

# Fylde Local Plan to 2032 – Stage 2 Matters, Issues and Questions

## **Response Statement**

Hollins Strategic Land  
June 2017

## 1 Introduction

1.1 This Response Statement (RS) relates to the following Matters, Issues and Questions (MIQs) for the Stage 2 Hearing Sessions:

Matter 5 – Housing – Site Allocations and Delivery

- Question 1;
- Question 2;
- Question 3;
- Question 4;
- Question 7;
- Question 10;
- Question 13;
- Question 28;
- Question 34; and,
- Question 63.

1.2 Additionally, the Hollins Strategic Land (HSL) Response Statement on the Stage 1 MIQs provided an update on land off Woodlands Close, Newton with Scales. This RS provides the Inspector with a further update. It is acknowledged that the Inspector will not consider omission sites at this stage, but the land off Woodlands Close is considered relevant to Stage 2 discussions surrounding the Area of Separation policy.

## 2 Matter 5 – Housing – Site Allocations and Delivery

### **Issue 9 – Does the Plan set out a positively prepared strategy for the supply and delivery of housing that is justified, effective and consistent with national policy?**

**Question 1 – In relation to the 5 year supply does the Plan clearly set out annual targets, completions to date, the approach to catching up the shortfall and the buffer to be applied?**

- 2.1 Appendix 2 of the LP provides a Trajectory. However, the LP does not make reference to the adoption of the Sedgefield/Liverpool approach or the adoption of a 5% or 20% buffer. In order to understand the position, the LP has to be read in conjunction with the Council's most recent 5 Year Supply Statement, which has not yet been uploaded onto the Examination webpage. It would make the LP easier to follow if greater clarification were provided on the 5-year supply approach within the main body of the document.

**Question 2 – Appendix 2 of the Plan includes a housing trajectory for the Plan period. In light of the Council's recent evidence this is proposed to be updated. However, is it necessary to include site specific details given it may quickly become out of date? Should a housing trajectory graph be included in the Plan?**

- 2.2 Provided the main body of the Plan provides additional information on the 5 year supply, the Trajectory need not be as detailed as it currently is. A graph could be provided and the reader directed to the 5 Year Supply Statement for a detailed breakdown of the delivery of each individual site.
- 2.3 It is acknowledged that the 5-year housing land supply will be discussed following the Stage 2 Hearings. However, in the context of the housing trajectory, it is considered necessary to inform the Inspector that HSL wrote to the LPA via email on 09/06/17 to question the inclusion of a number of sites within the 5-year supply as identified in the latest Five Year Housing Supply Statement, base dated 31<sup>st</sup> March 2017. This email is appended<sup>1</sup> and sets out why it is considered that the supply should be reduced by 119 to 3,368 dwellings, or the equivalent of 4.6 years.

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<sup>1</sup> Appendix 1: Email to LPA on HLS

## Site Allocations – Policies SL1 – SL5

Question 3 – In light of further planning permissions that have been brought to my attention, do these policies need updating with new sites?

- 2.4 It is considered that these policies should be as up to date as possible upon adoption of the Local Plan.

Question 4 – Policy SL5 relates to sites that are not within Strategic Locations for Development (SLD). Is its inclusion within the chapter on SLD appropriate and effective?

- 2.5 It is considered that the LP would be easier to follow if this policy was not included within a chapter entitled 'Strategic Locations for Development'. It would seem that a simple solution would be to rename the chapter 'Locations for Development'.

Question 7 – Are the proposed housing site allocations in Policies SL1 – SL5 justified and deliverable? Are the delivery rates for the sites reasonable and achievable?

- 2.6 Proposed Modification MNR077 includes an additional site (HSS12) within policy SL3 and states that it will provide 375 dwellings. This is incorrect. Outline permission was granted at appeal (Ref: 300452) by the Secretary of State and the permission was for up to 350 dwellings.
- 2.7 HSL has an interest in this site and wrote to the LPA on 12/04/17, regarding condition 7 of the outline permission. The letter is appended<sup>2</sup> and in short, confirmed that the site would not be deliverable unless the requirements of condition 7 are varied significantly. A meeting was subsequently held with officers from the Development Management and Planning Policy departments on 15/05/17 to discuss how best to progress matters. Following this, HSL emailed the LPA to inform them of the variation to condition 7 that was considered necessary for the site to be deliverable; the email is appended<sup>3</sup>. The LPA has confirmed that it will ask Lancashire County Council Highways Department to consider the proposed variation and provide a response. At the time of writing this RS, no response has been received.
- 2.8 Site HSS12 has outline planning permission but the requirements of condition 7 are such that the site is not deliverable. It may become deliverable if the Preston Western Distributor Road makes swift progress and the Enterprise Zone amends its access point. However, it is unknown whether this will happen before the outline permission

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<sup>2</sup> Appendix 2: Letter to LPA – Lytham Rd, Warton

<sup>3</sup> Appendix 3: Email to LPA – Lytham Rd, Warton

expires. At this stage, site HSS12 must not be relied upon to provide the housing required for the Plan.

## Policy H2 – Density and mix of new residential development

**Question 10 – a minimum density of 30 dph is proposed under Policy H2. Is this justified across all development sites, whether small or large?**

- 2.9 It is considered that policy H2 should provide greater flexibility to allow sites to be built out at densities lower than 30 dph where appropriate. HSL submitted an application (no. 16/0554) for outline permission for up to 50 dwellings on a 2.8ha site in Newton with Scales. The proposals would have resulted in a development density of 18 dph. The Committee Report stated the following:

*The indicative layout provides for a density of approximately 18 dwellings per hectare (DPH), based on a site area of 2.81 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements, though it is recognised that a large amount of open space is provided indicatively within the scheme. Furthermore, density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area. The application site represents a transition between the village boundary and countryside beyond and on this basis a lower density scheme providing a sense of openness is more appropriate and could be supported.*

- 2.10 The application was refused by Members contrary to Officer recommendation, but not on density grounds. Nevertheless, it is evident that the LP should enable the Development Management department to judge each site on its merits when assessing development density.

**Question 13 – The policy requires the delivery of at least 20% of homes on sites of 20 or more dwellings to be designed to accommodate the elderly. Is this justified and based on robust evidence?**

- 2.11 HSL is aware that West Lancashire Borough Council (WLBC) has a similar policy (R1) in its Local Plan<sup>4</sup> and that it has caused difficulty and confusion for Development Management. The WLBC policy does not provide a definition of what would constitute dwellings designed specifically to accommodate the elderly. This has led to negotiations having to take place between developers and the LPA for each qualifying application and it is understood that it has slowed down the planning process. WLBC has, for example, in some cases agreed that the provision of smaller housetypes constitute as homes for the elderly because they offer the opportunity to downsize. It

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<sup>4</sup> Appendix 4: WLBC LP extract

would be helpful if the LP provides more detailed guidance on how the requirements of policy H2 can be met.

Question 15 – Evidence set out in supporting text to Policy H2 states that rural areas have significantly fewer 1 and 2 bedroom homes than other parts of the Borough. Therefore, whilst H2 states that 50% of developments of 10 or more dwellings should be 1–3 bed, 33% of homes in rural settlements should be 1-2 bed. What is the source of this?

- 2.12 The figures in Table 6 of the LP appear to have been extracted from table 7.22 of the SHMA. However, these figures do not appear to have been broken down any further into sub-categories so as to provide the necessary evidence base in support of the rural area requirement of Policy H2. It is understandable that the rural areas have fewer apartments than the urban areas and this is likely to be the case across the country. It does not justify the requirements of Policy H2, the viability impacts of which would need to be tested.

### 3 Matter 6 – General Development

**Issue 9 – Does the Plan provide a robust framework for the management and delivery of development across the Borough that is justified, effective and consistent with national policy?**

#### **Policy GD1 – Settlement Boundaries**

Question 28 – The policy [GD1] refers to ‘settlement development targets’. Is this appropriate and consistent with national policy?

- 3.1 The term ‘development target’ is not used elsewhere in the LP. When considering the Tier 1 settlements, it is not clear whether the ‘target’ is the total amount of development the proposed allocations can accommodate (for example, 140 in Newton with Scales) or the acknowledgement in para. 7.21 of the LP that Tier 1 settlements could accommodate between 100 and 150 homes over the plan period. Furthermore, these are not stated as minimum figures and so would not be consistent with the NPPF.

#### **Policy GD3 – Areas of Separation**

Question 34 – Two Areas of Separation are proposed within the plan.

- a. Are the areas of separation justified and is the policy consistent with the Framework?
- b. How have the boundaries been determined and will they be effective?
- c. Para 8.10 states that the policy will apply to all forms of development in the areas. Is this justified? Does the policy clearly define what development will and will not be acceptable within these areas? Is it clear what is meant by the use of the term ‘inappropriate development’? How will the development proposals be assessed?

A: Are the areas of separation justified and is the policy consistent with the Framework?

- 3.2 HSL has previously submitted Representations on the proposed Area of Separation (AoS) between Newton with Scales and Kirkham. As stated in the Representations for the Stage 1 Hearings, HSL has an appeal (ref: 3166394) pending against the Council’s decision to refuse an application for outline permission for up to 50 dwellings on land off Woodlands Close, Newton with Scales. The refusal was made contrary to officer recommendation despite the Committee Report stating that “*the proposal would not result in the coalescence of Newton with Kirkham*”. This demonstrates that the Development Management department does not consider that the AoS designation has been justified.

- 3.3 Further doubt over the justification can be obtained from the LPAs Landscape Statement of Case (LSoC) for the appeal (ref: 3166394)<sup>5</sup>. This sets out the Council's Landscape Officer's (LO) opinion on the area between Kirkham and Newton. The following statements are of note:

*Between the settlements of Newton and Kirkham there are only a **few places** along the main road which remain undeveloped and provide **key green spaces** which break up the settlements. The road corridor is busy with a great deal of traffic movement and detracting elements such as pylons, masts and street lighting. The **green wedges** provide identity to the settlements when travelling along the road corridor, breaking up the continuity of development and providing separation.* (para. 4.5)

*The proposed development of the site would contribute to the infilling of the important gap which exists between the western edge of Newton and the ribbon development further west along Blackpool Road. This would erode the **areas of separation** which exist between the settlements and result in a loss of identity to the village of Newton from the A583. Within the roadscape, development would appear to coalesce from the eastern edge of Newton with Scales right through to Dowbridge on the edge of Kirkham.* (para. 4.11)

*Whilst travelling along the A583 Blackpool Road, it is the effectiveness of these **green gaps** between development which provide the separation required to locate places and provide identity. In my opinion, the settlement of Newton with Scales is very much visually located and distinguished as a place by the **green spaces** on either side of Blackpool Road.* (para. 6.7)

- 3.4 This demonstrates that the LO considers there to be a number of green spaces (or green wedges/areas of separation/green gaps) between Kirkham and Newton. The LO does not confirm the exact locations of these green spaces, but it would be reasonable to assume that one of the spaces is that on both sides of the road between Kirkham and the A583 ribbon development. As HSL stated in the previous Representation, it is considered that an AoS could be achieved simply by protecting this area, as was shown in extracted plan below:

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<sup>5</sup> Appendix 5: Landscape Statement of Case



3.7 In order for the Kirkham-Newton AoS to be justified, it is considered necessary for the Council to consider the extent in more detail than has been done within the ASBP. Something akin to a Landscape and Visual Impact Assessment of the proposed AoS should have been undertaken. It is considered that this would have demonstrated that individual land parcels within the proposed AoS, such as the land off Woodlands Close, are not necessary to ensure that there would be no impression given of Newton and Kirkham merging or the sense of leaving Newton and entering Kirkham being diminished.

3.8 Furthermore, it is of note that the Council's LSoC for appeal 3166394 makes reference to there having "*been several planning enquiries regarding development on land in this area*" (para. 7.5) but no applications have been submitted other than that for land off Woodlands Close. Upon inspection of aerial imagery<sup>7</sup>, it is evident that very little development has taken place within the proposed AoS since the current LP was adopted despite FBC having operated in the absence of a 5-year supply and an out of date LP for a number of years. This suggests that the existing policies are sufficient and that policy GD3 is not necessary.

B: How have the boundaries been determined and will they be effective?

3.9 The Kirkham-Newton AoS boundaries have, for the most part, been determined by existing settlement boundaries, roads and Dow Brook. Whilst these represent existing features and can therefore be effective, it is considered that the AoS is significantly larger than can be justified. A more detailed landscape assessment would identify more appropriate boundaries based on, for example, topography and existing vegetation.

C: Para 8.10 states that the policy will apply to all forms of development in the areas. Is this justified? Does the policy clearly define what development will and will not be acceptable within these areas? Is it clear what is meant by the use of the term 'inappropriate development'? How will the development proposals be assessed?

3.10 The first part of the third paragraph of policy GD3 allows for development to be approved, depending on an assessment of its impact upon the AoS; the second part of the third paragraph permits extensions to dwellings (potentially with no assessment); the third part does not permit dwellings within the curtilages of existing homes and it appears as though this would be the case even if the impact on the AoS were acceptable.

3.11 The policy could be read as meaning that any development might be permissible, other than new dwellings within the curtilage of existing dwellings, provided the impact on the AoS is acceptable. But it is likely to be read as meaning no new dwellings will be

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<sup>7</sup> Appendix 7: Historic mapping and aerial imagery

permissible anywhere in the AoS because, if they are not acceptable within an existing garden, why would they be acceptable in a field. The policy must make it clear that any development would be appropriate depending on its impact on the AoS. The policy would then replicate that of the Preston Local Plan<sup>8</sup>; the ASBP states that the concept of the AoS is of course in-part justified by the Central Lancashire and Preston policy.

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<sup>8</sup> Appendix 8: Preston LP extract

## 4 Matter 8 – The Environment

**Issue 9 – Does the Plan set out a positively prepared strategy for the preservation and enhancement of the environment (natural, built and historic); the management of water and flood risk; and the promotion of renewable and low carbon energy generation within Fylde that is justified, effective and consistent with national policy?**

### **Policies ENV1 – ENV2 – Landscape and Biodiversity**

Question 63 – Paragraph 14.6 states that the Council intends to prepare a valued Landscapes SPD to accompany Policy ENV1. Have valued landscape areas already been defined? If so are they justified and based on robust evidence. Should they be set out in policy rather than an SPD?

- 4.1 HSL is not aware of Valued Landscapes having already been defined. However, the LSoC and Planning Statement of Case (PSoC)<sup>9</sup> for appeal 3166394 state that the land off Woodlands Close represents ‘valued landscape’ because it is within the proposed AoS. If a Valued Landscapes SPD is undertaken, it must be based on evidence which demonstrates that each landscape identified as being ‘valued’ is ‘out of the ordinary’. It cannot simply identify all land within both of the proposed Areas of Separation, for example.

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<sup>9</sup> Appendix 9: Council’s Planning Statement of Case

## 5 Conclusions

5.1 This RS has demonstrated that:

- The Plan could be clearer with regard the 5-year supply, which should be reduced to 4.6 years;
- Site HSS12 is not deliverable and should not, at the present time, be relied upon to provide the housing required for the Plan;
- Policy H2 must:
  - allow the Development Management department flexibility with regard density targets;
  - be clearer with regard its requirements for housing for the elderly; and,
  - provide further justification for its requirements for rural area housing.
- Policy GD1 should be clearer with regard development targets for Tier 1 settlements;
- The Newton-Kirkham AoS has not been justified and policy GD3 should allow all forms of development provided the impact on the AoS is acceptable and, if pursued, should be amended;
- If a Landscape Value SPD is undertaken, it must be based on evidence which demonstrates that landscape identified as being 'valued' is something 'out of the ordinary'.

## Appendix 1

## Matthew Symons

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**From:** Matthew Symons  
**Sent:** Monday, June 12, 2017 3:40 PM  
**To:** Matthew Symons  
**Subject:** FW: Preston Western Distributor and 5YS update  
**Attachments:** RE: Applications 08/0853/FUL and 13/0744; RE: Application 08/0092 OL; RE: Application 11/0667; RE: Application 13/0152 OL; RE: Application 13/0364; RE: Application 12/0456

**From:** Matthew Symons  
**Sent:** Friday, June 9, 2017 10:06 AM  
**To:** 'Eddie Graves' <eddie.graves@fylde.gov.uk>  
**Subject:** FW: Preston Western Distributor and 5YS update

Morning Eddie,

As you will have seen from my exchange with Rob Buffham yesterday, I have been looking at the 5-yr HLS Statement. In particular, I have been considering the following sites:

- HS6;
- HS12;
- HS13;
- HS14;
- HS30; and,
- HS45.

### **HS6: 68 North Promenade and 1 Sandgate, St Annes**

From what I have found online, application 08/0853 expired on 21/03/2016.

An outline permission was granted on the site via application 13/0744 for 14 apartments. However, I have attached an email exchange with the Planning Department which confirms that a RM application has not been submitted. As such, this consent expired on 04/06/2017. I appreciate this expiration date is after the base date of the latest 5-yr HLS Statement and as such, you would not look to exclude it from the supply in that Statement.

However, it is also relevant that an application (15/0228) for an extension to 68 North Promenade was approved on 03/06/2015, after the approval of 13/0744. I do not know if this permission has been implemented, but given it was applied for after 13/0774 it would appear more likely that the developer does not intend to redevelop the site now?

Would you agree that this site should not be included in the 5-yr supply?

### **HS12: Fairways, Heeley Rd, St Annes**

Application 08/0092 was validated on 01/02/2008 and went to Committee on 30/07/2008. The 106 has still not been signed some 9 years later. I note from the attached exchange with the Planning Dept. that the site remains a PDL site where the principle of development would be supported. However, this is not one of the types of sites to be considered deliverable, as set out at para. 8 of the HLS Statement. On this basis, should this site be included in the 5-year supply?

### **HS13: Kingsway Garage, Lytham**

Application 11/0667 was validated on 28/09/2011 and went to Committee on 10/10/2012. The attached exchange with the Planning Dept. confirms that the 106 has not been concluded over 4 and a ½ years later. On this basis, should the site be included in the supply?

**HS14: Axa, Lytham**

Application 13/0152/FUL was validated on 11/04/2013 and went to Committee on 04/09/2013 but a decision notice has still not been issued because the 106 has still not been finalised, more than 3 and a ½ years later.

Application 17/0411 is now pending consideration and that is for the demolition of the existing building. The covering letter for that application confirms that it is now the developer's intention to develop the site for C2 use. This would suggest that application 13/0152/FUL will not be implemented.

I appreciate that 17/0411 was not validated until after the base date of the HLS Statement and so you may not have considered it. However, given the base date of the HLS Statement is approx. 3 and half years after application 13/0152/FUL went to Committee, should this site be in the 5-yr supply?

**HS30: Pennine View, Weeton Road, Wesham**

Application 13/0364 was approved on 04/09/2013 and condition 1 required that a RM application be submitted within 3 years of that date. The attached exchange with the Planning Dept. confirms that a RM application has not been submitted and nor has any other application for the site. As such, the consent has expired. Would you agree that this should be removed from the 5-year supply?

**HS45: Rear of Bryning Lane, Wrea Green**

Application 12/0456 was approved by appeal on 16/04/2014. Condition 1 of the permission required a RM approval to be submitted within 3 years and the attached exchange confirms that a RM application has not been submitted. However, I appreciate that the RM deadline was 16/04/2017 and so fell after the base date of the HLS Statement. As a result, you may not have taken this into account?

**Summary**

From the research I have done, I am of the opinion that sites HS6, HS12, HS13, HS14 and HS30 should be removed from the 5-year supply. If this is right, the total supply would fall by 119 to 3,368 and the equivalent years supply would be 4.6 years. I would welcome your thoughts on this please? I obviously appreciate that you have the MIQs to deal with at the moment.

Thanks,  
Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



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## Appendix 2

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**Mr Andrew Stell**

Development Management  
Fylde Borough Council  
The Town Hall  
St Annes Road West  
St Annes  
Lancashire  
FY8 1LW

12 April 2017

Dear Andrew,

**LAND OFF LYTHAM ROAD, WARTON**

I am writing further to our meeting on 21/03/2017 and the publication of the Council's 'Interim Five Year Housing Supply Statement' (IHSS) (base dated 28/02/2017).

The IHSS states that the site will deliver 150 dwellings in the five-year period: 30 in year 3, 60 in year 4 and 60 in year 5. During our meeting, we discussed the implications of the Secretary of State's decision to impose condition 7 on Appeal 3004502. As you will recall, we informed you that the condition, as it is currently worded, results in the site not being deliverable. The HIS must be amended so that the site is not included in the deliverable supply at the present time.

Condition 7 is as follows:

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

*a) The Preston Western Distributor Road*

*b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*

*c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060*

The SoS granted outline consent for up to 350 dwellings (not 375 as stated in the IHSS). Putting aside the requirements of condition 6 for the purposes of this letter<sup>1</sup>, 15% of 350 dwellings is only 53 dwellings. As we discussed, significant up-front infrastructure costs will be incurred by any prospective developer of this site because of the:

- approved access off the roundabout;
- length of road that will be required from the roundabout before any housing can be served off it; and,
- road needing to be constructed with underlying infrastructure that has the capacity to accommodate up to 350 dwellings, including drainage.

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<sup>1</sup> Condition 6 effectively restricts the quantity of housing to the bedroom numbers, as opposed to the upper limit of 350 referred to in the description of development

Developers will not risk the outlay of these significant costs when they can only build up to 53 dwellings before the completion and bringing into use of the Preston Western Distributor Road (PWDR), the relocation of the BAE gate and the highways works at Church Road/Lytham Road/Highgate Lane.

### **Church Road/Lytham Road/Highgate Lane**

It is our understanding that an application (no. 17/0129) for the approval of reserved matters (RM) pursuant to outline permission 13/0674 (appeal 2217060) at the Blackfield End Farm (BEF) site is pending consideration. It must be on this basis that the IHSS states that BEF will deliver 210 dwellings in the 5-year period (30 in year 2 and 60 per year thereafter). It is not known if the RM applicant has agreed to the trajectory, but it is evidently based on the site being built out by at least two housebuilders and the RM submission does not make reference to this being the case. Indeed, the RM application is made by Hallam Land Management (HLM), a company which does not build houses. It is also of note that a participant at the Fylde Local Plan Hearing Sessions stated that a housebuilder had recently pulled out of BEF because of the infrastructure costs associated with its development. At the moment, there can be no certainty that BEF will deliver the Church Road/Lytham Road/Highgate Lane highways works in the near future, particularly given they are not required to do so until 119 dwellings have been occupied.

Of course, the developer of the Lytham Road site could, in theory, carry out the highways works at Church Road/Lytham Road/Highgate Lane, but this would be yet another significant upfront cost and so is highly unlikely. It is more likely that the developer of the Clifton House Farm (CHF) site would carry out the works, but this would not be undertaken for a number of years. The IHSS states that CHF will provide 15 dwellings in year 3 and 30 per year thereafter. Given the outline permission is for up to 115 dwellings, the CHF site could provide 17 houses before having to complete the highways works. Furthermore, it is questionable as to whether the developer of CHF would outlay the costs for the highways works for only 17 dwellings when it could be split amongst the developers of CHF, BEF and Lytham Road.

### **The relocation of the BAE Systems gate**

The Inspector's Report (IR) for the Lytham Road appeal (3004502) confirmed that the relocation of the access to BAE systems cannot be guaranteed because while it has permission, "*there is no requirement for it to be implemented*" (para. 184). Para. 96 of the IR also confirms that "*the new BAE access is not expected to be delivered and operational for a few years*". It is evident that there is significant uncertainty as to when, if at all, the BAE access will be relocated.

### **Preston Western Distributor Road**

The IR states that "*the PWDR is not currently scheduled to open until 2021/22*" (para. 96). The Inspector also confirmed that, at the time of writing the IR, the PWDR did not have planning permission. The IR was dated 04/10/2016 and some 6 months later, the PWDR still does not have planning permission. On 21/03/2017, you wrote to inform me that the "*application for the road is to be determined in June this year, with a start on site expected in Q1 2019 and a build time of 2.5-3 years*" and that this "*would give a completion of early 2022*". However, this immediately demonstrates that the timetable has slipped since the appeal was heard by the Inspector. Furthermore, as we discussed, housebuilders will likely view the timetable with pessimism given the level of uncertainty that remains and the historic delays on projects such as the Broughton bypass and the East West Link Road in Preston.

### **Summary and Conclusions**

Housebuilders will undoubtedly consider that there is significant uncertainty regarding the highways works at Church Road/Lytham Road/Highgate Lane, the relocation of the BAE systems gate and the delivery of the PWDR. This level of uncertainty will not encourage housebuilders to outlay significant upfront costs to secure the site and submit a RM application, let alone the infrastructure requirements of the development of Lytham Road, Warton.

It is our opinion that the Lytham Road site should be removed from the Council's 5-year housing land supply altogether, until such time as it can be demonstrated that there is certainty that each of the highways schemes will come forward or condition 17 has been removed or varied to significantly increase the amount of development that can be occupied in advance of the highways schemes being completed and brought into use.

The removal of 150 dwellings at Lytham Road from the 5-year housing land supply would result in it falling from 5.58 years to only 5.33 years. It would then only be necessary to find that a further 213 dwellings are not deliverable for the Council to have less than a 5-year supply again. There is of course uncertainty surrounding both BEF and CHF. Furthermore, the IHSS includes sites such as School Lane, Newton and Oak Lane, Newton, both of which are simply allocations in an emerging Local Plan (eLP) which is in the early stages of preparation and must overcome numerous objections. Indeed, the eLP Inspector confirmed only yesterday that additional work must be done on the Objectively Assessed Need and Wyre's unmet need. Having briefly reviewed the IHSS, we are of the opinion that the Council does not have a 5-year supply.

We would welcome another meeting with you and the Planning Policy team to discuss Lytham Road and the 5-year supply further. It may also be prudent for LCC Highways to attend the meeting, particularly given LCC did "*not seek a condition limiting the implementation of the Lytham Road and CHF schemes to the implementation of the PWDR or to the BAE gateway relocation*" (IR, para. 185).

If we can find a way to overcome the significant limitations imposed by condition 17, it may be possible to encourage housebuilders to invest in Lytham Road and for the Council to be able to demonstrate a 5-year supply of housing. If not, it seems as though the Council will continue to face applications for residential development in the context of the enhanced presumption in favour provided by para. 14 of the NPPF.

I look forward to hearing from you.

Yours sincerely,

**Matthew Symons BA MPlan MRTPI**  
**Planning Manager**  
**On behalf of Hollins Strategic Land**

## Appendix 3

## Matthew Symons

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**From:** Matthew Symons  
**Sent:** Monday, June 12, 2017 3:44 PM  
**To:** Matthew Symons  
**Subject:** FW: Preston Western Distributor and 5YS update  
**Attachments:** LPA 01.pdf

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**From:** Matthew Symons  
**Sent:** Friday, May 26, 2017 5:01 PM  
**To:** 'Andrew Stell' <andrew.stell@fylde.gov.uk>  
**Cc:** Eddie Graves <eddie.graves@fylde.gov.uk>  
**Subject:** FW: Preston Western Distributor and 5YS update

Hi Andrew,

I met with Mark this morning to discuss what possible variation to condition 7 of the appeal decision would give HSL confidence that a developer would entertain taking the site on.

As I mentioned in my letter of 12/04/17 (attached for convenience), and as Mark mentioned when we met, there are significant infrastructure obstacles to be overcome, including the PWDR, the relocation of BAE systems, the local highways works at Church Rd/Lytham Rd/Highgate Lane and the up-front infrastructure requirements for a scheme of 350 dwellings served off a roundabout with a lengthy access road. Because of this, we would not be able to secure a developer for the site on the basis of only 15% of the approved amount of development being possible now.

It is on this basis that the following variation to condition 7 would be necessary in order for the site to be deliverable and to contribute to the 5-year supply:

*No more than 45% 75% of the development hereby approved shall be occupied until the completion and bringing into use of:*

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

We would be interested to understand LCC Highways' position on this proposed amendment. Would you be willing to ask them for their opinion?

Thanks and regards,  
Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



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## Appendix 4

## Chapter 7 Providing for Housing and Residential Accommodation

### d) Density

The density of residential development within West Lancashire should be a minimum of 30 dwellings per hectare, subject to the specific context for each site. Densities of less than 30 dwellings per hectare will only be permitted where special circumstances are demonstrated. Higher densities (in the order of 40-50 dwellings per hectare, or more, where appropriate) will be expected on sites with access to good public transport facilities and services.

When considering the possibility of high density development, the Council will seek to ensure that there is no unacceptable negative impact on local infrastructure or highway safety, and that adequate open space can be provided. The achievement of higher residential densities should not be at the expense of good design nor of the amenity of the occupiers of the proposed or existing neighbouring properties.

### e) Provision for all ages

Development proposals for accommodation designed specifically for the elderly will be encouraged within settlements, provided that they are accessible by public transport or within a reasonable walking distance of community facilities such as shops, medical services and public open space.

In order to help meet the needs of an ageing population in West Lancashire, the Council will expect that at least 20% of units within residential developments of 15 or more dwellings should be designed specifically to accommodate the elderly.

All new homes will be expected to meet the Lifetime Homes Standard, except where it is demonstrated that it would clearly be inappropriate for particular dwellings to meet the Standard.

### f) Management of housing land supply

Should the supply of housing begin to grow too large (i.e. a situation emerges where there is a significant over-supply of housing relative to housing targets, either for the Borough as a whole, or for an individual settlement), and if it is clear that the adverse impacts of allowing more housing would significantly and demonstrably outweigh the benefits, the Council may consider implementing some form of restraint, either Borough-wide or settlement-specific, provided this is clearly necessary and appropriate.

\* Sites marked with a \* in Policy RS1(a) are affected by Mineral Safeguarding Areas under Policy M2 of the Lancashire Minerals and Waste Local Plan and regard should be had to Policy M2 by applicants and in the decision-making process.

## Justification

**7.4** Policy RS1 is intended to facilitate a sustainable pattern of residential development in West Lancashire, meeting local housing needs and taking account of the various issues and constraints in and around West Lancashire, including existing patterns of development, the

## Appendix 5

Land off Woodlands Close,  
Newton with Scales  
Kirkham, Lancashire

PINS Reference: APP/M2325/W/17/3166394  
FBC Reference: 16/0554

## **Statement of Case - Landscape and Visual Matters**

Prepared by: Kate Lythgoe CMLI  
Landscape and Urban Design Officer  
Fylde Council

June 2017  
Status: FINAL

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## 1. Introduction

### Qualifications and Experience

- 1.1 This is the Statement of Case with regard to Landscape and Visual matters produced by Fylde Council.
- 1.2 My name is Kate Lythgoe and I am the Landscape and Urban Design Officer for Fylde Council. I hold a BSc (Hons) and a Masters degree in Landscape Design from the University of Manchester and I am a Chartered Member of the Landscape Institute. I have worked as a Landscape Architect for over 25 years in the private sector for RPS and Cooper Partnership, and as the founding Director of Lythgoe Landscape. During this time I have gained substantial experience carrying out Landscape and Visual Impact Assessments for major infrastructure projects such as the M6 Toll road, private and public sector housing and public realm schemes. I joined Fylde Council in January 2017 to fill the vacant post of Landscape and Urban Design Officer.
- 1.3 The evidence contained within this Statement is based on my professional opinion. It has been prepared in accordance with the guidelines and good practice procedures set out by the Landscape Institute and Institute of Environmental Management and Assessment.

### The Appeal Site and its Context

- 1.4 The subject of this Appeal (APP/M2325/W/17/3166394) concerns an outline application to construct 50 new dwellings in open countryside to the west of Newton with Scales, near Kirkham in Lancashire. The site is within an area of ancient field enclosure and is currently farmed.
- 1.5 The general design principles of the proposed development are described in broad terms in the Design and Access Statement submitted by the applicant and dated July 2016. Vehicular access into the site is proposed via the existing residential cul-de-sac at Woodlands Close with pedestrian footpaths indicated through the site.
- 1.6 The proposed scheme shows the retention of existing vegetation along site boundaries, with additional planting and public open space areas proposed around the development site.

- 1.7 The scale parameters indicate that 2-storey dwellings are prominent in the surrounding area, although the parameters proposed are:

Height: 4.5-12m

Width: 3.5-12.5m

Depth: 6m-11m

### **Project Background**

- 1.8 In July 2016, the Appellant, Hollins Strategic Land submitted an application for outline planning permission (Planning Ref. 16/0554) to Fylde Borough Council, with approval of access sought but all other matters reserved.
- 1.9 Outline planning permission was refused by the Council on 12 December 2016. The Reason for Refusal is set out below.

#### “Part 2 - Particulars of decision

*The Fylde Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN REFUSED for the carrying out of development referred to in Part 1 hereof for the following Reason(s):*

*1. The application site has a close relationship to the existing settlement boundary, can be viewed from various vantage points that ensures its residential development will have a significant detrimental visual impact on the landscape character of the area. This incongruous proposal will 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, which has been identified as an Area of Separation, would be harmed to the detriment of the enjoyment of the countryside by all users. This impact on the local community is not outweighed by the housing supply that may be realised by the proposal, and it is therefore contrary to policies contained within the National Planning Policy Framework, specifically paragraphs 17, 58 and 109; to criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan; and to Policy GD3, Policy ENV1 and criteria c, g, h and j of Policy GD7 of the emerging Fylde Local Plan to 2032.*

*2 The proposed development of this site would result in substantial harm to the setting of Newton as a rural village, and would extend development of the village in a westerly direction when viewed from Blackpool Road, which would result in a coalescence of Newton with the peripheral development around Kirkham. This is a detrimental impact on the separation between the settlements that provides their distinctive character as two separate settlements and will conflict with Policy GD3 of the emerging Fylde Local Plan to 2032 which designates the application site as part of a wider Area of Separation between these settlements.*

*3 The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, and 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 policies TREC17, CF2, TR1 and TR5 of the Fylde Borough Local Plan; policies INF2 and H4 of the emerging Fylde Local Plan to 2032; and the National Planning Policy Framework.”*

- 1.10 Hollins Strategic Land LLP submitted their appeal to the refusal on 03 January 2017.
- 1.11 During the time of the application, the post of Landscape and Urban Design Officer at Fylde Council was vacant and there was no suitably qualified individual available to comment specifically on matters relating to Landscape and Visual Impact. I was appointed by Fylde Council on 03 January 2017 and having had no previous involvement with the scheme, I have been asked to prepare this Statement without prejudice.

### **Scope of this Statement**

- 1.12 This Statement is not a full Landscape and Visual Impact Assessment and as such does not contain large amounts of technical data, much of which has already been produced by Influence Landscape Consultants on behalf of the Appellant. It is however, a rebuttal to several of the issues raised in the Landscape Statement provided by Influence and it illustrates and establishes the local value of the site and its importance to the setting of Newton and the Area of Separation which exists between Newton and Kirkham.

1.13 This Statement is supported by photographs contained in Appendix A.

1.14 This Landscape Statement will follow the structure set out below:

- Examine relevant national and local planning policy with regard to landscape, visual and countryside issues and how the proposed development would relate to those policies.
- Establish and define the accepted methodology for assessing the impact of landscape and visual effects.
- Identify the existing landscape character of the appeal site and its surroundings and illustrate what impact the proposed development would have on that character in the long term.
- Address the impacts of development of this site on the landscape and views in the long and short term.
- Conclude as to whether the proposed development would be acceptable in terms of its location, layout and its long term impact on the landscape and views.

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## 2. Planning Policy Context

### National Planning Policy Framework (NPPF)

- 2.1 The NPPF was adopted in March 2012 and forms a consolidated set of planning policies. The following parts of the NPPF are particularly relevant to the landscape and visual context of this Statement.
- 2.2 Paragraph 17 of the NPPF states that planning should recognise *'the intrinsic character and beauty of the countryside'* and *'recognise that some open land can perform many functions'*.
- 2.3 Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes'*.
- 2.4 The NPPF identifies areas of land where development would be inappropriate and states *'crucially, Local Plans should: identify land where development would be inappropriate, for instance because of its environmental or historic significance'* (Paragraph 157). In addition, the Framework states that local planning authorities should set out a strategic approach *'planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'*.

### Local Planning Policy

- 2.5 Two documents determine local planning policy for the Fylde borough. These include the adopted Fylde Borough Local Plan (as altered) dated October 2005 and the emerging Fylde Council Local Plan to 2032, which will supersede the adopted plan. The relevant policies relating to landscape and countryside issues are cited below.

#### Fylde Borough Local Plan

- 2.6 **Policy HL2: Planning applications for housing will only be permitted where the development:**

***1. Is acceptable in principle and is compatible with nearby and adjacent land uses;***

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***2. Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design;***

***3. Would be developed at a net density of between 30-50 dwellings per hectare net with greater intensity of development (ie more than 50 dwellings per hectare net) at places with good public transport availability;***

***4. Would not adversely affect the amenity and privacy of neighbouring properties;***

***5. Maintains or enhances bio-diversity in the locality and retains or replaces within the scheme important features and habitats including trees, hedgerows, woodlands, ponds and watercourses;***

***6. Takes into account the archaeological and historic features within the site having regards to other policies of the development plan on these matters;***

***7. Is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities;***

***8. Would not prejudice the future development of a larger area of developable land;***

***9. Would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments;***

***10. Would not overload existing essential services, including drainage; and***

***11. Where development involves the subdivision of a garden, both the existing and proposed dwellings have adequate amenity space, commensurate with the size and scale of the buildings.***

***Previously developed sites (including the conversion of existing buildings) should be developed before greenfield sites, in accordance with the sequential approach set out in Paragraph 32 of PPG3.***

- 2.7 **Policy EP10:** *The distinct character and important habitats of Fylde Borough will be protected, both in terms of its coastal and inland elements. In particular, priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.*

*Appropriate management of these features will be encouraged generally and particularly by the imposition of planning conditions, by the use of planning agreements and by entering into management agreements with landowners and developers where appropriate.*

- 2.8 **Policy EP11:** *New development in rural areas should be sited in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire and the characteristic landscape features defined in Policy EP10. Development must be of a high standard of design. Matters of scale, features and building materials should reflect the local vernacular style.*

#### **Fylde Council Local Plan to 2032**

- 2.9 Relevant countryside and landscape policies contained in this Plan are cited below. The emerging Fylde Council Local Plan was published in August 2016 and its policies therefore carry significant weight.

- 2.10 **Policy GD3: Areas of Separation**

*An Area of Separation is 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. Areas of Separation identified on the Policies Map are designated to avoid coalescence and to maintain the character and distinctiveness of the following settlements:*

*Kirkham and Newton; and  
Wrea Green and Kirkham.*

*Development will be assessed in terms of its impact upon the Area(s) of Separation, including any harm to the openness of the land between settlements and, in particular, the degree to which the development proposed would compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements. Extensions to existing homes will be permissible within the Area(s)*

***of Separation. No new homes will be permitted within the curtilage of existing homes in the Area(s) of Separation.***

***The Areas of Separation will be a focus for Green Infrastructure. So far as is consistent with the predominantly open and undeveloped character of the area, opportunities to conserve, enhance and restore biodiversity and geodiversity value will be encouraged.***

2.11 This policy is consistent with NPPF and the identification of land where development would be inappropriate, as set out in National Planning Policy above. The Areas of Separation policy takes a positive attitude towards the development and protection of the Green Infrastructure assets of the borough, whilst safeguarding the distinctiveness of settlements.

2.12 The concept of the Areas of Separation was also supported in the Central Lancashire Core Strategy Examination, where the Inspector referred to it as having a worthy purpose to ensure that those places at greatest risk of merging will be protected from doing so.

2.13 **Policy GD7: Achieving Good Design in Development**

This policy sets out the requirement for the production of a Design and Access Statement and the General Principles of Good Design. In particular, the following criteria of this policy apply:

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

***g. Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.***

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

2.14 **Policy ENV1: Landscape**

This policy sets out the requirement for new development to be based on an understanding of the landscape context and for it to have regard to the local distinctiveness of landscapes within the Fylde borough. Mainly:

***Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed***

***to consider whether it is appropriate to the landscape character, amenity and tranquility within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update.***

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### 3. Methodology

- 3.1 This document seeks to provide an objective, professional opinion of the potential landscape and visual impacts which would result from development of the Appeal.
- 3.2 The assessment takes into account the physical fabric of the area, the quality and value of the existing landscape, views into and out of it and whether it is appropriate to develop the site. This evaluation of the landscape and visual impact is based upon the submitted plans produced by the Apellant as part of this Appeal. I have based my appraisal on my experience and knowledge as a Chartered Landscape Architect, using the methodology and guidance contained in the Guidelines for Landscape and Visual Impact Assessment (Third edition) 2013, produced by the Landscape Institute and Institute of Environmental Management and Assessment.
- 3.3 The area surrounding the site was surveyed and photographed to understand the context of the local landscape and assess its visibility and the proposals. The viewpoints which were assessed were those to which the public has access, including footpaths, bridleways and other public spaces. No private viewpoints were assessed. The purpose of this fieldwork was to:
- determine the extent of visibility of the existing site, including built structures and landscape features;
  - determine the visibility of the proposals, taking into account landform, vegetation and built development;
  - assess the existing landscape character and the effects of the proposed development on the setting of Newton; and
  - carry out an assessment of landscape and visual impacts.
- 3.4 The site was visited on 28 May 2017. Photographs were taken using a Canon EOS 6D full frame camera with a 50mm lens, set at 1500mm above ground level. The weather was dry and clear. Photograph frames have been merged using Adobe Creative Cloud (Photoshop) software. Photographs are contained in Appendix A.

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## Criteria for the Assessment of Landscape Effects

- 3.5 The term receptor means a group of features or elements that would be directly or indirectly affected by the proposals. Landscape receptors are physical or cultural elements that may be affected by the development, such as landform, vegetation, structures and settlements.

### *Landscape Sensitivity*

- 3.6 The sensitivity of landscape receptors is assessed as part of the baseline analysis and describes the baseline against which change can be monitored. It is defined below:

- Highly sensitive: A landscape possessing a distinctive sense of place or character, a nationally or regionally designated landscape (such as an AONB or National Park) or an area with scenic quality, rare elements or features and which has a low tolerance to change. High recreational or cultural value.
- Moderately sensitive: A landscape with a clearly defined sense of place or character in moderate condition, an area with some scenic quality which is valued at local or regional level and is tolerant of slight change. Local designation for its quality and some recreational or cultural value.
- Slightly sensitive: A landscape with little or no sense of place and lacking scenic quality. No elements valued for their scenic quality and not designated in any way. An area that is tolerant of substantial change.

### *Magnitude*

- 3.7 The criteria to assess the magnitude of impacts on the landscape are based upon the amount of physical change that would occur as a result of the proposals, as described in Figure 1. The changes may be adverse or beneficial and are determined by best practice examples and experience of the assessor.
- 3.8 The magnitude of the impact would depend on a number of factors such as the nature of the development, the physical area of the impact, the duration of the

impact, the distance of the impact, and the townscape context within which the impact occurs.

| Category                            | Description   |
|-------------------------------------|---|
| Major adverse landscape impact      | The proposals will be at total variance with the landscape character, landform, scale, pattern and features of the landscape.   |
| Moderate adverse landscape impact   | The proposals will be clearly at odds with the landscape character, landform, scale, pattern and features of the landscape.   |
| Slight adverse landscape impact     | The proposals will not quite fit into the landscape character, landform, scale, pattern or features of the landscape.   |
| Negligible adverse landscape impact | The proposals will create a barely discernible change to the landscape character, landform, scale, pattern or features of the landscape.  |
| No change                           | The proposals will not cause any change to the landscape character, landform, scale, pattern or features of the landscape.  |
| Negligible landscape benefit        | The proposals will provide a barely discernible improvement to the landscape character, landform, scale, pattern or features of the landscape.  |
| Slight landscape benefit            | The proposals will achieve a degree of fit with the landscape character, landform, scale, pattern or features of the landscape and go some way towards improving the condition or character of the landscape.         |
| Moderate landscape benefit          | The proposals will fit well into the landscape character, landform, scale, pattern or features of the landscape, or would noticeably improve the condition or character of the landscape.                             |
| Major landscape benefit             | The proposals will totally accord with the landscape character, landform, scale, pattern or features of the landscape, or would restore, recreate or permanently benefit the condition or character of the landscape. |

**Figure 1: Landscape Impact Magnitude**

## Criteria for Visual Impacts

### *Zone of Theoretical Visibility (ZTV)*

- 3.9 The ZTV is the area over which the proposed development may have a visual impact. It illustrates the worst-case scenario, having taken into account the principal barriers, such as buildings, vegetation and landform.
- 3.10 No ZTV can be entirely accurate. Instead, the ZTVs are used to identify the broad scope of visibility, and therefore the typical viewpoints are further assessed on site.

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### ***Sensitivity of Visual Receptors***

- 3.11 Views may be glimpsed, open, oblique, framed or filtered. Impacts are described as direct or indirect, secondary, cumulative, short, medium or long-term, permanent or temporary, adverse or beneficial.
- 3.12 The term visual receptor means the public or community at large, residents, visitors or other viewers that would be directly or indirectly affected by the proposals. Visual receptors have been recorded from publicly accessible viewpoints, the sensitivity of which would be dependent on the location, the activity of the viewer and the importance of the view. These would include viewpoints available to users of outdoor facilities, sporting activities and users of public rights of way; viewpoints from landscape features and beauty spots; viewpoints outside community buildings; and viewpoints available to people travelling through the landscape.
- 3.13 The determination of the sensitivity of visual receptors is a matter of professional judgment. The assessment of sensitivity should have regard to many factors such as:
- The location and context of a viewpoint;
  - The expectations and activity of the viewer and the number of people affected;
  - The nature of a particular view;
  - The popularity of the viewpoint, its appearance in guidebooks, on tourist maps, in the facilities provided for its enjoyment, references in literature or art;
  - The capacity for change, with regard to factors such as the historic value, pattern and scale of the townscape;
  - The sense of enclosure;
  - The impact on the skyline;
  - Inter-visibility; and
  - The rareness of any features.
- 3.14 This assessment of the sensitivity of visual receptors is simplified below, based on current best practice, by reference to the nature of the viewer and the ownership of the view.
- Highly sensitive: Viewers with prolonged viewing opportunities and/or who have

particular interest in their visual environment and/or open to large numbers of viewers

- Moderately sensitive: Viewers with moderate interest in their visual environment and/or who have regular viewing opportunities.
- Slightly sensitive: Viewers with passing or momentary interest in their visual environment and/or few opportunities for views.

**Visual Impact Magnitude**

3.15 The magnitude of visual effects depends on factors such as distance, elevation and aspect, as well as the context of the view. The effects may be adverse or beneficial. The magnitude of a visual impact would depend on a number of factors including:

- The nature of the development
- The physical area of the impact relating to its visual context
- The distance of the impact from viewers
- The number of viewers

| Category                         | Description   |
|----------------------------------|---|
| Major adverse visual impact      | The proposals will cause a dominant or complete change to the composition of the view, the appreciation of the landscape character or the ability to enjoy the view.                                |
| Moderate adverse visual impact   | The proposals will cause a clearly noticeable change to the view, which would affect the composition, the appreciation of landscape character or the ability to enjoy the view.                     |
| Slight adverse visual impact     | The proposals will cause a perceptible change to the view, but which would not materially affect the composition, the appreciation of landscape character or the ability to take or enjoy the view. |
| Negligible adverse visual impact | The proposals will cause a barely perceptible change to the view, which would not affect the composition, the appreciation of landscape character, or the ability to take or enjoy the view.        |
| No change                        | The proposals will not cause any change to the view.  |
| Neutral visual impact            | There is a perceptible change to the view, but this is neither adverse nor beneficial.  |

**Figure 2: Visual Impact Magnitude**

**Distance of Views**

3.16 The following terminology is used to describe the approximate distance between the viewer and the proposals:

Local: 0-1km  
Mid-range: 1-2km  
Long-range: over 2km

### ***Type of View and Numbers of Viewers***

3.17 The type of view and the number of viewers, or users, who experience the view are factors in making a judgement of sensitivity. The terminology used is:

Partial, direct, glimpsed, open, oblique, framed, limited, panoramic views; and  
Few, moderate and many viewers.

### ***Duration***

3.18 The following terminology is used to describe the duration of both landscape and visual impacts:

- Short-term/Construction period: 0-1 year: sources of impact include cranes, heavy plant and machinery, temporary structures or scaffolds, tree felling and site clearance, signage and hoardings, off-site vehicular disruption and night time illumination.
- Medium-term/On completion: 1-20 years: potential sources of impact include road areas at grade or on embankment, traffic, built development, signage, domestic and street lighting
- Long-term: over 20 years: potential sources of impact include all those as at completion with the addition of maturing vegetation.

3.19 The cumulative visual effects include the view as it exists, with the proposed development and other significant consented developments taken into consideration. At each stage the effects may be either adverse or beneficial.

### ***Significance***

3.20 The scale shown in Figure 3 indicates the significance of both townscape and visual impacts using the information acquired above.

| Sensitivity of resource | Major impact or benefit | Moderate impact or benefit | Slight impact or benefit | Negligible impact or benefit | Neutral impact  |
|-------------------------|-------------------------|----------------------------|--------------------------|------------------------------|-----------------|
| High                    | Significant             | Significant                | Moderately significant   | Slightly significant         | Not significant |
| Moderate                | Moderately significant  | Moderately significant     | Slightly significant     | Not significant              | Not significant |
| Slight                  | Moderately significant  | Slightly significant       | Not significant          | Not significant              | Not significant |

**Figure 3: Significance of Impact**

## Study Area

- 3.21 The study area for this Appeal is based on the Zone of Visual Influence identified by the Appellant in Figure INF 04 PL04 which was prepared through desk study, site analysis and by computer-generated modelling. The area has been verified by me through site work and forms the basis for both the landscape and visual baseline assessment.

## 4. Landscape Character

### Landscape Character Assessments

- 4.1 The site lies within the National Character Area 32: Lancashire and Amounderness Plain identified by Natural England, 2014. The area is noted as predominantly improved pasture with medium- to large-sized fields, field ponds and clipped hedgerows. The Statement of Environmental Opportunity SEO3 states that the remaining rural character of the wider landscape should be protected and that urban fringe development should be managed so that it does not negatively impact the rural character of the area.
- 4.2 The site falls into the regional landscape character Area defined as Coastal Plain, identified by Lancashire County Council in their Landscape Character Assessment 'A Landscape Strategy for Lancashire' (2000). This area has been sub-divided into five areas and the site falls within area 15d The Fylde. The landscape character is described as gently undulating farmland, predominantly used as pasture. Soils are naturally poorly drained boulder clays and field ponds are a characteristic feature, providing important habitats. Field sizes are generally large to medium-sized with low clipped Hawthorn hedgerows and blocks of woodland. There are many man-made elements such as pylons, communications masts and busy roads.
- 4.3 Contrary to the statement provided by the Appellant, it is my opinion that the local landscape character of the site and the area immediately surrounding it is not typical of either the national or regional assessments. From reference to historic maps, it appears that the landscape pattern remains largely intact south and west of the village of Newton. The ancient field enclosures which surround the settlement result in small, irregular shaped fields with field ponds and well-maintained, high Hawthorn hedgerows, some of these hedgerows are planted on embankments which follow narrow lanes and tracks. Occasional groups of mature trees are planted within the hedgerows at intervals.
- 4.4 The busy A583, Blackpool Road traverses the area and is a noisy corridor connecting Kirkham to the north west and Preston to the east. Much of the road is lined with high hedgerows and mature avenues of trees which enclose the road corridor

and separate it from the wider landscape. Ribbon development of residential, agricultural and commercial properties has grown along stretches of Blackpool Road, particularly from the edge of Clifton towards Kirkham. The village of Newton with Scales is centred within this development. The village centre is located south of the A583 and is a quiet backwater away from the main road. The village is composed of narrow lanes, cul-de-sacs and a mixture of older, brick-built agricultural buildings with more modern residential development.

- 4.5 Between the settlements of Newton and Kirkham there are only a few places along the main road which remain undeveloped and provide key green spaces which break up the settlements. The road corridor is busy with a great deal of traffic movement and detracting elements such as pylons, masts and street lighting. The green wedges provide identity to the settlements when travelling along the road corridor, breaking up the continuity of development and providing separation.
- 4.6 South of the main road, the rural landscape is enclosed and moderately tranquil. Although noise from the A583 can be heard, it does not disrupt this tranquillity, although occasional air traffic from nearby Warton causes some disturbance.
- 4.7 This landscape is generally a small-scale landscape, where low-lying topography and intervening vegetation limits long views and provides enclosure. There are three public rights of way which have been identified which cross the study area, 5-9-FP2 to the north of Blackpool Road, Bridleway 5-5 BW16 and 5-9-FP5.

### **The Impact of Development on Landscape Character**

- 4.8 The proposed development site lies within an area of open countryside immediately to the west of Newton with Scales. The site occupies a long, narrow field which forms part of the ancient enclosure around the village.
- 4.9 The Appellant's Landscape Statement of Case states that there would be only a minor change to the local landscape character and that although permanent, the changes would be barely perceptible. However, the proposed development of this site would have a negative impact upon the urban fringe of Newton with Scales and the rural character of this area. Whilst development of the site would be contained

within the boundary of the outlined field, the intimate rural landscape which exists to the west of the village at present would be permanently changed.

- 4.10 There would be a direct loss of improved pasture as a result of the proposals.
- 4.11 The proposed development of the site would contribute to the infilling of the important gap which exists between the western edge of Newton and the ribbon development further west along Blackpool Road. This would erode the areas of separation which exist between the settlements and result in a loss of identity to the village of Newton from the A583. Within the roadscape, development would appear to coalesce from the eastern edge of Newton with Scales right through to Dowbridge on the edge of Kirkham.
- 4.12 Whilst the A583 is a busy and man-made corridor, with many detracting landscape features, the environment of the road is relatively contained and beyond it, there is a more tranquil rural landscape, which has local value and is moderately sensitive to change. The gently undulating topography and intervening mature vegetation creates an intimate and attractive landscape of small fields and local to mid-range views. Development of the Appeal site would have a negative impact on the scale and pattern of this landscape and the magnitude of change would be significantly more than described by the Appellant.

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## 5. Impact of the Proposed Development on Landscape

### Landscape Baseline

- 5.1 The site is a greenfield site on the western edge of Newton with Scales. It is in a unique position in that it is the only place on the A583 between Newton with Scales and Kirkham where there is undeveloped green space on both sides of the road.
- 5.2 The topography of the site is gently undulating with a slight slope in level from Blackpool Road towards the south and west.
- 5.3 The site is accessed via a field gate off Highgate Close. It is surrounded by mature hedgerows on three sides with residential development forming the boundary along the urban edge of Newton. Some mature and semi-mature trees are located within the hedge, although in the northern half of the site, there are gaps and the hedgerow is visually permeable. There is a small field pond within the northern half of the site.
- 5.4 There are no footpaths which cross the site.
- 5.5 The site forms part of a landscape of ancient field enclosure which has existed around the settlement of Newton for many centuries. Details of this heritage landscape are extracted from data produced by English Heritage, Fylde Borough Council and Lancashire County Council and illustrated in The Technical Appendix of Fylde Borough Green Infrastructure Baseline Overview. Fields are small and mostly grazed, with a clearly defined hedge structure and scattered mature hedgerow trees. The Agricultural Land Quality of the fields around and including the site is Grade 2.
- 5.6 The settlement of Newton with Scales lies to the south of the A583 Blackpool Road. It is quite nucleic in form and separated from the ribbon of development which lies on both sides of Blackpool Road between Newton and Kirkham by a small gap of some 1200m - essentially two narrow fields. The site would occupy one of these fields.
- 5.7 This is a landscape with a clearly defined sense of place and landscape character. It is in moderate condition and is valued locally for its contribution to the setting of settlements, its agricultural land quality and its nature conservation value.

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## Landscape Effects

- 5.8 The scheme put forward by the Appellant does safeguard existing hedgerows and trees and considers additional planting to enhance the existing vegetation in and around the site. There has also been consideration of the siting of dwellings to reduce their impact and the retention of features such as the pond. However, the proposed development would result in the following impacts upon the landscape:
- i) it would result in the loss of open countryside and ancient field enclosure immediately to the west of the village; and
  - ii) it would infill, and therefore weaken, part of a strategic gap (which has been identified by emerging planning policy as an Area of Separation) between the village of Newton with Scales and the ribbon development which exists to the west between Newton and Kirkham.
- 5.9 In my opinion, inadequate consideration has been given to the value of the site as a part of the ancient field system or to its landscape value in terms of the setting of Newton and its separation from adjacent development.
- 5.10 The Landscape Statement of Case produced by the Appellant's landscape consultants Influence does not include any reference to the ancient enclosure. In addition, none of the drawings submitted as supporting evidence to the Statement highlight the considerable existing development which exists south of the A583 between Newton with Scales and Kirkham (shown on Photograph 5 in Appendix A). Yet ribbon development is shown to the north of the main road.
- 5.11 The rural setting to the village of Newton will be eroded by the development and the strong physical connection which exists to the west side of the village at present will be lost.
- 5.12 In my opinion, there would be a moderately significant impact upon the landscape which may be mitigated to a degree by the considered siting of dwellings and planting. However, this would not prevent the erosion of land between the settlement of Newton and the ribbon development along Blackpool Road. Given that this area has now been recognised as a strategic gap and will be protected by emerging planning

policies, I believe that the importance of this consequence outweighs any physical mitigation which can be offered.

## 6. Visual Impact of the Proposed Development

### Visual Baseline

- 6.1 I am satisfied that the Visual Assessment carried out by Influence on behalf of the Appellant has been thorough and that the visual impact of proposed development on the Appeal site has been assessed according to the guidelines set out by the Landscape Institute and the Institute of Environmental Management and Assessment. However, I am concerned that the development would occupy a strategic site which is currently open and relatively prominent in this landscape.
- 6.2 The Zone of Visual Influence identified by the Appellant covers the visibility of the site from the surrounding area and this has been checked on site. Photographs provided in Appendix A verify the visibility of the site from many of the locations identified by the Appellant.
- 6.3 The visual receptors have been identified as residents of Newton with Scales located in properties immediately adjacent to the Appeal Site and along Blackpool Road; residents of more distant properties on the edge of Kirkham and Freckleton; users of three footpaths/bridleways within the Zone of Visual Influence and users of local roads and lanes.
- 6.4 I am satisfied that all the visual receptors have been identified in the Landscape Statement, but I am concerned that insufficient weight has been accorded to the setting of Newton within views, particularly from receptors to the west of the village and from Blackpool Road.
- 6.5 Photograph 12 in Appendix A illustrates how Newton with Scales nestles into this low-lying landscape. Views of the village are filtered by intervening vegetation which softens the appearance of urban development. Much of the development within the village is two storey, with a number of dormer bungalows located along the western edge, particularly on the cul-de-sacs of Woodlands Close and Highgate Close. Only the tops of the existing two storey dwellings and some gable ends are prominent in these mid-range views towards Newton.
- 6.6 From Blackpool Road, the importance of the strategic green gap in views towards Newton from the west becomes apparent. Photograph 5 illustrates how important the gap is to the separation of the existing village from the ribbon development along the A583. Deciduous foliage fills the gap during the Summertime, but housing along

the existing urban edge can still be glimpsed through the trees. During the Winter, these views are even more pronounced. Photographs 3 and 4 further illustrate the narrowness of the green gap.

- 6.7 Whilst travelling along the A583 Blackpool Road, it is the effectiveness of these green gaps between development which provide the separation required to locate places and provide identity. In my opinion, the settlement of Newton with Scales is very much visually located and distinguished as a place by the green spaces on either side of Blackpool Road.

### **Visual Effects**

- 6.8 The Design and Access Statement provided by the Appellant includes development scale parameters of '4.5m - 12m height'. The Department for Communities and Local Government Technical Housing Standards (amended May 2016) suggest that this would equate to buildings which are considerably higher than the dormer bungalows which presently exist along the western boundary of Newton with Scales and this would result in a visual impact which appears to have been under-estimated in the landscape Statement. I do not agree that 'the majority of residents within the study area will experience limited or no change in their view.'
- 6.9 It is correct to say that the intervening topography and vegetation limits and filters views towards the village from more distant viewpoints and that proposed planting within and around the development would help to mitigate visual impacts in the long term. However, with the majority of the proposed dwellings assumed to be at least 2 storey or above, the proposed development would still be visible within that view. Indicative landscape planting along the boundaries and within the site would provide some screening in time, although due to the gentle southward slope of the land the development would still appear intrusive in the landscape. It is my opinion that this would relate poorly to its existing structure and setting.
- 6.10 The submitted masterplan suggests setting the developable area back from Blackpool Road in order to maintain the green gap which exists at present. This seems to acknowledge the fact that this area of separation is an important asset to the village setting of Newton. While there is an existing ribbon of development and many visual elements which detract from the quality of views along the busy A583, the proposed development would remain visible despite the set back and it would appear as an urban extension to the village. I believe that this would relate poorly to its existing structure and setting.

## 7. Value of the Area of Separation

7.1 The emerging Fylde Council Local Plan to 2032 identifies the Appeal site area as part of an Area of Separation. This has been defined in the Council's Area of Separation Background Paper (November 2014) as:

*'An area of countryside separating existing settlements and associated built up areas that contributes to preserving the openness of the area and protects the distinctive identity of the individual settlements. Development within an Area of Separation is restricted to that appropriate within an area of Green Belt in order to prevent the merging of settlements and the loss of the individual identity of each settlement.'*

7.2 The purpose of the area is to prevent the coalescence of two settlements.

7.3 Areas of Separation policy is consistent with NPPF guidelines which encourages the identification of land where development would be inappropriate.

7.4 The Area of Separation identified to the west of Newton with Scales is based on the following criteria:

- That the gap between the edge of the village and the development along Blackpool Road is small and less than 1200m at its narrowest point.
- That there is development pressure within the proposed area and the two settlements are at risk of merging.
- That the area is not protected by any other policy.

7.5 The Area of Separation at Newton with Scales is extremely sensitive to development pressure. This narrow gap performs an important function in preventing coalescence of the urban area between Newton and Kirkham, in particular from the joining up of ribbon development along the A583. There have been several planning enquiries regarding development on land in this area.

7.6 Two proposed allocation sites lie to the south of Newton with Scales, outside the Area of Separation. Both these sites do not compromise the green gap between settlements or contribute to the coalescence of development along Blackpool Road and are consequently much less sensitive in terms of their impact on the landscape and views.

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## 8. Summary and Conclusions

- 8.1 The opinions presented in this Landscape Statement are based on an independent assessment of the Appeal site and the landscape which surrounds it. They are my professional opinion and supplementary to the Council Officer's comments which have been submitted previously. My post was vacant when the planning application was determined and there was no suitably qualified individual at Fylde Council available to undertake such an assessment at the time.
- 8.2 It is my opinion that there are three areas of concern:
- i) the impact of the proposed scheme on the skyline and setting of Newton from the north and west;
  - ii) the loss of the green gap of open countryside and ancient enclosure immediately to the west of the village; and
  - iii) the change to the landscape character resulting from the development proposals.
- 8.3 This is a landscape which is moderately sensitive to change. It has been identified within the Appellant's Landscape Statement that the proposed development of the Appeal site would have a significant impact upon residents along the western edge of Newton itself, however it would also result in a clearly noticeable change to the view which would affect the composition, the appreciation of the landscape and the ability to enjoy the view from several mid-range locations to the west of the village of Newton. This would have a significant impact upon the setting of the village within its rural landscape. Dwellings of two storeys and above would be visible by receptors who have a moderate interest in their viewing environment and/or have regular viewing opportunities and whilst planting would soften the appearance of development it would not totally screen the development.
- 8.4 The proposed development of the Appeal site would result in the coalescence of urban development within views towards the western edge of Newton with Scales, in particular, from the A583 Blackpool Road. The strategic green gap, which has been identified in the emerging Fylde Council Local Plan to 2032 as an Area of Separation, would be eroded by the proposed development of the Appeal Site, despite the set back of the developable area proposed by the Appellant. This would result in loss of identity and place for the settlement at Newton with Scales and leave little in the

way of distinguishable separation between Newton and Kirkham. This would result in serious harm to the setting and character of the village.

- 8.5 The area surrounding the village of Newton with Scales is moderately sensitive to change and has local landscape value. The loss of the area of ancient field enclosure to the proposed development would result in a permanent change to the landscape character and be detrimental to the landscape quality immediately adjacent to the village.
- 8.6 Taking account of all the evidence presented in this Statement, I conclude that the proposals put forward in this Appeal are inappropriate given the context of this site. The proposals fail to satisfy the requirements of the National Planning Policy Framework or local planning policies, as identified.
- 8.7 Whilst this Appeal is for outline planning permission only, it is my opinion that the principle of development on this site would have an unacceptable impact on the landscape and views which cannot be fully mitigated. Therefore, it is for this reason that I believe this Appeal should be refused.

## Appendix 6

## Matthew Symons

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**From:** Matthew Symons  
**Sent:** Monday, June 12, 2017 3:51 PM  
**To:** Matthew Symons  
**Subject:** FW: Land off Woodlands Close, Newton - Application 16/0554  
**Attachments:** Cheshire East - green gap.pdf; Grimsargh DL.PDF

**From:** Matthew Symons  
**Sent:** Wednesday, October 19, 2016 10:57 AM  
**To:** 'Rob Buffham' <rob.buffham@fylde.gov.uk>  
**Subject:** FW: Land off Woodlands Close, Newton - Application 16/0554

Hi Rob,

Further to my below email, I thought it would be useful to provide you with the attached appeal decision relating to land within a proposed Area of Separation (AoS) in Grimsargh, Preston.

Whilst I acknowledge that each case must be judged on its own merits, there are similarities between the appeal scheme and our proposals for Woodlands Close. You will see that the appeal site was in a proposed AoS within an emerging Local Plan (eLP) which was at publication stage (the same stage as the Fylde eLP). The Inspector gave the eLP limited weight (see para. 11).

The Inspector continues to assess the impact of the proposals on the emerging AoS (see para. 13. For me, there are similarities here too:

- The proposal would not result in the physical merger of Newton and Kirkham;
- A significant gap would remain which would constitute an effective AoS were the area to be included in the designation under the emerging policy of the eLP;
- Given the width of the gap that would be maintained, there would be no perception of the gap being closed to the extent that there would be a risk of merger;
- Although there would be some loss of open countryside, there would be little increased risk of the settlements merging and no significant harm to the local distinctiveness of Newton as a separate settlement;
- The distance between the settlements combined with restricted views due to vegetation, topography and the background of existing development would mean that the proposal would not be perceived over the view along the A583, as significantly closing the gap;
- The site has not landscape designation;
- The effect of the proposal on the character and appearance of the countryside would be very limited.

I think it is also worth confirming our stance *if* the Council decides that the eLP does have more than limited weight, despite it being at an early stage and subject to change.

The Council still would not be able to demonstrate a 5-year housing land supply and the emerging AoS policy would be out of date as it relates to the supply of housing. The appeal decision I sent to you last week is again helpful. As you may have noted, it relates to a Green Gap, where the SoS found the related policy to be relevant to the supply of housing. I have attached the decision again for convenience (see para. 15).

I look forward to hearing from you this week and would be happy to come to your offices again if you think that would be easier.

Thanks,  
Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



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## Appeal Decision

Inquiry opened on 23 April 2014

Site visit made on 29 April 2014

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

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

**Decision date: 12 June 2014**

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**Appeal Ref: APP/N2345/A/13/2208445**

**Land off Ribblesdale Drive, Grimsargh, Preston, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Wainhomes Developments Ltd against the decision of Preston City Council.
  - The application Ref 06/2013/0533, dated 11 July 2013, was refused by notice dated 4 November 2013.
  - The development proposed is the erection of up to 70 no. dwellings with new highway access, internal access road, landscaping and associated infrastructure.
- 

### Procedural matters

1. The application was submitted in outline with matters of scale, layout, appearance and landscaping reserved for future determination, though an indicative layout was supplied and a number of details given in the Design and Access Statement.
2. A signed and dated S106 Unilateral Undertaking has been submitted by the appellant. This covers a highways contribution, an education contribution, provision of affordable housing units and provision of public open space. I return to these matters below.

### Decision

3. The appeal is allowed and outline planning permission is granted for the erection of up to 70 no. dwellings with new highway access, internal access road, landscaping and associated infrastructure at land off Ribblesdale Drive, Grimsargh, Preston, Lancashire in accordance with the terms of the application, Ref 06/2013/0533, dated 11 July 2013, subject to the conditions in the attached schedule.

### Main Issue

4. The main issue is whether this would be a suitable location for housing having regard to national and development plan policies in respect of sustainable development and the delivery of new housing.

## Reasons

### *Suitable location for housing*

5. The appeal site extends to around 4.5 hectares and is located on the southern edge of Grimsargh. From what I observed, as an open area of rough pasture, the appeal site shares its affinity with the countryside. This is borne out by the proposals map of the adopted Preston Local Plan within which the appeal site is identified as being open countryside.
6. The development plan includes the adopted Central Lancashire Core Strategy (CS) and the saved policies of the adopted Preston Local Plan. CS Policy 1 seeks to direct growth to defined urban centres, key service centres and named strategic sites. Limited growth will also be acceptable in some defined rural local service centres. In other places such as smaller villages like Grimsargh, development would typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. In my judgement, this proposal would not fall into these categories and while no explanation is given for *exceptional reasons* in the policy or the explanatory text, to give it its ordinary meaning, I consider that the proposal, as a scheme in an undeveloped site, would not amount to redevelopment.
7. The appellant nevertheless argued that the proposal would bring about a range of benefits that would weigh in its favour as exceptional reasons. These are a lack of a 5 year housing land supply, stemming the trend of outward migration from the Preston area, delivering affordable housing and providing a large area of public open space. I shall deal with the matter of housing land supply immediately and return to the other matters in due course.

### *Housing land supply*

8. It is common ground that the Council cannot demonstrate a 5 year supply of housing land for the purposes of National Planning Policy Framework (NPPF) paragraph 47. The parties disagree on the level of the under supply with the Council arguing a 3.15 year supply, and the appellant, 2.38. Regardless of which figure is correct or if the figure lies somewhere between the 2, it is clear that there is a significant under provision of housing, despite the claim that the Council has recently been moving "in the right direction" regarding the approval of planning permissions in the Preston urban area. In such circumstances, NPPF paragraph 49 directs that relevant policies for the supply of housing should not be considered up to date. It was agreed that CS Policy 1 is such a policy and must be considered out of date.
9. For the reasons outlined above, I consider that the proposal would conflict with CS Policy 1 and would conflict with policy objectives that seek to direct development to the most suitable locations. The weight to be given to this harm is reduced by the relevant policy being out of date by virtue of the lack of a 5 year housing land supply.

### *Area of Separation*

10. The appeal site is a large field which lies to the east of the B6243 Longridge/Preston Road. It is bounded to the north and west by existing residential development. The illustrative layout shows a cul de sac development, roughly rectangular in shape that incorporates a large open space on its southern flank with boundary planting. It would be accessed from a spur off Ribblesdale Drive and would stretch from Carbis Avenue in the east, to the recently approved development behind the Vicarage on Preston Road in the west. A public footpath (FP5) is located to the south of the site and links the Roman Way Industrial Estate in the west with Elston Lane in the east. Another footpath (FP7) is located to the east of the site and runs along the urban edge formed by Crofts Drive.
11. CS Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements by the designation of Areas of Separation (AoS) and Major Open Space, to ensure those places at greatest risk of merging are protected and environmental/open space resources are safeguarded. Grimsargh is identified as a settlement around which an AoS will be designated. The boundaries of the AoS will be fixed through Policy EN4 of the emerging Preston Local Plan 2012-26 (formerly the Site Allocations and Development Management Policies Development Plan Document) (LP). While the Council argued that as the appeal site comes up to the edge of the village it is likely to be included in the AoS, it is unclear from the AoS symbol within the plan as to whether or not the appeal site is to be included as part of the designation. In any event, as the LP is at the publication stage its soundness has not been independently tested and there have been objections to relevant policies. Therefore, it is of limited weight.
12. My attention was drawn to previous appeal decisions ref. APP/N2345/A/12/ 2182325 and APP/N2345/A/12/2201821. These concerned nearby developments at land north of The Hills, both of which were dismissed. However, these related to the narrowest part of the gap (around 120m) of the possible AoS between Grimsargh and Preston whereas this appeal site is situated at a wide area of gap (around 875m to the buildings in the industrial estate and around half that distance to the most northerly dwelling on the ribbon of development coming out of Preston on the B6243). They were therefore concerned with the most sensitive part of the possible AoS and for this reason I do not consider them to be comparable to this proposal.
13. The proposal under this appeal would narrow the existing gap with built development of around 80m. The existing gap is clearly of importance to the residents of Grimsargh who are supported by their MP Ben Wallace and by the Parish Council. However, the proposal would not result in the physical merger of the 2 settlements as there would be no point at which, as a result of the development, the gap would be closed. In my judgement, a significant gap would remain which would constitute an effective AoS were the area to be included in the designation under the emerging policy of the LP. Furthermore, although risk of merger is not defined in CS Policy 19, it seems to me that given the width of the gap that would be maintained by this proposal, there would be no perception of the gap being closed to the extent that there would be a risk of merger. Against this background, although there would be some loss of open countryside, there would be little

increased risk of the settlements merging and no significant harm to the local distinctiveness of Grimsargh as a separate village.

14. It was argued that in order to assess how the AoS would function, landscape character would have to be assessed. In this regard, my attention was drawn to the document *Strategic Gap and Green Wedge Policies in Structure Plans* ODPM 2001. In the light of the decisions in respect of the Hills, referred to above, it was agreed that it was the sense of leaving one place and entering another that was important in this respect. It was further agreed that the proposal would have no effect on leaving Grimsargh, as the development would not be in view.
15. However, the Council argued that the character of the landscape would be harmed by the proposal as there would be a change in the perception of leaving one settlement and entering another, when moving from Preston in the direction of Grimsargh. I observed that such movement would be confined to travelling along the B6243 either on foot or in a vehicle, and the footpaths FP5 and FP7. Two ribbons of development project from each settlement along the B6243. The proposal is some distance from this road to the north east. A hedge and fence run along the eastern side of the road with intervening mature vegetation between the road and the appeal site.
16. This distance combined with restricted views due to mature vegetation and the background of existing development would mean that the proposal would not be perceived over this view, whether on foot or travelling in a vehicle, as significantly closing the gap. From FP5, when moving from Preston to Grimsargh the gap is wide and although the proposal would reduce it, it would not harmfully diminish the perception of having left one settlement before entering another. From FP7 intervening distance and mature vegetation would mean that views of the site would be restricted but there would be no impression given of settlements merging or the sense of leaving one and entering another being diminished.
17. A principle within the NPPF is that of recognising the intrinsic character and beauty of the countryside. The appeal site, as far as I was made aware, currently has no landscape designation. While the proposal would have an impact on the character of the appeal site, due to its enclosed nature, nestling behind the existing housing on Ribblesdale Drive and the ribbon of residential development on the B6243, views are restricted to small sections of the footpaths FP5 and FP7, and a short stretch of the B6243. In the case of the latter, this is over some distance with intervening vegetation. In both the case of the footpaths and the road when moving towards Grimsargh, the proposal would be seen against a backdrop of existing development. Overall, the effect of the proposal on the character and appearance of the countryside would be very limited. In this regard, I do not consider that landscape character would be adversely affected by the proposal such that it would have a negative bearing on the objectives of CS Policy 19. Accordingly, taking the proposal on its merits, I find no conflict with CS Policy 19.

#### *Sustainable development*

18. Having established that CS Policy 1 is an out of date policy, the presumption in favour of sustainable development in NPPF paragraph 14 is engaged. The NPPF confirms that there are 3 dimensions to sustainable

development: economic, social and environmental. In terms of the economic role, the proposal would attract the New Homes Bonus, provide construction work and bring new inhabitants to the village, which would support the local facilities. The provision of affordable housing would improve the tenure mix and provide an opportunity for younger members of this village community to take their first steps on the housing ladder. All of these matters assist in the performance of a social role by supporting the village community.

19. In terms of the environmental role, I have found that although there would be the loss of a green field site, there would be no conflict with CS Policy 19. In addition, Grimsargh has good public transport links and a range of services. Furthermore, it is proposed that the dwellings will meet the Code for Sustainable Homes Level 4 which will assist with environmental sustainability objectives and the scheme would provide an area of public open space. The former could be secured by way of a condition and the latter could be secured through the Unilateral Undertaking, were planning permission to be granted. Against this background, I am satisfied that the proposal, in its totality, would amount to sustainable development.

#### *Other matters*

20. The Council acknowledged that there has been a net outward migration of population from Preston compared to neighbouring authorities and there is a general need for more family houses. The appellant argued that the proposal in delivering up to 70 dwellings, of which a portion would be affordable housing, would assist in redressing the balance and reversing the trend for outward migration. In my judgement, this could also result in more sustainable patterns of travel if the site were to result in the retention of Preston workers living within the Preston area.
21. The appeal scheme would meet the general requirements for 35% provision of affordable housing (in this case around 24 units) in a settlement where there is a high percentage of owner occupation and one which the Council accepts has relatively few affordable units. It would therefore result in a greater range of housing on offer, and a more mixed community, in line with policy objectives in the NPPF.
22. The appellant's Unilateral Undertaking makes provision for the payment of an education contribution in accordance with the County Council's 'Planning Obligations in Lancashire Methodology'. I am satisfied that this contribution, together with those in respect of highways and public open space, and the provision of affordable housing units are necessary to make the development acceptable. It is directly related to the development and reasonably related in scale and kind. As such it passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore attach considerable weight to the undertaking.
23. Local residents raised concerns regarding highway safety and the capacity of local schools. A Highway Statement prepared by VTC Highway and Transportation Consultancy shows that the level of traffic that would be generated could be accommodated on the local network and the agreed highways contributions, secured through the S106 undertaking, would enable the impact to be mitigated satisfactorily. The Highway Authority has

raised no objection subject to conditions and I have no reason to disagree. With regard to local schools, I am satisfied that the education contributions secured through the S106 undertaking would address this matter.

24. The effect of the proposal on the living conditions of the occupiers of nearby dwellings and the impact on ecological interests were considered at the application stage. I note that in the officer report to Committee it was concluded that the proposal would be unlikely to have any significant adverse impact in respect of these matters. From my assessment, subject to the suggested conditions regarding reserved matters details and ecology, I have no reason to disagree.

## **Conclusions**

25. I have concluded that the proposal would conflict with CS Policy 1 but as this is not an up to date policy for the purposes of NPPF paragraph 49, I give it moderate weight. I have considered the 3 dimensions of sustainable development as set out in the NPPF and I have found that the proposal would be in conformity. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In circumstances where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. The proposal would help meet the acknowledged shortfall in housing land supply in line with the NPPF which aims to boost significantly the supply of housing and this lends weight in favour of the proposal. It would also contribute to tenure choice by providing market and affordable housing, assist with stemming the outward migration from the Preston City Council area and provide a large area of public open space. These matters also weigh in favour of the proposal.
27. When assessed against the policies in the NPPF taken as a whole, I conclude that the adverse impacts of allowing the development do not significantly and demonstrably outweigh the benefits. Accordingly, on balance, the appeal should be allowed.

## *Conditions*

28. The Council suggested a number of conditions which were discussed at the Inquiry. I have considered all of the conditions in the light of the advice within the NPPF and the Guidance.
29. In the interests of good planning, it is necessary to impose conditions setting out time limits for development and to relate development to the submitted plans. As was agreed at the Inquiry, the date for application for approval of the reserved matters was shortened to two years to reflect the need for housing to come forward quickly. I have also, as was agreed, imposed a condition requiring the implementation of a landscaping scheme.
30. It is also necessary to attach conditions to minimise the extent of the built development to the area shown on the illustrative plan and to control the scale of the development, in the interests of visual amenity. Given the variation in the levels on the site it is necessary to enable the Council to exert control over site levels and finished floor levels. A phasing plan is necessary for the development of the site to ensure it is developed in an

appropriate manner, while to ensure a satisfactory appearance, it is also necessary to ensure that boundary treatments are approved. In addition, to ensure a mixed community it is necessary to require details of the distribution of affordable dwellings on the site.

31. Access is not a reserved matter and conditions are also necessary to ensure the specification and phasing of access roads, and to ensure successful integration of the site into the village it is necessary to require pedestrian access points towards public footpath no. 7. As part of the package of transport measures, it is necessary to require off-site works of highway improvement to be submitted for the approval of the Council prior to development commencing, and to ensure that parking provision is made before the dwellings are occupied. A condition requiring surface water drainage details is also required in the interests of water and pollution management.
32. In order to ensure that the site is suitable for the proposed development it is necessary to submit a ground investigation report for approval by the Council prior to development commencing. Furthermore, I agree that it is necessary to require details of a landscape management plan for the public areas within the development and to have a Construction Environmental Management Plan submitted for approval prior to development commencing in the interests of residential amenity and highway safety. I also agree that a condition requiring the scheme to achieve Code Level 4 under the Code for Sustainable Homes is necessary in the interests of the environment.
33. It is necessary that the recommendations and mitigation measures contained within the Ecological Survey should also be secured by condition and in order to avoid harm to wildlife, conditions are required to restrict the times of clearance of vegetation and demolition at the site, and to ensure that the approved mitigation scheme is implemented. Furthermore, in the interests of protecting wildlife, a scheme of external lighting shall be submitted for approval by the Council before development commences.
34. As for trees, it is necessary to impose a condition requiring a plan to be submitted for the approval of the Council prior to development commencing, showing all trees and hedgerows to be retained and the method of securing their protection in the interests of visual amenity. Finally, to ensure and safeguard archaeological interests, before development takes place, a programme of archaeological work shall be agreed with the Council.

*Richard McCoy*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

|                                   |   |
|-----------------------------------|---|
| Mr J Easton                       | Of Counsel                                    |
| He called                         |   |
| Mrs J Filbin BA(Hons)<br>MA MRTPI | Senior Planning Officer, Preston City Council |
| Mr M Molyneux BA MSc<br>BTP MRTPI | Planning Policy Manager, Preston City Council |
| Mr S Ryder BA(Hons)<br>DipLA CMLI | Ryder Landscape Consultants                   |

### FOR THE APPELLANT:

|  |                                      |
|--|--------------------------------------|
| Mr D Manley QC                             | Of Counsel                           |
| He called                                  |                                      |
| Mr S Harris BSc(Hons)<br>MRTPI             | Director, Emery Planning Partnership |
| Mr N Folland BA(Hons)<br>DipLA CMLI        | Director, Barnes Walker Ltd          |
| Mr J Carruthers BSc MSc<br>CEng MICE MCIHT | Director, VTC Limited                |

### INTERESTED PERSONS:

|             |                          |
|-------------|--------------------------|
| Mr K Oakley | Grimsargh Parish Council |
|-------------|--------------------------|

### CORE DOCUMENTS – As listed in the Statement of Common Ground

#### DOCUMENTS

- 1 Council's letters of notification of the Inquiry
- 2 Extract from Congleton Borough Local Plan 1<sup>st</sup> Review
- 3 TSol letter re Gladman Developments Ltd v Secretary of State for
- 4 Communities and Local Government and Cheshire East Council
- 5 Gladman Developments Ltd v Secretary of State for Communities
- 6 and Local Government and Cheshire East Council, Consent Order
- 7 Appeal decisions APP/U1105/A/13/2191905, 2197001, 2197002
- 8 and 2200204
- 9 Appeal decision APP/N2345/A/13/2200445
- 10 Appeal decision APP/F2360/A/11/2162175
- 11 Statement from Grimsargh Parish Council
- 12 2<sup>nd</sup> Supplementary Statement of Common Ground
- 13 Amended list of suggested conditions
- 14 Unilateral Undertaking Final Version

#### PHOTOGRAPHS

- 1 Aerial photograph showing distances between Grimsargh and Preston

### Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC1 (1:1250 amended location plan) and 1302WHD/RDG/SK02 (1:1000 layout for illustrative purposes only) received by the Council on 5/9/2013 & 6/9/2013 respectively.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters must be made not later than the expiration of 2 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: the expiration of 2 years from the date of this permission; or the expiration of 2 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 to be approved.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) The built areas of the proposed development shall be confined to those areas as indicated on the illustrative layout plan (drawing number 130WHD/RDG/SK02) only.
- 6) The Reserved Matters submission in respect of the scale of development shall provide for dwellings up to two storey development only as indicated by the Building Parameters Plan submitted with the application.
- 7) The Reserved Matters submission shall include details of existing and proposed site levels throughout the site and finished floor levels of all dwellings. The development shall thereafter only be carried out in accordance with the approved levels.
- 8) The Reserved Matters submission shall include a phasing plan/strategy for the development of the site, including the provision of public open space, landscaping, children's play area and the infrastructure associated with the development (including access roads) and the delivery of affordable housing within each phase of the construction of the approved dwellings. The development shall thereafter only be carried out in accordance with the approved phasing plan/strategy unless any variation to the approved plan/strategy is first approved in writing by the local planning authority.
- 9) The Reserved Matters submission shall include details of all boundary treatment to be carried out on the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary

treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.

- 10) The Reserved Matters submission shall identify the location and distribution of the affordable housing, demonstrating a broadly even distribution of the affordable housing provision throughout the development.
- 11) Notwithstanding the details shown on the illustrative layout (drawing number 1302WHD/RDG/SK02), prior to any development being commenced, details of the design, construction, specification, lighting and drainage of all access roads to adoptable highway standards within the development site shall be submitted to and first approved in writing by the Local Planning Authority.
- 12) The access roads shall be completed to a minimum of base course level prior to the construction of each phase of development and shall be fully completed in accordance with the approved details contained within condition 11 in accordance with the agreed phasing plan/strategy required by condition 8.
- 13) Prior to any dwelling being first occupied, a pedestrian access from the site towards Public Footpath No. 7 up to the application site boundary, as indicated on the submitted illustrative layout plan, shall be constructed, drained, surfaced and made available for use in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The pedestrian access shall thereafter remain available for use at all times in the future.
- 14) No development shall be commenced until a scheme of off-site works of highway improvement has first been submitted to and agreed in writing by the local planning authority. The scheme shall provide for works (including measures for raised kerbs and clearway markings) to upgrade 2no. bus stops to Accessible Bus stop standards on Preston Road in the site's locality. The approved scheme shall be completed in full prior to occupation of the 50<sup>th</sup> dwelling on the site.
- 15) No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
- 16) No development shall be commenced until a scheme for the disposal of surface water and foul water for the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall thereafter be implemented in full and completed within each phase of development prior to any dwelling within that phase being first occupied. The completed approved surface water and foul water drainage scheme shall thereafter be retained at all times in the future.
- 17) Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the local planning authority in accordance with the recommendations of the Phase 1 Geo-Environmental desk study report (prepared by REFA Consulting Engineers, dated June 2013). Any recommendations contained within

the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the local planning authority.

- 18) Prior to the commencement of development, a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.
- 19) Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. Such a plan shall include details of the following:-
- a. details of temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period of each particular phase of development
  - b. details of site access proposals
  - c. a Traffic Management Plan
  - d. construction vehicle parking and workers parking
  - e. operative access
  - f. off-street parking provision for the delivery of plant and materials
  - g. wheel washing facilities
  - h. signage arrangements
  - i. the temporary closing of any street/access
  - j. hours of construction and deliveries
  - k. publicity arrangements and a permanent contact /Traffic Manager once development works commence to deal with all queries and authorised by the developer/contractors to act on their behalf
  - l. dust suppression measures
  - m. construction routes within the site
  - n. compound locations
  - o. means to prevent mud being deposited on the highway and the removal of mud from the highway where necessary
  - p. a scheme of measures to be employed to minimise the noise impact on neighbouring residents.

Development shall thereafter only be carried out in accordance with the approved CEMP.

- 20) The dwellings hereby approved shall achieve a minimum level four sustainability rating under the Code for Sustainable Homes. Prior to the commencement of development a design stage report for the development either as a whole or in phases shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved design stage report(s) and a post construction review report shall be

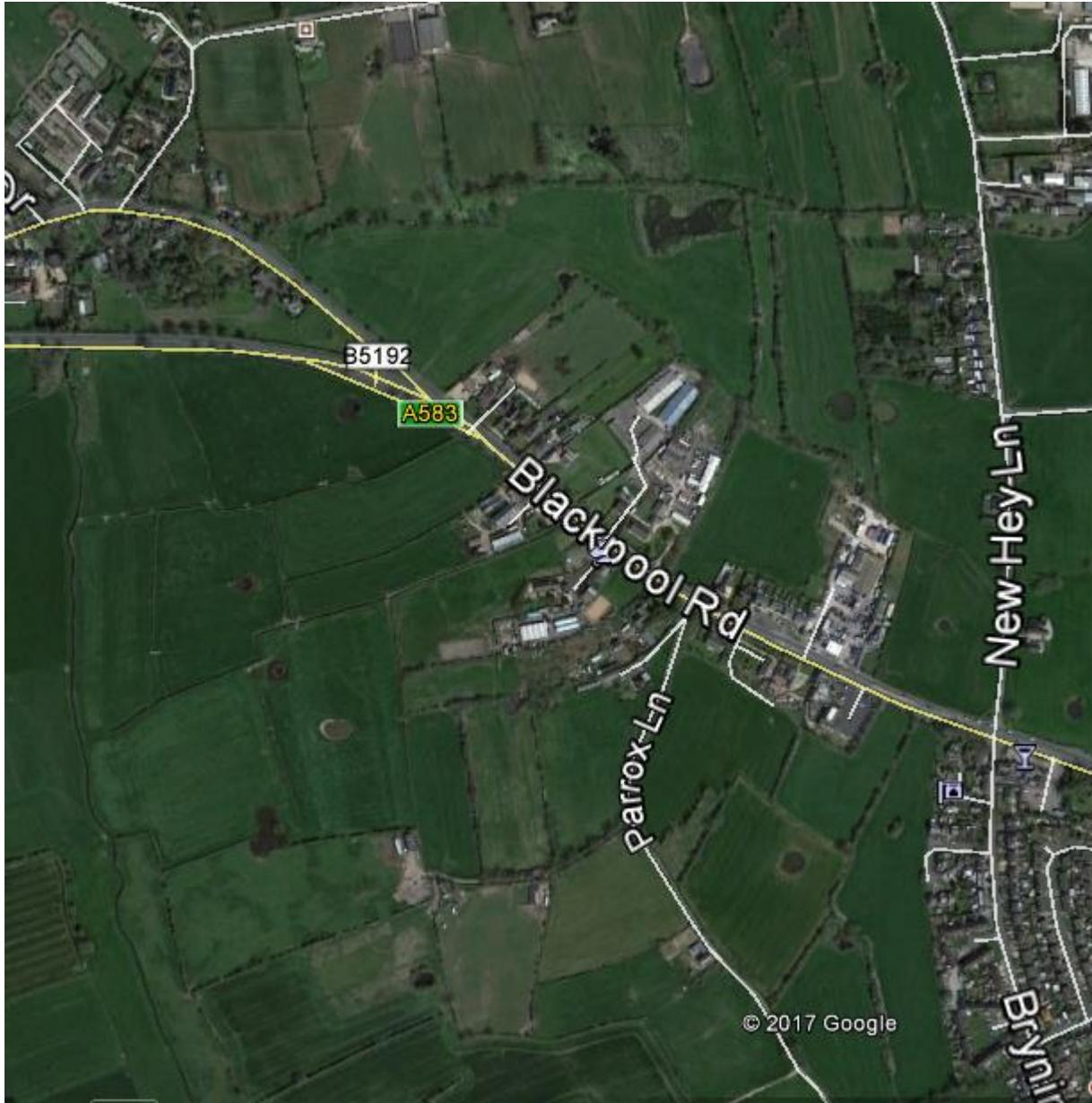
submitted to the local planning authority for each phase or individual property prior to any dwelling within that phase being first occupied.

- 21) No site clearance, removal of trees or other vegetation or demolition of buildings shall take place on the site between the months of March to August inclusive unless evidence of the absence of nesting birds has been first submitted to and accepted in writing by the Local Planning Authority.
- 22) The development hereby permitted shall be carried out only in accordance with the recommendations and mitigation measures set out within the Ecological Survey and Assessment (prepared by ERAP Ltd Consulting Ecologists (dated July 2013).
- 23) No site clearance, site preparation or development shall take place until a mitigation/compensation scheme for impacts on common toad has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include measures for the use of wildlife friendly gully pots/dropped kerbs. The mitigation/compensation scheme shall thereafter be implemented in its entirety in accordance with the approved details.
- 24) Prior to any development being commenced, details of a scheme of external lighting shall be submitted to and first approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate the avoidance of artificial lighting on wildlife, hedgerows, trees and areas of ecological mitigation within the application site. The development shall thereafter only be carried out in accordance with the approved scheme.
- 25) Prior to the commencement of development, a plan showing all trees and hedgerows on the site which are to be retained shall be submitted to and approved in writing by the local planning authority. No development shall be commenced unless and until a scheme for the means of protecting trees and hedges which are to be retained within the site and to protect those immediately adjacent to the site in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to or during the development works, has been submitted to and approved in writing by the local planning authority.

The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work and thereafter retained during building operations until the completion of the development.

- 26) No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the local planning authority.

## Appendix 7



Imagery Date: 22/04/2015

Source: Google Earth



Imagery date: 01/01/2000

Source: Google Earth

## Appendix 8

# Future Provision of Green Infrastructure

8.10 Further green infrastructure provision will be encouraged to extend the existing green infrastructure network. New green corridors are to link to the existing wider green infrastructure network and adjoining urban areas and to act as vital buffers to deliver separation spaces between urban areas and maintain the natural attractiveness of Preston.

## Areas of Separation

8.11 The Core Strategy has identified three Areas of Separation within Preston to protect the character and identity of settlements that are only separated by a small area of Open Countryside from a neighbouring settlement. To help maintain the openness of these areas of countryside and the quality and distinctiveness of these settlements, the Core Strategy identifies where Areas of Separation are needed. It should be noted that Policy EN1 (Development in the Open Countryside) also applies in the Areas of Separation, as shown on the policies map.

### Policy EN3 – Future Provision of Green Infrastructure

All developments will where necessary:

- a) provide appropriate landscape enhancements;
- b) conserve and enhance important environmental assets, natural resources and biodiversity including the City's ecological network;
- c) make provision for the long-term use and management of these areas; and
- d) provide access to well designed cycleways, bridleways and footpaths (both off and on road), to help link local services and facilities.

### Policy EN4 – Areas of Separation

Areas of Separation, shown on the Policies Map, are designated between:

- Broughton and the Preston Urban Area
- Goosnargh Whittingham and Grimsargh
- Grimsargh and the Preston Urban Area

Development will be assessed in terms of its impact upon the Area of Separation including any harm to the effectiveness of the gap between settlements and, in particular, the degree to which the development proposed would compromise the function of the Area of Separation in protecting the identity and distinctiveness of settlements.

## Appendix 9

TOWN & COUNTRY PLANNING ACT 1990  
SECTION 78

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS (ACCESS  
APPLIED FOR WITH ALL OTHER MATTERS RESERVED)**

**AT**

**LAND WEST OF WOODLANDS CLOSE, NEWTON WITH CLIFTON**

**STATEMENT OF CASE  
ON BEHALF OF THE LOCAL PLANNING AUTHORITY (LPA)**

Appeal Reference:  
**APP/M2325/W/17/3166394**

June 2017

## Contents

1. Introduction
2. Site Context
3. Planning Policy
4. Other Material Considerations
5. Reason for Refusal Nos. 1 and 2
6. Reason for Refusal No. 3

Appendix 1: Copy of Appeal Decision Ref: APP/M2325/A/13/2200215  
Land adjacent to 53 Bryning Lane, Wrea Green, PR4 2NL

## 1. Introduction

1.1 This Statement of Case has been prepared by JWPC Chartered Town Planners on behalf of Fylde Borough Council in support of the decision to refuse outline planning permission for the development of up to 50 dwellings, with access, to the land west of Woodlands Close, Newton with Clifton. The application, received by Fylde Borough Council on 22/06/2017, was refused by Members of the Planning Committee, with a Decision Notice issued on 12/12/2016.

1.2 The Decision Notice specified three Reasons for Refusal (RfR), which are detailed below:

1. *The application site has a close relationship to the existing settlement boundary, can be viewed from various vantage points that ensures its residential development will have a significant detrimental visual impact on the landscape character of the area. This incongruous proposal will 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, which has been identified as an Area of Separation, would be harmed to the detriment of the enjoyment of the countryside by all users. This impact on the local community is not outweighed by the housing supply that may be realised by the proposal, and it is therefore contrary to policies contained within the National Planning Policy Framework, specifically paragraphs 17, 58 and 109; to criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan; and to Policy GD3, Policy ENV1 and criteria c, g, h and j of Policy GD7 of the emerging Fylde Local Plan to 2032.*
2. *The proposed development of this site would result in substantial harm to the setting of Newton as a rural village, and would extend development of the village in a westerly direction when viewed from Blackpool Road, which would result in a coalescence of Newton with the peripheral development around Kirkham. This is a detrimental impact on the separation between the settlements that provides their distinctive character as two separate settlements and will conflict with Policy GD3 of the emerging Fylde Local Plan to 2032 which designates the application site as part of a wider Area of Separation between these settlements.*

3. *The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, and 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 policies TREC17, CF2, TR1 and TR5 of the Fylde Borough Local Plan; policies INF2 and H4 of the emerging Fylde Local Plan to 2032; and the National Planning Policy Framework.*

1.3 This Statement will consider the local context and development proposal in context of relevant planning policies and other material considerations, to demonstrate why the Local Planning Authority (LPA) were justified in their final conclusions. It is supplemented with a separate report from Kate Lythgoe, the Landscape and Urban Design Officer for Fylde Borough Council, which addresses the Appellant's 'Landscape Statement of Case' and provides evidence by a qualified landscape architect regarding the impact of the development.

1.4 The LPA has also agreed and signed a Statement of Common Ground (SoCG) alongside the Appellants.

## 2. Site Context

- 2.1 A review of the site and surroundings is contained within the Statement of Common Ground and Landscape Statement of Case on behalf of the LPA. These set out how the appeal relates to a greenfield site of approximately 2.81ha, located adjacent to the west of Newton. It is bound by Blackpool Road (A583) to the north, residential development to the east on High Gate, Woodlands Close and Avenham Place, and farm holdings to the south and west.



Figure 1: Photograph of the Appeal Site, taken from Woodlands Close and facing north towards the boundary with Blackpool Road (A583)

- 2.2 The site is long and narrow, stretching approximately 0.25 miles in a southerly direction from Blackpool Road (A583). The land is open and grassed, with trees, hedgerows and residential fencing defining the current site boundaries. Open views are also available beyond a post and rail fence from Woodlands Close.
- 2.3 Whilst the land is relatively flat, the topography steps up from adjoining residential development in the east, which is best witnessed from Woodlands Close, where the highway abuts the site and access is proposed for the outline planning application.

2.4 The western boundary of the appeal site is situated approximately 1km from the development boundary for Kirkham, as defined under the Local Plan Proposals Map (2005). Ribbon development generally follows the A583 between the two settlements, until meeting with the B5192 which leads towards Kirkham. However, fundamentally, the site subject to the current appeal forms part of 70-metre stretch of the A583 where, with the exception of a bus stop, the ribbon development ceases, and beyond the boundary vegetation there is open land on either side of the highway. As seen from the map extract below at Figure 2, this gap in built environment development is crucial to the setting of Newton and its identity as an individual settlement.

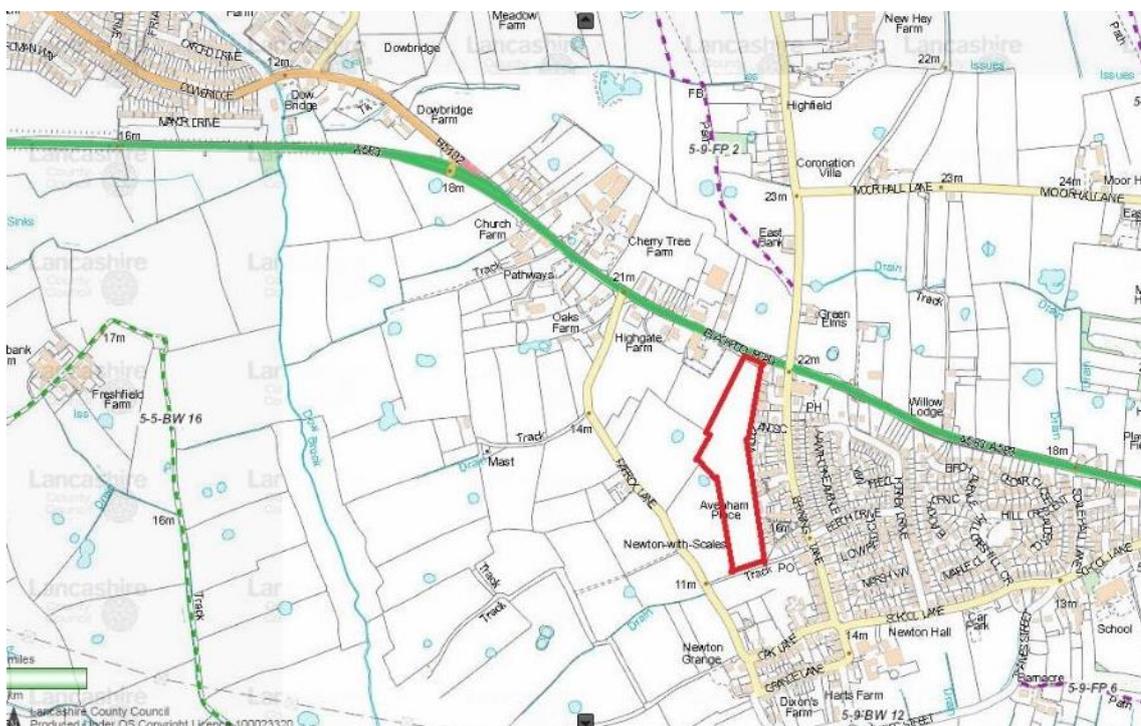


Figure 2: Map Extract courtesy of Lancashire County Council MARIO, showing the Appeal Site in context of Newton, Ribbon Development along the A583 and Public Rights of Way to the north and south-west

2.5 The setting of Newton is moreover experienced from properties along primarily residential streets to the western part of the village, as well as Parrox Lane to the west and further afield from public rights of way. These include public footpath 5-9-FP 2 to the north and public bridleway 5-5-BW 16 to the south-west. Both are indicated on the above map extract at Figure 2.

**3. Planning Policy**

3.1 Planning law at Section 38(6) of the Planning and Compulsory Purchase Act 2004 determines that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the 'Development Plan' for the Fylde Borough consists of the 'Saved' Policies of the Fylde Borough Local Plan (As Altered) (October 2005).

3.2 This chapter will outline the Development Plan policies which were considered relevant to Council's decision to refuse outline planning permission. Additionally, a review is provided of relevant Policies within the emerging Local Plan (eLP).

'Saved' Policies of the Fylde Borough Local Plan (As Altered) (October 2005) (LP)



Figure 3: Extract from the Local Plan Proposal Map, indicating the Boundaries of the Appeal Site

3.3 An extract from the Proposals Map which accompanies the Local Plan is contained above at Figure 3, showing the appeal site in context of prevailing policy designations. In particular, it shows the appeal site to be located outside the settlement boundary of Newton and within the Open Countryside.

- 3.4 In the absence of a five-year supply of housing land, the Council accepts that the settlement boundaries are out of date, and by virtue of this, Policy HL1 which resisted development outside of these.
- 3.5 **LP Policy HL2** relates partially to the supply of housing but is principally concerned with social and environmental impacts. It sets out that planning applications for housing will only be permitted where the development (amongst other criteria):
1. Is acceptable in principle and is compatible with nearby adjacent land uses; and
  2. Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- 3.6 **LP Policy EP10** states that the distinctive character and important habitats of the Fylde Borough will be protected, both in terms of its coastal and inland elements. In particular, priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broad-leaved woodland, scrub meadows, hedgerow, wetlands, ponds and watercourses. The policy is an environmental policy, rather than one which is focused towards the supply of housing.
- 3.7 **LP Policy EP11** is also an environmental policy. It states that new development in rural areas should be sited in keeping with the distinct landscape character types identified in the landscape strategy for Lancashire and the characteristic landscape features defined in Policy EP10. Development must be of a high standard of design. Matters of scale, features and building materials should reflect the local vernacular style.

#### Policies of the Emerging Local Plan (eLP)

- 3.8 The Submission Version of the emerging Fylde Local Plan to 2032 was sent to the Secretary of State for examination on 9th December 2016, prior to the refusal of outline planning permission. Stage 1 Hearings were held from 28 – 29<sup>th</sup> March 2017, with Stage 2 Hearings currently scheduled for 20 – 29<sup>th</sup> June 2017. As an emerging document, its policies should be attributed weight in the determination of planning applications. The weight to be applied is for decision maker to determine. This is further explored at Chapter 4.

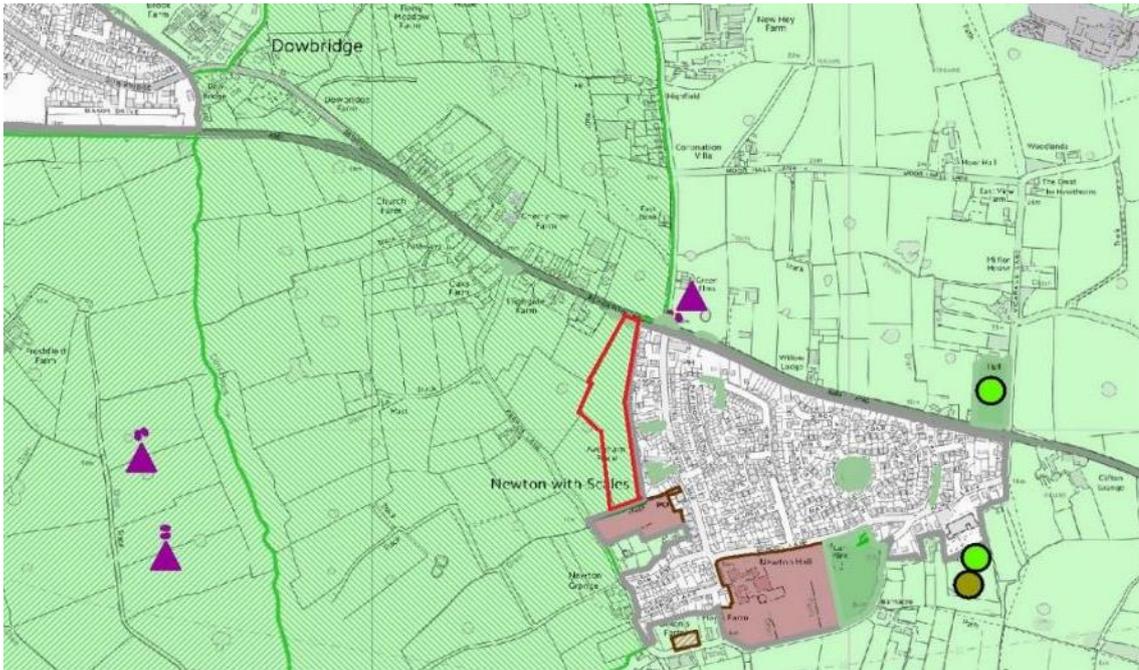


Figure 4: Extract from the emerging Local Plan Proposals Map, indicating the Boundaries of the Appeal Site

- 3.9 The above extract from the submitted Proposals Map at Figure 4 shows how the appeal site forms part of an area which the Council intends to formally designate as an ‘Area of Separation’ to the west of Newton. This has been submitted for the consideration of the Secretary of State following the preparation of an ‘Area of Separation Background Paper’ in November 2014, which is discussed further in Chapter 4. The Area of Separation between Kirkham and Newton adjoins the designated Green Belt to the south of Kirkham.
- 3.10 The Plan extract at Figure 4 shows the Council’s intention to amend the settlement boundaries of Newton to accommodate a number of sites which are to be allocated for housing and amenity green space. These are generally located to the south and south-west of the settlement, where they are set back from the A583 and considered appropriate in terms of their landscape and visual impact, and less harmful to the setting of the village.
- 3.11 **eLP Policy GD3: Areas of Separation**, sets out that an Area of Separation is intended 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. They are identified on the Policies Map to avoid this, and to maintain the character and distinctiveness of the following settlements:

- Kirkham and Newton; and
- Wrea Green and Kirkham.

3.12 The emerging Policy goes on to state that development will be assessed in terms of its impact upon the Area(s) of Separation, including any harm to the to the openness of the land between settlements and, in particular, the degree to which the development proposed would compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements. Extensions to existing homes will be permissible within the Area(s) of Separation, although no new homes will be permitted within the curtilage of existing homes in the Area(s) of Separation.

3.13 It also states that the Areas of Separation will be a focus for Green Infrastructure. So far as is consistent with the predominantly open and undeveloped character of the area, opportunities to improve public access and appropriate recreational uses will be supported. Similarly, opportunities to conserve, enhance and restore biodiversity and geodiversity value will be encouraged.

3.14 The Council does not believe that eLP Policy GD3 is a policy which relates to the supply of housing. Rather, it is aimed at restricting development to ensure that the character and local distinctiveness of settlements is protected.

3.15 **eLP Policy ENV1: *Landscape*** is also intended as an environmental protection policy. It sets out that new development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. In addition:

- a. A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development;
- b. Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting;

- c. In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features, including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features;
- d. Suitable landscape planting of native species, appropriate to its context, should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off;
- e. Details of the ongoing maintenance of all landscaping areas will be presented for approval by the Council.

3.16 **Policy GD7: *Achieving Good Design in Development*** of the eLP is focused towards the social and environmental strands of sustainability. It features criteria setting out the principles of what is considered by the Council to represent good design, stating that development will be expected to be of a high standard of design, taking account of the character and appearance of the local area, including (amongst other considerations) the following:

- c. Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- g. Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- h. Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- j. Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, are of a high quality and respect the character of the site and local area.



## 4. Other Material Considerations

### National Planning Policy Framework (NPPF)

- 4.1 National planning policy is detailed in the National Planning Policy Framework (NPPF), which itself is a material consideration in planning decisions, confirmed in Paragraph 196 of the NPPF.
- 4.2 The NPPF defines that the purpose of the planning system is to contribute to the achievement of sustainable development. As detailed at Paragraph 7 of the NPPF, the dimensions of sustainable development give rise to the planning system serving an economic role, a social role and an environmental role. Detailed at Paragraph 8, these must be sought jointly and simultaneously through the planning system. At Paragraph 10, it is set out that plans and decisions need to take local circumstances into account.
- 4.3 Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, or specific policies in the NPPF indicate development should be restricted.
- 4.4 At Paragraph 17, the NPPF sets out the core land-use principles within the overarching role that the planning system ought to play, that should underpin plan-making and decision-taking. Amongst these, the LPA would draw attention to the need to:
- “Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.*
- 4.5 Under Paragraph 58, it is made clear that planning policies and decisions should aim to ensure that developments (amongst other considerations):
- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; and*

- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.*

- 4.6 Moreover, it is set out at Paragraph 64 that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 4.7 Section 11: *Conserving and Enhancing the Natural Environment* is highly relevant to the appeal proposal, stating at Paragraph 109 that the planning system should contribute to and enhance the natural and local environment by, amongst other considerations, protecting and enhancing valued landscapes.
- 4.8 At Paragraph 110 it is explained that in preparing plans to meet development needs, the aim should be to minimise adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.
- 4.9 Under Paragraph 114, the NPPF details that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- 4.10 Finally, Paragraph 156 of the NPPF sets out that local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver, amongst other considerations, climate change mitigation and adaptation, and conservation and enhancement of the natural and historic environment, including landscape.

#### Area of Separation Background Paper (November 2014)

- 4.11 Policy GD3 of the eLP and the land designated under the emerging Proposals Map has been prepared following the publication of the 'Area of Separation Background Paper' in November 2014. In addition to providing a review of the national planning guidance and decisions which support their use as part of development plans, the document sets criteria for the identification and assessment of land considered to be of landscape value and which contributes to the setting of settlements. It goes on to provide an assessment of 13 potential areas, of which two (including the land between Kirkham and Newton) were considered appropriate for inclusion

within the eLP as an Area of Separation. Specifically in relation to the land between Kirkham and Newton, the summary of the assessment states that:

*"The two settlements are within 1200 metres of each other, (1023.39 metres) in addition there is a significant amount of ribbon development between the two settlements. There is development pressure in the area as there have been enquiries regarding the land east<sup>1</sup> of Newton, there is a risk of the settlements merging if the ribbon development between the two settlements is allowed to expand".*

- 4.12 The identification of the Area of Separation between Kirkham and Newton attributes 'value' to the landscape which is subject to the current appeal. Moreover, the process for doing so is consistent with guidance for the formulation of local plans within the NPPF, including Paragraphs 17, 58, 109, 110, 114 and 156.
- 4.13 Whilst eLP Policy GD3 is still to be subject to examination during the Stage 2 Hearings into the Local Plan, it is the landscape 'value' that underpins the spirit of the emerging policy to which the LPA attributed significant material weight in the determination of the outline planning application. The specific wording of the policy may be amended following examination, however it is reasonable to conclude that development within the area assessed as part of the Area of Separation background paper will be harmful to the landscape, and setting and character of Newton. This is supported further by the Landscape Statement of Case.

#### Relevant Appeal Decisions

##### Land adjacent to 53 Bryning Lane, Wrea Green

- 4.14 The LPA would like to draw the Inspector's attention towards the dismissal of an appeal against the refusal of outline consent for 32 dwellings, to the land adjacent to 53 Bryning Lane, Wrea Green (Appeal Ref: APP/M2325/A/13/2200215), in April 2014. The land was positioned beyond but adjacent to the settlement boundary of the village which is also with the Fylde Borough, within an area designated as 'open countryside' within the Local Plan (As Altered) (October 2005). A copy of the Decision Letter is contained at APPENDIX 1 and the site location is indicated below within Figure 5. It is material that this decision was issued following publication of NPPF

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<sup>1</sup> The reference to 'east' is a drafting error in the Background Paper. It should read 'west'.

and the NPPG and hence the appeal was determined in the current national planning policy context.



Figure 5: Map Extract indicating the Location of the Appeal Site – Land adjacent to 53 Bryning Lane, Wrea Green

- 4.15 Within the Decision Letter the Inspector discusses in detail the absence of a five-year supply of housing land. Thus, policies for the supply of housing were out of date and the appeal was determined in accordance with Paragraphs 14 and 17 of the NPPF. The material weight attributed to LP Policy SP2, which resists development outside of settlement boundaries, was significantly reduced. However, the Inspector considered LP Policy HL2 as highly relevant, stating at Paragraph 8 of the Decision Letter that it was consistent NPPF and affording it considerable weight.
- 4.16 Despite acknowledging the economic and social benefits of development (which was within walking distance of the village centre), the Inspector goes on in the Decision Letter to disagree with the conclusions of the Appellant's landscape impact assessment. Instead they concluded that even though the site related to ribbon development, the outline scheme would cause serious harm to the setting of Wrea Green in the countryside. It is stated at Paragraph 57 of the Decision Letter that while the absence of a five-year supply in the Borough pointed towards a pressing need to increase supply, the Inspector considered *"that the adverse effects of granting*

*permission for the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole".*

- 4.17 The LPA is aware of numerous other more recent appeal decisions where even in the absence of a five-year supply of housing land, the Inspectors have considered landscape harms and the contribution of land to the setting of rural settlements to outweigh the economic and social benefits of development. Whilst the LPA agrees that applications should be assessed on their individual merits, there is clearly a legal basis for refusing outline planning permission where it is considered that, taking all factors into account, the development fails to perform an environmental role and the harm is significant.

Land off Dowbridge, Kirkham

- 4.18 The Appellants refer a number of times to an appeal decision relating to the Land off Dowbridge, Kirkham within their Statement of Case (Appeal Ref: APP/M2325/W/16/3144925). The appeal was allowed by the Inspector on 23 January 2017 and related to open land which was outside but adjacent to the settlement boundary of Kirkham. However, it did not form part of the Area of Separation, discussed above and which is considered by the LPA to have an identified landscape value. The site boundaries are show below in context of the proposed Area of Separation (adjacent to the land to the south-east) on the Proposals Map which accompanies the eLP within Figure 6. As such, the Council believed that this decision is not directly comparable to this appeal.

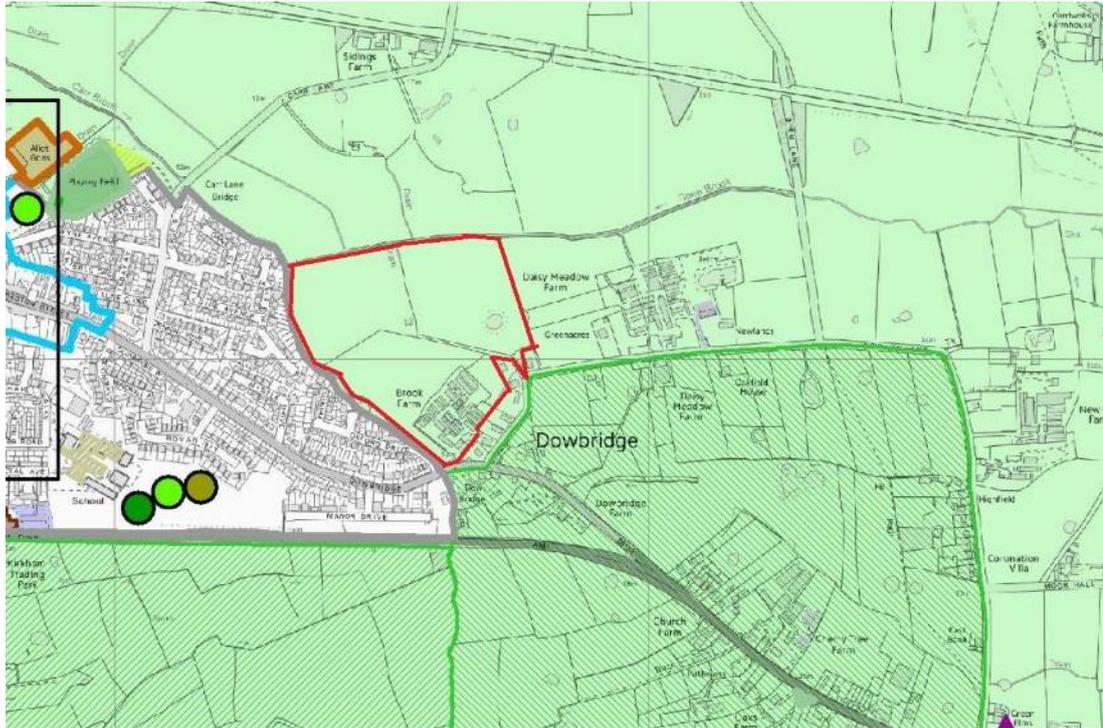


Figure 6: Extract from the Proposals Map which accompanies the eLP, showing the Land off Dowbridge, Kirkham outside of the area identified as part of an Area of Separation

Suffolk Coastal District v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council Supreme Court Judgement

- 4.19 On May 10<sup>th</sup> 2017 the Supreme Court handed down judgment in the Cheshire East / Suffolk Coastal cases which were heard in February. It represents a material consideration the determination of planning applications.
- 4.20 The Judgement clarified that the primary purpose of Paragraph 49 of the NPPF is simply to act as a trigger to the operation of the “tilted balance” under Paragraph 14. Paragraph 14 – unlike Paragraph 49 – is not concerned solely with housing policy and needs to work for other forms of development covered by the development plan. Housing policies deemed out of date under Paragraph 49 must also be read in that light – and it is not necessary to label other policies as out of date merely in order to determine the weight to be given to them under Paragraph 14.
- 4.21 The judgement goes on to clarify that Paragraph 49 appears in a group of paragraphs dealing with the delivery of housing, with Paragraph 47 providing the objective of boosting the housing supply. In that context the words “policies for the supply of housing” indicate the category of policies with which this appeal is concerned: the word “for” simply indicates the purpose of the

policies in question. There is no justification for substituting the word “affecting”, which has a different emphasis. Although this can be regarded as adopting the ‘narrow’ meaning, it should not be seen as leading to the need for a legalistic exercise to decide whether individual policies do or do not come within the expression. The important question is not how to define the individual policies, but whether the result is a five-year supply in accordance with the objectives set by Paragraph 47.

- 4.22 The Judgement demonstrates that the Inspector was correct to attribute material weight to LP Policy HL2 in Appeal Ref: APP/M2325/A/13/2200215 (Land adjacent to 53 Bryning Lane, Wrea Green), which is only partly concerned with housing supply but focused towards design and environmental impacts. The LPA were subsequently justified in considering this policy, together with LP Policies EP10 and EP11 as part of RfR No. 1.

LPA’s Landscape Statement of Case

- 4.23 In light of the current planning appeal, the Landscape and Urban Design Officer for Fylde Borough Council has prepared a Landscape Statement of Case which has been submitted alongside this document. The position of this Officer of the Council was vacant during the period over which the application for outline consent was determined and thus, no previous comment was made by the in-house consultee.

- 4.24 Whilst it is not necessary to repeat all of the Landscape Statement of Case here, the Landscape and Urban Design Officer disagrees with the Appellant’s assessment and highlights three areas of concern:

- i. The impact of the proposed scheme on the skyline and setting of Newton from the north and west;
- ii. The loss of the green gap of open countryside and ancient enclosure immediately to the west of the village; and
- iii. The change to the landscape character resulting from the development proposals.

- 4.25 The Landscape Statement of Case for the LPA moreover highlights the sensitivity of the land being pursued as an Area of Separation within the eLP and the intended function of emerging policies to prevent the coalescence of the urban area between Newton and Kirkham.

4.26 It is the opinion of the Landscape and Urban Design Officer that the principle of development on this site would have an unacceptable impact on the landscape and views of Newton which cannot be fully mitigated. They are consistent with the conclusions of the LPA upon the refusal of planning permission in December 2016.

## **5. Reason for Refusal Nos. 1 and 2**

- 5.1 Given the references to the Area of Separation which is being pursued through the eLP and Policy GD3, it is considered relevant for RfR nos. 1 and 2 to be addressed together. The below justification should also be considered alongside the separate Landscape Statement of Case has been prepared by the LPA's Landscape and Urban Design Officer.
- 5.2 Paragraph 49 of the Framework states that an authority's policies for the supply of housing should not be considered up to date if a five-year supply of deliverable housing land cannot be demonstrated. For decision-making in situations such as the current proposal, this means, with reference to the fourth bullet point of Paragraph 14 of the NPPF, granting permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.3 Newton and Kirkham are separate communities with different functions and characters. In addition to the physical separation this is they are contained within different parishes and wards. The appeal site has been identified by the Council as valuable to the setting of Newton, with the northern boundary representing part of a limited Greenfield gap between Newton and the ribbon development along the A583. This is enjoyed not just from the highway but a number of public rights of way and receptor points which are identified within the LPA's Landscape Statement of Case and outlined above. The site at present consequently forms part of a clear physical and visual separation which defines Newton as an individual settlement and contributes to the appearance and setting of the rural village.
- 5.4 LP Policy HL2 refers to the establishment of the principle of development, in accordance with other policies within the Development Plan which are considered 'out of date' in light of Paragraph 49 of the NPPF. However, the Policy also seeks to ensure that new development is in keeping with the character of the locality in terms of scale, space around buildings, materials and design. As established above and its application by Inspectors in similar appeals (such as the land adjacent to 53 Bryning Lane, Wrea Green), this purpose is supported by the NPPF. Accordingly, the LPA consider that significant weight should be attached to Policy HL2, as well as LP Policies EP10 and EP11 which together seek to protect valued landscapes within the open countryside from inappropriate development.

- 5.5 The LPA submit that weight can be attributed to Policies GD3, ENV1 and GD7 of the eLP. The formulation of these emerging policies, has been undertaken in accordance with the guidance and principles of the NPPF over a period of 2 and a half years in the case of the Area of Separation, and resulted in the Council having identified the appeal site as part of a larger area of land which is important in retaining open space between settlements and allow their character and identity to be conserved (as detailed within the Area of Separation Background Document). For the purposes of the appeal, this value is further substantiated within the LPA's Landscape Statement of Case.
- 5.6 Whilst it is relevant for the LPA to reference the emerging policies within the RfRs, it is ultimately the identified value of the landscape, alongside the Council's long-term intention to pursue policies which conserve it and promote openness its openness, which has been attributed significant material weight in the determination of the development proposal. LP Policies, including HL2, EP10 and EP11 were consequently and appropriately applied in light of this value, which is underpinned by Paragraphs 17, 58, 109, 110, 114 and 156 of the NPPF. This matter is also what differentiates the current appeal site from a scheme which was permitted to the Land off Downbridge Farm (Appeal Ref: APP/M2325/W/16/3144925), referred to within the Appellant's Statement of Case, which was outside the boundaries of the proposed Area of Separation between Kirkham and Newton.
- 5.7 The LPA is also mindful of the fundamental objective of the Areas of Separation, which is to restrict coalescence and protect the setting of existing settlements. This is consistent with the core principle at Paragraph 17 of the NPPF to recognise the role and character of different areas and is therefore an important material consideration.
- 5.8 The indicative layout plans which accompany the outline appeal proposal indicate that the development would fill the majority of the appeal site. An element of open space is shown but this would not serve the purpose of maintaining the sense of separation from the ribbon development and Kirkham, which is crucial to the setting of Newton, because it would be surrounded by the proposed houses.
- 5.9 Bearing in mind the content of the Design and Access Statement and the Appellant's opposition to Condition 4, stated on the Committee Report, it is reasonable to assume that the development will principally consist of 2 storey dwellings. As such the retention of existing natural boundary treatments and further landscaping would not disguise the development

completely and buildings, rooftops and streetlights would still be visible, particularly in the winter months when deciduous trees are bare.

- 5.10 In the opinion of the LPA and as supported within the Landscape Statement of Case, the grant of outline consent would fundamentally change the character of the appeal site so that it appears as an urban extension to the village of Newton. The reduction in the greenfield gap to either side of the A583 to approximately 40 metres would significantly diminish the value of this landscape, with the built environment encroaching further west towards Kirkham. Indeed, there would be little remaining distinguishable separation between Newton and the existing ribbon development, and the setting of the village would appear significantly eroded and its character diluted.
- 5.11 The LPA's separate Landscape Statement of Case also makes clear at Section 7 that other sites which the Council intends to pursue as allocations for residential development through the eLP, which are adjacent to the current settlement boundary for Newton, are much less sensitive in terms of their impact on the landscape and views.
- 5.12 Approval of the scheme would effectively undermine aims to prevent the coalescence of the two settlements, and detract from the character and appearance of the area. This is contrary to the principles of the NPPF and LP Policies HL2, EP10 and EP11. There is no valid reason presented by the Appellant to substantially reduce the weight attributed to either these Development Plan policies or the value attributed to the land as a result of emerging policy formulation.
- 5.13 Even in light of the Council's current housing land supply of 4.8 years, the LPA consider that the environmental harms arising from the proposed development are adverse to such a degree that they significantly and demonstrably outweigh the benefits, outlined by Appellant and within the Statement of Common Ground. The scheme would therefore fail to represent sustainable development and the refusal of outline consent is justified.

## **6. Reason for Refusal No. 3**

- 6.1 As of 02 June 2017, the LPA is still to receive a copy of a draft Unilateral Undertaking from the Appellant to address the contributions set out under RfR No. 3. The LPA wishes to reserve the right to provide further comment on such documentation once prepared over the course of the appeal determination process.

## **7. Other Considerations and Conditions**

### Other Considerations

- 7.1 The Committee Report presented to Members set out that an ecological survey was submitted in support of the outline planning application. It was considered that the ecological survey demonstrated that the development is capable of being carried out without adversely affecting important habitats and species on / adjacent to the site. Whilst no objection was raised by either the Council or statutory consultees, the LPA contest the weight being attributed to the ecological impact by the Appellant, which is referred to within their Statement of Case as an environmental 'benefit' to be considered in the planning balance. Instead the LPA perceive the intention to mitigate ecological harm as a neutral factor.

### Conditions

- 7.2 Section 5 of the Appellant's Statement contests the need for Condition 4, as proposed on the Committee Report. The LPA however believe that this is necessary for safeguarding the character of Woodlands Close, where residential units are situated adjacent to existing bungalows.

**Appendix 1: Copy of Appeal Decision Ref: APP/M2325/A/13/2200215  
Land adjacent to 53 Bryning Lane, Wrea Green, PR4 2NL**



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# Appeal Decision

Site visit made on 25 February 2014

**by David Richards BSocSci Dip TP MRTPI**

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

**Decision date: 16 April 2014**

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**Appeal Ref: APP/M2325/A/13/2200215**

**Land adjacent 53 Bryning Lane, Wrea Green, PR4 2NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Baxter Homes Limited against the decision of Fylde Borough Council.
- The application Ref 13/0137, dated 1 March 2013, was refused by notice dated 22 May 2013.
- The development proposed is outline application for the erection of up to 32 dwellings (access to be determined).

**Summary of Decision: The appeal is dismissed.**

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## Application for costs

1. An application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

## Procedural matters

2. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

|                        |  |
|------------------------|--|
| APP/M2325/A/13/2196494 | 54 Bryning Lane                                    |
| APP/M2325/A/13/2200215 | Land adjacent 53 Bryning Lane                      |
| APP/M2325/A/13/2200856 | Land south of Moss Side Road (opposite Martindale) |
| APP/M2325/A/13/2209839 | Land off Ribby Road, Wrea Green                    |

3. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
4. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance

for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref: APP/M2325/A/13/2209839. I have taken all responses received to these requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

### **Main Issues**

5. The main issues are, and whether the proposal is sustainable development in the light of the advice in the National Planning Policy Framework (the Framework), and the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

### **Reasons**

#### *Policy*

6. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
7. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
8. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.
9. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and

affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability. However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

### *Housing Land Supply*

10. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
11. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)<sup>1</sup>. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the NPPF (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
12. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.
13. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.
14. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken

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<sup>1</sup> This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.

15. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.<sup>2</sup> CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections<sup>3</sup> indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
16. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.
17. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.
18. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the Planning

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<sup>2</sup> This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

<sup>3</sup> 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013

<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

Policy Guidance requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.

19. Particular criticism was made by site promoters is the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
20. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the Framework. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
21. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
22. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost

significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.

23. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
24. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

### *Sustainability*

25. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
26. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.

27. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the framework, which is concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
28. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
29. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
30. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission (in addition to the 55 at Richmond Avenue) that would amount to an additional 212 dwellings or 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
31. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.
32. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.
33. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a

good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.

34. With regard to the travel dimension of sustainability, the Council considers that the appeal site is poorly located in relation to the main concentration of facilities in the northern part of the village and the existing bus stops. The site is some 720 metres from village services. I note that this is less than the distance from the centre of the Richmond Avenue site, which the Council considered to be reasonable as regards access to village services. The decision on the Richmond Avenue site was reached having regard to a S106 obligation contribution to enhanced bus services. The appeal scheme includes a similar financial obligation but there are no firm proposals setting out how the funding would contribute to improved bus services. Accordingly I give it little weight.
35. However I walked the route in the course of my site visits to Wrea Green, and it was less than 10 minutes walk, at a reasonable pace. Traffic conditions were such that I did not encounter any problem in crossing Bryning Lane. While it may well be much busier at peak times, visibility for pedestrians and drivers is good, and the proposed crossing point would allow for the road to be crossed safely. The location of the site at the southern end of the village would make it slightly less convenient than land at Moss Side Lane and land off Ribby Road, but in the overall assessment I do not consider that the propensity for residents of any of the sites to use cars would be significantly different. Wrea Green having a limited range of services would mean that car use would be likely to remain important to many occupiers of developments on all sites.
36. There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 32 dwellings).
37. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of some 33% (including existing commitments) if permission were to be granted for all four appeals.
38. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up

to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

### *Character and appearance of Wrea Green*

39. The site lies on the southern edge of Wrea Green, on the eastern side of Bryning Lane, and extends to some 1.8 hectares of grassland sloping gradually away from existing residential development to the north and west. Notwithstanding the thorn hedging on the east and west boundaries, the site occupies a prominent position in the approach to Wrea Green from the south, and is clearly visible from the higher ground near Bryning. The southern boundary of the site is marked by a post and wire fence. The development would include a pumping station adjacent to the south western corner of the site.
40. The current edge to development is also quite prominent, with no significant landscaping to soften the urban edge. It is intended that the site boundaries will feature hedgerow planting and some trees of native species. Landscape buffer areas on the southern and eastern boundaries with the countryside are intended to assist in assimilating the development into the landscape, and to provide habitat for wildlife.
41. The Appellant's landscape impact assessment concludes that the sensitivity of the landscape character in this location is low, the magnitude of change resulting from the proposed development would be low beneficial and the overall impact on the landscape character would be slight beneficial.
42. However, in my judgement, the development would occupy a site which is currently open and highly prominent in the landscape. While there is a ribbon of development extending southwards on the opposite side of Bryning Lane, the development would still appear as a substantial urban extension to the village, which would relate poorly to its existing structure and setting. The indicative landscape planting on the southern and eastern boundaries would in time provide some screening, though due to the gentle southward slope of the land the development would still appear intrusive in the landscape.
43. I conclude that due to the open nature of the landscape on this side of Wrea Green, the development would result in serious harm to the setting and character of the village.

### **Other matters**

#### *Drainage*

44. Many residents have expressed concerns about the capacity of sewerage in Wrea Green to accommodate further development. The appeal scheme includes proposals for surface water drainage to be addressed by a sustainable urban drainage system (SUDS) which would store surface water on site and then release it at a controlled rate. With regard to foul drainage, the nearest connection to the public sewer is to the north and at a higher level than the site. A pumping station is proposed in the south-west corner of the site. While I understand the concerns of residents, neither the Environment Agency nor United Utilities had any objection to the appeal scheme on drainage grounds, and I am satisfied that such matters are capable of being addressed by conditions.

45. As such there would be no conflict with criterion 10 of Policy HL2 of the LP, nor Policy EP30 of the LP, nor with the provisions of paragraph 103 of the Framework

*Pedestrian and vehicle access*

46. With regard to access and highways, the scheme proposes a pedestrian link across the frontage of the site from the access road to the northern boundary. There is no footway continuing north towards the village on this side of Bryning Lane. Pedestrians would therefore have to cross the road at this point to use the footpath. The transport assessment indicates that a crossing will be provided, and the illustrative plan shows it would be opposite No 50 Bryning Lane, a little way to the north of the access road, (though the details remain to be determined). The highways consultee considered that a dropped kerb crossing would be acceptable to accommodate pedestrians with mobility issues, given the anticipated traffic levels and potential pedestrian movements. While the need for pedestrians to cross Bryning Lane twice to reach the village services would be less than ideal, I consider that the route could be used safely and would not result in material harm to highway safety.
47. A unilateral undertaking dated 8 November 2013 has been submitted, which includes a public transport contribution. It makes provision for a 'transport contribution' totalling £75,000 be paid in five instalments to the Council. It is intended to be used by the Council 'to provide and implement a scheme for a bus service to and from the development or the vicinity of the development (being the village of Wrea Green) as shall have been agreed in writing by the Council'. As a matter of fact, the Council is not the transport authority for the area and has no authority to provide such a service. It is not clear how such a payment might be used to improve the sustainability credentials of the site, or to provide long term support for a bus service. As such I do not consider that it would comply with the provisions of the Community Infrastructure Levy (CIL) regulations, and should be afforded no weight in assessing the acceptability of the scheme.

*Ecology*

48. Concern has also been expressed regarding the potential for the site to impact on the habitat of great crested newts, a protected species. The application was supported by an ecological assessment that presented the findings of a desk study and a survey of the site. There is no evidence of protected species using the site itself. The report however drew attention to a series of ponds around the site with potential for providing habitats for Great Crested Newts (GCN). In response to a request for more information to be provided, an amphibian survey was submitted with the Appeal. Most of the ponds east of Bryning Lane had already been surveyed in connection with the now approved housing development off Richmond Avenue. The Appellant's survey by Ecology Services focused on a further four ponds (Ponds 12 – 15) which are within 500 metres of the appeal site. Surveys were made during the peak period of breeding activity. No evidence of GCN was discovered within any of the ponds. The survey concluded that there was no evidence of GCN on any ponds east of Bryning Lane. However, the survey indicates that there is a small population of GCN in a pond within 250 metres to the west of the site, with good hedgerow connectivity with the site. It also has good connectivity with another pond that is closer to the site and identified as having potential to support GCN.

49. The view of the County Ecologist is that the presence of GCN in the vicinity of the application and their potential presence on the site has not been sufficiently addressed in the information submitted. To my mind however, the survey information provided is thorough and has been carried out by appropriately qualified and experienced professionals. It is proportionate and risk based. The County Ecologist's concern that the site may be licensable is based on the existence of a small colony of GCN to the west of Bryning Lane, approximately 180 metres from the appeal site. While the County Ecologist does not consider the road to be a barrier to newt movement, I consider that the appeal site is very unlikely to make any material contribution to the foraging needs of a population of GCN given the presence of the road as a significant barrier, even having regard to low vehicle numbers at night time. In the circumstances I consider that the ecological implications of development on the site would be capable of being addressed by appropriate conditions requiring precautionary measures to be undertaken and provision of suitable habitat on the site boundaries. The evidence of likely impact on protected species is insufficient to require the imposition of a condition that a licence should be obtained from English Nature prior to the commencement of development.

#### *Affordable Housing*

50. A final version of a S106 undertaking is dated 7 November 2013. It makes provision of a payment of £200,000 to the Council for off-site provision of affordable housing, together with five two bedroom affordable housing units on the site. In the event that the developer is unable to transfer these units to a registered provider, then there is an option to pay a total of £250,000 for off-site provision. I consider that this would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies, and with the requirements of the Community Infrastructure Levy regulations. I therefore accord it significant weight.

#### *Public realm*

51. The S106 undertaking makes provision for a contribution of £17,500 towards improvements to the public realm. While the Appellant has not raised the issue of compliance with the Community Infrastructure Levy regulations, I do not consider that the Council has provided the evidence to demonstrate that such a contribution would be necessary to make the development acceptable. Accordingly, I attach no weight to it in determining the appeal.

#### *Traffic*

52. Many residents commented on the growth in traffic through Wrea Green in recent years, which they consider to be inappropriate in a rural area, and on the potential for congestion to increase as a result of the various developments proposed in Wrea Green and elsewhere, with adverse safety effects on road users and residents. I accept that traffic levels in Wrea Green are likely to be higher at peak times than at mid-late morning when my visits occurred. Evenso, I witnessed a number of incidents of congestion in various locations, including Ribby Road, Moss Side Lane and Bryning Lane caused in the main by inconsiderate (though not illegal) parking. Nevertheless the access arrangements proposed for the various developments were considered acceptable by the highways consultee at the County Council, and individual developments would only add marginally to existing problems experienced in Wrea Green. While additional traffic is a perhaps unwelcome consequence of

development, I do not consider that the general traffic levels from the various developments, considered individually or collectively, would be a sufficient ground to refuse planning permission for development which would otherwise be acceptable.

## **Conclusion**

53. The proposed development would cause serious harm to the setting of Wrea Green in the countryside. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also attaches emphasis the need for a significant upturn in housing delivery. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing.
54. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues '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.'
55. While it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development.
56. In recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for a development of 55 dwellings at a site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.
57. In conclusion, while the absence of a five-year supply in the Borough points to a pressing need to increase supply, in accordance with the advice in the Framework and the Planning Policy Guidance, and the scheme would provide affordable housing in accordance with the Council's policies, I consider that the adverse effects of granting permission for the development would significantly

and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

58. Accordingly, the appeal is dismissed.

*David Richards*

INSPECTOR