000 birds, with this additional 80,000 giving the site an overall capacity for 160,000 birds.

The buildings are to be sited parallel with each other with a drainage attenuation pond located approximately 90 metres to the rear of the proposed buildings. Situated between the two buildings are four feed bins, and a feed blending building with a single further wood pellet store located to the east side adjacent to the woodland.

The buildings are of steel portal frame construction with blockwork to 600 mm with profile sheeting above in 'Juniper Green' (BS 12B29), the roof cladding is coated profile sheeting in natural grey (BS12B29).

The ventilation, heating and feeding systems are all fully automated and controlled by a computer system located within the existing control room that exists to manage the existing operation. Feeding and lighting is also controlled by computer.

An area of mixed landscaping is proposed along the west and south sides of the site.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|------------------------|-------------|
| 14/0792 | PROPOSED ERECTION OF AGRICULTURAL BUILDING FOR GRAINSTORE | Granted | 12/01/2015 |
| 14/0312 | PROPOSED ERECTION OF 2 NO AGRICULTURAL BUILDINGS FOR BROILER REARING, CONTROL ROOM, 3 NO. FEED BINS, HARDSTANDING AND EXTENDED ACCESS ROAD | Granted | 05/09/2014 |
| 11/0722 | PROPOSED RESUBMISSION OF APPLICATION 11/0307 - ERECTION OF WIND TURBINE | Granted | 04/01/2012 |
| 11/0307 | PROPOSED ERECTION OF VERTICAL AXIS WIND TURBINE WITH OVERALL HEIGHT OF 22M | Granted | 08/07/2011 |
| 08/1059 | ERECTION OF WIND TURBINE | Granted | 13/02/2009 |
| 07/0723 | RE-SUBMISSION OF 07/0037 - PROPOSED AGRICULTURAL HAY STORAGE BUILDING. | Granted | 23/08/2007 |
| 07/0037 | ERECTION OF 1 NO. AGRICULTURAL BUILDING FOR STOCK | Withdrawn by Applicant | 22/06/2007 |

| | | | |
|---------|---|--------------------------|------------|
| 05/0528 | ERECTION OF 1 AGRICULTURAL BUILDING | Granted | 21/07/2005 |
| 05/0515 | ERECTION OF 1 AGRICULTURAL BUILDING | Granted | 21/07/2005 |
| 00/0835 | ERECTION OF 2 NO. AGRICULTURAL BUILDINGS TO HOUSE STOCK, PHASE 2 | Granted | 28/02/2001 |
| 99/0238 | ERECTION OF 2 NO. AGRICULTURAL BUILDINGS TO HOUSE STOCK | Granted | 14/07/1999 |
| 96/0454 | EXTENSION TO EXISTING BARN | Granted | 17/07/1996 |
| 93/0105 | ERECT ONE DUTCH BARN | Granted | 24/03/1993 |
| 92/0337 | AGRICULTURAL CONSULTATION FOR THE ERECTION OF A SLURRY STORE | Permitted Development | 16/05/1992 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Weeton with Preese Parish Council**. They comment that *“Parish Council has no objections to the application.”*

As it is a sizeable development and is close to the Parish boundary **Greenhalgh with Thistleton Parish Council** were also notified but have not provided any comments.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Comments

There are no highway objections to this application. Based on the information supplied by the applicant vehicle movements are substantially reduced to and from the site as a result of the change in production of goods.

Environment Agency

Comments

Swarbrick Hall Farm currently operates under an Environmental Permit which has a limit of 160,000 bird places over four poultry buildings. However, the site currently has only two poultry buildings constructed. Discussions have already taken place with the operator regarding the construction of buildings 3 and 4, and a potential change in the location of these buildings may take them outside the current installation boundary, in which case a permit variation will have to be applied for. The initial inspection conducted by the Environment Agency to date showed full compliance with permit conditions.

Environmental Protection (Pollution)

Comments

With reference to your memorandum dated 4 April 2016, there are no objections to the above proposals in principle, however I would add the following conditions:

The construction times shall be limited to 08.00 – 18.00 Monday to Friday; 08.00 – 13.00 Saturdays and no work on Sundays or Bank Holidays.

The Environment Agency Permit covers the other issues of noise, dust and odour.

Regeneration Team (Landscape and Urban Design)

Comments

The applicant proposes to plant a hedgerow, incorporating trees to the perimeter of the development. The proposed landscape treatment will, in time assist in mitigating the overall landscape impact. I would recommend that the stock size of the trees specified Acer campestre, are increased in size to 12-14cm. This will provide a more effective screen for the short term.

The Ramblers Association

Comments

None to-date.

Natural England

Comments

They highlight the proximity to the following designated nature conservation site(s) and therefore has the potential to affect their interest features:

- b. 7.4km North of the Ribble Estuary Site of Special Scientific Interest (SSSI), which is also designated as the Ribble & Alt Estuaries Ramsar, and Special Protection Area (SPA)
- 4km South of the Wyre Estuary SSSI, which forms part of the Morecambe Bay SPA and Ramsar.
- 4.2 km East of Marton Mere, Blackpool SSSI

European Site - No objection

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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.

Sometimes more than one competent authority may need to undertake a Habitats Regulations Assessment. In such circumstances, it may be appropriate for competent authorities to coordinate their roles. This document provides advice to competent authorities on how and when they should undertake such coordination to fulfil their responsibilities under the Directive.

Natural England notes that an environmental permit has been approved and issued by the Environment Agency for 160,000 birds within 4 units, however only 2 of these units have been built which house 80000 birds total. This new planning application seeks to build the remaining two units to take the capacity up to 160,000 birds that the permit allows for. Therefore we advise co-ordination with the Environment Agency regarding the assessments made for this proposal.

SSSI - No objection

This application is in close proximity to the above mentioned Sites of Special Scientific Interest (SSSIs). 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.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Lancashire Wildlife Trust

Comments

None received.

Neighbour Observations

Neighbours notified: 04 April 2016
Amended plans notified:
Site Notice Date: 29 April 2016
Press Notice Date: 14 April 2016
No. Of Responses Received: 1 letter received
Nature of comments made:

- terrible odour from existing buildings -
- proposal would double the odour and damage guests enjoyment of site
- new buildings will damage business

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|----------------------------------|
| SP02 | Development in countryside areas |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |
| EP26 | Air pollution |
| EP27 | Noise pollution |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

The development is of a type listed within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. A screening opinion was requested by the applicant and the LPA determined that a formal Environmental Impact Assessment was required. The applicant has submitted an EIA which identifies the environmental effects of the development and where necessary the proposed mitigation measures.

Comment and Analysis

This application seeks permission for two further buildings for the purposes of intensive broiler rearing. The proposal is an expansion of the applicant's existing enterprise which was granted permission under application no. 14/0312 and which is a diversification from the arable and pig rearing business previously undertaken at this farm.

Principle of Development

The site is located within the countryside as allocated on the Fylde Borough Local Plan, as altered (October 2005). As such, Policy SP2 is relevant to this application. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is that justifiable agricultural buildings can be acceptable providing they are associated with the continuation of an existing operation and do not harm the character of the surrounding countryside.

The application

The application advises that the UK is not self-sufficient in poultry meat and the demand for a British product with higher welfare standards, reduced food miles and to meet a growing population is seeing an increase in such proposals. The industry has been the subject of long term growth and profitability with a significant shift in consumer demands away from the more traditional meats and towards chicken as an affordable source of meat.

Permission is sought in this application for two additional agricultural buildings with the associated

control room and feeders for the purposes of expansion of the applicants existing intensive poultry rearing business (granted permission under application no. 14/0312) which is now operational. The applicant intends to demolish four of the existing agricultural buildings currently used for pig rearing, to provide space to accommodate the buildings proposed in this application.

The diversification to poultry rearing offers the applicants a 'year round' business to supplement the applicants existing potato operation and other seasonal based crops.

The site

The application site is land off Singleton Road accessed from an existing tarmac track serving a single dwelling and the farm. The new buildings are proposed to be sited to the north east of the remaining pig rearing buildings and west of the woodland. The buildings will be screened to the east side by the mature woodland and partially screened to the west by the existing buildings. Landscaping is proposed to the south and west. The site is remote from the nearest settlement and the nearest dwelling unconnected to the farm is 400 metres.

The proposed site has been chosen as the most appropriate location for an expansion of the size proposed here following pre-application discussions due to the sites accessibility through the existing farmyard, the natural screening afforded by the woodland and the separation distances to dwellings not associated with the farm operations.

The buildings are to be situated on a mainly level site and whilst visible from the public right of way to the south will not be so harmful that this outweighs the economic benefits that they contribute. They are to be 'agricultural' in appearance with the external cladding in 'Juniper Green' and together with the existing natural screening and the proposed landscaping will ultimately assimilate into the landscape well and will not result in any significantly adverse visual impact to the overall character of the area.

The need

Policy SP2 of the Fylde Borough Local Plan requires that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture. This proposal expands on the applicants existing broiler rearing business and provides a more stable 'year-round' operation than his existing livestock and arable farming enterprise.

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.

This proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

Access and highway issues

The development is proposed to be accessed via the existing private track from Singleton Road, serving the farm and one other property.

The proposal involves the cessation of part of the pig rearing and finishing enterprise, the removal of four of the pig buildings and the replacement with 2 no. poultry sheds for broiler rearing. As previously stated the proposal is an expansion of the existing boiler rearing business which will result

in the existing pig rearing enterprise being reduced in scale.

The applicants, in their planning statement, have advised that the amount of commercial traffic associated with the pig business results in 20 movements per week - 1040 movements per annum. The traffic generation arising from the proposed development equates to 38 per flock cycle (6.5 flocks per annum) totalling 494 movements, a reduction of 546 movements per annum from that generated by the existing pig rearing business. The highways and transportation impacts of the development are therefore assessed as negligible.

There is good visibility for access and egress from the track onto Singleton Road, and it is considered that the local highway network can accommodate the traffic movements. LCC Highway Engineer have not raised any objection in respect of this application.

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

Environmental issues

The buildings are to be used for the rearing of broilers from day old chicks, to finished weight. The broiler rearing cycle operates on an all-in / all-out system, with each cycle takes 56 days including 7 days at the end of each cycle for the cleaning and preparation of the buildings for the next cycle. The units will operate with 6.5 flocks per annum.

The application is accompanied by a 'Design, Access and Planning Statement' and an 'Environmental Statement' for the proposed poultry units within this document the Environmental Management statement advises that the proposed unit will accommodate a total of 80,000 birds within the two buildings and the site having a total capacity 160,000 birds.

All poultry units exceeding a threshold of 40,000 birds require a permit under the Industrial Emissions Directive - Integrated Pollution Prevention and Control (IPPC) which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. This further control will assist in providing enforcement should there be any nuisance or pollution issues arising from the development.

Noise

A detailed noise assessment has been prepared and accompanies this application. The noise survey has been conducted to determine the typical background noise levels at the nearest receptors to the boiler units, in this instance Little Orchard Caravan Park and Fylde Fishing Lakes.

The noise survey provides the methodology to assess the impact of industrial and commercial noise affecting the receptors whereby the 'typical' background noise level is deducted from the industrial noise rating level. A difference of around +10db or more is likely to be an indication of *significant* adverse impact, a difference of +5db is likely to be an indication of adverse impact.

It was observed that the domain underlying noise source affecting the area was road traffic on the nearby B5260 and agricultural related noise, the overall general noise environment however was considered quiet.

In terms of noise emissions from the proposed development this is generally limited to the operation of the ventilation fans. The total number of fans operating at any one time is dependent on the bird's ventilation requirements, which is dictated by the external temperature.

During the evening and night the external temperature falls and as a consequence the number of fans operating and thus the noise generated. The fan are acoustically attenuated so as to achieve a negligible impact on the closest receptor. The report concludes that the noise impact of the extract fans externally during the day and evening will be very low to negligible at +/-3db.

It is considered that as the development is complies with Policy EP27 of the Fylde Borough Local Plan, as altered (October 2005) relating to noise nuisance and Paragraph 122 of the NPPF.

Air quality

Odour emission rates from pig houses depend on many factors and are highly variable. When the pigs are small and litter/flooring is clean only minimum ventilation is required and the odour emission rate maybe small. Towards the end of the growth cycle odour production increases and the ventilation requirements are greater however, the pigs at Swarbrick Hall are of mixed weights and so the variations are likely to be less marked than alternative rearing methods. Peak odour emissions rates are likely to occur when the housing is cleared of manure and spent litter and/or stored slurry is removed. There are measures which can be taken to minimise odour and some discretion as to when the operation is carried out to avoid high odour levels at nearby sensitive receptors, such as timing the operations to when the winds blow in a favourable direction.

In regards to the broiler chickens again emissions are variable and are small at the beginning of the flock cycle. Peak emissions are likely to occur when the housing is cleared of spent litter at the end of each cycle. The time taken to perform the operation is around two hours per shed and it is normal to maintain ventilation during this process, again there is discretion as to when the cleaning out takes place. In the calculations it has been assumed that the boiler units are cleared sequentially.

'Atmospheric Dispersion Modelling System' (with in-built meteorological data) has been used to assess odour emissions in respect of the existing pig buildings, the existing broiler sheds and the addition of the proposed boiler buildings. The modelling predicts that odour levels in the surrounding area would be reduced significantly and would be below the Environment Agency's benchmark for moderately offensive odours.

The development is also subject to an Environment Agency permit and subject to conditions that require that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site and must operate in accordance with the IPPC odour management plan.

The development also creates potential issues from dust generation. The measurement undertaken as part of this assessment were able to identify differences in concentrations and emissions of particles between different farm types. It was assessed that bioaerosol concentrations in the building represent a risk to poultry workers terms of respiratory allergy or disease, but the levels emitted are sufficiently diluted over a short distance from the building so as not to pose a risk to those living in the vicinity of the poultry operations. Particulate levels were reduced to background levels by 100 metres downwind of even the highest emitting poultry houses, therefore are unlikely to pose a risk to those living in the vicinity of poultry operations.

As a consequence of the above the development is considered to comply with Policy EP26 of the Fylde Borough Local Plan, as altered (October 2005) relating to noise nuisance and Paragraph 122 of the NPPF.

Ecology

The application site is outside of any specially designated site and Natural England have advised that the proposal is unlikely to have a significant effect on any European site, or SSSI's.

In regard to local biodiversity, priority habitats and protected species the applicants have submitted a 'Baseline Ecological Site Audit'.

In regard to 'Great Crested Newt' surveys were carried out in 2014 in regards to the existing boiler units. The ponds assessed at that time have been re-surveyed and an additional pond to the south-east of the site has also been included. All the ponds were calculated to have a 'poor' suitability to support GCN with the exception of 'pond 4' which was found to have 'below average' suitability. Further survey work was considered unnecessary due to the hostile and barren environment for this species.

The applicant's survey concludes that: providing that pollution from the broiler units is prevented from entering the nearby pools and that site clearance is outside of the bird nesting season (or if this is unavoidable a pre-works inspection by a qualified ecologist to identify if any nests are present) there are no obvious residual counter indications to the proposed project at this stage.

On this basis the development is considered to comply with Policy EP19 of the Fylde Borough Local Plan and Paragraph 118 and 119 of the NPPF.

Flood risk and surface water management

The application is accompanied by an assessment of 'flood risk and surface water management plan'. The site is located within Flood Zone 1, as such neither the 'Sequential Test' or the 'Exception Test' is applicable and no known flood risk associated with infrastructure failure either at or upstream of the site has been identified.

The site is in agricultural use and drainage is through infiltration and runoff into surrounding fields and ditches along the boundary of the fields, there is a large culvert to the south of the site.

Due to the location of the site flooding is not expected at the site so no flood risk management measures are considered necessary for this proposed development. With the exception of runoff from the proposed impermeable surfaces flood risk elsewhere will not be affected.

A surface water management is proposed which includes the use of an attenuation pond and conveyance channels are also included in order to drain run off from all the impermeable surfaces into the pond to prevent the rate or volume of run-off water exceeding the greenfield run off rate.

At the end of each flock cycle the buildings are washed out with high pressure hoses and the wall surfaces treated to prevent leakage. The buildings will be drained into a sealed underground dirty water containment tank and washout water from the site is contained within the dirty water system. The underground tank will be emptied periodically.

The soil at the site has been assessed as having a relatively low permeability, it is therefore proposed

that an attenuation pond is required to hold surface water run-off from the roofs and concrete apron and released at an attenuated rate, no greater than the greenfield runoff rate. The requirement for the Environmental Permit ensures that the proposal does not have the potential for contaminated water runoff.

It is considered that operation of the site in line with the above will not result in a detriment to the quality of surface and ground waters and is therefore compliant with Policies EP23 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 120 to 122 of the NPPF.

Employment

Paragraph 28 of the NPPF *"supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development."*

The applicant currently employs three full time members of staff. The proposed development will necessitate an additional part-time member of staff, increasing the number employed from 3 to 3.5. The diversification from pig rearing to poultry rearing allows 'year round' employment opportunities rather than the 'weather dependent' arable enterprises currently undertaken alongside pig breeding.

It is considered that the proposal will allow an existing rural business to expand which complies with the definition of 'sustainable', and that the application proposes development for locally produced food, employs local people and as such satisfies a 'social' role. The proposal will increase the supply of poultry meat, reducing the need for imports and reduce food miles, will minimal impact on the environment and so satisfies an 'environmental role'. Investment in buildings and the infrastructure offers financial benefits into the rural economy and supports employment, satisfying the 'economic role'.

Accordingly the proposal complies with the aims of the NPPF in regards to sustainable development and rural employment.

Other matters

There are no other matters to be taken into consideration and so the application is considered to comply with the requirements of the local plan and the NPPF.

Conclusions

The application site is land off Singleton Road and forms part of Swarbrick Hall Farm. The application seeks permission for two agricultural buildings and associated feed stores, control room and attenuation pond. The buildings are required for the expansion of the applicant's intensive poultry rearing enterprise.

The development is sited in an area that will result in limited views of the development due to the existing natural landscaping and adjacent buildings however, further landscape screening is proposed, thereby limiting the impact of the buildings on the wider countryside.

The application demonstrates mitigation methods and procedures for complying with the regulations for developments of this nature and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell and impacts on ecology.

The development is therefore considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) 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

Delegate to Head of Planning and Regeneration to approve on expiration of statutory notice period following publication of press notice and the consideration of any comments received as a consequence of that notice, or other representations.

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 consent relates to the following details:

Approved plans:

- Location Plan - drawing no. IP/JS/02
- Site plan - drawing no. IP/JS/03
- Proposed floor plans and elevations - drawing no. IP/JS/04
- Proposed landscape plan - drawing no. IPA2048411
- Proposed blending room plan - drawing no. IPA/JS/10

Supporting Reports:

- Design, Access & Planning Statement - Ian Pick March 2016
- Soft landscape specification - document ref. IPA20484 - ACD Environmental
- Landscape appraisal - doc ref. IPA20484LA - ACD Environmental
- Flood risk and surface water management plan - doc. ref. K0711/HH Hydro-logic services (10th March 2016)
- Baseline ecological site audit - doc. ref. S:6329a/J000579/HAUD - 'Betts Ecology' (29th January 2016)
- Environment Agency permit - permit number EPR/XP3330VH
- Environmental statement - Ian Pick June 2016
- Acoustics report M1616/R01 27th June 2016
- Odour study - AS Modelling & Data Ltd - 24th June 2016

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.

4. Landscaping shall be carried out in accordance with the details submitted in the soft landscape specification and indicated on drawing no. IPA2048411. The agreed 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.

To enhance the quality of the development in the interests of the amenities and biodiversity of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary.

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

6. In the event that the presence of any protected species is identified or suspected during works, works must cease and Natural England/a licenced ecologist should be contact immediately for advice, thereafter a Method Statement shall be agreed with and subsequently implemented and monitored to the satisfaction of the Local Planning Authority.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

7. If any Species of Principal Importance are found during the proposed works on site such as Common Toad or Hedgehog, they should be moved to an area of suitable habitat which will remain undisturbed. In the event that great crested newt is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006 and The Protection of Badgers Act 1992.

8. Building demolition, vegetation clearance works or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified ecologist and the result submitted to the Local Planning Authority.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.



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|---------------------------------------|--|--|---------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0200 | Address Swarbrick Hall Farm, Singleton Road, Weeton | Grid Ref. E.3392 : N.4359 | Scale 0 25 50 75 100 m |

Item Number: 6

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 16/0211 | Type of Application: | Full Planning Permission |
| Applicant: | RG & JM Towers | Agent : | Ian Pick Associates Ltd |
| Location: | THREE NOOKS WOOD, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3WA | | |
| Proposal: | ERECTION OF TWO ADDITIONAL BROILER REARING BUILDINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS, HARDSTANDINGS AND ATTENUATION POND | | |
| Parish: | MEDLAR WITH WESHAM | Area Team: | Area Team 2 |
| Weeks on Hand: | 17 | Case Officer: | Ruth Thow |
| Reason for Delay: | Awaiting Further Information | | |

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

<https://www.google.co.uk/maps/@53.7977459,-2.9221203,2238m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is land known as 'Three Nooks Wood', Weeton Road which is on the southern side of that road around 1km from its junction with Fleetwood Road and is part of the land associated with Bradkirk Hall Farm. It is within the Countryside and contains two buildings used as an intensive poultry rearing operation.

The application seeks permission for two further agricultural buildings together with associated feed bins, hardstandings and drainage attenuation pond to increase the capacity of this facility.

The development is considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19 EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005). In addition the proposal is supported by the aim of Chapter 3 of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is recommended for approval by Members.

Reason for Reporting to Committee

This application is a 'major' application due to the scale of the buildings, and under the terms of the Council's Scheme of Delegation such applications are to be determined at Committee where the officer recommendation is for approval.

Site Description and Location

The application site was formerly described as 'Land adjacent to 'communications mast', Bradkirk Hall Farm. Since permission was granted under application no. 13/0319 the site has been developed with two agricultural buildings for the purposes of intensive poultry rearing. The site has had a change of name and is now known as 'Three Nooks Wood', Weeton Road and is owned by RG and JM Towers of Bradkirk Hall Farm.

The 1 Hectare site is sloping grassland falling towards the north side where the existing two poultry buildings are located. It sits within a wider area of land that is a 'triangle' within three significant roads: the M55 motorway is approximately 600 metres to the north of the site, the A585 Fleetwood Road is approximately 1.2 Km to the east of the site, and Weeton Road (which is to be used for the highway access) is approximately 500 metres to the south of the site. Bradshaw Lane separates site from the M55 to the north and is approximately 300 metres from the site at the nearest point. Wesham is approximately 1.3 Km at the nearest point.

The site is developed with the existing two agricultural buildings, concrete apron, feed bins and control room which is accessed by a track from Weeton Road formed to serve the existing buildings. Following this recent development the site has been landscaped with planting along the access track, to the northern boundary, and to the south side of the buildings.

The site is designated as countryside on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application proposes the erection of two further agricultural buildings to extend the existing broiler chicken rearing facility, established on the site following permission of application 13/0319. The new buildings each measure 24.38 metres in width by 106.9 metres in length, 2.75 metres to the eaves and 5.98 metres to the ridge. The buildings are to be spaced 6 metres apart with four feed bins and a feed blend building located between buildings and a wood pellet store located to the north side of the buildings. The buildings are proposed to be constructed with a steel portal frame with blockwork walls up to 600mm with polyester coated profile sheeting in 'Juniper Green' (BS 12B29) above that and to the roofs.

Each building is designed to house 52,500 birds bringing the total bird capacity at the site to 210,000. The unit will produce standard birds on a 49 day growing cycle with 7.5 flocks per annum.

The ventilation, heating and feeding systems are all fully automated and controlled by a computer system located within the control room located to the front of each building. The buildings are fitted with an alarm system which alerts personnel to any failures via mobile phone. The existing access arrangements are to be used.

The scale of the development is such that an Environmental Statement is submitted alongside the usual documentation to support the application.

Relevant Planning History

| Application No. | Development | Decision | Date |
|-----------------|---|-----------------------------|------------|
| 15/0644 | PRIOR NOTIFICATION FOR INSTALLATION OF SOLAR PANELS ON SOUTH FACING ROOF OF | Approve Prior Determination | 17/11/2015 |

| | | | |
|---------|--|---------|------------|
| 15/0059 | POULTRY HOUSE UNDER PART 14 CLASS J OF GENERAL PERMITTED DEVELOPMENT ORDER RETROSPECTIVE APPLICATION FOR RETENTION OF 3 NO. BULK BINS | Granted | 25/03/2015 |
| 13/0319 | PROPOSED ERECTION OF 2 NO AGRICULTURAL BUILDINGS FOR BROILER REARING, LINK CONTROL ROOM, 3 NO. FEED BINS, HARDSTANDING, ACCESS ROAD AND NEW HIGHWAY ACCESS TO WEETON ROAD. | Granted | 11/09/2013 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Medlar with Wesham Town Council** who were notified on 31 March 2016 and comment:

"There are existing concerns regarding the disposable and management of waste at the site and the Council would wish to see the applicant ensure correct procedures are implemented and that they are continually monitored by the Environmental Officer (FBC)."

Greenhalgh with Thistleton Parish Council have been notified as a neighbouring Parish due to the scale of the buildings and comment:

"Although this application lies within Wesham Ward, the nearest residential properties affected by the proposals are situated on Bradshaw Lane and fall within Greenhalgh with Thistleton Parish Council. It is therefore appropriate for this Council to make comments to the Development Management Committee.

The Parish Council has a policy to support agriculture in the Fylde, including diversification and the adoption of new methods and practices, where these sit satisfactorily within the rural community. Greenhalgh PC supported the initial development of two broiler units on this site subject to the applicants own proposals for waste management arrangements and the environmental screen planting set out in the plans.

The Parish Council is aware that a number of households neighbouring the site have complained that the planting is not yet in place and that continuous ventilator fan noise can be heard. The neighbours' principle concern is that the cyclical waste removal has led to the dumping of many tonnes of chicken manure close to houses in Bradshaw Lane awaiting weather conditions to allow spreading on nearby fields. It is said that this has resulted in a wholly unacceptable stench and insect swarms of Biblical proportions. In the short time the units have been operational, Environmental Health has been involved in this aspect on two occasions.

The plan now advanced will double the size of the unit, requiring even more screen planting and noise control measures. The frequency and volume of waste produced will also double and the capacity of available land for spreading is questioned. The applicant's original documentation suggested that waste would be removed from the site. If this meant away from the broiler houses but to fields closer to habitation, it was never spelt out. The present operation has clearly caused nuisance, which in our view, is unacceptable. Consideration must now be given as to how these

aspects are dealt with both for the existing operation and any proposed expansion.

In the circumstances, Greenhalgh with Thistleton Parish Council is prepared to accept the proposed development SUBJECT to more stringent conditions on waste, noise and environmental screen planting.

We trust that this local knowledge of the impact of the existing development will assist the Development Management Committee in coming to an appropriate decision on the current application.”

Weeton with Preese Parish Council have also been notified as a neighbouring Parish and comment:

“Weeton had been notified as a secondary Parish Council who express concerns over waste disposal and possible odours having an effect on nearby properties.”

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Raise no objection to the application subject to conditions to control construction time.

They highlight the need for an Environment Agency Permit for the operation of the facility and explain that this covers issues of noise, dust and odour.

Environment Agency

Raise no objection in principle to the proposed development, but wish to make the following comments:-

“Three Nooks Wood Poultry Unit currently operates under an Environmental Permit which recently had a variation issued for two further poultry buildings. As part of the permitting process initial ammonia screening was conducted, including the two additional buildings, and the proposal screened out. Inspections conducted by the Environment Agency to date have shown full compliance with permit conditions.”

Lancashire CC Flood Risk Management Team

Raise no objection to the proposed development subject to the inclusion of conditions to ensure the provision and maintenance of an appropriate surface water drainage scheme, and to agree details of the attenuation basin

They also highlight that consent will be needed under the Land Drainage legislation to connect to the ordinary watercourse.

Lancashire County Council - Highway Authority

Raise no highway objections.

Natural England

They notes that an environmental permit variation (EPR/MP3735ZY/V002) has been approved and issued by the Environment Agency for this proposal, therefore we advise co-ordination with the Environment Agency regarding the assessments made for this proposal. They go on to raise no objection with regard to the proximity to the SSSI.

Greater Manchester Ecology Unit

They have assessed the ecological report submitted with the application. That report argues no significant ecological constraints were identified with the minor issues relating ecological mitigation identified and capable of resolved via condition.

They find no reason to doubt the thorough and clear assessment undertaken in that report, and do not believe further work is required.

They highlight that the development will result in the loss of very low value habitat (improved grassland) to buildings. This represents a very minor negative impact contrary to the guidance with the NPPF that states that the planning system should contribute to and enhance the natural environment. However this would easily be mitigated for on site, through appropriate mitigation measures some of which are noted by the ecological consultants, such as provision of bird and or bat boxes.

Conditions are requested in respect of this mitigation and to agree a suitable landscaping scheme.

Regeneration Team (Landscape and Urban Design)

Raise no objections, but highlight a series of modifications that they see would improve the landscaping proposal with regards to the size and species of planting. These comments have been taken on board by the applicant and a revised landscape plan received which addresses the concerns.

National Air Traffic Services

Raise no safeguarding objections to the proposal.

The Ramblers Association

No comments received.

United Utilities

Raise no objections but highlight the need to comply with guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) to ensure that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Neighbour Observations

| | |
|-----------------------------------|--|
| Neighbours notified: | 07 April 2016 |
| Site Notice Date: | 05 April 2016 |
| Press Notice Date: | 7 July 2016 |
| No. Of Responses Received: | 1,809 via 'Animal Aid' & 3 letters from neighbours of the site |
| Nature of comments made: | . |

Neighbours in the vicinity of the site have commented that:

- 2 incidents of manure disposal subject to FBC action
- manure dumped on field for up to 1 week stench noted by residents
- did not dump near own residence

- development at Mill Farm down wind
- buildings visible from property
- supposed to be planting to screen
- inconvenienced by noise at different parts of day and night
- hear trucks
- bright lights in the darkness
- can hear HGV's and fans in home
- noise and odour pollution when cleaning units will be doubled with additional 2

Comments from public via Animal Aid:

- animal suffering should be taken into account
- removal and spreading of manure can result in offensive odours
- manure washed in watercourses - danger to wildlife
- flood risk
- risk to health from respiratory allergy or disease
- traffic impact
- low employment

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|----------------------------------|
| SP02 | Development in countryside areas |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |
| EP26 | Air pollution |
| EP27 | Noise pollution |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended whereby an Environmental Statement is required. A scoping opinion was given to inform the content of that Statement. The applicant has submitted an EIA which identifies the environmental effects of the development and where necessary the proposed mitigation measures.

Comment and Analysis

This application seeks permission for two further buildings for the purposes of intensive poultry rearing on a site granted permission for broiler sheds under application no. 13/0319. The buildings granted permission under this application have been constructed and the enterprise is in operation.

This application is proposed as an expansion of the existing business operated from the site.

Principle of Development

The site is located within the countryside as allocated on the Fylde Borough Local Plan, as altered (October 2005). As such, Policy SP2 is relevant to this application. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is that justifiable agricultural buildings can be acceptable providing they are associated with the continuation of an existing operation and do not harm the character of the surrounding countryside.

The application

The application advises that the UK is not self-sufficient in poultry meat and the demand for a British product with higher welfare standards, reduced food miles and to meet a growing population is seeing an increase in such proposals. The industry has been the subject of long term growth and profitability with a significant shift in consumer demands away from the more traditional meats and towards chicken as an affordable source of meat.

Permission is sought in this application for two additional agricultural buildings with associated control rooms, feed bins, blending room and pellet store. The application is an expansion of the applicant's existing intensive poultry rearing business (granted permission under application no. 13/0319) which is now operational. The business is a diversification from the dairy and arable business undertaken at the nearby Bradkirk Hall Farm of which this land is part of.

The site

The two new buildings are proposed to be sited to the southern side of the existing buildings on an undulating site land levels lower to the north side. To the east is an area of agricultural fields with a network of mature hedgerows with the occasional woodland clump. To the south the ground rises towards Weeton Road where the communications mast is located. To the west are further agricultural fields with a group of properties and a reservoir. To the north are the existing poultry buildings and beyond Bradshaw Lane, where there are a small cluster of residential properties.

The proposed site has been chosen as the most appropriate location for an expansion of the business as sites to the north brought the development closer to residential properties. The southern side of the existing units was therefore considered as the most appropriate as this increases separation distances from dwellings and utilises the existing buildings for partial screening of the site. This siting is appropriate.

The buildings are to be 'agricultural' in appearance with the external cladding in 'Juniper Green' to match the existing buildings located here. The applicants have undertaken significant tree planting along the access road and to the north of the existing buildings as such the proposed development, together with the proposed landscaping will not result in any significantly adverse visual impact to the overall character of the area.

The need

Policy SP2 of the Fylde Borough Local Plan requires that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture. This proposal expands on the applicants existing broiler rearing business run by the applicants son and provides a

diversification from the farming business undertaken at Bradkirk Hall

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. It is considered that proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF, this is expanded upon below.

Access and highway issues

The development is proposed to be accessed via the private track serving the existing poultry buildings and was laid out in accordance with comments from LCC Highways on the original development of the site. Entrance to the site is from Weeton Road and has been designed to accommodate heavy goods vehicles with good visibility in both directions at the junction.

The proposed development will create additional HGV traffic associated with chick delivery, fuel delivery, shavings delivery, feed delivery and finished bird removal. The total additional commercial traffic generation associated with the expansion of the poultry units is 40 vehicles (80 movements) per flock cycle. During the normal operation of the site movements are limited to two HGV movements per day for feed delivery with peaks during bird removal and manure removal.

It is considered that the traffic associated with the proposed development can be accommodated within the highway network and that the junction to Weeton Road and access track are appropriate for the increased use proposed. There are no objections from LCC Highways and the highways and transportation impacts of the development are minor.

Environmental issues

The proposed buildings will produce standard birds based on a 49 day growing cycle, including 7 days at the end of each cycle for the cleaning and preparation of the buildings for the next cycle. The units will operate with 7.5 flocks per annum.

The application is accompanied by a 'Design, Access and Planning Statement' and an 'Environmental Statement' for the proposed poultry units. The Environmental Management statement advises that the existing units house a total of 105,000 birds between the two buildings with the proposed buildings introducing an additional 52,500 to each building - a proposed overall total of 210,000 birds.

All poultry units exceeding a threshold of 40,000 birds require a permit under the Industrial Emissions Directive - Integrated Pollution Prevention and Control (IPPC) which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. This further control will assist in providing enforcement should there be any nuisance or pollution issues arising from the development, with the planning issues assessed in the following sections here.

Noise

A detailed noise assessment has been prepared and accompanies this application. The noise

survey has been conducted to determine the typical background noise levels at the nearest receptors to the boiler units, in this instance properties to the north on Bradshaw Lane and to the south west off Weeton Road.

The noise survey provides the methodology to assess the impact of industrial and commercial noise affecting the receptors whereby the 'typical' background noise level is deducted from the industrial noise rating level. A difference of around +10db or more is likely to be an indication of *significant* adverse impact, a difference of +5db is likely to be an indication of adverse impact.

The report explains that the dominant underlying noise source affecting the area was road traffic on Weeton Road and the nearby M55 motorway. In terms of noise emissions from the proposed development this is generally limited to the operation of the ventilation fans. The total number of fans operating at any one time is dependent on the bird's ventilation requirements, which is dictated by the external temperature.

During the evening and night the external temperature falls and as a consequence the number of fans operating and thus the noise generated. The fan are acoustically attenuated so as to achieve a negligible impact on the closest receptor. The report concludes that the highest aggregate rating level (existing + proposed poultry units) is more than 10db below the typical background during the day, evening and night. On this basis the report concludes that the noise impact of the proposed units extract fans at the nearest dwellings will be negligible.

The council's Environmental Protection officers have considered the content of this report and do not raise objection to the proposal on this basis. As such, is considered that as the development is complies with Policy EP27 of the Fylde Borough Local Plan, as altered (October 2005) relating to noise nuisance and Paragraph 122 of the NPPF.

Air quality

A dispersion modelling study of the impact of odour from the existing and the proposed poultry houses at the site has been carried out and accompanies this application.

Odours from poultry housing are usually placed in the moderately offensive category. The Environment Agency benchmark for moderately offensive odours is used to assess the impact of odour emissions from the proposed poultry unit at potentially sensitive receptors in the surrounding area, namely 'Green Meadows' to the north east, 'Hawkswood' (formerly Moss Side Farm), and 'Moss Hall Farm', 'Stanley House Barn; to the west, 'Green Bank Farm' and 'Bradkirk' to the south-east.

Odour emission rates from broiler houses depend on many factors and are highly variable. At the beginning of the flock cycle when chicks are small, litter is clean and only minimum ventilation is required, the odour emission rate may be small. Towards the end of the crop, odour production within the housing increases rapidly and ventilation requirements are greater, particularly in hot weather, therefore emission rates are considerably greater than at the beginning of the cycle.

'Atmospheric Dispersion Modelling System' (with in-built meteorological data) has been used to assess odour emissions in respect of the existing poultry sheds and the additional poultry buildings. The modelling predicts that should the development go ahead, the hourly mean odour concentration at nearby residences would be below the Environment Agencies benchmark for moderately offensive odours.

This is also an area that the council's Environmental Protection Officers have assessed and do not raise any objection to. The development is also subject to an Environment Agency permit and subject to conditions that require that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site and must operate in accordance with the IPPC odour management plan.

Dust

The development also creates potential issues from dust generation. The measurement undertaken as part of this assessment were able to identify differences in concentrations and emissions of particles between different farm types. It was assessed that bioaerosol concentrations in the building represent a risk to poultry workers terms of respiratory allergy or disease, but the levels emitted are sufficiently diluted over a short distance from the building so as not to pose a risk to those living in the vicinity of the poultry operations. Particulate levels were reduced to background levels by 100 metres downwind of even the highest emitting poultry houses, therefore are unlikely to pose a risk to those living in the vicinity of poultry operations.

This is a further area that the council's Environmental Protection Officers have assessed and do not raise any objection to As a consequence of the above, the development is considered to comply with Policy EP26 of the Fylde Borough Local Plan, as altered (October 2005) relating to noise nuisance and Paragraph 122 of the NPPF.

Ecology

The application site is outside of any specially designated site and Natural England have advised that the proposal is unlikely to have a significant effect on any European site, or SSSI's. In regard to local biodiversity, priority habitats and protected species the applicants have submitted an 'Extended Phase 1 Habitat Survey'.

The survey describes the landscape character area and any special features are noted. The Phase I assessment targeted the following species relevant to the application site and the proposed development as follows:

- Bats - the survey involved a walkover of the site to assess overall habitat quality for bats and targeted any potential or actual roost sites and looked for any evidence of actual bat use. The survey concluded that the poor habitat and exposed nature of the site makes poor foraging and no trees, buildings or other features were found to be suitable for roosting bats. No further surveys required.
- Great Crested Newt - the closest know population of GCN recorded is 1.8 km from the site. The site was assessed for potential to support GCN and connected ponds within the locality were also assessed. The results of the survey identified 6 known ponds within 500 metres of the site. None of the ponds surveyed had a good suitability for Great Crested Newt. No further mitigation required
- Reptiles - the slow worm was the only reptile species found within the wider area. However, the site is considered to be unsuitable for reptiles for a variety of reasons and the study did not recommend any further reptile surveys.
- Birds - the survey assessed the site for schedule 1 listed species however, the site is unsuitable for breeding habitat for the species on the list due to the managed/disturbed nature of the application site. In addition the site is of negligible value to nesting birds due to a lack of vegetation structure and heavy disturbance. No further surveys required.
- Badgers - No evidence of badger activity was noted within the application site, the site does

not appear to be of significant value to badgers in its current state and consequently the proposed development is considered negligible to the local badger population. No further surveys required.

- Hedgehog - the survey considered that the site lacks sufficient habitat structure i.e. hedgerows for hedgehogs and is unsuitable for nesting.
- Other species - The survey concluded that the site does not contain any habitats or plant species considered rare in the UK. Habitat enhancements are suggested and provision of bat and bird boxes are proposed. These recommendations will be the subject of a condition.

On the basis of the above comments, the development is considered to comply with Policy EP19 of the Fylde Borough Local Plan and Paragraph 118 and 119 of the NPPF.

Flood risk and surface water management

The application is accompanied by an assessment of 'flood risk and surface water management plan'. The site is located within Flood Zone 1 as such neither the 'Sequential Test' nor the 'Exception Test' is applicable.

The site is in agricultural use and drainage is through infiltration and runoff into surrounding ditches. Run-off from the site flows towards the north east, into the east-west winding watercourse.

Due to the location of the site flooding is not expected so no flood risk management measures are considered necessary for this proposed development. In regards to off-site protection from flooding, the proposals include an attenuation pond and a surface water management plan is recommended to limit the runoff rate to below the 'greenfield' run-off rate. Conveyance channels are also included in order to drain run off from all the impermeable surfaces into the pond.

The Environmental Permit monitors the development to ensure that emissions from the site does not result in any contamination.

As a consequence it is considered that development will not result in a detriment to the quality of surface and ground waters and is therefore compliant with Policies EP23 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 120 to 122 of the NPPF.

Employment

Paragraph 28 of the NPPF *supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*

The applicant's son operates this side of the farming business and is a full time worker. The proposed development will result in an increase to 1.5 employees, employed 'year round' in rural work which is not 'weather dependent' allowing a relatively new business to expand which complies with the definition of 'sustainable'. In that the application proposes development for locally produced food, employs local people and as such satisfies a 'social' role. The proposal will increase the supply of poultry meat, reducing the need for imports and reduce food miles, will have minimal impact on the environment and so satisfies an 'environmental role'. Investment in buildings and the infrastructure offers financial benefits into the rural economy and supports employment, satisfying the 'economic role'.

Accordingly the proposal complies with the aims of the NPPF in regards to sustainable development

and rural employment.

Other matters

Greenhalgh Parish Council have reported that they have received complaints from occupiers of neighbouring properties to the application site. In that "the planting is not yet in place", "the ventilator fan noise can be heard" and that "chicken manure has been dumped close to houses on Bradshaw Lane". In addition the spreading of manure on field has resulted in an "unacceptable stench and insect swarms of biblical proportions" and that Environmental Health has been involved in this regard on two occasions.

These concerns have been raised with the agent for the application who has advised that both the existing and proposed units are purpose built to reduce noise and odour, as reported above. In addition both noise and odour are covered by the environmental permit conditions and that the EA has not received any complaints. The case officer for this application has also checked with the council's Environmental Protection Officers who advise that they have no record of any complaints in respect of this site.

In regards to planting, at the case officer site visit it was evident that significant tree planting had taken place, however these are young plants which may not yet be sufficiently established so as to be visible from public vantage points at the present time as these are all some distance from the site, but will grow to assimilate the buildings into the landscape.

The agent also advised that after clearing the poultry units all manure is removed off site for stockpiling or landspreading, the permit does not cover manure storage or landspreading. However, the manure has a high fertilizer value and farmers are careful during landspreading to maximise its benefits to crop growing.

As reported above this application generated a significant number of objection letters from 'animal aid'. The letters were generic letters and not specifically directed at this particular application but in the main objected to the farming of the animals. This issue is not a matter which can be taken into account in determining this application. Other issues raised by these letters are covered in the individual topics set out above.

Conclusions

The application site is land off Weeton Road and forms part of the wider 'Bradkirk Hall Farm'. The application seeks permission for two additional agricultural buildings associated feed stores, blending room, pellet store and attenuation pond. The buildings are required for the expansion of the applicant's existing intensive poultry rearing enterprise.

The development is sited in an area that will result in some views of the development however, significant landscaping has taken place and additional planting is proposed thereby limiting the impact of the buildings in the wider landscape.

The application demonstrates mitigation methods and procedures for complying with the regulations for developments of this nature and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell and impacts on ecology.

The development is therefore considered to comply with the requirements of Policies SP2 in respect

of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) 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

Delegate to Head of Planning and Regeneration to approve on expiration of statutory notice period following publication of press notice and the consideration of any comments received as a consequence of that notice, or other representations.

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 consent relates to the following details:

Approved plans:

- Location Plan - drawing no. IP/RT/01
- Site layout plan - drawing no. IP/RT/02B
- Topographical survey - drawing no. IP/RT/05
- Proposed sectional plan - drawing no. IP/RT/04B
- Proposed floor plans and elevations - drawing no. IP/RT/03
- Proposed landscape plan - drawing no. IPA20555-11C
- Proposed blending room plan - drawing no. IPA/RT/10

Supporting Reports:

- Design, Access & Planning Statement - Ian Pick March 2016
- Soft landscape specification - document ref. IPA20555 - ACD Environmental - May2016
- Landscape appraisal - doc ref. IPA20360LA - ACD Environmental
- Flood risk and surface water management plan - doc. ref. K0712/HH Hydro-logic services (3rd March 2016)
- Extended Phase I Habitat Survey - 'Wold Ecology' (February 2016)
- Environment Agency permit - permit number EPR/MP3735ZY
- Environmental statement - Ian Pick June 2016
- Matrix Acoustics report M1308/R02 9th May 2016
- Odour study - AS Modelling & Data Ltd - 24th June 2016

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.

4. Landscaping shall be carried out in accordance with the details submitted in the soft landscape specification and indicated on drawing no. IPA20555-11C. The agreed 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 following the completion of the construction of either of the buildings hereby approved.

To enhance the quality of the development in the interests of the amenities and biodiversity of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary.

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

6. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and will not impact on flood risk on or off the site.

7. No construction works for either building shall commence until details of the finished floor levels of that building, and the works to be undertaken to ground levels elsewhere on the site to accommodate those floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

For the avoidance of doubt, to ensure a satisfactory standard of development given the undulating rural nature of the site and its surrounding area.

8. Prior to the commencement of any development details of the design, capacity, outfall destination and rate, and mechanism to control outfall flow for the attenuation basin shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented and made operational alongside the construction of the first of the buildings hereby approved, and shall be maintained operational at all times thereafter.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate, and to prevent a flood risk during the construction of the development

9. Prior to the commencement of development a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing. The location and specifications for the boxes shall be in accordance with the recommendations set out in para. 7.5.1.1 - 7.5.1.4 and 7.5.2.2 - 7.5.2.6 of 'Wold Ecology Ltd' Extended Phase 1 Habitat Survey. There after the approved boxes shall be provided and retained in their approved form.

In the interest of habitat enhancement for bats and nesting birds.

10. In the event that the presence of any protected species is identified or suspected during works, works must cease and Natural England/a licenced ecologist should be contact immediately for advice, thereafter a Method Statement shall be agreed with and subsequently implemented and monitored to the satisfaction of the Local Planning Authority.

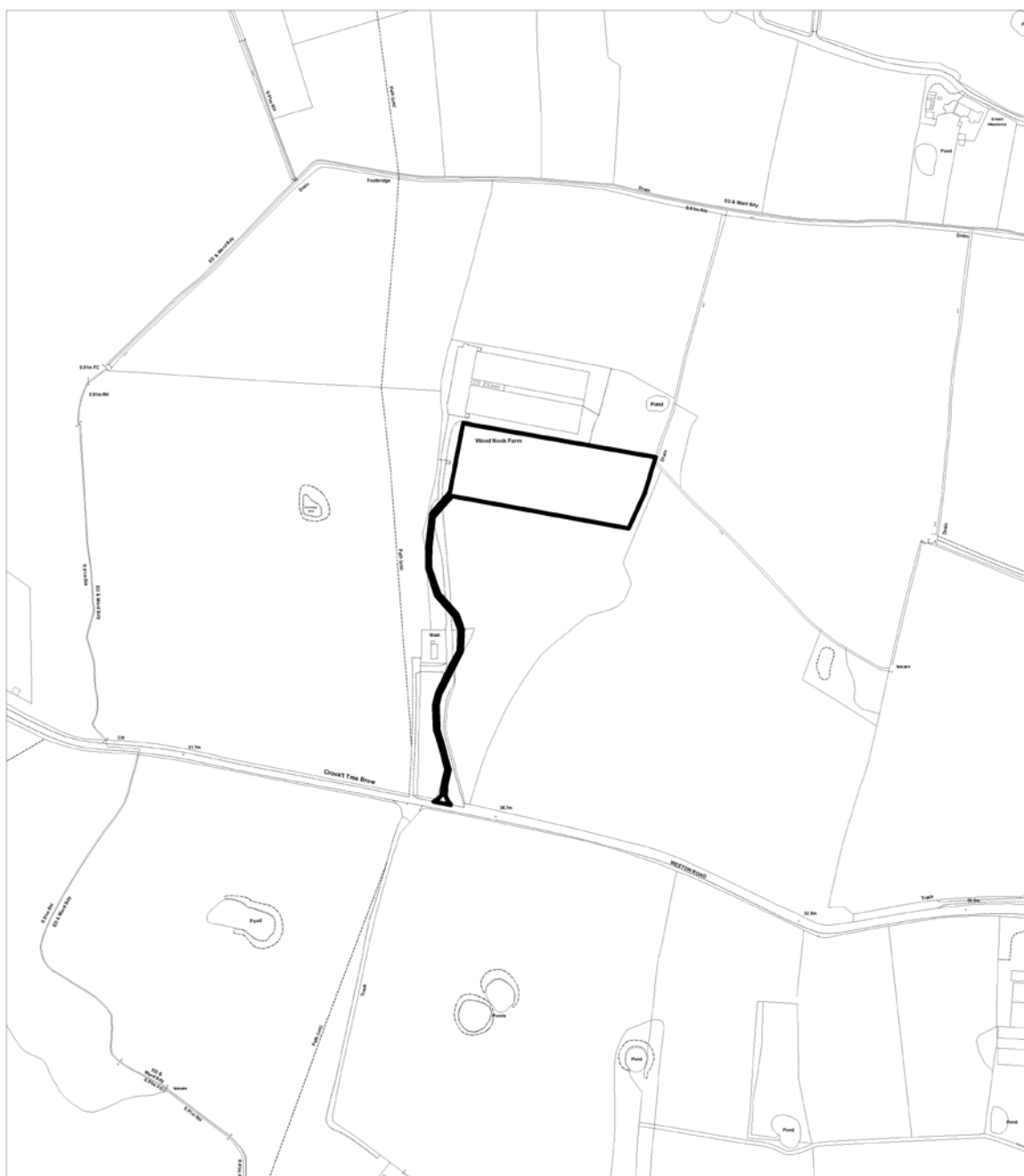
The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

11. If any Species of Principal Importance are found during the proposed works on site such as Common Toad or Hedgehog, they should be moved to an area of suitable habitat which will remain undisturbed. In the event that great crested newt is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006 and The Protection of Badgers Act 1992.

12. Building demolition, vegetation clearance works or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified ecologist and the result submitted to the Local Planning Authority.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.



| | | | |
|---------------------------------------|--|--|-------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0211 | Address Three Nooks Wood, Weeton Road, Wesham | Grid Ref. E.3403 : N.4339 | Scale 0 25 50 75 100 m |

Item Number: 7

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|-----------------------------|
| Application Reference: | 16/0227 | Type of Application: | Outline Planning Permission |
| Applicant: | Mr & Mrs A & V Wallace | Agent : | De Pol Associates Ltd |
| Location: | LAND TO REAR OF 91 RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2PA | | |
| Proposal: | OUTLINE APPLICATION FOR THE ERECTION OF UP TO EIGHT DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | | |
| Parish: | RIBBY WITH WREA | Area Team: | Area Team 1 |
| Weeks on Hand: | 17 | Case Officer: | Andrew Stell |
| Reason for Delay: | Negotiations to resolve difficulties | | |

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

<https://www.google.co.uk/maps/@53.7762881,-2.9087885,560m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to outline planning permission for the erection of 8 dwellings on land that is to the rear of 91 Ribby Road which is a detached dwelling on the edge of Wrea Green. The application site is in the Countryside, but with the council being unable to demonstrate the 5 year housing supply required by the NPPF it must support proposals that are sustainable development.

In this case the scheme is of a scale, location and likely design that will have a limited visual impact yet has a suitable accessibility to the services available in the village. It will offer benefits in housing supply, and as it is intended that the properties are bungalows will assist in meeting a perceived local need for such properties. There are no obvious technical issues that will prevent the development of the site as proposed and so the officer view is generally supportive of the scheme.

However, there are a number of issues that require some further discussion between officers and the applications representatives around the access and drainage arrangements and so it is requested that Committee delegate the authority to determine the application to officers on satisfactory conclusion of these issues. It is accepted that this is not a normal approach but with the forthcoming summer break in the Committee cycle, the limited level of local objection to the proposal, and the relatively limited scale of the development it is sought here to allow these matters to be progressed to a conclusion.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict with the views of the Parish Council.

Site Description and Location

The application site is a detached dwelling and an area of land to the rear that is greenfield and available for agricultural / equestrian use on the eastern side of Wrea Green village. It is outside of the identified settlement boundary and on land allocated as Countryside in the Fylde Borough Local Plan.

The property is a detached two storey dwelling that is unaffected by the development other than its garden is reduced to provide the access for the land to the rear and its garage and an extension are removed to facilitate that. The land to the rear is L-shaped and rises slightly away from Ribby Road. There are protected trees within the garden to the dwelling and along the eastern boundary of the site.

Surrounding land uses are residential along the frontage of Ribby Road and to the western side where the recently redeveloped property at Langtons Farm and the associated equestrian facilities stand. To the south and east is other greenfield agricultural land.

Details of Proposal

The application is made in outline for the erection of 8 dwellings. The access arrangements are applied for, with all other matters reserved.

The access is indicated as an alteration to the existing to the dwelling at 91 Ribby Road with the provision of an access that has 5.5m width and 6m radii on each side and new footways provided into the site. This is located to the side of that property and involves the removal of the garage to the dwelling, with a replacement indicated as part of the scheme, the removal of tree on the southern garden boundary and then leading into the area of the dwellings with a turning head provided at the south east corner of the site,

As access is the only matter applied for the remaining details offered are illustrative only, but the site plan indicates the 8 properties located to the eastern and southern side of the access road to face over that road and so to the open fields and equestrian facility at Langtons Farm. The application indicates that these are to be two and three bedroomed bungalows, although with scale not being applied for there can be no certainty to this.

The application is supported with the usual range of supporting documentation including:

- Illustrative site plan
- Planning Statement
- Design and access Statement
- Ecological Assessment
- Arboriculture Report
- Transport Statement
- Flood Risk Assessment and Drainage Strategy

Relevant Planning History

There is no planning history associated with the site, although permission was secured on appeal for the erection of a single dwelling to the other side of 91 Ribby Road in the mid-1980s. This has been implemented and is 91a Ribby Road.

The site is also almost adjacent to the development of 100 dwellings approved under outline planning permission 14/0302 on appeal and currently subject to reserved matters application 16/0280.

Relevant Planning Appeals History

None at this site.

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 05 April 2016 and comment:

“After much debate, a vote was taken with a split, majority decision in favour of RECOMMENDING REFUSAL. The key issues with the application are as follows:

- *Encroachment within the area of separation, albeit minor in area.*
- 1. *Concerns regarding further development resulting in drainage issues, where the current infrastructure relating to this matter is inadequate.”*

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

Makes specific reference a couple of protected trees within the garden of 91 Ribby Road where the access road route could be revised to improve the protected to trees. This has been the subject of further discussion with the applicant to address these concerns.

The dwellings are located in an area where there are no tree implications and can retain adequate separation from those trees located on the site boundary.

Environment Agency

Make no comments on the application as they are not a statutory consultee on applications of this scale.

Lancashire CC Flood Risk Management Team

The initially commented that they are unable to provide a substantive response due to a shortage of available information and perceived discrepancies in it. That information was then provided by the applicant and so the final comments were provided.

They make comments on the application as follows:

2. It is essential that a formal detailed surface water drainage strategy is agreed prior to development commencing
- That there was a flooding event on 26/12/15 which involved 7 properties on Ribby Road being flooded near to the site. Whilst the cause of this was a blocked culvert and remedial action is underway to address it this needs to be investigated further as part of the surface water drainage strategy for the site
- The surface water hierarchy requires that infiltration is investigated in preference to the use of existing watercourses as is the case here, and so this should be undertaken as part of the drainage strategy

- Queries over the nature of the SUDS use and calculations applied in the submitted information.

Notwithstanding these comments they confirm that no objection is raised to the development subject to conditions relating to the provision of a surface water drainage system prior to the development commencing, and that arrangements are put in place for this system to be appropriately monitored and maintained. They also offer their standard informative regarding the need for Land Drainage Consent to be secured under that legislation which is separate to planning legislation.

United Utilities

Raise no objection to the development subject to the imposition of conditions to ensure that foul and surface water are drained on separate systems, and that the surface water drainage follows the sustainable drainage hierarchy.

Lancashire County Council - Highway Authority

No formal comments have been received, although it is understood that there are no issues likely to be raised over the principle of the access or its use subject to potential traffic calming and footway works associated with them. These are the subject of on-going discussions.

Regeneration Team (Landscape and Urban Design)

Comment that they do not believe the development would have an adverse impact on the landscape setting of the village or have any potential visual impact on the basis of the submitted layout and bungalow proposal.

They refer to the need to preserve existing landscaping within the site wherever possible and enhance it with new hedgerow and tree planting given the edge of settlement location of the site, with these using native species.

Natural England

Make no comments on the application as they do not consider it is likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 05 April 2016 |
| Site Notice Date: | 08 April 2016 |
| Number of Responses | 4 |
| Summary of Comments | <p>The comments received from neighbours raise objection to the development on the following grounds:</p> <ul style="list-style-type: none"> • That the drainage infrastructure is inadequate to accommodate the existing properties and so further dwellings will overwhelm it further. Reference is made to flooding events in Christmas 2015 • The development will lead to a loss of privacy to Ribby Road properties • If this were allowed it could lead to further development of surrounding land |

In addition to the neighbours, the **ward councillor (Cllr Andrews)** has written to support the objection from the Parish Council, stating: *"I share the Parish Council's view that this is an unwise area to develop. It is very important to Wrea Green that the area of separation between village and neighbouring town is maintained; both need their own clear geographic identity. Furthermore we have very recent proof that this area of Ribby Road floods extremely easily and one home has been damaged 4 times since Boxing Day 2015. The committee should give very serious consideration to the extra drainage requirements this development would entail and I would urge rejection."*

Comments have also been received from the local **CAPOW** resident group which are summarised as:

- They *"do not object to the application as they consider that it provides locally much needed down-sizing single storey accommodation"*
- Would like to see certainty that the properties will be single storey and retained as such to retain the character of the village
- The site is within the Area of Separation
- They refer to some perceived misleading information in the supporting documentation and highlight those aspects. These relate to undercounting accident figures, that the walking times to services for elderly residents are likely to be longer than shown, the trains are not as regular as stated, etc.

Relevant Planning Policy

Fylde Borough Local Plan:

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

Other Relevant Policy:

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

Site Constraints

Within countryside area
Tree Preservation Order

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 Background

The site is entirely located within the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan. This remains the development plan for the borough, with Policy SP2 being supportive of development that preserves the rural character of the area. The residential development proposed in this application is not such a use and so is in conflict with this saved policy of the development plan.

Members will be aware that work is progressing on the replacement for the Fylde Borough Local Plan. The emerging Fylde Local Plan to 2032 is due to undergo its submission stage consultation in the coming months and so is to be considered in the determination of applications. However, as it has yet to be subject to examination the weight that can be given to it remains limited. In relation to this application it continues the countryside designation of the application site, but also designates an Area of Separation between Wrea Green and Kirkham with the main part of this application site being in that area. The implications for this are discussed in the report.

The village is also designated as a Neighbourhood Plan area, and work has commenced on the preparation of a Neighbourhood Plan. However, work on this seems to have stalled and the plan remains at an early stage of preparation. It is not considered that any weight can be given to it in decisions at this stage.

Need for Residential Dwellings

The NPPF emphasises the importance of housing delivery, with this promoted through a requirement to deliver at least a 5 year supply of housing against the respective annual requirement. In Fylde that figure is 370 dwellings per annum, with the latest position at 31 March 2016 being that the council could demonstrate a 4.8 year supply. As this is below the required 5 year figure then the guidance in para 14 and 47 of the NPPF are engaged and the council should support development unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The delivery of housing is to be supported where it delivers ‘sustainable development’. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in a rural village being: the availability of services in the village, the accessibility to those services from the site, the scale of development, and the visual impacts it has. These are assessed in the following sections of this report.

Accessibility to Services

Whilst it is outside of the defined settlement boundary, this site is clearly part of the village of Wrea Green by virtue of its access being through that serving an existing dwelling in the village and the area of the proposed properties being adjacent to the existing built development. Wrea Green is defined as a Tier 1 – Larger Rural Settlement in the emerging Local Plan where small scale essential local services are available as well as local opportunities for local employment. The Plan advises that these settlements are to be seen as sustainable communities albeit that they will have a dependency on other larger settlements for higher order services.

This is evidenced in Wrea Green with it having a number of shops, a primary school, a church, a village hall, play facilities, a pub, a hotel, an employment area, bus services, etc. but that it relies on connections to Lytham and Kirkham for secondary school, wider employment opportunities, main shopping, rail access, etc. As such Wrea Green is a suitable location for residential development in principle.

With regards to this site, it is located off Ribby Road which is one of the main routes through the village and is a bus route. It is around 600m from the site access to the centre of the village with that route being along a road with footways on both sides and being well lit. As such there is considered to be a good accessibility from the site to these facilities. The bus and cycle connections on Ribby Road will also allow a sustainable access to Kirkham which is less than 2km away and so good access is also available to the services available in this settlement.

Criteria 7 of Policy HL2 of the Fylde Borough Local Plan requires that residential development is located where it has a good accessibility to services and facilities, and it is considered that applies with this proposal.

Scale of Development in Village

The ability of the services in the village to support the additional population that results from further residential development is an issue that has raised concern with other developments in recent years that have been put forward in Wrea Green. It is also therefore an issue to be assessed here, but is not one that should be used as a reason for refusal of this application for the following reasons.

Firstly, the various decisions made by Inspectors and by the council have not provided any certainty over the level of development that should (or therefore should not) be supported in the village. Whilst there is a figure of growth allocated to it in the emerging Fylde Local Plan, this is not a ceiling for development and the designation of the village as a Tier 1 rural settlement confirms that a level of growth should be supported.

Secondly, the proposal presented here is limited in its scale at only 8 dwellings, and it is difficult to present an argument that a growth of this limited number of properties would be such to overwhelm the services that are available, even in combination with the other committed developments.

Finally, there is a need to consider the visual impact of the development as to how it affects the perceived scale of the village. This is assessed further in a later section of this report, but the site is relatively discreetly located at the rear of existing development with good landscaping to public vantage points and so has a limited visual impact.

Taking these together it is not considered that this scheme will not cause any adverse impacts on the scale of the village.

Visual Impact of Development

As stated above it is concluded that the development has an acceptable visual impact notwithstanding that it involves the development of greenfield land outside of the settlement. There are a number of factors that combine to allow that position to be reached:

- The site is limited in its physical scale, and is located to the rear of existing built development that fronts Ribby Road
- The development is for a limited number of dwellings and these are proposed as being bungalows. This ensures that it will not be seen as a large dense area of built development in

the views of the site that are available through the frontage development and from elsewhere on Ribby Road

- The development utilises an existing access point to Ribby Road. Whilst the character of this will be changed to improve its standard to safely accommodate the additional movements, it will have a lesser impact than would be the case with a new access being formed. The design of this is an area that is subject to further discussions to improve its appearance further.
- There is existing tree cover around the entrance and the perimeter of the site in the form of protected trees that are to be retained and so help to soften the impact of the new development
- The proposed layout retains a landscaped buffer to the west to assist in views from that direction, and retains a landscaped area to the northwest which is the area that is most prominent from Ribby Road. The retention of these in the layout will assist in reducing prominence at the more critical points.

Accordingly it is considered that the development proposed will comply with criteria 1 and 2 of Policy HL2 which relate to the development being compatible with nearby land uses and the character of the locality. It is however critical that these factors are carried through in any planning permission that is granted, and as this is an outline application there can be no certainty over the delivery of them without appropriate conditions being imposed to ensure that the dwellings are bungalows and the layout is as shown. Such conditions can only be imposed where they are necessary in planning terms, and that is the case here for the reasons stated above.

Area of Separation

The part of the site that will accommodate the proposed dwellings is located within an Area of Separation as proposed in Policy GD3 of the Fylde Local Plan to 2032. That policy explains that these areas are designed to “*preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in a coalescence of two distinct and separate settlements*”. The policy explains that this will be achieved by assessing the impact that a proposal has on the harm it causes to the openness of the land between settlements, and how it would compromise the identity and distinctiveness of settlements.

As the application proposes development within this area it is necessary for the compliance with this policy to be assessed. The first aspect of this is the weight that it should be given to the policy. The Plan is progressing to submission stage, but has yet to be the subject of any formal examination and so it remains the case that it has only limited weight.

The second issue is the level of impact that this development would have. Whilst it is outside of the settlement boundary on the Local Plan, the site is to the rear of existing development fronting Ribby Road in the ‘village’ part of Wrea Green rather than in countryside. Taking account of the comments in the preceding section regarding visual impact, in the form proposed the development has no significant adverse impact on the character of the countryside and would not serve to material reduce the perceived separation between Wrea Green and Kirkham. In that regard it cannot have any functional impact on the identity or distinctiveness of the settlements and so is not in conflict with the policy irrespective of the weight it has. Accordingly this issue cannot prevent the application being approved.

Summary of Principle of development

The council is unable to demonstrate the 5 year housing supply as required by government guidance in the NPPF, and so must support sustainable residential development unless it leads to significant or demonstrable harm. Having assessed the relevant considerations in that it is concluded that this proposal (if controlled to the number, layout and scale of properties proposed) would not cause any

such harm, and so is acceptable in principle. The delivery of housing is a key government priority and so where this is provided in a sustainable manner it will outweigh the dated constraints imposed by Policy SP2 of the Fylde Borough Local Plan.

Access arrangements

The application is supported by a Transport Statement that explains the access arrangements and argues that the additional vehicle movements can be safely accommodated on the highway network. The proposal involves the redesigning of the existing access to 91 Ribby Road with the formation of a 5.5m wide access point with 2.4m x 22m visibility splays provided in each direction and a 2m wide footway leading into the site to serve the properties. To accommodate this a section of the existing boundary wall would be removed, and a further section reduced in height to 600mm to provide visibility across it.

The access is to a section of Ribby Road where the 20mph speed limit applies and so vehicle speeds should be slow. It is straight at that point and so visibility is good and there are no bus shelters or other such obstructions to impact on it. There are no other junctions in any real proximity to the access and so it is considered that the access arrangements as proposed should provide the safe access point as required by Policy HL2 of the Fylde Local Plan.

However, at the time of writing this report there are no formal comments from the highway authority and so it is advised that the decision on the application be delegated to officers subject to receipt of their views and some other matters to be discussed later in this report. Whilst their formal comments remain outstanding, they have verbally confirmed a lack of objection to the principle of the development. There are on-going discussions regarding the access arrangements to see if a suitable access can be achieved in a less engineered manner, or if some traffic calming measures can be introduced to enhance safety at this gateway to the built up part of the village.

It is expected that agreement will be reached on these matters and so the scheme formally supported by County Highways in due course. At that point it would be appropriate to approve the application subject to conditions to secure any traffic calming, the provision and retention of the visibility plays and footway, the surfacing arguments for the access, internal road width and turning arrangements, etc.

Impact on Trees

There are several trees on the Ribby Road frontage that benefit from protection under TPO 1993 No.3, elsewhere within the garden of 91 Ribby Road under TPO 1984 No. 1, and along the eastern site boundary under TPO 1993 No. 3. These trees have been protected due to the contribution that they make to the public amenity on this edge-of-village location and it is important that any development proposals are carefully assessed so that this contribution is not harmed. Policy EP12 of the Fylde Borough Local Plan provides a policy basis for this protection.

The main area of development is proposed to an open field area to the rear of the existing dwellings where there are no trees. There are trees along the eastern edge of this area and these are respected in the illustrative layout. Subject to the imposition of conditions to ensure that this layout is implemented in the reserved matters, and that these trees are protected during construction then this aspect will be adequately controlled.

The construction of the extended access to Ribby Road and through the garden to No 91 to the main site area has potential impacts on the other protected trees. The access point has been chosen to minimise the potential for encroachment in the Root Protection Areas and so the potential for damage to the trees. In general it is considered that will not lead to any undue concerns, but as

there are on-going discussions over the access design there are also areas of potential impact on trees that may need further consideration. However, these are unlikely to be fundamental to the progress of the application and so it is considered unlikely that there will be any conflict with the protected tree regime or the supporting local plan policy. However, this is an area where some on-going discussions are to be satisfactorily concluded prior to the grant of any planning permission.

Impact on Streetscene

The properties that are proposed will have a location that is set well back from the streetscene and so will not impact on it in any meaningful way.

The access arrangements will introduce a change from the existing where there is a driveway entrance of circa 3m that has a wooden field gate across which is to be widened as described in the access section of this report. The remaining front boundary is a circa 1m high brick wall with stone copings that will be partly removed and lowered to facilitate the access, with a hedge and trees/shrubs behind that which will be removed. The current situation contributes positively to the pleasant leafy approach to the village along Ribby Road that is established by this property and its neighbours, and the protected woodland on the other side of Ribby Road. The increased scale of access will create a more urban appearance, and this is a negative impact that officers are discussing further with the applicant's representatives and highway authority to ensure the impact of this is minimised without compromising the safety of the junction.

Relationships to Neighbours

The application involves the development of part of the garden to 91 Ribby Road, which is a detached house with a sizeable garden area to the side and rear. An appropriate extent of this that is retained available for private amenity space for the occupiers of the property to avoid their residential amenity being compromised unduly.

The outline nature of the application means that there is no certainty to the layout of the dwellings. However, the need to control their general layout and scale to ensure the development has an acceptable visual impact means that they will need to be laid out in general accordance with the illustrative site plan. This plan confirms that an adequate separation can be achieved between the proposed dwellings and the existing off-site neighbours to ensure there are no overbearing or privacy concerns raised.

The site is also close to the equestrian hobby use undertaken at Langtons Farm. When considering applications on land to the rear the council has sought to secure a 30m separation between the stables and the new dwellings so that the occupiers of these dwellings are given a measure of separation from that use in the interests of minimising the impact of odour and other potential nuisances. That separation distance is respected in the illustrative layout where a 40m separation is provided.

Considering the points in this section the proposal and illustrative layout indicate that the development will comply with the requirement of criteria 4 of Policy HL2 that relates to new development not impacting on residential amenity.

Drainage Issues

It is important that any new residential development makes proper provision for a sustainable drainage solution for foul and surface water. The surface water drainage arrangements are particularly important in this location as a number of properties in the close vicinity of the site on Ribby Road suffered flooding over Christmas 2015. These flooding events have been investigated by Lancashire County Council and whilst works are currently underway to remove blockages in the

system that were suspected to be a major contributor, it is important that any new development has a surface water drainage arrangements that do not contribute further to the issue.

The application was supported with a Flood Risk Assessment and surface water drainage assessment, but LCC as Lead Local Flood Authority raised concern over this and so a revised submission was made. This incorporates the flooding event referred to above and proposes that the site drainage be accommodated within a watercourse that runs along the eastern boundary of the site before running across the front of 93, 91A and 91 Ribby Road and then crossing that road to enter a further watercourse that drains to Wrea Brook and then the River Ribble. This provides an outlet for surface water that is likely to be the same as the current greenfield run-off utilises, with the proposal being to restrict the rate of that run-off to that greenfield rate but with a factor built in to account for predicted climate change.

No details of how the rate is to be attenuated is provided, but given that the application is submitted in outline this is not a particular concern to the LLFA or to your officers. A condition can be imposed to ensure that any reserved matters submission includes details of the drainage arrangements with the site providing suitable space in the buffer areas needed to mitigate the landscape impact for such facilities to be provided.

A further condition would be appropriate to agree the details of the foul sewerage arrangements, but with the presence of a public sewer in Ribby Road it is not anticipated that this would be a particular issue for a development of the scale proposed.

Accordingly it is considered that the proposal makes appropriate arrangements for its surface and foul water drainage and so is in accordance with Policy EP25, EP30 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan which relate to those aspects.

Ecology

The site does not have any particular ecological designations but as a greenfield site that includes some buildings and trees there is potential for it to offer ecological value. The application is supported with an ecological report that documents a desktop and field study of the site by an ecologist. This concludes that no matters of ecological importance will be affected by the development and so it can be supported subject to standard risk management and ecological enhancement measures being introduced.

This is considered to be a reasonable approach to take given the extent of survey work that has been undertaken in areas near to the site associated with the Willow Drive development and found no significant ecological constraints. Accordingly it is not considered that there is any conflict with Policy EP19 of the Fylde Borough Local Plan subject to these matters being addressed by condition.

Other Matters

As the proposal is for the development of 8 properties it is below the threshold whereby the council would seek the provision of affordable housing or other contributions such as open space, public realm improvements, education capacity enhancements, etc.

A number of neighbours have referred to the application creating a potential for further land owned by the applicant to be developed. Clearly there can be no certainty that other applications would not be made, but the council must only consider the applications that are presented.

Conclusions

The application relates to outline planning permission for the erection of 8 dwellings on land that is to the rear of 91 Ribby Road which is a detached dwelling on the edge of Wrea Green. The application site is in the Countryside, but with the council being unable to demonstrate the 5 year housing supply required by the NPPF it must support proposals that are sustainable development.

In this case the scheme is of a scale, location and likely design that will have a limited visual impact yet has a suitable accessibility to the services available in the village. It will offer benefits in housing supply, and as it is intended that the properties are bungalows will assist in meeting a perceived local need for such properties. There are no obvious technical issues that will prevent the development of the site as proposed and so the officer view is generally supportive of the scheme.

However, there are a number of issues that require some further discussion between officers and the applications representatives around the access and drainage arrangements and so it is requested that Committee delegate the authority to determine the application to officers on satisfactory conclusion of these issues. It is accepted that this is not a normal approach but with the forthcoming summer break in the Committee cycle, the limited level of local objection to the proposal, and the relatively limited scale of the development it is sought here to allow these matters to be progressed to a conclusion.

Recommendation

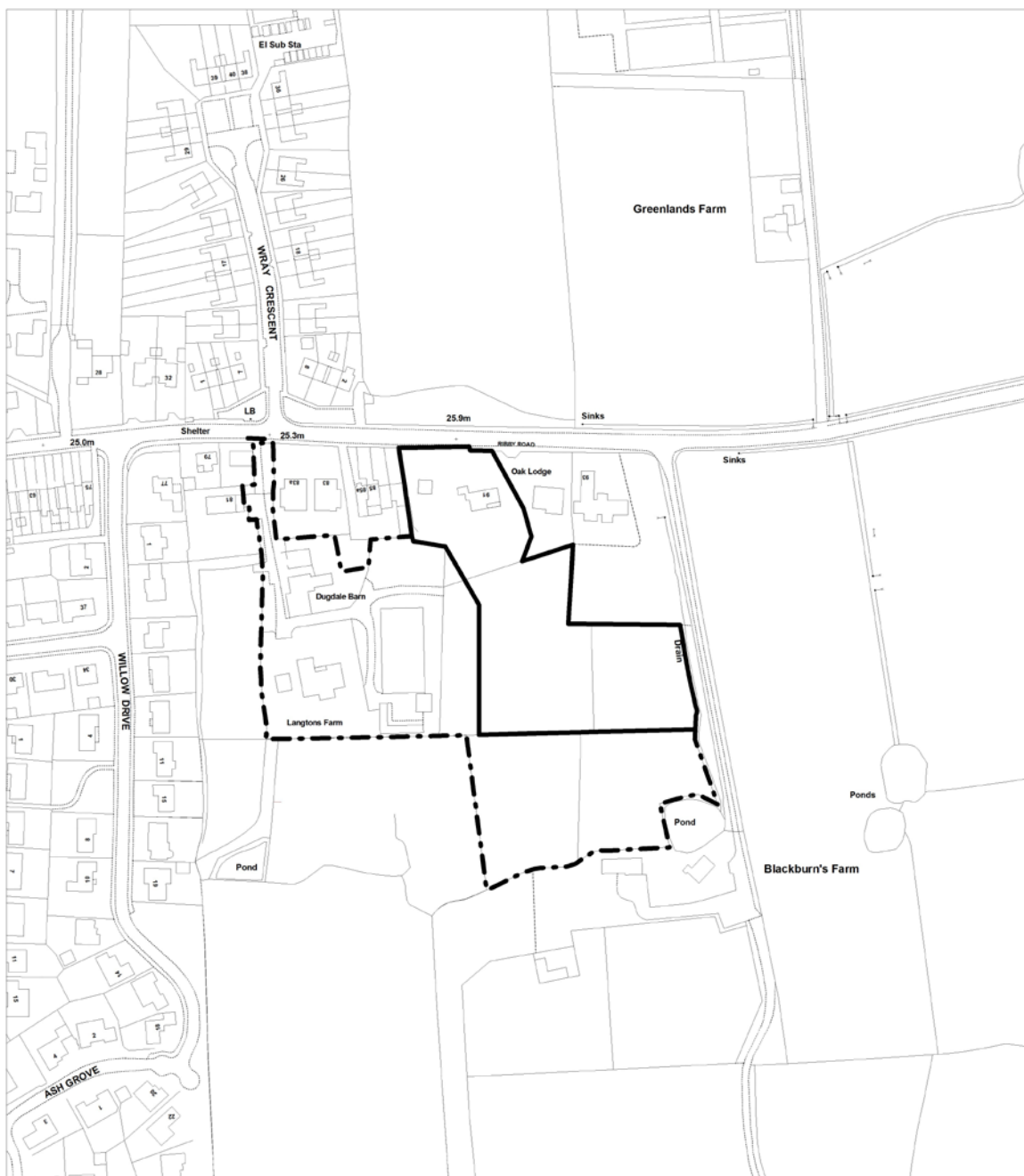
That the authority to determine the application be delegated to the Head of Planning and Regeneration, with any approval subject to the satisfactory resolution of the following outstanding issues (including the imposition of appropriate planning conditions) and to refuse the application if these matters are not resolved:

- Agreeing an appropriate design of the access arrangements and any required traffic calming following receipt of final comments from the highway authority
- Ensuring the access maintains protection for the protected trees on site

Suggested List of Planning Conditions

These would cover the following matters and others which the Head of Planning and Regeneration considers to be appropriate at the time of determination of the application:

1. Time limit for permission
2. Requirement to submit reserved matters
3. List the approved plans
4. Limit development to 8 dwellings with these being single storey and laid out in general accordance with the submitted illustrative layout to ensure acceptable visual impact and relationships with offsite receptors (trees, landscape, neighbours, equestrian)
5. Provide access visibility, design and construction
6. Implement any traffic calming or off-site works
7. Confirm details of materials and boundary treatments in reserved matters
8. Provide suitable landscaping arrangements with reserved matters and implement
9. Provide protection for trees during construction
10. Ecological mitigation for bats and GCN
11. Avoid bird breeding season with works
12. Agree necessary drainage scheme at reserved matters stage for surface and foul water
13. Submit ground levels of properties at reserved matters stage
14. Agree and operate a suitable Construction Management Plan



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|---------------------------------------|--|--|------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0227 | Address Land to rear of 91 Ribby Road, Wrea Green | Grid Ref. E.3403 : N.4316 | Scale 0 10 20 30 40 m |

Item Number: 8

Committee Date: 27 July 2016

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 16/0273 | Type of Application: | Full Planning Permission |
| Applicant: | Smith Brothers | Agent : | Ian Pick Associates Ltd |
| Location: | TODDERSTAFFE HALL FARM, FAIRFIELD ROAD, STAINING, POULTON-LE-FYLDE, FY6 8LF | | |
| Proposal: | ERECTION OF 4 NO. LIVESTOCK BUILDINGS FOR PIG REARING TOGETHER WITH AN ENCLOSED SLURRY STORAGE TANK AND AN OPEN ATTENUATION POND | | |
| Parish: | STAINING AND WEETON | Area Team: | Area Team 2 |
| Weeks on Hand: | 14 | Case Officer: | Rob Clewes |
| Reason for Delay: | Awaiting Further Information | | |

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

<https://www.google.co.uk/maps/@53.8241229,-2.9639018,1118m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is land off Todderstaffe Road and forms part of Todderstaffe Hall Farm which is a rural area that is designated as Countryside in the Fylde Borough Local Plan. The application seeks permission for four agricultural buildings, a slurry tank and an attenuation pond. The buildings are required for the expansion of the applicant's pig rearing enterprise.

The development is sited in an area that will result in limited views of the development due to the existing natural landscaping and adjacent buildings.

The application demonstrates mitigation methods and procedures for complying with the regulations for developments of this nature, and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell, or impacts on ecology.

The development is therefore considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005). It also draws support from 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 for the committee are recommended to delegate the approval to the Head of Planning and Regeneration once any outstanding consultation responses received by the expiry of the press notice period have been received and considered.

Reason for Reporting to Committee

The application is a 'major' application and under the terms of the Council's Scheme of Delegation such applications are to be determined at Committee where the officer recommendation is for approval.

Site Description and Location

The application site is a piece of land forming part of Todderstaffe Hall Farm, Fairfield Road, Singleton. The farm business operates as a livestock enterprise rearing pigs.

The proposed site is set immediately to the south of the existing farm complex is currently a small field used in connection with the farm. The area proposed in this application is 1 Hectare. The site is accessed from a private track leading from Fairfield Road and serving the farm and one other property.

The farm is within the countryside area as designated on the Fylde Borough Local Plan, as altered (October 2005). Surrounding the farm complex there are fields used for agricultural purposes. To the west of the site there is also a wooded area and there are various ponds located in the adjacent fields.

Details of Proposal

This application seeks permission for the erection of four additional agricultural buildings, together with associated slurry storage tank, hard standings and drainage attenuation pond.

The proposed buildings are rectangular in foot print and all have dual pitched roofs. Their sizes are as follows:

- Building 1: H (to top of dual pitched roof) - 4.73m, W - 18.28m, D - 82.02m
- Building 2: H (to top of dual pitched roof) - 4.73m, W - 18.28m, D - 83.92m
- Building 3: H (to top of dual pitched roof) - 3.74m, W - 10.40m, D - 70.04m
- Building 4: H (to top of dual pitched roof) - 3.74m, W - 18.28m, D - 68.10m
- Slurry tank: 25.24m in Diameter, 5.03m high to the tank lip.
- Attenuation pond: 500 square metres and 0.72m deep

Overall the development will house 6,400 pigs in addition to the existing pigs on site. The buildings are to be sited parallel with each other with the drainage attenuation pond located approximately 18m to the west of the proposed buildings.

The buildings are of portal frame construction with a blockwork course to the bottom and with textured GRP Cladding in Green for the elevations. The roof cladding is profile 6 fibre cement roof sheets in Natural Grey.

Relevant Planning History

| Application No. | Development | Decision | Date |
|-----------------|--|----------|------------|
| 15/0380 | INSTALLATION OF A 4.5 MW SOLAR FARM AND ASSOCIATED INFRASTRUTURE INCLUDING PV PANELS, MOUNTING FRAMES, SUBSTATION, CABIN, CCTV CAMERAS, FENCING, INTERNAL ACCESS ROADS AND LANDSCAPING | Granted | 17/11/2015 |
| 14/0238 | PROPOSED NEW AGRICULTURAL BUILDING | Granted | 20/05/2014 |

| | | | |
|-----------|---|----------------------------|------------|
| 11/0723 | PROPOSED RESUBMISSION OF APPLICATION 11/0308 - ERECTION OF WIND TURBINE WITH AN OVERALL HEIGHT OF 24 METRES | Granted | 19/12/2011 |
| 11/0308 | PROPOSED ERECTION OF VERTICAL AXIS WIND TURBINE WITH OVERALL HEIGHT OF 22M | Granted | 14/07/2011 |
| 08/1058 | ERECTION OF WIND TURBINE | Granted | 12/02/2009 |
| 05/0425 | PROPOSED ERECTION OF STABLE BLOCK | Granted | 23/06/2005 |
| A/97/0005 | AGRICULTURAL DETERMINATION FOR TWO PIG HOUSING UNITS | Permission not required | 15/08/1997 |
| 97/0229 | AGRICULTURAL LAND IMPROVEMENT - REVISED ACCESS ROAD (COUNTY MATTER) | Raise No Objection | 13/08/1997 |
| 95/0811 | AGRICULTURAL LAND IMPROVEMENT (COUNTY MATTER) | Refused | 24/04/1996 |
| 75/1048 | OUTLINE FOR 1 CHALET BUNGALOW WITH GARAGE. | Granted | 03/03/1976 |
| 78/0071 | RESERVED MATTERS - FARM WORKERS BUNGALOW. | Granted | 05/04/1978 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Staining Parish Council notified on 03 May 2016 and comment:

No objections

Statutory Consultees and Observations of Other Interested Parties

Environment Agency

Comments - No objection subject Environmental permit application.

Lancashire CC Flood Risk Management Team

Comments - No objections subject to requested conditions.

Environmental Protection (Pollution)

He has assessed the application and raises no objections to the proposal, other than to highlight that the odour report indicates the potential for levels to be produced that are "slightly in excess of the Environment Agency's benchmark for moderately offensive odours,". This is a matter that requires further consideration and may require additional mitigation to that currently proposed.

Lancashire County Council - Highway Authority

Comments - No objections

Neighbour Observations

Neighbours notified: 03 May 2016
Amended plans notified: N/A
Site Notice Date: 05 May 2016
Press Notice Date: 12 May 2016
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|----------------------------------|
| SP02 | Development in countryside areas |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |
| EP22 | Protection of agricultural land |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |
| EP26 | Air pollution |
| EP27 | Noise pollution |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. An Environmental Impact Assessment has been submitted by the applicant. The assessment addresses the relevant environmental issues for the application and these issues are discussed below.

Comment and Analysis

The main issues regarding this application are:

Principle of the development

Environmental issues

Ecology

Drainage

Impact to the character of the countryside

Impact to highways

Principle of the development

The site is located within the countryside as allocated on the Fylde Borough Local Plan, as altered (October 2005). As such, Policy SP2 is relevant to this application. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is that justifiable agricultural buildings can be acceptable providing they are associated with the continuation of an existing operation and do not harm the character of the surrounding countryside.

Policy SP2 requires that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture. This proposal expands on the applicant's existing pig rearing business and provides a more stable 'year-round' operation than his existing livestock and arable farming enterprise.

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. This proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

Environmental issues

All pig units exceeding a threshold of 2000 pigs require a permit under the Industrial Emissions Directive - Integrated Pollution Prevention and Control (IPPC). In order to operate, the proposed pig units require an IPPC permit which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole.

The application includes separate noise and odour management plans. The proposed buildings will be vented by being fully slatted and installed with environmental control systems. High level fan/air outlets will be fitted as standard. The submitted odour assessment concludes that a dwelling will be subject to odour originating from the site at a level *"slightly in excess of the Environmental Agency's benchmark for moderately offensive odours"*. Whilst this could lead to a nuisance it is acknowledged that the Environment Agency are the authority who permit the operation of the site from an environmental perspective. Notwithstanding that, officers are in discussion with the applicant with regard to establishing if alternative mitigation measures can be introduced to eliminate this issue. It is expected that they will be resolved by Committee and explained in the Late Observations schedule.

The noise generated by the operation of the business is generally low and being short and intermittent. Specific off site noise i.e. delivery vehicles is only generated during normal working hours. The nearest un-associated residential dwelling is 400m away which is considered sufficient to ensure there will be no detrimental impact.

It is considered that as the development is covered by EA regulations with regard to its environmental impact, this will ensure that there is no detriment to the environment as a result of the proposal. On this basis the proposal is considered to comply with Policies EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) relating to odour and noise nuisance and Paragraph 122 of the NPPF.

Ecology

The site has been assessed by an appropriately qualified ecologist and their report has been submitted as part of this application. The report found there was no presence of any protected species on site including Great Crested Newt's and Bats. Although no protected species were found to be on site the ecologist has recommended that a walk over survey of the site be carried out prior to any works taking place. This can be achieved via condition.

The application site is outside of any specially designated site and therefore the proposal is unlikely to have a significant effect on any European site (BHS), or SSSI's.

Drainage

The application is accompanied by an assessment of 'flood risk and surface water management plan'.

The site is located within Flood Zone 1, and as such neither the 'Sequential Test' nor the 'Exception Test' is applicable. Due to the location of the site flooding is not expected so no flood risk management measures are considered necessary for this proposed development.

The site is in agricultural use and existing surface water drainage is through infiltration and run-off into surrounding ditches. With regard to protection from surface water flooding, the proposals include an attenuation pond and a surface water management plan is recommended to limit the runoff rate to below the 'greenfield' run-off rate. Conveyance channels are also included in order to drain run off from all the impermeable surfaces into the pond.

The Environmental Permit monitors the development to ensure that emissions from the site does not result in any contamination.

As a consequence it is considered that development will not result in a detriment to the quality of surface and ground waters and is therefore compliant with Policies EP23 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 120 to 122 of the NPPF.

Impact to the character of the countryside

The application site is land immediately to the south of Todderstaffe Hall Farm which is accessed off Fairfield Road. The new buildings are proposed to be sited on this piece of land directly to the south of the existing pig rearing buildings and east of the woodland. The buildings will be screened to the west side by the mature woodland and partially screened to the west and north by the existing buildings.

The proposed site has been chosen as the most appropriate due to the sites accessibility through the existing farmyard, the natural screening afforded by the woodland and the proximity to the existing buildings.

The buildings are to be situated on a mainly level site, with some slight fall, if viewed from the public right of way to the northwest. They are to be 'agricultural' in appearance with the external cladding in 'Green' and together with the existing natural screening to the west and being similar in appearance to the existing buildings on the site they will ultimately assimilate into the landscape well and will not result in isolated development and not create any significantly adverse visual impact to the overall character of the area.

Impact to highways

The development is proposed to be accessed via the existing private track from Fairfield Road, serving the farm and one other property.

The applicants, in their planning statement, have advised that the amount of commercial traffic associated with the business would result in a small increase. This would however be off-set by the reduction of 18 movements per week from the ceasing of the existing traffic movements between the farm and Weeton that are generated by the existing pig rearing business.

There is good visibility for access and egress from the track onto Singleton Road, and it is considered that the local highway network can accommodate the traffic movements. LCC Highway Engineer have not raised any objection in respect of this application.

The proposal is considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered

(October 2005).

Conclusions

The application site is land off Todderstaffe Road and forms part of Todderstaffe Hall Farm. The application seeks permission for four agricultural buildings, slurry tank and attenuation pond. The buildings are required for the expansion of the applicant's pig rearing enterprise.

The development is sited in an area that will result in limited views of the development due to the existing natural landscaping and adjacent buildings.

The application demonstrates mitigation methods and procedures for complying with the regulations for developments of this nature and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell and impacts on ecology.

The development is therefore considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005) 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 the authority to GRANT Planning Permission be delegated to the Head of Planning and Regeneration subject to:

1. He is satisfied that the mitigation proposed to address any outstanding odour issues is satisfactory
2. That the consultation period required by the publication of the press notice has expired and that any further comments received have been considered and addressed satisfactorily
3. The following conditions:

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

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

2. This consent relates to the following details:

Approved plans:

- Location Plan - IP/SB/01
- Proposed site layout plan - P16-SMITH-WF-002
- Finisher #1 - Plan and elevations - P16-SMITH-WF-004
- Finisher #2 - Plan and elevations - P16-SMITH-WF-005
- Weaner #1 - Plan and elevations - P16-SMITH-WF-006
- Weaner #2 - Plan and elevations - P16-SMITH-WF-007

- Slurry tank storage - Plan and elevations - P16-SMITH-WF-008
- Section through attenuation pond - IP/SB/02

Supporting Reports:

- Design and access statement
- Odour assessment - (Prepared by Steve Smith. Dated 24 June 2016)
- Odour management plan - Rev A B2.3.4 (Prepared by Angus Smith. Dated 1 February 2016)
- Noise assessment - (Prepared by Matrix Acoustic Design Consultants. Dated 27 June 2016)
- Noise management plan - Rev A B2.3.5 (Prepared by Angus Smith. Dated 2 January 2016)
- Flood risk assessment and Surface water management plan (Prepared by Hydro-Logic Services)
- Ecology survey - (Prepared by Craig Emms. Dated March 2016)

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.

4. The development permitted by this planning permission shall be carried out in accordance with the details outlined in the submitted Surface Water Drainage Strategy and the following mitigation measures detailed within the Surface Water Management Strategy:

- Limiting the surface water run-off generated so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Demonstration within the strategy that the improvement/protection and maintenance of existing flood defences will be provided.

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 in consultation with the lead local flood authority.

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

5. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
- Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - on-going inspections relating to performance and asset condition assessments
 - operation costs for regular maintenance, remedial works and irregular

maintenance caused by less sustainable limited life assets or

- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development

6. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development.

Reasons: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and so to prevent a flood risk during the construction of the development

7. No development shall commence until details of the finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

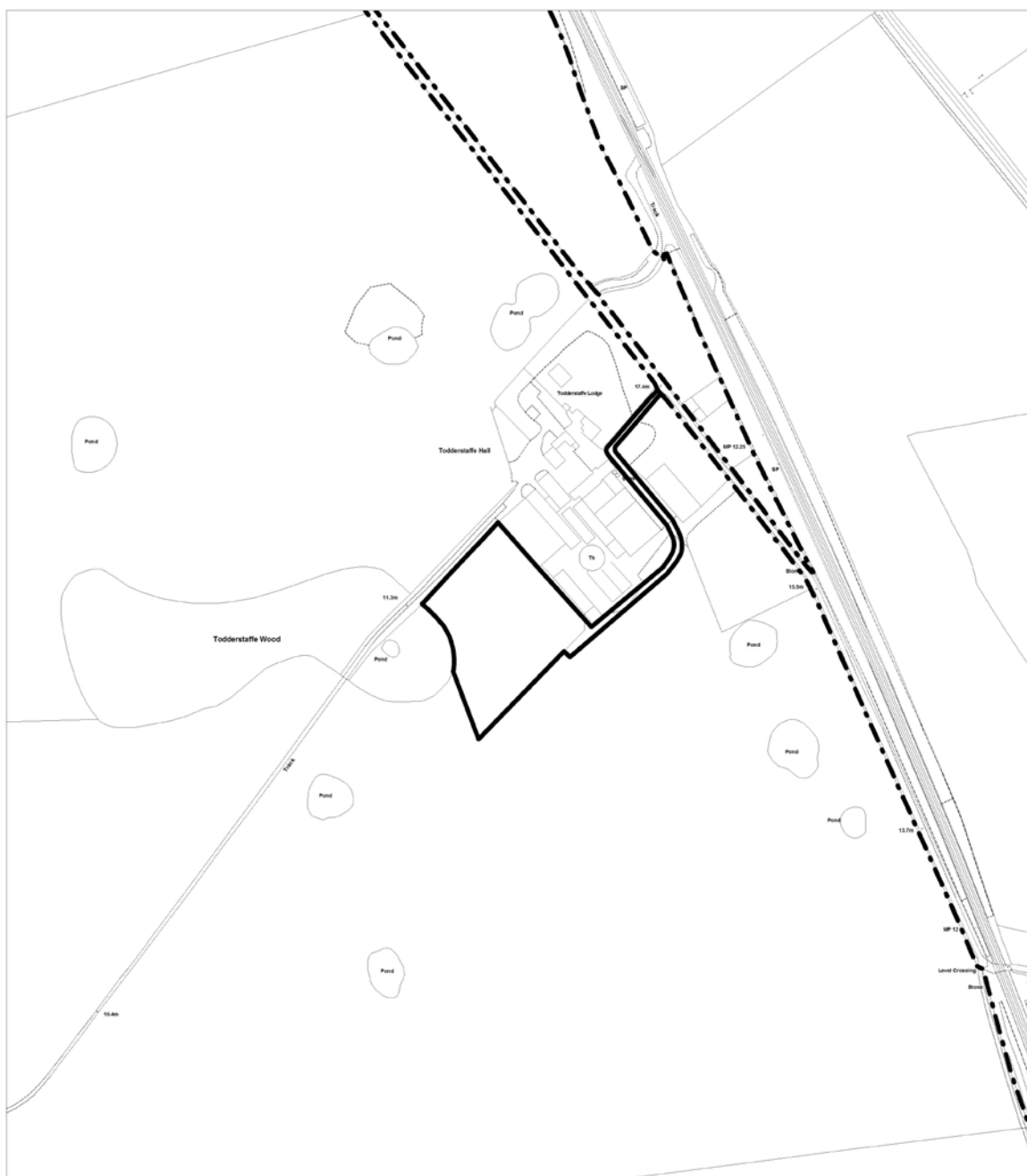
For the avoidance of doubt, to ensure a satisfactory standard of development

8. Prior to the commencement of works, hereby approved, a walk over pre-clearance search/survey of all areas of the site, by a suitably qualified and experienced ecologist shall be conducted immediately prior to site stripping. The results of this survey shall be submitted to and approved in writing by the local planning authority, with mitigation included as part of the submission in the event that any species or habitats of ecological importance are identified. The survey shall also include a timetable for the implementation of this mitigation which shall be complied with in full.

To ensure adequate protection to protected species as required by Policy EP18 of the Fylde Borough Local Plan.

9. Any site clearance shall be conducted outside the bird nesting season (March - September inclusive). If this is unavoidable, a pre-clearance inspection by a suitably experienced ornithologist will carry out a walk over survey to identify whether any nests are present. If the presence of any protected species is found a means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The agreed mitigation scheme shall be implemented in full.

To ensure adequate protection to protected species as required by Policy EP18 of the Fylde Borough Local Plan.



| | | | |
|---------------------------------------|--|--|------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0273 | Address Todderstaffe Hall Farm, Fairfield Road, Staining | Grid Ref. E.3367 : N.4365 | Scale 0 20 40 60 80 m |

Item Number: 9

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 16/0320 | Type of Application: | Full Planning Permission |
| Applicant: | Pickering Developments (Preston) Ltd | Agent : | LMP Ltd. |
| Location: | LAND TO WEST OF PRIMROSE FARM, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD | | |
| Proposal: | APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS ASSOCIATED WITH ERECTION OF 1 DETACHED DWELLING AND DOUBLE GARAGE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0367 | | |
| Parish: | NEWTON WITH TREALES | Area Team: | Area Team 2 |
| Weeks on Hand: | 12 | Case Officer: | Phil Mather |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7904429,-2.8571792,1119m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The principle of the development has already been established via outline planning permission 15/0367. The proposed development is set back from Kirkham Road, and whilst it will be a large dwelling that will be visible from the road, it would not have an unacceptable impact in terms of its dominance and is considered acceptable in terms of layout, scale, design and appearance. The development would have satisfactory access arrangements and would not adversely impact highway safety. The development would not be out of keeping with the character of the area and would be acceptable in terms of neighbour amenity. The development therefore accords with Policy HL2 and EP11 of the Fylde Borough Council Local Plan and the application is therefore recommended for approval.

Reason for Reporting to Committee

The Parish Council have objected to the application and the Scheme of Delegation therefore requires that it go before the Planning Committee.

Site Description and Location

The application site is a parcel of land to the west of Primrose farm, Kirkham Road, Treales, located within the countryside area as defined by the Fylde Borough Local Plan. The site consists of a 0.11 hectare plot which formed 'Parcel B' under outline permission 15/0367.

The plot lies between the garden of Primrose Farm to the east and an unkempt area of overgrown grassland to the west which separates the site from a row of four dwellings at White Hall. Whilst set at a slightly lower level to Kirkham Road, the site is flat and is enclosed by a combination of fencing,

hedging and a dense treeline to Kirkham Road.

Surrounding uses include open farmland on the opposite side of Kirkham Road to the north (though the dwellings of Orchard Cottage and Birch House are located at oblique angles to the northeast and northwest respectively); a collection of farm buildings at Smithy Farm to the east (including the grade II listed 'Smithy Farmhouse'); a large expanse of agricultural land to the south and a row of four two-storey dwellings at White Hall orientated at right angles to Kirkham Road facing onto the site.

Details of Proposal

The application is for the approval of all reserved matters (appearance and scale, landscaping, layout, and access) associated with the erection of one of the three dwelling houses granted outline permission under application 15/0367.

The application proposes a two storey detached dwelling house with a detached double garage, with a block paved driveway and turning head. The development would be centrally located within the plot. The proposed house would be set back from Kirkham Road, by a distance of approximately 10m, a similar distance to the neighbouring house at Primrose Farm. The double garage would be set further back on the eastern side of the dwelling house.

The dwelling would be a large four bedroom property, with a gable ended pitched roof, with the principle elevation also being broken up with a full height projecting gable in the centre of the elevation. The property would have a square shaped layout at ground floor level, with part of the rear of the property (the kitchen) having only a single storey with flat roof. There would be chimneys to the gables of both side elevations, along with a further, slightly smaller chimney to the rear part of the eastern side elevation. The property would measure approximately 13.5m by 14m, with a height to ridge of 7.5m and to eaves of 5m.

The proposed materials are Spanish slate to all roof slopes, with capped ridges, a grey fibreglass finish to the flat roof, red/orange brickwork to all elevations with Flemish Bond to the front elevation. The heads, sills and splayed plinth course would be of smooth Fletcher Bank natural stone, with random rubble stone plinths. The fascias and rainwater goods would be black UPVC. No details are provided of the proposed window and door materials.

The single storey double garage would be of a complimentary design to the house, with a gable ended pitched roof. The building would measure approximately 6.3m by 6.3m with a height of 4.2m to ridge and 2.1m to eaves.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 15/0367 | OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO THREE DWELLINGS | Granted | 04/09/2015 |
| 76/0373 | BEDROOM AND STORE, ENTRANCE PORCH, BEDROOM TO BATHROOM. | Granted | 02/06/1976 |
| 76/0562 | EXTENSIONS. | Granted | 04/08/1976 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 11 May 2016 and comment:

The Parish Council object to the application as being in conflict with Policies HL2 (para 2, para 5), EP11 (as defined in EP10), EP12 and EP18 of the Fylde Borough Council Local Plan. It is considered that the proposal is an overbearing form of development in this location due to its height and depth. The proposed development dominates its plot by way of its scale, size and massing and the overall appearance is not in keeping with the character of the locality in relation to existing farmsteads and barn conversions.

The boundary treatment of panel fencing on the easterly boundary and proposed removal of the majority of hedgerows and trees on the roadside boundary are not in keeping in this rural location, contrary to policies EP12 and EP18 and will result in an urbanised streetscene. Councillors suggest that the orientation of the building be staggered to avoid an urban building line, as per the officer's advice in the outline application.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Comments; No objection, recommend conditions relating to surfacing of the access, securing adequate turning provision and visibility splays.

Electricity North West

Comments: No objection

United Utilities - Water

Comments: No comments received

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 11 May 2016 |
| Site Notice Date: | 31 May 2016 |
| Number of Responses | 2 |
| Summary of Comments | Objections raised to the proposal on the following grounds: <ul style="list-style-type: none">• Fails to recognise rural character of the open countryside location in conflict with local and national policy• Scale – the property is enormous and overly dominant for the plot and countryside location, whilst also creating an urban street like building line• Design – the house and garage are of a modern, urban design not in keeping with historical cottages and farmsteads in the area• Layout – the location within the plot means it will be |

- dominant from the roadside
- Trees – the removal of trees from the roadside will increase the prominence of the building
- Site boundary is incorrect
- Amenity – size of house and garage will have an overbearing impact on neighbouring property

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|--|
| SP02 | Development in countryside areas |
| HL02 | Development control criteria for new housing proposals |
| EP11 | Building design & landscape character |
| EP14 | Landscaping of new developments |
| EP18 | Natural features |
| EP25 | Development and waste water |

Other Relevant Policy:

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

Site Constraints

Within countryside area
Tree Preservation Order

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

Principle of development

The principle of the development has already been established through application 15/0367 which granted planning permission for up to three dwelling houses on two parcels of land, either side of Primrose Farm. This proposal is for the reserved matters associated with a single detached house on the smaller plot of land to the west of Primrose Farm. As the outline permission has already established the principle of the development, the assessment is simply one of whether the submitted details are acceptable, and Policy SP2 is therefore not relevant.

Access

The proposal includes a single 5m wide access point to Kirkham Road, which would be located almost centrally on the Kirkham Road frontage. Two trees would be removed to facilitate the access, and it would benefit from 43m sightlines in either direction. LCC Highways have raised no objection to the proposed access confirming that it meets their requirements in relation to access, parking and turning areas. They have requested conditions be imposed on any planning permission to secure appropriate surfacing, the layout and visibility splays. However the proposed condition relating to the visibility splay relates to land which is outside of the applicant's ownership (it would appear to be highway land) and thus beyond their control. These sightlines are currently achieved by virtue of the location of the access on the outside of a gentle sweeping bend. As such it is not considered

appropriate to include this condition. Furthermore as the land in question is within the highway boundary (the footway alongside Kirkham Road), the Highway Authority have control of this land and as such can prevent the placing of obstructions in this area.

The proposed access is therefore considered acceptable

Layout

The proposal is for a single detached dwelling located centrally within the plot, meaning that the house is set back from Kirkham by approximately 10m, a similar arrangement as that at the neighbouring Primrose Farm, and one found throughout the village where the character is generally one of properties set back from the highway. The detached double garage is located to the east of the main house, and set further back towards the rear elevation.

There has been some dispute as to where the boundary between the application site and Primrose Farm lies, with some discrepancy between the land registry plans and the boundary on the ground. Whilst this is essentially a private matter, it is referred to in some of the representations received, and so for clarity the situation is explained here in so far as it relates to the proposed layout. The initial plan submitted showed the double garage as built adjoining the boundary as it currently exists on the ground (but 2m within the red line, which matches the land registry ownership boundary and the red line boundary on the outline planning permission). The applicant has however submitted an amended plan which has shifted the development west within the plot, meaning that the garage now sits 1m within the boundary as it currently appears on the ground, thereby avoiding any party wall/shared boundary issue and enabling the retention of the existing boundary treatment. The applicant has also offered to transfer the strip of land between the physical boundary on the ground and the land registry marked boundary to the ownership of Primrose Farm in order to resolve the discrepancy, however this has no bearing on the planning application, as the proposed works are now clearly within the land ownership of the applicant.

The layout respects the character of the area and is acceptable in terms of its relationship to neighbouring properties. It retains the natural features of the site where possible and therefore accords with the requirements of Policy EP18 and HL2. The development is therefore considered acceptable in terms of layout.

Scale and Appearance

Objections from the Parish Council and local residents object to the proposal on the grounds that the scale of the development is overly dominant for the plot and would result in adverse impacts on the character of the area and neighbour amenity.

The proposed house is a large dwelling at 7.5m in height and with a width of 14m across the front elevation, however it occupies a generous plot at 0.11 hectares and retains considerable amenity space to both the front and rear of the property. It is also noted that whilst it differs considerably in style from the neighbouring Primrose Farm, that property is of a similar height (7m) and a greater width than the proposed house and double garage combined (23m). There are also numerous other examples of large detached properties in both the immediate and wider locality, including White Hall and Birch House. The proposed materials match those found on other properties in the area and are considered acceptable.

Whilst the property would certainly be visible from the roadside, it is not considered that it would be overly dominant or overbearing in the streetscene or adversely impact the character of the area by way of its scale.

In terms of design, the proposed dwelling is double fronted with a projecting central gable which breaks up the principle elevation. Properties in the surrounding area are of a range of designs and it is considered that the proposed design would not look out of place in this rural setting and is not out of keeping with the surrounding area. The development would therefore accord with Policies HL2 and EP11 of the Local Plan.

In terms of scale and appearance the proposed development is therefore considered acceptable.

Landscaping

Condition 7 of the outline planning permission sets out the details required to be submitted in order to gain reserved matters approval for landscaping. Whilst some detail has been provided in terms of trees and hedgerow to be removed or retained, the information currently provided is not sufficiently detailed to enable the approval of this reserved matter. This information is currently awaited from the applicant and it is therefore proposed to deal with this through condition, should this not be received in time for the committee.

Other Matters

Representations from neighbouring properties include the grounds that the proposed development would adversely impact on neighbour amenity by way of its scale. The proposed dwelling would be located 9m from the boundary (as it exists on the ground) of Primrose Farm, the nearest neighbour, with the double garage being 1m from it. There is 15m between the side elevations of the two properties. It is therefore considered that the development is sufficiently removed from the boundary to avoid any impacts in terms of overbearing or overshadowing to neighbouring properties. There are two windows at first floor level in the side elevation facing Primrose Farm (both to ensuites), the other side elevation is blank at first floor level. It is therefore proposed to include a condition to require these first floor windows to be obscure glazed. As a result it is considered that the development would not result in a loss of privacy and is acceptable in terms of neighbour amenity and compliant with the requirements of Policy HL2 in this respect.

Conclusions

The principle of the development has already been established via outline planning permission 15/0367. The proposed development is set back from Kirkham Road, and whilst it will be a large dwelling that will be visible from the road, it would not have an unacceptable impact in terms of its dominance and is considered acceptable in terms of layout, scale, design and appearance. The development would have satisfactory access arrangements and would not adversely impact highway safety. The development would not be out of keeping with the character of the area and would be acceptable in terms of neighbour amenity. The development therefore accords with Policy HL2, EP11 and EP18 of the Fylde Borough Council Local Plan and the application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

Approved plans:

- Location Plan - Drawing No. 16/009/L01
- Proposed Plans and Elevations - Drawing No. 16/009/P02 Rev A
- Proposed Site Plan and Street Scene - Drawing No. 16/009/P01 Rev A

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

3. Notwithstanding any denotation on the approved plans the materials of construction to be used on the external elevations and roof must match those of the existing building[s] in terms of colour and texture and samples of the materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To preserve the character of the local countryside area.

4. The first floor bathroom windows shown on the east facing side elevation of the dwellinghouse shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

5. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear as shown on plan 16/009/P01 Rev A.

Reason: In the interests of highway safety



| | | | |
|---------------------------------------|---|--|-----------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0320 | Address Land west of Primrose Farm, Kirkham Road, Treales | Grid Ref. E.3438 : N.4328 | Scale 0 6 12 18 24 m |

Item Number: 10

Committee Date: 27 July 2016

| | | | |
|-------------------------------|--|-----------------------------|-----------------------|
| Application Reference: | 16/0371 | Type of Application: | Advertisement Consent |
| Applicant: | Mrs Jeannette Doxey | Agent : | |
| Location: | KIRKHAM CONSERVATIVE CLUB, RIBBY ROAD, KIRKHAM, PRESTON, PR4 2BB | | |
| Proposal: | ADVERTISEMENT CONSENT FOR INTERNAL ILLUMINATION TO EXISTING NOTICE BOARD | | |
| Parish: | KIRKHAM SOUTH | Area Team: | Area Team 1 |
| Weeks on Hand: | 8 | Case Officer: | Rob Clewes |
| Reason for Delay: | Need to determine at Committee | | |

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

<https://www.google.co.uk/maps/@53.7810701,-2.8836645,560m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal is for the addition of internal illumination in an existing box sign at the entrance of the Kirkham Conservative Club which is on Ribby Road and within the settlement boundary of Kirkham.

The proposal is considered to be acceptable and would not detract from the visual amenities of the area, or be detrimental to public safety. The proposal would comply with the guidance contained within the Framework at paragraph 67.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection raised by Kirkham Town Council.

Site Description and Location

The application site is an existing advertisement box sign which is located adjacent the access to the Kirkham Conservative Club which is located on the southern side of Ribby Road opposite Mellor Road. The sign is free standing and attached to concrete posts to a height approximately 1.6m. It is positioned next to another free standing sign which is non-illuminated. The surrounding area is predominantly residential.

Details of Proposal

The proposal is an application for the addition of internal illumination to the existing box sign. There are no proposed alterations to the size or position of the sign.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 08/1053 | PROPOSED SMOKING SHELTER (RETROSPECTIVE) | Granted | 25/03/2009 |
| 07/0656 | ERECTION OF SMOKING SHELTER | Granted | 10/09/2007 |
| 02/0535 | REPLACE EXISTING FLAT ROOF WITH PITCHED ROOF ABOVE COMMITTEE ROOM | Granted | 06/09/2002 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 03 June 2016 and comment:

“Kirkham Town Council object on the grounds that this will provide bright lighting in a residential area and directly opposite a busy and difficult junction on a sharp corner. If this is to be considered for approval Council request it is timed to go off at 11pm and special attention is given to Highways.”

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

“If you are minded to grant permission I would ask that the following condition be applied to the formal decision notice.

Condition: The limits of the illuminance shall not exceed 600 candela per square metre.

Reason: to avoid glare, dazzle or distraction to passing motorists.

The Highways Development Control Section does not have any objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.”

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 03 June 2016 |
| Site Notice Date: | 30 June 2016 |
| Number of Responses | 2 responses received |
| Summary of Comments | <ul style="list-style-type: none">• Lighting should be switched off at 11pm• Proposal could cause problems for traffic exiting Mellor Rd and impact on highway safety• The sign is now out of character with the area and harms the visual amenity of the area• Does the signage even have planning permission? |

Relevant Planning Policy

Fylde Borough Local Plan:

SP01

Development within settlements

EP09

Shop front advertisements

Other Relevant Policy:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Site Constraints

None

Environmental Impact Assessment

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

Comment and Analysis

The NPPF at paragraph 67 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The NPPF also recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. As such these are the issues for consideration in this application.

The application seeks advertisement consent for the addition of internal illumination to the existing box sign situated at the entrance to the Conservative Club. The size and position of the sign will remain the same as at present, and it is considered that with the addition of the illumination it will not appear incongruous within the wider street scene. The sign is set adjacent a well-established privet hedge, which is taller and immediately in front of the car park of the club and ensures that the sign does not appear dominant or overly intrusive.

The application site is in a predominantly residential area, however due to its positioning within the site and its orientation with the highway it is not considered that the proposal would be detrimental to the visual amenity of the area. Although the addition of illumination would create a more visible sign, that sign is not of such a size that it would detrimentally harm the amenity of the wider area. Furthermore a condition limiting the levels of illumination will ensure that it does not appear excessively bright within the street scene such that it would harm safety or amenity issues.

A suggestion is made that the illumination should be turned off at 11pm each day. With the limits imposed over the level of illumination, and the site of the sign being in an urban area where there are existing streetlights and domestic properties providing other sources of illumination, it is not considered that this is necessary. The provision of an additional light source as provided by this sign does not cause harm to wider public amenity, such as would be more likely to be the case were the sign to be introduced into a wholly rural and so darker area.

Concern was raised over whether the original signage had been given formal Advertisement Consent. The planning history of the site does not provide any evidence that there is a historical consent for the original sign. However it is acknowledged that the sign has existed for over 10 years and therefore under Class 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 it would benefit from deemed consent.

Having regard to the above, it is considered that the application would accord with the guidance contained in the NPPF at paragraph 67.

Conclusions

The proposed signage is considered to be acceptable and would not detract from the visual amenities of the area, or be detrimental to public safety. The proposal would comply with the guidance contained within the Framework at paragraph 67.

Recommendation

That Advertisement Consent be GRANTED subject to the following conditions:

1. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- b) Any hoarding or similar structure, or any sign, placard board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- c) Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

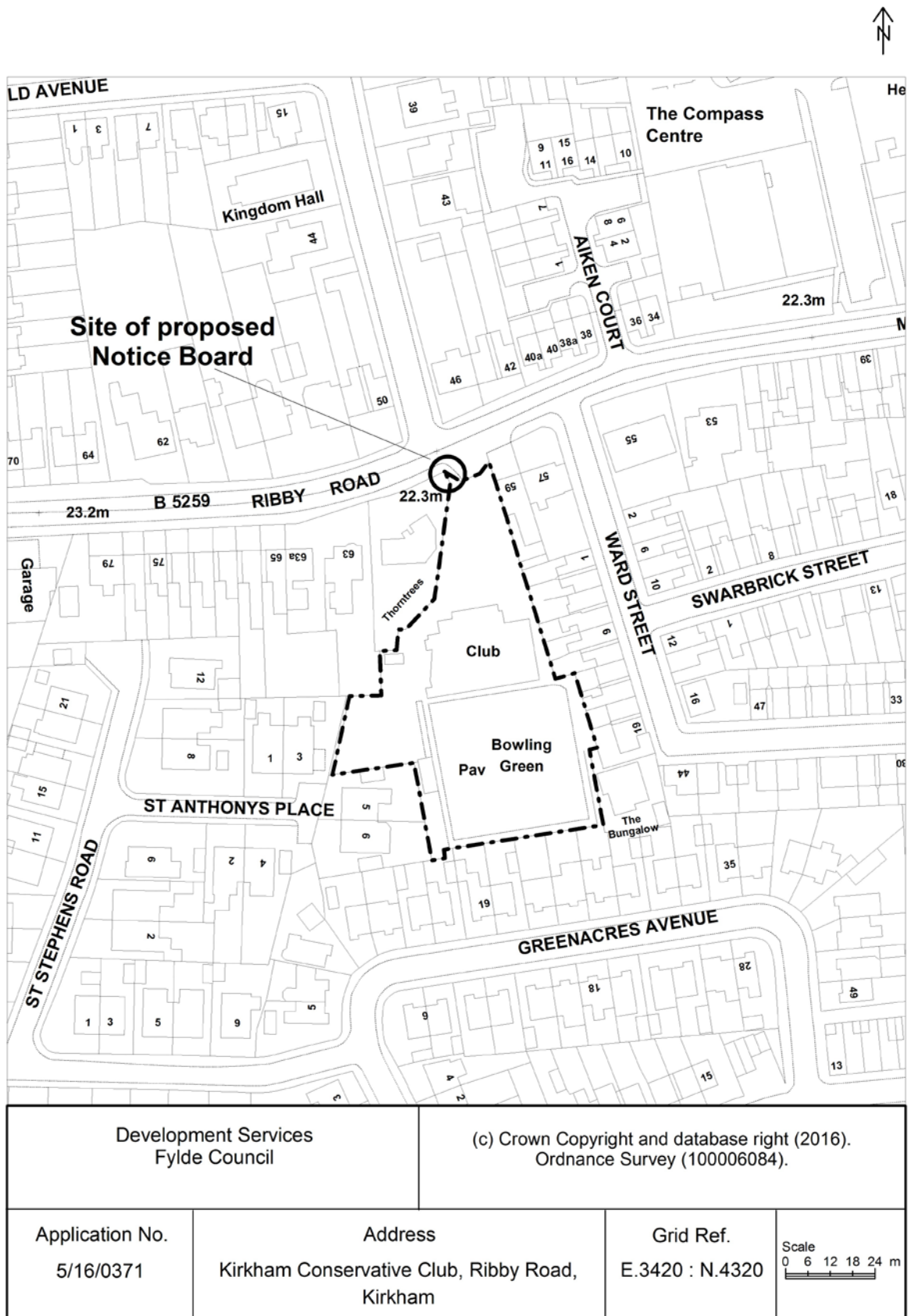
Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters]; or aerodrome [civil or military].

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The limits of the illuminance shall not exceed 600 candela per square metre.

To avoid glare, dazzle or distraction to passing motorists.



Item Number: 11

Committee Date: 27 July 2016

| | | | |
|-------------------------------|---|-----------------------------|-------------------------------|
| Application Reference: | 16/0449 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Threlfall | Agent : | Eastham Design Associates Ltd |
| Location: | 21 LYTHAM ROAD, FRECKLETON, PRESTON, PR4 1AA | | |
| Proposal: | REVISED SCHEME FOR CONVERSION OF DETACHED SINGLE STOREY OUTBUILDING TO REAR INTO A DWELLING WITH VARIATIONS FROM PLANNING PERMISSION 15/0685 IN ELEVATION CHANGES, RAISING OF ROOF HEIGHT AND EXTENSION TO REAR | | |
| Parish: | | Area Team: | Area Team 1 |
| Weeks on Hand: | 6 | Case Officer: | Phil Mather |
| Reason for Delay: | Not applicable | | |

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

<https://www.google.co.uk/maps/@53.7540479,-2.8693045,280m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the extension and change of use of an outbuilding at a property in Freckleton to form a separate dwelling. The conversion of the outbuilding to residential use was established under a previous planning application in 2015, and this application is for a series of design amendments to that permission as the building has not been constructed in accordance with the approved plans. This application therefore seeks to regularise the situation.

The proposed amendments are acceptable in terms of design and appearance and will not result in any loss of amenity for neighbouring residents. The amendments will not increase the footprint of the building over that already permitted or exacerbate any parking or access issues. Accordingly the proposal complies with Policy HL2 of the Fylde Borough Local Plan and members are recommended to support the application.

Reason for Reporting to Committee

The owner of the premises is a serving Member (Councillor Threlfall) and therefore the application falls outside of the scope of the delegation scheme.

Site Description and Location

This application relates to a disused brick built outbuilding located to the rear of 21 Lytham Road, Freckleton, which was granted planning permission in December 2015 for conversion to a dwelling. The main property (21 Lytham Road) consists of a dog day care centre at ground floor and a

residential flat at first floor. No.21 is neighboured on both sides by other commercial premises which have similar residential arrangements at first floor. Dwellings are located to the rear of No.21.

Details of Proposal

Planning permission was granted for the conversion of a single storey detached outbuilding located to the rear of 21 Lytham Road to a single dwelling in December 2015. The external works required to the building to facilitate the proposed change of use have commenced and the existing permission allows for the following:

- Increasing the ridge height of the main roof by 0.2 metres and replace the existing cement sheet covering with grey tiles
- Construction of an extension to the southern (rear) elevation
- Replacement of existing double garage doors on north (front) elevation with a window
- 1. Blocking up of existing external doorways on west side elevation and amendment to window positions on this elevation.

However the works have not been done in accordance with the approved plans and so this proposal seeks permission for the structure as built. The differences from the approved plans are as follows:

1. The ridge height of the protruding part of the extension has been raised by 0.5m to be of the same height as the main ridgeline (4m).
2. The roof materials for the extension have changed. Where it was previously all to be glazed roof, it is now proposed that glazed roof panels would only be to the protruding part of the extension.
3. The materials to the extension elevations have changed. The permitted plans show the extension to be a conservatory like construction, with glazed walls (and roof) and low level brickwork. This proposal seeks permission for brick walls (to match existing) with windows to the western and southern elevations.
4. The proposal includes the provision of two roof lights to the western elevation, the replacement of the door and window to the north elevation with a single escape window, and the loss of a window from the west elevation.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 15/0685 | PROPOSED CONVERSION OF EXISTING DETACHED SINGLE STOREY OUTBUILDING TO REAR INTO A DWELLING, INCLUDING ELEVATION CHANGES, RAISING OF ROOF HEIGHT AND EXTENSION TO REAR | Granted | 18/12/2015 |
| 11/0119 | CHANGE OF USE FROM DRY CLEANERS (USE CLASS A1) TO DOG GROOMING STUDIO (SUI GENERIS) | Granted | 15/06/2011 |
| 10/0513 | PROPOSED FIRST FLOOR REAR EXTENSION AND STAIRS TO REAR | Granted | 01/09/2010 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 20 June 2016. No comments received at the time of writing this report.

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

Comments: No objection

Ministry of Defence - Safeguarding

Comments: No objection

Lancashire County Council - Highway Authority

Comments: No objection

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 20 June 2016 |
| Site Notice Date: | 21 June 2016 |
| Number of Responses | 5 letters of objection |
| Summary of Comments | Objections raised to the proposal on the following grounds: <ul style="list-style-type: none">• Building not to approved plans, and has increased in size• Poor access, including for emergency services• Loss of privacy for surrounding properties• Visual impact/amenity• Potential lighting of access• There is no parking available for future residents and so the existing level of on street parking would be further exacerbated to the detriment of existing neighbouring residents and businesses• Would the dwelling be safe for use by a disabled person as there are access and emergency escape issues? |

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|--|
| SP01 | Development within settlements |
| HL02 | Development control criteria for new housing proposals |

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The site is located within the settlement of Freckleton and within a largely residential area. The principle of the development has already been established through the recent planning permission. The amendments sought are relatively minor, there is no increase in the footprint and consequently no increase in accommodation space. As such it is not necessary to re-establish the acceptability in principle of the use of the building as a dwelling.

Scale, Design & Appearance in the Streetscene.

The proposal remains for a one bedroom dwelling, which has already been found acceptable. The finished design would be not dissimilar to that already permitted, and the more significant changes in the appearance being assessed here are to the rear of the site. Given the building's siting to the rear of No.21 the proposed amendments would have no material impact on the appearance of the wider street scene.

Relationship to Neighbours

The ground floor neighbouring properties to either side of No.21 are both in commercial use with residential accommodation above, as is No.21 itself. Several neighbours have raised objections to the application as set out above.

The use of the building as a dwelling and its extension have already been found acceptable and granted planning permission, and the focus is therefore on whether the proposed amendments would result in an unacceptable impact on the amenity of neighbouring residents.

The proposed raising of the ridge height to part of the extension would not introduce any issues in terms of overbearing or overlooking of neighbours, or result in the any loss of light to neighbouring properties or gardens. The proposed change in materials for much of the extension are considered acceptable in terms of appearance, and would result in a reduction in the glazing to the property, thereby reducing any potential for loss of privacy or overlooking. The addition of roof lights to the property would not introduce any issues in terms of overlooking or loss of privacy. The building is of a single storey and the roof lights would be at a height of 3m, well above the eyeline of any occupants, and their orientation is oblique to the nearest neighbours on Lytham Road. Objections on these grounds are therefore not supported, and the amendments are considered acceptable in terms of neighbour amenity.

Access and Parking

Objections have been submitted by neighbouring residents on the grounds that there are parking and access issues, meaning that the development could not be safely accessed by the future occupiers or the emergency services. There are concerns that the increased size of the development will further exacerbate this. There are also concerns that the development will restrict emergency access to surrounding properties.

The use of the building as a dwelling already benefits from planning permission, and the amendments would not result in an increase in habitable space. As such the development would not exacerbate any access or parking issues over that which already has permission. A refusal on these

grounds would therefore not be defensible at appeal.

LCC Highways have been consulted on the application and have raised no objection.

Other matters

A neighbour has raised a concern that future occupants may seek to install lighting around the access and that this would adversely affect their property by way of light pollution and disturbance. There are no proposals for lighting included in this application, and the installation of lighting would be unlikely to fall within the bounds of planning control. However protection against nuisance artificial light is provided by the Environmental Protection Act, and as such the objection is not considered sustainable.

Concerns are raised that as the dwelling is intended to be occupied by a disabled person the single access into the dwelling may not be safe in the event of a fire. Means of escape fall under the scope of building regulations and are not an issue for planning consideration, this issue would therefore be examined further under the inspection regime of Building Control.

Conclusions

The conversion of the outbuilding to residential use was established under a previous planning application, and this application is for a series of design amendments to that permission as the building has not been constructed in accordance with the approved plans. The proposed amendments are acceptable in terms of design and appearance and will not result in any loss of amenity for neighbouring residents. The amendments will not increase the footprint of the building over that already permitted or exacerbate any parking or access issues. Accordingly the proposal complies with Policy HL2 of the Fylde Borough Local Plan and members are recommended to support the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

2. 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.

3. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

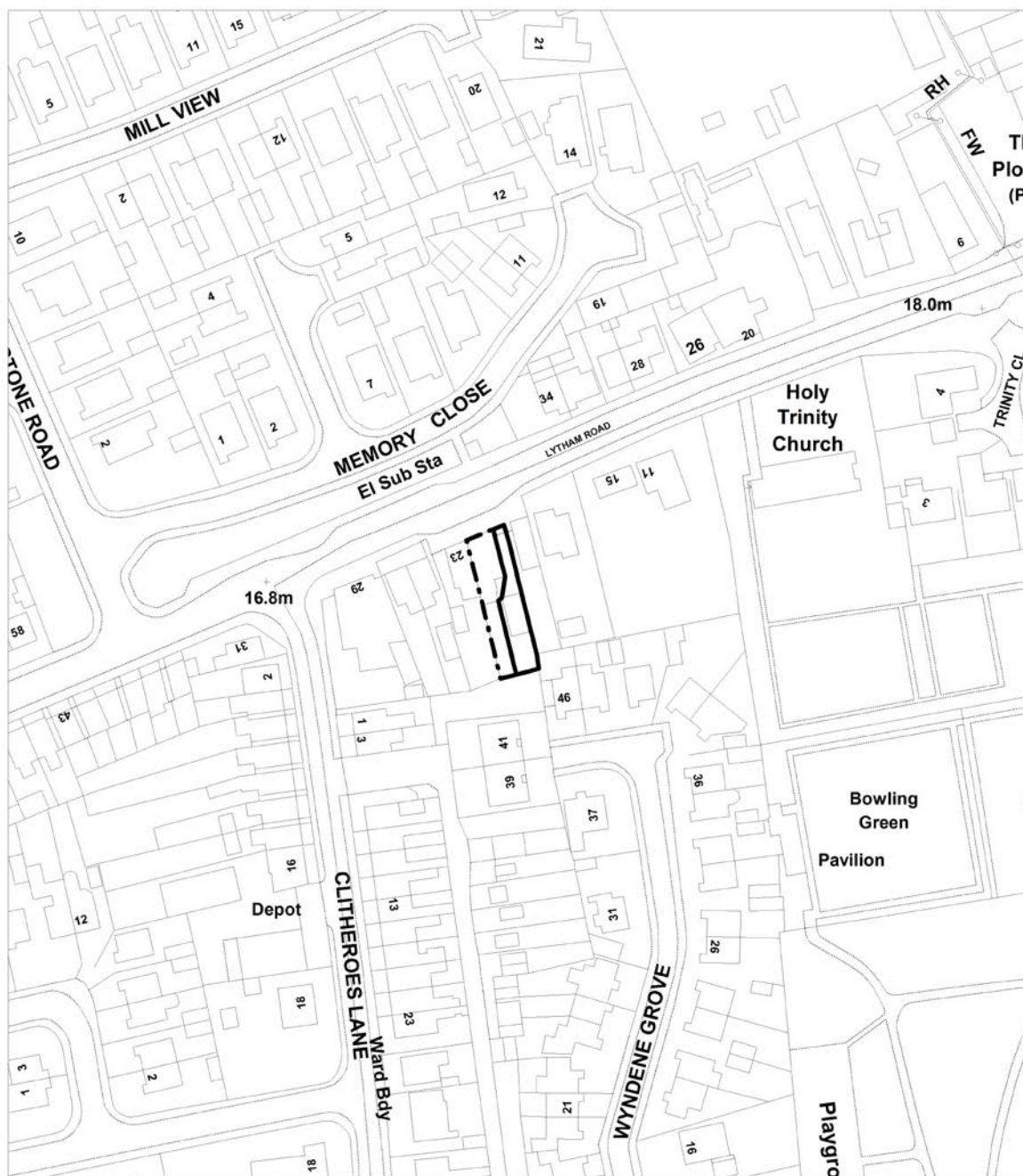
Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Borough Local Plan policy HL2.

4. This consent relates to the following details:

Approved plans:

- Location Plan - scale 1:1250
- Plan views and elevations (existing and proposed) - Dwg No. 1090-15-01 Rev E

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



| | | | |
|---------------------------------------|---------------------------------------|--|-----------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2016). Ordnance Survey (100006084). | |
| Application No. 5/16/0449 | Address 21 Lytham Road, Freckleton | Grid Ref. E.3428 : N.4289 | Scale 0 6 12 18 24 m |

DECISION ITEM



| REPORT OF | MEETING | DATE | ITEM NO |
|------------------------|----------------------------------|--------------|---------|
| DEVELOPMENT MANAGEMENT | DEVELOPMENT MANAGEMENT COMMITTEE | 27 JULY 2016 | 5 |

CONSIDERATION OF COUNCIL'S CASE TO DEFEND APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION 15/0547 AT BROOK FARM, DOWBRIDGE, KIRKHAM

PUBLIC ITEM

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

SUMMARY

The council is faced with an appeal on grounds of its failure to determine planning application 15/0547 within the requisite timescale of 13 weeks from submission. The application is submitted in outline and relates to the erection of up to 170 dwellings and associated infrastructure on a site that would be accessed from Dowbridge in Kirkham.

This appeal is to be determined following a public inquiry which is programmed to commence on 22 November 2016. The appeal regulations require that the council submits a Statement of Case to outline the areas it wishes to dispute with the appellant at the Inquiry. This is normally framed by the reasons for refusal of an application, but in the case of a non-determination appeal such as this there has been no formal assessment of the planning merits of the proposal. The Statement of Case is to be submitted to the Planning Inspectorate by 10 August 2016 and will be prepared by council officers working with a barrister who has been instructed to present the council's case on the appeal.

The Appendix to this report describes the application, consultation responses, neighbour comments, planning policy background, and officer views on the material planning considerations raised by the application / appeal.

It recommends that the council seek to defend the appeal on the grounds of the scale of the development proposed and so the harmful visual impact that it would cause to the setting of Kirkham and the area of the application site in general. A second reason related to the lack of any mechanism to secure appropriate contributions from the development towards affordable housing, education places, etc is also appropriate.

RECOMMENDATIONS

1. Consider the application as set out in the appendix to this report and direct the Head of Planning and Regeneration to prepare the council's Statement of Case on the appeal and progress the council's case (including the wording of planning obligations, the preparation of Proofs of Evidence, the signing of Statements of Common Ground and all other such associated matters) in accordance with the committee's conclusions.

| CORPORATE PRIORITIES | | | |
|--|---|--|---|
| To Promote the Enhancement of The Natural & Built Environment (Place) | √ | To Encourage Cohesive Communities (People) | √ |
| To Promote a Thriving Economy (Prosperity) | √ | To Meet Expectations of our Customers (Performance) | √ |

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| SUMMARY OF PREVIOUS DECISIONS There have been no previous decisions on this matter or site. |
|---|

REPORT

1. See attached Appendix presented in the usual Development Management Committee agenda style.

| IMPLICATIONS | |
|---|--|
| Finance | <p>There are costs involved in defending the appeal such as staff time of the planning and legal services, and the costs involved with instructing a barrister. This report does not alter those costs but could reduce them as it allows for effective negotiations to be undertaken to agree matters of common ground and so reduce the running time of any Inquiry.</p> <p>There is also the possibility that the appellant may apply for its costs if the council is found to behave unreasonably in defending elements of the appeal. By ensuring that its case is submitted on the basis of the best knowledge of the background to the proposal, and that this is with the appropriate (delegated) authority of the Development Management Committee the risks of these costs awards are minimised.</p> |
| Legal | The Head of Governance will continue to present the case for the Council in accordance with its decision. |
| Community Safety | None. |
| Human Rights and Equalities | The rights of third parties to comment on the development will be maintained through the continuation of the appeal and the resubmitted application. |
| Sustainability and Environmental Impact | The Sustainability and environmental impacts of the proposed development will be addressed in the consideration of the appeal and resubmitted application. |
| Health & Safety and Risk Management | The submission of a Statement of Case that does not have the weight of Member support places the council at a greater risk of costs being awarded. |

| LEAD AUTHOR | TEL | DATE | DOC ID |
|--------------|--------------|--------------|--------|
| Andrew Stell | 01253 654873 | 18 July 2016 | |

| LIST OF BACKGROUND PAPERS | | |
|----------------------------------|------------------|--|
| Name of document | Date | Where available for inspection |
| Planning and appeal file 15/0547 | 13 August 2015 | www.fylde.gov.uk/planning |
| Planning file 15/0827 | 20 November 2015 | www.fylde.gov.uk/planning |

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|-------------------------------|--|-----------------------------|-----------------------------|
| Application Reference: | 15/0547 | Type of Application: | Outline Planning Permission |
| Applicant: | Hollins Strategic Land LLP | Agent : | Sedgwick Associates |
| Location: | BROOK FARM, DOWBRIDGE, KIRKHAM, PRESTON, PR4 3RD | | |
| Proposal: | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 170 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | | |
| Parish/Ward: | NEWTON WITH TREALES | Area Team: | Area Team 1 |

Summary of Officer Recommendation

The application is for an outline application for upto 170 residential units on a 13 hectare site located on land north of Dowbridge and west of New Hey Lane, on land allocated as Countryside in the Fylde Borough Local Plan. It adjoins the Kirkham limit of development boundary.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm. The ecology of the site has been considered and the evidence submitted shows the development would not impact upon protect species. The highways impact of the development is acceptable with appropriate conditions and contributions. There are no objections from LCC Highways with regard to traffic generation or safety

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development will cause significant and demonstrable harm to the setting of Kirkham and on views from Carr Lane from the north and would have an unacceptable visual impact because of the topography of the site and the scale of development. As such it is considered that it does not deliver sustainable development and so it is recommended that the case made by officers at appeal be based on the detrimental visual impact the development will have.

The visual harm to be experienced has to be balanced against the gain of needed housing. Whilst the NPPF as a presumption in favour of sustainable development it is considered that the substantial and demonstrable harm to be experienced by the local landscape and the impact on the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF. The proposal is therefore recommended for refusal.

Reason for Reporting to Committee

The application is a Major application and has been appealed on the basis that the council has not determined the application in the requisite 13 week timeframe. The appeal regulations require that the Council submit a statement to outline their case on the appeal which is due by 10 August 2016. This statement of case will outline the areas which are in dispute between the Council and the appellants and so for the basis for the evidence that the council presents to the Inquiry. Your officers have continued working on the application since the appeal was submitted and as such there is now agreement over some of the issues which were the initial cause of the delay in determination. The purpose of this report is to outline the application to members as would normally be the case and presents how officers would have recommended determination of the application to establish the Committee's view on the application.

Site Description and Location

The application site is an area of land extending to 13 hectares and is located to the north of Dowbridge which becomes the main road running through into Kirkham and which joins the A583 bypass to the south and west of New Hey Lane. The site is located directly adjacent to the Kirkham limit of development boundary but is within the Parish of Newton with Clifton. Kirkham is identified as being at the top tier of the settlement hierarchy and the site is approximately 1km from the town centre. The site is located directly adjacent to the settlement boundary to the south and west, to the east the boundary is formed by New Hey Lane which runs along a local ridgeline with some residential development and extensive farm buildings beyond. The northern boundary of the application site is in line with Spen Brook which links to the Dow Brook which runs along the western boundary of the site. This northern boundary projects approximately 400m east from the settlement boundary. On the west of Spen Brook is existing residential development. The application site itself comprises a dwellings with associated hardstanding and outbuildings, a pig farm in active use and ancillary farm shop and fields used for grazing. It is largely greenfield with some previously developed land. The site rises from the south of the site to the middle of the site where an access road and field boundary are located and then falls away again to the south and the boundary with Spen Brook. The landscape character surrounding the site outside of the settlement boundary is predominately rural in nature consisting of a patchwork of undulating improved pasture broken by woodland and isolated dwellings. Field boundaries are defined by hedgerows and a network of dykes and drainage channels. There are a number of ponds within the wider area. The railway line to the north is a dominant feature on the landscape as is the A583 to the south. Kirkham to the west is an urban area in a rural setting and has a mixture of commercial, retail and residential uses. The urban area adjacent to the site consists of residential development.

Details of Proposal

The application is an outline application for the development of the land described above with upto 170 dwellings with access a detailed matter for consideration and all other matters reserved for future consideration. The application has been accompanied with an indicative landscape masterplan, a landscape assessment, planning statement and a Transport Assessment all of which are important documents when considering this application with regard to its location as described in the preceding section. The dwellings on the indicative plan are shown spaced around the site with an area of POS shown on the edge of the site adjacent to the two brooks. Within the site it is proposed to create a community green around an existing pond and a pedestrian/cycle link to New Hey lane which will also

act as an emergency access to the site. It is proposed to be surrounded by woodland vegetation and there will be an 8m easement from the two brooks where no development or landscaping will take place. 30% of the dwellings would be affordable housing units. Access is a detailed matter for consideration and it is proposed to be accessed off Dowbridge, with detailed access plans submitted.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|---------------------|-------------|
| 15/0827 | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 95 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | Elsewhere on agenda | |
| 01/0091 | PROPOSED TWO NEW POULTRY BUILDINGS | Granted | 18/07/2001 |

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 26 August 2015 and comment:

Further to recent correspondence I advise that following Local Planning Authority (LPA) advice, contained in a communication dated the 10th September 2015 that highway related issues will be addressed as part of the outline planning application and not deferred for consideration as part of any subsequent reserved matters planning application, the above application was reviewed at a Council meeting held on Thursday 1st October 2015.

Council duly considered the above application documents and parishioner observations regarding the proposed development. Reference was made to policy in planning documents; National Planning Policy Framework (NPPF), Fylde Borough Local Plan (as altered) October 2005, Joint Lancashire Minerals and Waste Local Plan and Fylde Local Plan to 2030 Part 1 Preferred Option and Sustainability Appraisal. Subsequently a resolution was adopted that Council submit a representation to the LPA that the application fails to address the Council's concerns previously intimated in the conditional approval recommendation following its decision at a meeting held on Thursday 3rd September 2015. Consequently, Council determined that the proposed development should be refused planning permission, by Fylde Borough Council's Development Management Committee, for the following reasons;

- 1. The proposed development does not conform to the LPA Local Plan revised Preferred Option in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed "Brownfield" sites to be used before "Greenfield" and, consequently, agricultural land and NPPF paragraph 7.*

2. Council determined that the transport assessment provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is the B5192 Dowbridge. Council therefore considers it reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety in the locality generally and particularly the A583 Kirkham Bypass.
3. The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF.
4. Drainage is a key issue highlighted in Policy HL2. The proposed development is unacceptable because it involves building within eight metres of the top of the bank of the designated 'main river' watercourses, Spen Brook and Dow Brook and is unlikely to receive Environment Agency (EA) consent as it would restrict essential maintenance and access. No trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses. The proposed development includes the planting of many trees within the Main River easement. The proposed siting of the surface water attenuation storage within the floodplain is also likely to be unacceptable to the EA because this area will already be flooded and surface water storage will not be possible. 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham, and consequently the developable area of the site is located away from the settlement boundary. It is considered that the proposed development does not therefore fully address the capacity issues related to the sewer network serving a locality where over a significant period some existing properties have previously required structural repairs arising from drainage related issues.
5. The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process. The land was proposed for allocation as Site H7: Land North of Dowbridge, Kirkham, in Strategic Locations for Development Policy SL4 in the Local Plan Preferred Options in 2013 and following the consultation review it is understood the LPA has agreed to delete the site in the Local Plan Revised Preferred Option.
6. The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes.
7. Policy SP2 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions. The application fails to provide the agricultural land classification of the site. However, the north west of the site, approximately 30%, does have a post-1988 Agricultural Land Classification which shows 2.5ha as Grade 3a, i.e. Best and Most Versatile Land (BMV) and therefore it is considered reasonable to assume that a considerable area to the north-east of the site also has a significant area of BMV land and therefore the proposed development conflicts with EP22 and NPPF paragraph 111, 112.
8. The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.
9. The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17.
10. The proposed development is to the detriment of the biodiversity, ecology and wildlife as it impacts on field pond(s) in the area.
11. Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in Kirkham and the

surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.

- 12. Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its Draft Local Plan to 2032 – Revised Preferred Option this application must be considered premature.*
- 13. The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2, in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.*
- 14. The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much development in the recent past to the detriment of parish amenity.*

Kirkham Town Council notified on 26 August 2015 and comment:

Object.

- SP2. The development is outside the settlement boundary.*
- It does not comply with FBC's adopted Local Plan.*
- It does not comply with FBC's emerging Local Plan.*
- It sits within the Flood Zone 2.*
- The high percentage increase in addition to the current increase.*
- It fails to meet the objectives of EP10 and 11 in the context of the Lancashire Landscape Strategy.*
- It fails to demonstrate satisfactory access and egress or efficient operation of the highway network.*
- The increase in access and egress will be detrimental to highway safety.*
- It will be detrimental to the visual amenity and landscape of the area.*
- It will be detrimental to the biodiversity, ecology and wildlife in the area.*
- Drainage is a key issue and is highlighted in Policy 802.*
- The site currently has significant drainage issues and lies in and adjacent to Flood Plain 2.*
- The existing amenities, infrastructure and services will be inadequate if this proposal is granted permission.*
- The site is in a new strategic development area decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12 and include public consultation and independent inspection.*

Treales, Roseacre & Wharles Parish Council notified on 22 March 2016 and comment:

Treales, Roseacre and Wharles Parish Council wishes to OBJECT to the above planning application, which was discussed at the Parish Council Meeting Tuesday 15 September 2015. The grounds for objection are as follows:

1. *This application does not represent sustainable development in conflict with NPPF paragraph 7.*
2. *The development will cause demonstrable harm on the amenity and infrastructure of Kirkham and its environs. The Parish Council has specific concerns regarding the capacity of the road network, the medical facilities, schools and utilities in and around Kirkham which are insufficient to accommodate the cumulative expansion of the town in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.*
3. *The development constitutes a loss of the best and most versatile agricultural land which will have a negative effect on the economy of the supply chain and a subsequent adverse impact on the national debt as a result of the additional borrowing required by residents of the proposed development in conflict with NPPF paragraph 112.*
4. *Due consideration must be given to the adverse impact on the visual amenity of the area. The development will serve as a negative landscape intrusion on the rural setting between Kirkham and Treales in conflict with NPPF paragraph 17.*
5. *The Parish Council has concerns regarding the access arrangements to and from the site and the potential negative impact on the Blackpool Road from Dowbridge in conflict with NPPF paragraph 32.*

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No objections.

Lancashire County Council - Highway Authority

I refer to the above application and would like to thank you for the opportunity to comment on the proposal.

Lancashire County Council (LCC) is responsible for providing and maintaining a safe and reliable local highway network in Fylde. LCC, as the local highway authority, embraces a one team approach, working closely with developers and the planning authority to deliver high quality, sustainable development. With this in mind the present and proposed traffic systems have been considered to highlight areas of concern that, potentially, could cause problems for the public, cyclists, public transport and motorists that will influence movement on the network.

LCC have a good understanding of the traffic issues in and around Kirkham and the immediate local area of the site having reviewed highway capacity and safety as a result of a number of recent development applications in the area. As such I expressed initial concerns given the scale of the proposed development and the layout of the initial access proposals submitted with the Transport Assessment. It was LCC's view that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit. Therefore, in such circumstances where there is additional impact on the network it will be expected that a developer will be required where necessary to provide appropriate measures to mitigate the impact of their proposal to deliver an acceptable solution.

These final comments consider all the highways and transport information provided with the application documentation; this information includes a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant. These comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July, 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). In addition to the above, substantial further information relating to road safety was considered which was provided by a local resident (a retired Police Officer) as well as LCC's own analysis, site observations and surveys.

Development Proposal

The proposal is an Outline Planning Application for the erection of 170 No. residential units and associated works, with access off B5192 Dowbridge, Kirkham.

LCC have provided considerable feedback to the developers Transport Consultant on this application site throughout the iterative planning process. I have reviewed the Transport Assessment (TA) and associated documentation and while there were a number of inconsistencies and anomalies identified in some areas, for example: Traffic data, Network description and Accessibility assessment, I consider the TA and additional information provided by the applicant a reasonable basis upon which to assess the highway influence and impacts of this proposal. This pragmatic and balanced approach relies on officer experience, understanding and judgement of the significance of the anomalies (and where necessary collecting and assessing further data for comparison) in coming to a conclusion that can be scrutinised in an appeal situation.

Existing Site Use

This residential application is proposed on the site of the existing Brook Farm, Dowbridge. The existing site contains a large number of farm buildings. I would note that the extant permission on the site has the potential to generate traffic movements on the local highway network and given the nature of the permitted land use a number of the generated movements would be commercial/heavy goods vehicles. This has been taken into consideration by the highway authority.

Access Strategy

It is proposed that vehicular access to the proposed 170 residential dwellings will be from a single junction off B5192 Dowbridge. The proposed access is to be provided in the location of the existing Brook Farm access and the original proposed layout was shown in Appendix G of the TA.

Some 40m to the west of the proposed site access is the Oxford Road residential access and some 40m to the east of the proposed site access is New Hey Lane

The proposed access submitted with the TA gave rise to a number of concerns. These required further consideration by the applicant in order to deliver an acceptable access

arrangement, one that could be agreed and which would satisfactorily address issues raised by LCC. I highlighted the following initial concerns to the developers Transport Consultant:

- I had concerns that there was only one access into a development of this scale (170 dwellings). The masterplan did not indicate any provision for emergency access. I requested further consideration for emergency access provision;

The applicant has now confirmed that a separate emergency access provision from New Hey Lane is to be provided. This connection will also be made suitable for cycle access to New Hey Lane.

- I expressed concerns that observed speeds (85th percentile) in the vicinity of the proposed access junction were likely to be higher than the signed speed limit. I considered a review of observed speeds in the vicinity of the proposed site was warranted and therefore a speed survey would be required! Subsequently SKTP carried out a 24 hour speed survey. Given the importance of this issue and my concerns LCC also carried out our own surveys over a full week.

The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced my view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. This was an iterative process and the principles of the agreed scheme are set out under the heading s278 works on page 7 below.

Pedestrian Routing - Potential Issue

LCC are aware of concern raised by a resident (No. 8 Friary Close, off Oxford Drive). The resident is concerned that there is potential for a short-cut through their garden, given the Dow Brook is culverted in this location (making crossing in this location much easier). Any individuals crossing the Brook in this location from the proposed residential site could then easily get to Friary Lane and onto Oxford Drive from where there is a pedestrian link through to Dowbridge Road. LCC Highways are of the opinion that the resident has raised a very valid concern and we in turn have highlighted this potential issue with the applicant's representative.

It is clearly in the applicants gift to ensure the detailed design of the internal site layout (to be the subject of any reserved matters application) minimise any potential for this unacceptable routing to take place. In raising this matter again in these statutory consultation comments at this outline stage, it is hoped that local planning authority and the developer will work together to ensure this concern is suitably addressed through the detailed design layout.

Sustainable Transport

As part of the reforms of planning policy, the Department of Community and Local Government published the National Planning Policy Framework (NPPF), DCLG 2012. In terms of Transport, the NPPF sets out the principles that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Should the LPA be minded to approve this application, it would be appropriate to seek

planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network.

Pedestrian and Cycling Measures

It is clear there will need to be good provision of pedestrian/cycle routes through the site to the site access and also the existing bus stops. I requested that the developer give further consideration to the delivery of measures to support improvements for pedestrians and cyclists to improve connectivity to amenities in Kirkham and Wesham and support for wider connectivity improvements, for example to and within Kirkham Rail Station and to the main town centre and beyond (e.g. existing employment areas, education establishments and retail). These improvements to pedestrian/cycle links will help promote sustainable journeys.

This proposal creates an opportunity to improve connectivity for pedestrian/cycle movements by connecting route 62 of the NCN from New Hey Lane on to Carr Lane and the northern loop route. Delivery of a shared pedestrian/cycle route (3.5m width) through the site from the access track off New Hey Lane in the east through to the northwest of the site and beyond (to the church and primary school and on via FP5 through the park to Morrisons and the Railway station) would significantly improve connectivity and also help to address the single access issue for this 170 dwellings site (i.e. addressing emergency access requirements). This development can support delivery of an initial section of this route.

Public Transport - Bus

I consider the existing bus stop for eastbound services, immediately adjacent to the proposed site access may need to be re-located slightly to the west. The optimum location for the bus stop should be considered and implemented as part of the s278 site access/traffic calming highway improvement scheme. In addition, both the eastbound and westbound bus stops located closest to the proposed site access should be upgraded to Quality Bus Standard as appropriate. This work should also to be delivered through a s278 agreement.

Any proposed PT improvements should be delivered early in the development build out to support PT from the earliest opportunity. The current bus services in the immediate vicinity of the site have been reviewed by LCC with consideration for the latest position with respect to funding of subsidised services. The latest position (as 8th March 2016) is that Service 61 will continue to operate, however, Service 75 will be revised and therefore only partly retained.

Public Transport - Rail

Improvements to facilities for user of the Rail Station should be fully explored including appropriate funding to support an approach which seeks to be in line with NPPF and maximize use of sustainable modes by residents of the proposed development site. I consider the developer should ensure that every opportunity is taken to enhance pedestrian/cycle routes to the Rail Station. The need for level access at the station has been highlighted as an issue. In an agreement reached on a recently approved residential development at Mowbreck Lane, the LPA made request for a contribution towards

improvement measures of £1000 per plot for.

Sustainable Measures to be Funded by the Developer

Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works. The agreed s106 funding measures are set out under the heading 'Planning Obligations (s106 Planning Contributions)' below. The balanced approach considers the latest position in regard to PT services and road safety. The necessary package of measures s106 and s278 includes the following:

- Improved linkages between the site and Kirkham Rail Station, the main town centre and existing employment areas, education establishments and retail;*
- Funding for pedestrian cycle improvements at the Rail Station*
- Travel Plan Support*
- Funding of further speed review and if shown to be necessary additional speed reduction measures (SPID signing).*

Personal Injury Accident (PIA) Data

Personal Injury Accident data for the most recently available 5 year period was presented in the TA. In summary, the TA concluded that there were no safety issues on the local highway network that would be exacerbated by the proposal.

I have reviewed the latest accident data and would conclude that the PIA data does not suggest any particular accident pattern that would be a cause for concern. However, I made it clear to the developers Transport Consultant that I had reason to believe, following a number of site visits, that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit.

In my assessment I have also taken into consideration further information passed to LCC which included: additional local information in regard to damage only collisions; vehicle speeds and other relevant local factors. Therefore, given the additional impact on the network expected from this development, I requested that the applicant develop their site access/highway improvement scheme to provide appropriate measures to address observed vehicle speeds and safety issues raised that would help mitigate the impact of their proposal and which would deliver an acceptable access solution.

SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds.

With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set

out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction. The exact location of the eastbound bus stop and all associated considerations (i.e. whether the position of the bus stop in relation to the proposed refuge island will allow/will not allow traffic to pass a waiting bus) should be considered/integrated into the overall detailed design.

I am satisfied that there is a solution that can be delivered under a s278 agreement and the detail can be agreed at detail design stage. I am satisfied that the bus stop can be located in a position that will not impede access to private driveways etc.

Therefore, I consider at this stage it is sufficient that it is agreed that the bus stop (and the quality bus standard (QBS) raised kerb) will be located as appropriate when considered as part of the detailed design (s278 works) for the overall site access/highway improvement scheme. The agreed plan has been amended with appropriate wording to reflect this position.

An independent Stage 1 Road Safety Audit (RSA) was undertaken for the proposed access scheme agreed 'in principle'. A number of changes were made to the site access layout scheme in line with the recommendation of the Stage 1 RSA. I would note that the scheme now 'agreed in principle' may be subject to change as part of detailed design under a s278 agreement and will pick up a number of further detailed design matters raised in the Stage 1 RSA.

Travel Plan

A Framework Travel Plan (FTP) was submitted with the application documentation. LCC's Travel Plan Team provided comments to the developers transport consultant that identified a small number of omissions. A revised FTP was provided to LCC dated 20th November 2015 that addressed the issues raised.

For a development of this size we request a contribution of £12,000 to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.

Funding to Support the Measures and Targets set within the Travel Plan

If Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan. This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).

Note: the funding must have the potential to deliver a real change to more sustainable modes. Such a change could be delivered through funding towards a bike (and safety equipment) for each household and a month's travel on public transport to encourage modal shift. The level offered must be adequate to deliver the measures necessary to support the targets within the Travel Plan. LCC consider funding of £180 per dwelling is appropriate for this site and to be retained by the developers appointed travel plan coordinator (and not LCC or Wyre) for 5 years from first occupation. This has been agreed

by the applicant.

Internal Site Layout, Parking Standards/Parking Provision and SUDS

In respect of the current outline application, while acknowledging that internal layout matters will be picked up at the reserved matters stage, I would make the following observations based on the Outline Masterplan:

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;
- The Masterplan layout must include the emergency access proposal off New Hey Lane;
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;
- there will be a need for 1.8m service strips on access roads;
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;
- all shared footway/cycleways should be delivered as a 3.5m wide facility;
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;
- Parking to the appropriate Fylde standards is expected - Parking Standards were set out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.
- I would ask the applicant to note at this stage the following in regard to driveway and garage dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council.
- LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

Potential Pedestrian Routing Issue

LCC are aware of concern raised by a resident (No. 8 Friary Close, off Oxford Drive). The resident is concerned that there is potential for a short-cut through their garden, given the Dow Brook is culverted in this location.

- It is hoped the local planning authority and the developer will work together to ensure this concern is suitably addressed through any future detailed design layout.

Sustainable Urban Drainage Systems (SuDs)

LCC are now the Lead Local Flood Authority (LLFA), as such I would refer to the LCC Flood Risk Assessment Team detailed comments which, as a statutory consultee, are provided under a separate response;

- This application should fully consider the requirements that may be expected in order to support and deliver SUDs drainage (where deemed appropriate);

- I would expect the proposed drainage system to be designed to provide adequate capacity following current best practice and required standards that may allow consideration of adoption if deemed appropriate by the relevant authority. I would expect these drainage matters to be a condition of any approval if Fylde BC were minded to approve this application;

- In general, LCC will seek to limit the use of culverts where alternative sustainable solutions can be found.

S278 Works

Should the Local Planning Authority be minded to approve this application a Section 278 Agreement for off-site highway improvements would be expected between the developer and the local highway authority, which for this proposal includes the site access/highway improvement scheme, a highway improvement scheme at A583 Kirkham Bypass/B5192 Dowbridge (white lining/markings renewal/update scheme) and a wider improvement scheme 'Proposed Cycle Lane Provision' scheme.

The site access/highway improvement scheme, agreed 'in principle' at this stage, will be subject to detailed design. The agreed scheme is shown in the revised Layout Drawing (Scheme Drawing SK21542_002 Rev E, passed to LCC on 9th May 2016).

The proposed s278 works are expected to include the following measures:

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;
- With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;
- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.;
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be

included as part of detailed scheme design to LCC's specification.

The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design)

- Advisory cycle lanes*
- Gateway Measures*
- Pedestrian refuge island*

(Note: it has been agreed that the trigger point for the works shown in Plan SK21542_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).

In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge

- renewal of existing road markings;*
- review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.*

The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LPA.

Planning Obligations (s106 Planning Contributions)

It is appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to improve routes to amenities; employment, retail and recreation from this development to the wider network.

Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works.

The planning contributions requested and agreed are detailed below: (i) £15,000 Funding for pedestrian cycle improvements at the Rail Station

(It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)

(ii) £10,000, Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary)

The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).

(iii) £12,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.

(Trigger - prior to the occupation of the 1st dwelling).

In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan asset out above on page 6, under the heading Travel Plan) This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).

Summary and Recommendation

This development will result in increased flows on the existing transport network in and

around the development site. LCC Highways Development Control expressed our initial concerns in respect of this application given the scale of the proposed development, the initial access proposal and observed traffic speeds in this location. However, LCC Highways operate a 'one team' approach and will always endeavour, where possible, to engage with developers and their transport representatives to give them an opportunity to address our concerns.

The developers Transport Consultant (SCKTP) has provided further information, including mitigation measures, since the submission of the original Transport Assessment. LCC have also carried out our own further analysis to fully understand the highway influence and impacts of this proposal before reaching a conclusion. LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety.

With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (£106) for sustainable measures is secured and that all s278 measures as agreed and detailed above are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.

Planning Policy Team

I draw your attention to the latest position on the emerging Local Plan.

The Overall Housing Requirement

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub-National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need for housing.

Five Year Housing Supply Statement

The Council's latest Five-Year Housing Supply statement, with a base date of 31st March 2015, is equivalent to 4.3 years supply. This calculation is based upon the annual housing requirement figure of 370 dwellings per, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.

The Emerging Local Plan

The draft Revised Preferred Option version of the Fylde Local Plan to 2032 (RPO) was presented to the Development Management (Policy) Committee on 16th September, where it was resolved to issue it for public consultation in autumn 2015.

The draft RPO identifies land for the provision of up to 974 homes on sites in the Kirkham and Wesham Strategic Location for Development over the plan period. It does not allocate this land for residential development.

You will no doubt be aware that the Preferred Option Local Plan 2013 included the

application site as a potential housing allocation (H7). The Local Plan Preferred Options consultation was the subject of a Portfolio Holder Decision in July 2014. Page 92 of the Responses Report states "It was agreed to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham."

Summary

The emerging Local Plan and its none allocation of this site for housing is a material consideration.

It is for the decision maker to determine the weight to be attached to these material considerations as part of the planning balance.

Environment Agency

In their initial consultation dated the 28 September 2015 they stated the following;

The proposed development is unacceptable because it involves building within 8 metres of the top of bank of the designated 'main river' watercourses, Spen Brook and Dow Brook and would be unlikely to receive Environment Agency consent for the following reasons:

- *Restrict essential maintenance and access to Spen Brook and Dow Brook. In this particular case it is essential that this 8 metre wide easement is preserved for access purposes. Consequently based on the information available it is likely that the development cannot proceed in its present format.*
- *The proposed sitting of the surface water attenuation storage within the floodplain is unacceptable because this area will already be flooded and surface water storage will not be possible.*

In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses without the prior written Consent of the Environment Agency. The proposed development includes the planting of many trees within the Main River easement. In this particular case it is essential that this 8 metre wide easement is preserved for access purposes. Consequently based on the information available it is likely that the development cannot proceed in its present format.

Under the terms of the Environment Agency's Land Drainage Byelaws, the prior written consent of the Agency is required for planting trees within the Main River easement and consent is unlikely to be granted.

The Environment Agency has a right of entry to the Dow Brook and Spen Brook watercourses by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Pippa Hodgkins at 01772 714259 to discuss our access requirements.

In their consultation response dated the 22 October they maintained their objection because it was not clear from the plans if the 8m easement has been measured from the top of bank.

On the 18 November they responded as follows;

I refer to the above application and the following additional information that we received on 29 October 2015:-

- *Drawing No.1956_02 Rev D "Dowbridge Kirkham Landscape Masterplan"*

In our previous response dated 22 October 2015, we maintained our objection on the basis that it remained unclear as to whether our 8 metre easement adjacent to Spen Brook and Dow Brook had been measured from the top of the bank of the watercourse. The latest revision to drawing number 1956_02 still does not show the top of the bank of the designated Main River watercourses Spen Brook or Dow Brook. However, it does include confirmation that the purple line which delineates the extent of our 8 metre easement is taken from top of the bank of these watercourses based on the topographic survey drawing numbers 14E003/001 to 007 by Survey Operations.

Given that the extent of our easement as shown on the landscape masterplan is measured from the top of the bank of the watercourse as defined by the topographic survey of the site, we withdraw our objection to the proposed development.

Environment Agency position

We note that this is an Outline application with all matters apart from access reserved for future approval. Based on drawing number HSL06 206 E "Floodplain Extents Plan Post Development", we have no objection to the principle of development on this site on the provision that all housing will be located within Flood Zone 1 and there will be no inappropriate development or infilling / land raising within areas considered to be at a high risk of flooding.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment prepared by Betts Associates (reference HSL06 FRA&DMS Rev 2.3; dated 22 July 2015) and submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Betts Associates (reference HSL06 FRA&DMS Rev 2.3; dated 22 July 2015) and the mitigation measures detailed within it. 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 reduce the risk of flooding to the proposed development and future occupants.

The key on Drawing No 1956_02 Rev D shows that the difference between existing and new trees on site is illustrated on the plan. The planting of any new trees or shrubs within our easement of either watercourse will require Flood Defence Consent as stated below. The two watercourses adjoining the site is designated "Main Rivers" and are therefore

subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for consideration. The Environment Agency has a right of entry to Spen Brook and Dow Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must Pippa Hodgkins on 02030251397 to discuss our access requirements.

They then on the 8 March 2016 wrote to us with the following;

Further to our previous response dated 18 November 2015, we have been consulted on a revised Landscape Masterplan (drawing no 1956_03) in relation to Outline application 15/0827, which is for the southern half of the above site. In reviewing that consultation, new information that is relevant to the determination of application 15/0547 has been identified.

We object to the proposed development on the basis that our Flood Map has been updated and the extent of Flood Zone 2 and 3 has been revised. Our Flood Map now suggests that residential development would be located Flood Zone 2, which is contrary to the flood risk management strategy put forward by the applicant as part of this application.

The applicants then submitted an update hydraulic model to which the EA responded to this with;

Having reviewed the applicant's hydraulic model, we have found that it more accurately reflects the level of flood risk on the site than our revised Flood Map. As such, we are therefore satisfied that no dwellings or inappropriate development will be located in Flood Zone 2 or 3, and we will use the model to alter our Flood Map.

Given the above, we withdraw our objection to the above development, subject to our comments given in our response dated 18 November 2015 and the inclusion of the stated condition on any subsequent planning approval.

In relation to the recent flooding from fluvial sources, the applicant has also provided us with a drawing which identifies the locations which have been subject to flooding as being restricted to the areas of Flood Zone 2 and 3, as mapped in the applicant's Flood Risk Assessment.

United Utilities - Water

No objections subject to conditions relating to foul and surface water drainage.

Electricity North West

No objections. Could have an impact on assets.

Lancashire CC Flood Risk Management Team

No objections subject to conditions relating to surface water drainage and SuDS.

Lancashire County Archaeology Service

I have been forwarded a copy of a geophysical survey report for the above site, undertaken by Magnitude Surveys Ref. MSSD09, January 2016 in connection with the proposed residential developments here.

As the authors of the report and Mr Miller of Salford Archaeology note, the geophysical survey does not show evidence of the early remains I was expecting to see on the site, though I would note that neither the line of the Roman road into the fort at Dowbridge nor the feature labelled 'Supposed site of Roman Road' on the OS 1:10,560 of 1848 (sheet Lancashire 60, surveyed 1844-5) were able to be surveyed. I telephoned Ms Harris of Magnitude Surveys and she confirmed that whilst there were practical difficulties in carrying out the survey the quality of the results is good. Asked specifically if she would have expected to have seen early Roman beam-in-slot structures she confirmed that she would have expected them to be visible in the areas surveyed.

There is still some possibility of archaeological features being extant within the survey area, such as short-lived cuts that were subsequently back-filled with the excavated material which are difficult to pick up with geophysical instruments, or post-holes whose pattern is lost amongst the 'background noise'. There is also some small possibility of remains masked by ferrous noise, e.g. in Area 4 close to the buildings, or remains in the un-surveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area.

I would still recommend that a programme of trial trenching is undertaken before development commences, to clear up these issues, but would agree that this can be required by a planning condition, rather than before a decision is made. To this requirement I would add the need to undertake a survey of the original buildings of the farm and of the occupation roar/hollow way, mentioned in my previous letters. As such I would suggest that a planning condition is applied to any consent granted.

Environmental Protection (Pollution)

With reference to your memorandum dated 26th August 2015, there are no objections to the above proposals in principle, however I would add the following conditions:

Prior to discharge of the contaminated land condition the following shall be completed as stated in the Geo – Environmental Assessment Report:

Continuation of ground gas monitoring and production of final risk assessment.

- Asbestos survey of existing buildings.
- Investigation in northern fields when access available.
- Further investigation and asbestos testing in area of farm buildings.
- Delineation of peat areas.
- Investigation in currently soft area of site adjacent to the watercourse.
- Further window sampling to the south of the site to aid foundation design.
- In-situ testing for soakaways and pavement highway design.
- Foundation design.

- Confirmation of Remedial Strategy Local Authority.

Construction times shall be limited to 08.00-18.00 Monday to Friday. 08.00 – 13.00 Saturday and no site activity on Sundays or Bank Holidays.

During long dry periods the amount of dust created on building sites can be significant and the effect of which may cause statutory nuisance to nearby dwellings. The applicant shall prepare a dust mitigation document that details procedures to be implemented that limits dust nuisance to neighbouring dwellings.

LCC Contributions

Request contribution of £781,925 towards 65 primary school places and £471,286 towards 26 secondary school places.

The Ramblers Association

No comments received.

Lancashire County Council Rights of Way

No comments received.

Natural England

The first consultation response from NE dated 1 October 2015 stated that the 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 Ribble & Alt Estuaries Special Protection Area (SPA) which is a European site. The site is also listed as Ribble & Alt Estuaries Ramsar site and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI).

They advised that further information was required and that a habitats regulations assessment would need to be undertaken that considers this site in combination with others and that survey information is required for the site and adjacent fields to establish its suitability for SPA birds. They did not assess the application in relation to protected species.

Subsequently the applicants undertook a wintering bird survey to which NE stated on the 27 April 2016;

We are pleased with the level of survey effort (WINTERING BIRD SURVEY RESULTS 2015 / 2016, April 2016, ERAP Ltd ref: 2015-180c) and can confirm that it appears to follow the survey methodologies we advised in our previous response.

Based on the wintering bird surveys that have been undertaken, Natural England consider that the proposed development would not result in Likely Significant Effect (LSE) alone. The submitted Shadow HRA (SHADOW HABITAT REGULATIONS ASSESSMENT, April 2016, ERAP Ltd ref: 2015-180c) has not considered in-combination or cumulative to a sufficient level. We advise that the Shadow HRA is not sufficiently robust for your authority to adopt it as its own HRA at this stage

Again following these comments the applicants amended the HRA to which NE in their final comments on 5 May 2016 stated;

HRA comments

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided in this case only (see below), Natural England concurs with this view.

Natural England concur with the findings of the HRA based on the following;

- *Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016.*
- *“the low numbers of birds recorded”*
- *“...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ...”*

Greater Manchester Ecology Unit

The application site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site.

A significant part of the site is dominated by buildings and hard standing associated with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh.

The Ecology Surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards, although the report does not discuss the potential value of the site for use by wintering birds, a point raised by Natural England.

The surveys have established that the site has only low potential to be used by specially protected species, except for breeding birds and foraging bats.

Impact on the Ribble and Alt Estuaries Special Protection Area

I am aware of the comments made by Natural England on the application that the application should be subject to an Assessment of its potential harmful impacts on European Protected Sites.

The application site is more than 4km from the nearest boundary of the SPA/SSSI. Direct impacts on the European site concerned arising from the development will not occur. Given the distance it is also unlikely that the development will cause any harm to the Estuary arising from increased recreational pressure.

But it is the case that the water birds, wading birds and geese associated with the SPA do use inland fields for foraging and for refuge at times of high tide and stormy weather. Sometimes these fields will be some distance inland from the Estuary and they could conceivably be regarded as supporting habitats for the SPA. Further, I would accept that Natural England, as the statutory body concerned with the protection of European Sites, probably has greater knowledge of the special interest of the site than I do. I would therefore defer to their view that further information and/or assessment concerning the possible use of the application site by birds associated with the Estuary should be provided by the applicant in order for a fully informed assessment of the potential impact of the development on the SPA to be carried out.

Impact on bats

The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme.

The majority of the buildings and structures on the site have negligible value for supporting bat roosts, but some of the buildings and trees that will be affected by the scheme have been assessed as having at least some potential for supporting roosting site. These buildings and trees have not been fully surveyed for the presence of bats.

I would recommend that further survey of these features (Buildings 39 - 43 and trees T2, T3, T13, T15, T17, T18, T25, T26, T27, T29, T30, and T31 as identified in the Ecology Survey report) should be required. If bats are found measures will need to be put forward for avoiding any possible harm to bats.

Impact on water voles

The Brook at the northern boundary of the application site has been assessed as potentially suitable for supporting water voles, a species protected under the terms of the Wildlife and Countryside Act 1981. The Landscape Masterplan indicates that the Brook will not be directly affected by the development and that a landscape 'buffer zone' can be established between the built development and the Brook. Providing that this remains the case no harm should be caused to water voles, even if they are in fact present in the Brook.

Impact on site-based habitats

The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as

part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows.

Invasive plant species

Stands of Himalayan balsam are present on the site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this plant to spread in the wild. The development has some potential to cause the plant to spread, although it would be possible to take simple precautions to prevent this from happening.

Conclusions and Recommendations

I have no overall objections to the application on nature conservation grounds but I would recommend that

- *Further information / assessment is required on the potential value of the site for birds associated with the SPA.*
- *Further survey of certain buildings and structures for the possible presence of bat roosts should be carried out.*
- *Robust fencing should be erected and maintained between the application site and sensitive habitats to be retained (pond, hedgerows and watercourses) throughout any permitted construction period.*
- *Measures should be taken to prevent the spread of Himalayan balsam. A Method Statement should be prepared giving details of the measures to be taken to eradicate this plant from the development site. Once approved the Method Statement must be implemented in full.*
- *The adjacent watercourses (Dow Brook and Spen Brook) should be protected from possible pollution by adopting Best Construction Practice throughout the course of any approved development.*
- *Groundworks and any required vegetation clearance should commence outside of the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)*
- *I would support biodiversity enhancement measures incorporated into the scheme. To this end a comprehensive and detailed Landscape Plan should be prepared for the site, should the development be approved.*
- *The SUDS features shown on the indicative Masterplan should be designed so as to maximise their biodiversity value (e.g. by appropriate new planting and by retaining at least some standing water in pools). If surface water is ultimately to be discharged from the SUDS to the Dow Brook precautions will need to be taken to avoid polluting the watercourse (e.g. silt traps).*

Campaign for the Protection of Rural England

Have raised objections on the basis that;
 The proposal is contrary to policy.
 Alternative sites have been approved and allocated.
 The development is in the countryside outside of the settlement.
 Loss of BMV land.
 Will have an adverse impact on setting of Kirkham.
 Lack of five year supply is a consequence of unrealistic and unachievable housing

requirement.

Crime Prevention Officer

Make standard comments on the design of the dwellings and layout of them should the principle of the development be accepted.

Lytham St Annes Cycle Group

Suggest developer should provide a new cycle route which should run from the development alongside Carr Brook and then emerge on Carr Lane. This would then provide a continuous cycle route between the development and Kirkham town centre.

Neighbour Observations

| | |
|-----------------------------|--|
| Neighbours notified: | 26 August 2015 |
| Site Notice Date: | 11 September 2015 |
| Press Notice Date: | 03 September 2015 |
| Number of Responses | Around 100 comments have been received |
| Summary of Comments | Comments will be summarised for Committee as part of late observations |

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|--------|--|
| EP11 | Building design & landscape character |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |
| EP22 | Protection of agricultural land |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |
| EP25 | Development and waste water |
| HL02 | Development control criteria for new housing proposals |
| SP02 | Development in countryside areas |
| TREC17 | Public Open Space within New Housing Developments |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The main issues when considering this application are as follows;

- The weight to be accorded to relevant policies
- Principle of the development and housing need
- Visual and landscape impact
- Flooding and drainage
- Ecology
- Highways
- Impact on residential amenity

The weight to be accorded to relevant policies

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

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the Joint Lancashire Minerals and Waste Local Plan. In addition the National Planning Policy Framework is a key material consideration. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) 'due weight' should be given to the relevant saved policies in the FBLP, the weight given dependent on the degree of consistency with the NPPF.

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2032. The Council will be undertaking consultation on the publication version of the new Local Plan in August, with examination due to take place in January and adoption in March 2017. Within the publication version of the plan the application site is within the open countryside located directly adjacent to the settlement of Kirkham. The site was previously identified as a wider site for housing in the 2013 Preferred Options version of the plan for upto 240 dwellings but that larger site was removed because one third of the site was located in Flood Zone 2, which follows the route of Dow Brook and Spen Brook. A small part of the site was also within a mineral safeguarding area in the Lancashire Mineral and Waste Local Plan. The responses report of July 2014 recommended deletion of the larger 240 dwellings site as an allocation for housing, giving the following reasoning;

"The Council agrees to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area

of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham.”

Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. It identifies Kirkham and Wesham as a strategic location for development and states that within the settlement hierarchy Kirkham serves the role of a Key Service Centre, the same as St Annes and Lytham. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

The starting point in determining planning application remains the saved policies of the Local Plan. If there is a conflict between these policies and the NPPF then the NPPF should take precedence but be read as a whole and in context. The NPPF is a material consideration in planning decisions and should be given considerable weight. Thus, the statutory starting point is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise. The NPPF seeks sustainable development. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - which are mutually dependant, so that gains in each should be sought jointly and simultaneously.

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

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Principle of the development and housing need

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub- National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde’s objectively assessed need for housing.

The NPPF requires at para 47 that a council can demonstrate a five year supply of housing, and if it is unable to do so there is a presumption in favour of sustainable residential development. As such it is critical to understand what the council’s housing supply performance is against the annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2016 and was that the council could demonstrate a 4.8 year supply, which is below the 5 years required by legislation and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF to deliver development.

The Council is still not able to demonstrate a deliverable 5 year supply of housing land. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential

development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable in all regards, should be supported. Accordingly it is necessary to examine if this scheme delivers sustainable development. Planning policies for the supply of housing for the purposes of determining applications are, therefore, considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This will be a material consideration when determining the planning application.

Does the proposal deliver sustainable development?

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity. The application as proposed will provide up to 170 dwellings, of which 30% will be affordable dwellings. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the accessibility of the site to services, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

Accessibility of the site

The application site is located directly adjacent to the settlement of Kirkham and approximately 1km from the town centre and all the services and facilities that are located there. There are regular bus services along Dowbridge and the Kirkham bypass road, with the nearest existing bus stop located directly adjacent to the proposed access to the site. Bus number 61 which travels between Preston and Blackpool via Kirkham and the 75 which travels between Poulton and Preston via Kirkham, as well as school buses to St Annes and Myerscough. In close proximity to the application site are a number of residential properties which have the same or similar scale of accessibility as the application site. Kirkham St Michaels C of E Primary school is located 0.62 miles from the site and Kirkham Carr Hill 11-18 High School is located 0.44 miles away. Therefore whilst the site is located in the open countryside it is located directly adjacent to the settlement boundary and within 1km of the town centre and the services found there, and less than a mile from both primary and secondary schools. Bus services are located directly adjacent to the site which can take occupants to the wider area. Furthermore when

considering the site for housing in the new Local Plan it was found to be sustainable, its removal as outlined above because of the flood zones not because the site was inaccessible to Kirkham. The Transport Assessment submitted with the application demonstrates that the site is within easy walking/cycling distance of a range of facilities. Kirkham is also identified as a strategic location for development and a Key Service Centre in the emerging Local Plan, which in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions available in smaller settlement. Taking all the above it has to be considered that Kirkham is an appropriate location for growth. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Scale of development

As stated above Kirkham is a key service centre and a significant settlement which serves both residents of the town and the surrounding rural area. The proposed development of up to 170 dwellings in a sustainable location adjacent to such a centre and strategic location for development is considered to be of an acceptable scale in terms of the number of dwellings proposed in relation to the size of the settlement. Policy HL2 of the Fylde Borough Local Plan, Development Control Criteria for New Housing Proposals, lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality in terms of scale, space around buildings, materials and design.

Visual and landscape impact

Whilst the principle of the development has been accepted another key issue is the impact of the development visually on the character of the area. 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 the Natural England 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 Borough's flat landscape'.

The character of the site itself consists of undeveloped undulating fields and an area of built development around the pig farm which would be removed. It is therefore very rural in nature however views of the residential development to the west are prominent from within the site giving the site an urban/rural fringe character. The site rises from the south to a point in the middle of the site and then falls away again to the northern boundary of the site with Spen Brook where it is extremely open. The topography is varied throughout the site and occupies low sloping ground from the east, falling in the direction of the existing watercourses which bound the site in the north and west, aiding in the drainage of the site. The site lies between 23m Above Ordnance Datum (AOD) in the east and falls to about 9m AOD in the north and west. Although woodland is planting proposed the scale of the development and its topography means the proposal cannot fail to have a significant visual impact.

The main direct visual impacts would be from along Carr Lane, Treales and the railway line to the north and Spen Lane to the east. Views from the north are of a rising slope and the development of housing in this location would have a detrimental landscape impact. The two field parcels to the northern end would severely impact on views from Carr Lane including the linearity of the northern boundary and its approximately 400m length along the boundary with Spen Brook. This impact would be accentuated by surrounding topography which rises from south to north to the red edge boundary of this application. The development will introduce a residential development into this area of countryside in the Fylde landscape character area that is currently undeveloped and open and which would have a significant visual impact.

Paragraph 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The site location is described above and the development of the site this size in the open countryside could not be said to be in keeping with the character of that locality.

Impact on the settlement of Kirkham

The application site is located adjacent to Kirkham settlement boundary. The northern end of the development site is considered to be deeply rural in character, with views of the site from afar, as well as near. In this agricultural landscape directly adjacent to a rural setting the extent of the residential development would be a prominent feature, which would have an adverse impact on the immediate landscape context. There would be no credible relationship between the proposal and the established built form of Kirkham. The landscape setting means that the development would be seen as overbearing and difficult to assimilate and upsets an otherwise natural balance of the rural character between fields and settlement. This appreciation of the landscape character of the locality renders the proposal's impact on the setting of the settlement unacceptable.

Principle of the development – conclusions

The site is located directly adjacent to the settlement of Kirkham, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent housing to the south and west. The site is located within 1km of Kirkham town centre and is within reasonable distance of local and community

services in Kirkham. The proposed development is considered that the sites is sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of housing numbers. Furthermore when considering the housing objective of the NPPF Fylde does not have a five year housing supply for which there is an identified need. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole which weights in the applications favour.

However this needs to be balanced against the visual impact of the development which officers have assessed as having substantial and demonstrable harm to the local landscape and the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF.

Flooding and drainage

The site as a whole is located within Flood Zones 1, 2 and 3 but the actual residential development will be located solely within Flood Zone 1 so the principle of residential development in this area is acceptable. The area of the site which is part of a flood zone is proposed to be a linear park with woodland planting and will run along the boundary of the site adjacent to the two Brooks. The site has been submitted with a Flood Risk Assessment and drainage management strategy which outlines that surface water will be discharged via infiltration or if that is not feasible it will be discharged into the watercourse (Dow Brook) and will be restricted to the pre-development greenfield rates; calculated to be 20.7l/s for the annual event, 40.4l/s for the 1 in 30 year event and 49.6l/s during the 1 in 100 year event with an allowance for climate change. The FRA states; It would be beneficial to implement a wider community green space/POS area with some SuDS features such as bio-retention, ponds and swales within the western/south-western portions of site. Such would add biodiversity and amenity value to the development, along with providing a sustainable means to manage some of the surface water run-off generated by the proposals. Detailed design should confirm whether this area would be suitable for incorporation of SuDS into the surface water management scheme for the development. No surface water will be discharged into the public sewer network. With regard to foul water the FRA considers a development of 180 dwellings and states that the peak foul water flows generated by the development would be 8.3 l/s. It is proposed that the foul water flows generated by the development will discharge into the existing public sewer network (750mm dia) which dissects the site via a gravity connection. With regard to finished floor levels the FRA states; An intra-sequential approach to flood risk management has been adopted with residential development being proposed within the extents of Flood Zone 1. Any residential development taking place should have Finished Floor Level (FFL) set a minimum of 600mm above the predicted Top Water Level (TWL) for the 1% AEP event with an allowance for climate change (1%AEP+CCA) to mitigate for potential fluvial flooding from the adjacent 'Dow Brook'. This level will vary based on the existing external levels and proximity to the watercourse however the minimum level is predicted to be between 10.92mAOD and 11.32mAOD.

None of the flooding consultees, LCC as Lead Local flood Authority, the Environment Agency or United Utilities raise any objections to the development. Both the EA and UU have requested only one condition and that is that the development is carried out in accordance with the FRA and the mitigation measures within it. LCC require conditions relating to the design of the surface water scheme to be submitted, that no development will be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and that a management and maintenance

plan for the drainage system is submitted and approved. There are therefore no flooding or drainage issues with the application.

Ecology

The application was submitted with an ecological assessment of the site which has been assessed by the Councils ecological consultants (GMEU) and Natural England (NE). Following a consultation response from NE a wintering bird survey was submitted and a shadow habitats regulation assessment. NE did not assess the impact of the proposals on protected species but GMEU have.

Wintering birds and HRA

The ecology report submitted originally did not discuss the potential value of the site for use by wintering birds, a point raised by Natural England and subsequently addressed by applicants. 'Habitats Regulations Assessment' (HRA) relates to the Conservation of Habitats and Species Regulations, and applies to European sites (SPA, SAC and Ramsar sites). As at this site, however, a development site does not need to be within the European designated site to fall under the provision of the Regulations.

The wintering bird survey found that no geese were landing at the site but were flying over it to more inland sites and as such the HRA concluded that there is no likely significant impact on the European site and therefore an Appropriate Assessment is not required. Natural England concurred with this based on the following;

Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016. "the low numbers of birds recorded" "...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ..."

Protected Species

GMEU state that the site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site. A significant part of the site is dominated by buildings and hard standing associated with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh. GMEU consider that the ecological surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.

Bats – The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme. The existing buildings on the site that will be demolished have potential to support bat roosts as such a bat activity survey was submitted during consideration of the application. GMEU have commented that the surveys were appropriate and that no bats were seen emerging from the buildings and the report concludes that there is not a bat roost at the site. As bats are highly mobile creatures a number of precautionary

mitigation measure has been put forward together with one for breeding birds. These measures should be followed and form part of the conditions for any permission

Water voles – the brook at the north of the site has been assessed as potentially suitable for voles. This brook will not be directly affected by the development and no harm should be caused to voles in the brook even if they are present.

Habitats - The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows. The impact is therefore acceptable.

Ecology conclusions

The application presents an examination of the potential ecological impacts from the development of the site and concludes that there would be no significant impacts that cannot be mitigated. With appropriate conditions in place it is considered that there will not be any unacceptable impact on protected species or priority habitat. The scheme results in a loss of biodiversity, as does any scheme in a site such as this, however this proposal retains the features of greatest value and ecological and landscaping conditions will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application. The submitted HRA is acceptable and will be adopted by the Council.

Highways

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

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

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

The proposal would result in up to 170 dwellings on a 13 hectare site, , accordingly the impact of the proposal on both the highway network has to be considered. To that end a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant have been submitted and assessed by LCC Highways. Their comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July, 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). LCC has considered all this submitted

information when providing their consultation response which is outlined in the consultations section above.

The development is proposed to be accessed from Dowbridge via a new access point and this is a detailed matter for consideration. The precise internal layout will be determined through Reserved Matters application. A separate pedestrian/cycle access is proposed along New Hey Lane.

Sustainable transport modes

Notwithstanding the site sustainable location LCC seek contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network. They therefore request contributions in relation to pedestrian and cycling measures, upgrades to existing bus stops, improvements to the rail station including the links to it, travel plan support and a funding of further speed reviews and if shown to be necessary additional speed reduction measures (SPID signing).

Safe and suitable access

It is proposed that the access to the 170 dwellings will be from a single junction off the B5193 Dowbridge. The proposed access will be in the location of the existing Brook farm access and is 40m from Oxford Road to the west and 40m from New Hey Lane to the east. LCC were concerned that a development of 170 dwellings did not have any emergency access and was solely accessed from Dowbridge. This was addressed by the cycle/pedestrian link to New Hey Lane which will be designed so that it can be used by vehicles in an emergency. They also expressed concerns that the speed of vehicles travelling along Dowbridge were likely to be higher than the speed limit. They asked for a review of the speeds and a speed survey, subsequently a 24 hour speed survey was carried out by the developers and given the importance of safe access LCC also carried out their own surveys over a full week. Their response states;

“SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds. With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction.”

The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced LCC's view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. LCC have reviewed the latest accident data and consider there is any particular accident pattern which would be a cause for concern. Therefore with the works

required to be undertaken via a legal agreement the development will have a safe and suitable access. The full highway works required are detailed below.

Layout and network capacity

LCC have considered the development and its impact on the highways network and whilst they state the development will result in increased flows on the existing network in and around the site they have raised no objections or concerns with regard to highway capacity. With regard to the layout they acknowledge that the application is made in outline and that the layout will be picked up at Reserved Matters stage. They however state that the following will need to be included;

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;
- The Masterplan layout must include the emergency access proposal off New Hey Lane;
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;
- there will be a need for 1.8m service strips on access roads;
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;
- all shared footway/cycleways should be delivered as a 3.5m wide facility;
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;
- Parking to the appropriate Fylde standards is expected - Parking Standards were set out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.
- I would ask the applicant to note at this stage the following in regard to driveway and garage dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council.

- LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

They have also highlighted they are aware of concerns of the resident of 8 Friary Close and the potential to short cut through their garden given the Dow Brook is culverted in this location. They state that the LPA and developer should work together in the RM to address this concern in the future detailed design layout. This matter will be considered in the detailed design stage.

Highways contributions and required.

The below is what will be required through s278 works in order to make the development acceptable.

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;

With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;

- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.;
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be included as part of detailed scheme design to LCC's specification.

The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) of Advisory cycle lanes, Gateway Measures, Pedestrian refuge island (Note: it has been agreed that the trigger point for the works shown in Plan SK21542_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).

In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge including the renewal of existing road markings, and to review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.

The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LP. The planning obligations below will be required to ensure the development is acceptable;

- a) £15,000 Funding for pedestrian cycle improvements at the Rail Station (It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)
- b) £10,000 Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary) The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).
- c) £12,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services. (Trigger - prior to the occupation of the 1st dwelling).
- d) In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan asset out above on page 6, under the heading Travel Plan) This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).
- e) £1000 per dwellings towards sustainable travel improvements.

Highways conclusion

LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety. The development of up to 170 dwellings will not have an unacceptable impact on the highway network in terms of capacity or safety. The Policy test for highway and access matters is whether the 'cumulative residual impacts of traffic generation are severe' (para 32 of NPPF) and whether the development has a satisfactory access and does not adversely affect the safe and efficient operation of the highway network as required by criteria 9 of Policy HL2 of the Fylde Borough Local Plan. Having considered these aspects in this section it is concluded that the development is not in conflict with these requirements and so has acceptable highway implications.

Impact on residential amenity

The application is an outline application with all matters reserved asides access which is a detailed matter for consideration and is discussed above. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. Criteria 1 of Policy HL2 of the Fylde Borough Local Plan requires that new development is compatible with existing land uses, and criteria 4 requires that it does not affect the amenity and privacy of neighbouring properties. The submitted indicative landscape masterplan shows woodland planting between the development site and existing dwellings and that proposed dwellings would be 21m or more away from existing dwellings which exceeds the Council's spacing standards. The indicative layout shows the access to the site taken from Dowbridge with a road leading through the site with dwelling access roads leading of it, with the dwellings grouped around these roads. It is considered that a layout that accords with the principles established in the indicative plan would result in no unacceptable loss of light or overlooking created to surrounding dwellings. The existing dwellings to the east and west would

not experience any overlooking or loss of privacy as a consequence of this development. There are therefore no issues with this development when constructed in terms of impact on residential amenity.

Other Issues

Loss of Agricultural land

The application site was subject to an agricultural land survey, with soil sampling undertaken that demonstrates the undeveloped site is all Grade 3a and so of a Best and Most Versatile Grade.

Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. Fylde has a large amount of Grade 2 and 3 agricultural land, with 47.5% of the borough being of grade 2 quality. Therefore a re-location of the development to another greenfield site would likely be to other land classed as versatile agricultural land or better quality and therefore substantiate a greater loss. Whilst the loss of any productive agricultural land is to be regretted, the loss is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy for the provision of housing and economic development opportunities

Archaeology

The application has been submitted with a geophysical survey of the site which does not show evidence of any remains that LCC Archaeology thought may be present at the site. They state that there is still the possibility of archaeological features being extant within the survey area and the small possibility of remains masked by ferrous noise or remains in the unsurveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area. They still recommend a programme of trial trenching is undertaken before the development commences but state that this can be required by a planning condition. A condition will therefore be placed on any permission granted.

Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however because of the flood zone the illustrative layout shows a linear park in this area which would be provided as part of the development. It is considered that the proposal would provide greater POS than required by Policy TREC17 and so no reason for refusal on this matter is justified.

Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of 65 primary school places in the area to accommodate the additional children that would result from the development and

the Applicant would have to make a contribution in the order of £781,925 towards this. There would be a shortfall of 26 secondary school places and the applicant would have to make a contribution of £471,286 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application.

Affordable housing

The Council's Strategic Housing team have not commented on the application. But have confirmed that the findings of the Housing Needs Study remain valid and this indicates that there remains a shortage of affordable housing in all parts of the borough. If members were minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications. At this moment there is no legal agreement so this can form a reason for refusal.

Conclusions

The application is considered to be in a sustainable location and given the lack of a five year housing supply will assist in the delivery of housing. The development has been found to have a safe access and will not have a severe impact on the existing highways network. The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site. However it is considered that the visual impact of the development is unacceptable and would have an unacceptable impact on have significant impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm. Overall, the visual harm to be experienced has to be balanced against the gain of housing which should be afforded weight. However it is considered that the substantial and demonstrable harm and unacceptable visual impact to be experienced to the local landscape and the impact on the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply.

Suggested Putative Reasons for Refusal

1. The proposed development by reason of the extent and topography of the application site and its scale, form and siting particularly along its northern boundary would have a significant detrimental visual impact on the landscape character of the area. The development would be a visually prominent 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 housing supply that may be realised by the proposal. The proposal is, therefore, contrary to policies contained within the National Planning Policy Framework,

specifically paragraphs 17, 58 and 109 and to criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan.

2. The proposed development of would result in substantial harm to the setting of Kirkham by virtue of the topography, scale and pattern of development adjacent to this rural settlement when viewed from critical points on the approaches to the settlement from the north. This aspect of the development would lack any logical relationship with the form of the existing settlement 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 criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan and paragraphs 17, 58 and 109 of the National Planning Policy Framework. Accordingly, the proposal does not represent sustainable development and there is, therefore, no presumption in favour of the proposed development, notwithstanding the current lack of a 5 year supply of housing land.
3. The proposed development is required to make contributions towards the delivery of affordable housing on the site and financial contributions off-site towards the provision of new school places and sustainable transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies CF2, EP1, TR1, TR3 and TR5, to policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), and chapters 4, 6 and 8 of the National Planning Policy Framework.

INFORMATION ITEM



| REPORT OF | MEETING | DATE | ITEM NO |
|------------------------------------|----------------------------------|--------------|---------|
| DEVELOPMENT MANAGEMENT DIRECTORATE | DEVELOPMENT MANAGEMENT COMMITTEE | 27 JULY 2016 | 5 |

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The following appeal decision letters were received between 17/06/2016 and 15/07/2016.

SOURCE OF INFORMATION

Development Services

INFORMATION

[List of Appeals Decided](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 17/06/2016 and 15/07/2016. Copies of the decision letters are attached.

| | | | |
|---------------|---------|---|----------------------------------|
| Rec No: 1 | | | |
| 06 April 2016 | 15/0577 | LITTLE ECCLESTON HALL FARM, MEAGLES LANE, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0YR PRIOR NOTIFICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO 2 DWELLINGS WITH ASSOCIATED BUILDING OPERATIONS UNDER SCHEDULE 2, PART 3, CLASS Q | Written Representations MT |

Appeal Decision: Dismiss: 23 June 2016

| | | | |
|---------------|---------|--|-----------------------------|
| Rec No: 2 | | | |
| 05 April 2016 | 15/0831 | CHESTNUT VILLA, BRADSHAW LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HQ RETROSPECTIVE APPLICATION FOR RETENTION OF 1.95M HIGH CLOSE BOARDED TIMBER FENCE TO ROADSIDE BOUNDARY | Householder Appeal RC |

Appeal Decision: Dismiss: 24 June 2016

Appeal Decision

Site visit made on 2 June 2016

by Isobel McCretton BA(Hons) MRTPI

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

Decision date: 23rd June 2016

Appeal Ref: APP/M2325/W/16/3145251

Little Eccleston Hall Farm, Meagles Lane, Little Eccleston PR3 0YR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs G M Jackson against the decision of Fylde Borough Council.
 - The application Ref. 15/0880, dated 15 December 2015, was refused by notice dated 3 February 2016.
 - The development proposed is conversion to 2 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development constitutes development permitted by Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and, if so, whether prior approval should be given for the design and external appearance of the building.

Reasons

3. The appeal building is a modern, portal-framed agricultural building set on a concrete plinth and located on the north-western side of Eccleston Hall Farm. The ends of the building are open. The upper part of the side elevation and roof are dark green profiled metal sheet cladding with wooden purlins to the roof. The lower part of the walls comprises a double height row of concrete retaining panels between the stanchions, apart from the bays at the south-eastern end which have single panels. There is a gap between the concrete panels and the side sheeting.
 4. There are farm buildings and a farm yard to the south-west and open fields to the other sides. There is a field gate and a short track from Meagles Lane giving access to the building and the farm yard. The field boundary to the north-east is marked by a post and wire fence and hedge and that to the north-west by a low bund. The building has been used as a maize clamp, though at the time of my visit it was empty.
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Permitted Development

5. Class Q of the GPDO relates to development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a dwelling house; and (b) building operations reasonably necessary to convert the building to that use. Paragraph Q.1 sets out a number of limitations whereby such a change of use would not be permitted. The only limitation with which the Council takes issue is Q.1.(i) which states that:
(i) the development under Class Q(b) would consist of building operations other than-
 - (i) the installation or replacement of-*
 - (aa) windows, doors, roofs, or exterior walls or*
 - (bb) water, drainage, electricity, gas or other services,*
 - to the extent reasonably necessary for the building to function as a dwellinghouse and*
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)*
6. It is the Council's view that the building works proposed go beyond what is reasonably necessary to convert the building to function as a dwellinghouse. The Council points out that the Planning Practice Guidance (Practice Guidance) sets out¹ that Class Q assumes that the agricultural building is capable of functioning as a dwelling. The Practice Guidance recognises that some building operations might need to be carried out, but only to the extent reasonably necessary for the building to function as a dwelling house. However, it goes on to state that *'it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right'*.
7. The appellant states that no new load bearing or structural elements would need to be introduced. The existing substantial concrete slab would support the new window frames and non-structural internal partitions. The existing concrete plinth would form the inner leaf at the lower level and would support the first floor joists which would span from one side of the building to the other.
8. A structural report, commissioned to show that the building is capable of undergoing the proposed conversion without reliance on any new structural elements, was submitted with the application. The report concluded that the conversion is capable of being reliant on the existing structure and does not involve the construction of new structural elements for the building. However, the report states that *'the conversion will include the construction of a non-load bearing outer leaf of brickwork which will be built up off the edge of the ground slab and the introduction of a suspended timber first floor construction. It would be proposed that the first floor would be built off the concrete retaining wall panels and existing steel frame'*.

¹ Paragraph 105 Reference ID: 13-105-2015305

9. From this it appears that the authors of the structural report have assumed that the concrete plinth comprises 3 panels more or less up to the level of the sheet cladding i.e. around 3 metres high as shown on drawing Ref. A/712 02: Existing Plans and Elevations. Nonetheless, that is not the case as I observed at the site visit and as is shown on the annotated drawing within the Officer's Delegated Report. These panels are intended to form the inner leaf of the exterior walls to the east and west elevations. At least one additional row of panels (and, at one end, two) would be needed to give adequate height for the suspended timber first floor, especially as it is also the intention to insulate the ground floor above the existing reinforced concrete slab with a floating floor over the insulation. I note that these panels are also to provide the support for a non-load bearing timber frame which would form the inner leaf to the upper level where, at present, the walls comprise only metal cladding.
10. Thus it would be necessary to introduce new structural elements to carry out the conversion. Furthermore, as the Council points out, it also appears that some further structural element would be needed to support the first floor balconies above the car port. Indeed, the creation of the balconies in itself could be argued to be building works beyond what is reasonably necessary to facilitate the residential use.
11. I therefore conclude that the proposed conversion would not constitute permitted development under Class Q(b) by virtue of the limitations set out in paragraph Q.1(i) of the GPDO.

Design and Appearance

12. As the proposed works do not constitute permitted development, it is not necessary for me to consider whether prior approval should have been granted for the design and external appearance of the building in terms of paragraph Q.2.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

Appeal Decision

Site visit made on 15 June 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 24 June 2016

Appeal Ref: APP/M2325/D/16/3146863

**Chestnut Villa, Bradshaw Lane, Greenhalgh with Thistleton, Lancashire
PR4 3HQ**

- 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 M Cossins against the decision of the Fylde Borough Council.
 - The application Ref 15/0831 was refused by notice dated 18 January 2016.
 - The development proposed is secure fencing to back of verge and footpath along roadside, to the south of Chestnut Villa.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The Council are concerned that the high timber fence which is currently in place and extends along the boundary to the south of this property, adjacent to Bradshaw Lane, causes a significant level of harm to the character and appearance of this area. Although the property is close to the flyover associated with the M55 and there are some other more formal boundary structures in the vicinity, including the wall immediately to the front of the dwelling, I agree that the fence appears in stark contrast to the hedges, grass verges and other more open boundaries to land in the vicinity.
 4. I agree with the Council that the fence detracts from the rural character and appearance of this area and is contrary to Policy SP2 of the Fylde Borough Local Plan 2005 which generally restricts development unless it is of a scale and type that would not harm the character of the surrounding countryside. I find the scale and detail of the fence to represent poor design in this location and as such, it also conflicts with the requirements of the *National Planning Policy Framework*.
 5. I acknowledge that the layout of the property results in a need for security along its long roadside boundaries. It has been suggested that the fence could be stained to reduce its impact and lowered when a hedge has grown to a suitable height to provide both privacy and security. Staining the fence would not make a significant difference to its character and allowing time for a hedge
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to grow would result in the fence harming the character of this countryside area for a significant period. Whilst the need for security and privacy is accepted, I am not satisfied that this fence represents a satisfactory approach to achieving these requirements.

6. The wall to the front of the property represents a relatively urban solution to the treatment of the boundary and I understand that other fencing has been removed. However, whilst I have considered this particular context and all the matters put forward by the appellant, I am not satisfied that they represent good reasons for accepting this form of development. The benefits of the existing fence do not outweigh my concerns and as it represents poor design, I dismiss the appeal.

Peter Eggleton

INSPECTOR