



Fylde Council Local Plan to 2032

COPIES OF REPRESENTATIONS MADE TO THE EVIDENCE CONSULTATION

Part 2 of 7

September 2017

Contents

Ref	Representor	Page
Part 2		
22	Hollins Strategic Land: all of Parts 2 and 3 of this document was submitted by Hollins Strategic Land: the sections of the document are identified below as far as has been possible. Some of the content is duplicated within the document: where this has been identified it has been flagged. Much of the content is contained within previously-submitted Examination documents, but it has not been possible to identify these exhaustively at this stage	245
	Response Statement	245
	Appeal: Land off Woodlands Close, Newton 5 year housing land supply rebuttal statement – July 2017	267
	Email of 7/7/17 – Matthew Wyatt	282
	Council’s 5 year housing land supply statement March 2017 - Councils Plan Trajectory March 2017	284
	Email of 10/07/17 providing draft HSS Information	305
	Council’s 5 year supply statement EiP Edit July 2017 – Councils Plan Trajectory March 2017	307
	FBC MIQs Matter 5 Statement	329
	Sites with Planning Permission - HSS12: Land north of Freckleton Bypass, Warton	359
	Hollins Strategic Land MIQs Matters 5, 6 and 8 Statement	363
	Email Matthew Symons & Eddie Graves	377
	Letter to Andrew Stell, Land of Lytham Road, Warton	380

Ref	Representor	Page
	Email to Andrew Stell Preston Western Distributor and 5ys update	384
	West Lancs Borough Council – Chapter 7 Providing for Housing and residential accommodation	386
	Fylde Council, Land of Woodlands Road, Newton Statement of case – Landscape and visual matters	388
	Email and Appeal Decision from Matthew Symons to Rob Buffham re: Land off Woodlands Close, Newton	419
	Google Earth Extract from 2000 and 2015 of Blackpool Road.	434
	Future provision of green infrastructure Policy EN3 & EN4	437
	Council’s statement of case for appeal at Woodlands Road, Newton	439
	Copy of Appeal Decision Land adjacent 53 Bryning Lane, Wrea Green	465
	Letter to Andrew Stell 12 April 2017, Land at Lytham Road, Warton	479
	Sites where S106 has not yet been signed	483
	Wainhomes Judgement	487
	Appeal Decision at Land off Chartist Way, Staunton, Gloucestershire	518
	Appeal Decision at Land north of Gloucester Road, Tutshill, Chepstow, Gloucestershire NP16 7DA	535

Fylde Local Plan to 2032 – Consultation on
Additional Evidence
Response Statement

Hollins Strategic Land
September 2017

1 Introduction

- 1.1 This Response Statement (RS) relates to the Additional Evidence (AE) on the following topics:
- Five Year Housing Land Supply and the Housing Trajectory; and,
 - Implications for Policies of the Fylde Local Plan to 2032.
- 1.2 It is demonstrated that the Council cannot demonstrate a five year housing land supply and that the Council must undertake significant additional work in order to produce a sound LP for adoption. This includes an assessment of potential additional sites that would enable the Council to demonstrate a five year housing land supply, provide flexibility across the plan period and respond positively to the significant unmet housing need in Wyre.
- 1.3 Land off Fleetwood Road, Wesham is promoted as a sustainable housing option that would help the Council meet these important objectives. It is a site that is very well related to the existing built settlement and the services/facilities on offer in Kirkham and Wesham. It can provide c. 200 locationally sustainable dwellings in a Strategic Location that is currently proposed to take significantly less residential development than others. Furthermore, the site is very well related to Wyre and has strong public transport connections to the neighbouring Borough.

2 Five Year Housing Land Supply and the Housing Trajectory

The Five-Year Housing Land Supply Statement

- 2.1 On 27/07/2017, a Hearing took place into the Council's decision to refuse an application (no. 16/0554) made by Hollins Strategic Land (HSL) for outline permission for up to 50 dwellings on land off Woodlands Close, Newton with Scales (appeal ref: 3166394). Prior to the Hearing, the Council informed the Inspectorate that it had a 5.1 year housing land supply (HLS), based on an earlier version of the Housing Supply Statement at Annex 2 to document EL7.002.
- 2.2 As a result, HSL produced a Housing Land Supply Rebuttal Statement¹ in advance of the Hearing. A number of sites identified as contributing towards the 5-year HLS were assessed, including:
- Sites with planning permission;
 - Sites where the s106 Agreements had not been signed;
 - Emerging Local Plan Allocations;
 - Sites in Elswick;
 - Small site commitments; and,
 - Small site windfalls.
- 2.3 The findings can be summarised as follows and resulted in a conclusion that the Council could only demonstrate a 4.1 year supply.

Sites with planning permission

- 2.4 HSL focussed solely on site HSS12 because HSL has an interest in this site and has told the LPA that it is not deliverable because it is not presently viable. This was also discussed during the Stage 2 Hearing Sessions.
- 2.5 Condition 7 of the outline permission for site HSS12 requires that no more than 15% of the approved development could be occupied until the completion and bringing into use of highways works, namely the Preston Western Distributor Road (PWDR); the relocation of the BAE Systems gate; and, works at the Church Road/Lytham Road/Highgate Lane junction as required by the Blackfield End Fam (BEF) approval.

¹ Appendix 1: Rebuttal Statement

- 2.6 During the Stage 2 Hearing, a developer informed the Inspector that the Church Road highways works could come forward in a timely manner because a reserved matters (RM) application had been submitted in relation to BEF. At that time, a housebuilder had not submitted the RM application but in a meeting between HSL and the LPA on 11/08/2017, the LPA were able to confirm that a housebuilder had now been secured. This does provide greater certainty that these works will take place in a timely manner.
- 2.7 However, there remains significant uncertainty surrounding the PWDR and the relocation of the BAE gateway, as acknowledged by the LPA in the same meeting on 11/08/2017. The timetable for the PWDR has slipped significantly and it will not be completed until late 2023. The BAE gateway is closely linked to the delivery of the PWDR.
- 2.8 During the meeting on 11/08/2017, HSL informed the LPA that an application to vary condition 7 would be submitted and that it would propose an increase in the percentage of development allowed in advance of the highways works to 65%. This would provide a developer with sufficient confidence to move forward with the site under viable terms. The LPA informed HSL that highways evidence would need to be provided to justify this. At the time of writing this RS, the application has not been submitted and highways evidence is being considered.
- 2.9 If it is not possible to provide the LPA with sufficient highways evidence to enable them to approve the variation of condition application, the site will not be deliverable. At this time, it should be removed from the 5-year HLS altogether resulting in a loss of 30 dwellings.

Sites where the s106 Agreement had not been signed

- 2.10 The Rebuttal Statement demonstrated that the following sites should be excluded from the 5-year HLS:
- HS12;
 - HS13; and,
 - HS14.
- 2.11 The s106 Agreements had not been signed for a number of years and the LPA had not provided sufficient evidence to demonstrate that they were likely to be signed. This would have resulted in the loss of 95 dwellings from the HLS.

2.12 The Statement of Common Ground² (SoCG) for appeal 3166394 also confirmed the following:

- *HS12 – the LPA has served a s.215 Notice for the existing building to be demolished with the aim of encouraging development to come forward;*
- *HS13 – the site has not been sold to a housebuilder/developer; and,*
- *HS14 – the developer has undertaken community consultation proposing C2 use of the site. the Council's OAN does not include C2 use. If this site is developed for C2 use, it will not contribute to the five-year housing land supply. This would result in the loss of 45 units from the identified HLS. (SoCG, para. 6.1q)*

2.13 The Council has not provided any further evidence in document EL7.002 to contradict the findings of the Rebuttal Statement or the SoCG.

Emerging Local Plan Allocations

2.14 The Rebuttal Statement demonstrated that the following sites should be excluded from the 5-year HLS:

- HSS6;
- HS28;
- HS30;
- HS38;
- HS66;
- HS41;
- HS45;
- HS47;
- HS51;
- HS52;
- HS53.

2.15 It was demonstrated that the Council had not provided sufficient site-specific evidence to demonstrate that each of these sites should be included in the 5-year HLS.

2.16 During the Hearing on appeal 3166394, the LPA agreed to remove these sites from the 5-year HLS, resulting in an agreement being reached that the Council could only

² Appendix 2: SoCG

demonstrate a supply of 4.8 years. This was confirmed by the Inspector at paragraph 5 of her decision letter allowing the appeal³.

- 2.17 The Council has not included any further evidence in support of these sites in document EL7.002. Having acknowledged that it must provide additional evidence to justify the inclusion of these sites, the Council must remove them from the HLS in the absence of such evidence. This would result in the loss of 176 dwellings from the HLS.

Sites in Elswick

- 2.18 The SoCG for appeal 3166394 provided the following update on the Elswick sites:

The Council confirms that the inclusion of 50 dwellings within the HLS is based solely on additional allocations via the emerging Neighbourhood Plan i.e. it does not relate to the committed small sites referred to in the Appellant's Rebuttal Statement. As at the base date for the HSS, there are no committed large sites in Elswick.

- 2.19 The Council will be able to update the Inspector on committed large sites in Elswick since the base date of the HSS. However, there remains no timetable for the Elswick Neighbourhood Plan.

Small Windfall Sites

- 2.20 The SoCG for appeal 3166394 confirmed that the Council has applied an allowance of 40 dwellings per annum for years 4 and 5 of the HLS on the basis of the average historic delivery rate from 2003/04 to the base date of the HLS. If the average were taken during the plan period, it would only be 35 dwellings per annum.

- 2.21 Furthermore, the Council does not provide any evidence on expected future trends, as is required. Rather, it relies solely on historic delivery rates during a time when the Council was largely unable to demonstrate a 5-year HLS.

Non-implementation Allowance

- 2.22 The HSS does not apply a non-implementation allowance to large sites and seeks to justify this by stating that a forensic approach has been adopted to the delivery of large sites. However, the SoCG for appeal 3166394 confirmed that "*the Council has not carried out a forensic evaluation of all Large Sites that have capacity for between 10 and 100 dwellings*" and that "*the Council has focussed on all strategic sites that have a capacity of more than 100 dwellings*" (SoCG, para. 6.1s). This demonstrates that the

³ Appendix 3: Appeal decision 3166394

Council should, at the very least, apply a non-implementation allowance to sites with a capacity of 10 to 100 dwellings.

Summary

2.23 The Council must:

- Remove site HSS12 from the HLS until such time as it becomes viable;
- Provide evidence to justify the inclusion of sites HS12 and HS13 where the s106 Agreements have not been signed for a number of years;
- Remove site HS14 from the HLS because it appears very likely that it will now be developed for C2 use;
- Provide evidence to justify the inclusion of a number of allocated sites within the 5-year HLS, particularly having agreed to their removal from the HLS for the purposes of appeal 3166394 on the basis of a lack of evidence;
- Acknowledge that the Elswick NP may not come forward in sufficient time to justify the inclusion of 50 dwellings in the HLS;
- Provide evidence on expected future trends in order to justify the inclusion of a small site windfall allowance in years 4 and 5 of the HLS; and,
- Apply a non-implementation allowance to sites with a capacity of between 10 and 100.

2.24 It is considered that these matters must be addressed by the Council and if they are not, the implications for the HLS are significant and could result in the emerging Local Plan not being found sound.

Inspector's Request for Information

2.25 Document EL7.002 addresses the Inspector's questions with regard the approach to the delivery of the housing shortfall in two sections: Sites Brought Forward and Additional Sites.

Sites Brought Forward

2.26 The Council states that it has assessed the HLS in detail wherever possible and as such, no sites can be brought further forward.

2.27 As previously stated, the Council has not adopted a forensic approach to sites with a capacity of between 10 and 100 dwellings. Therefore, it cannot be certain as to whether any of these sites could be brought forward. This exercise must be undertaken to ascertain whether the Council can justify the Liverpool approach.

- 2.28 The Council has assumed that all small sites will be delivered within three years. It is understood that this is because the planning permissions for these sites expire after three years, but this does not represent a sound justification. It is considered that the Council could evaluate the delivery of small sites in more detail by adopting a forensic approach.

Additional Sites

- 2.29 The Inspector did ask whether additional sites could be brought forward on the basis of the Council not having a five year HLS under the Sedgefield approach. Having reviewed the 5-year HLS, the Council now states that it can demonstrate a five year HLS under the Sedgefield approach. As a result of this, document EL7.002 states that no additional sites are required because it can demonstrate a five year HLS. However, this RS has demonstrated that this is incorrect.

- 2.30 The Council continues to state that no additional sites are available for the following reasons:

- A. Additional sites would need to be wholly deliverable within the five year period;
- B. The “brownfield register” could identify additional sites;
- C. The impact on pink-footed geese;
- D. Highways capacity in Warton and Kirkham as a result of the PWDR;
- E. Impact on J4 of the M55 for sites on the Fylde-Blackpool periphery; and,
- F. Impact on J3 of the M55 for sites in Kirkham/Wesham.

A: Additional sites would need to be wholly deliverable within the five year period

- 2.31 Para. 3.12 of document EL7.002 states that “*it has been agreed that a site with a single developer allocated in the plan will commence development in the 5th year and add only 15 dwellings to the five year supply*”. However, this is an assumption that has been adopted by the Council for the purposes of the HSS. It does not automatically follow that all other sites without permission would not start to deliver until year 5.

- 2.32 There are numerous sites being promoted for housing which, if allocated, would be likely to come forward much quicker than year 5. It is likely that planning applications would be submitted quite quickly and these could certainly be for full planning permission on the basis of an allocation establishing the principle of development.

- 2.33 Furthermore, it does not follow that additional sites should not be allocated if they cannot deliver wholly within the 5 year period. A number of omission sites capable of

delivering, for example, in years 3 – 5 could significantly boost the five year HLS and result in the Council being adopt to adopt the Sedgefield approach.

B: The “brownfield register” could identify additional sites

- 2.34 It is acknowledged that the Council does not place significant weight on this factor. However, it does appear to be used as justification to avoid omission sites. As the Council states, “*such sites are not widespread within the borough and many that do exist are allocated within the plan*” (para. 3.15, EL7.002).
- 2.35 The Council must be certain that the “brownfield register” could provide significant development opportunities to use it to justify the avoidance of omission sites and it is unlikely to be able to do this given the very limited brownfield opportunities in the borough. The Council should provide the Inspector with a list of the brownfield sites which are not allocated within the plan and it should then clarify why these were not allocated. If there are brownfield sites that are deliverable/developable and have not been allocated for housing, the soundness of the Plan must be questioned.

C: The impact on pink-footed geese

- 2.36 HSL is aware that this is a constraint as it is an issue that needed to be fully considered for the approved development off Dowbridge, Kirkham (appeal ref: 3144925). However, the necessary work was undertaken and it demonstrated that pink-footed geese would not be adversely impacted upon. Furthermore, no work on pink-footed geese was required for appeal 3166394. There are evidently sites which are not allocated and are not constrained by pink-footed geese.

D: Highways capacity in Warton and Kirkham as a result of the PWDR

- 2.37 HSL is aware of the constraints on Warton due to continued interest in site HSS12. However, the PWDR was not an issue when appeal 3144925 was considered and that development is in Kirkham; nor was it an issue for appeal 3166394 which related to a site some 1km south of Kirkham. The Council must provide evidence to demonstrate that the PWDR could impact upon new development in Kirkham.

E: Impact on J4 of the M55

- 2.38 The Council must provide evidence to demonstrate that this is a significant constraint to sites which are not already allocated if it seeks to rely upon this as a reason to justify the Liverpool approach.

F: Impact on J3 of the M55

- 2.39 Again, the Council must provide evidence to demonstrate that this is a significant constraint to sites which are not already allocated if it seeks to rely upon this as a reason to justify the Liverpool approach.
- 2.40 Furthermore, the Council recently refused an application (no. 16/1029) for residential development off Sanderling Way in Wesham, but the reasons for refusal did not relate to highways matters. The development was considered by Highways England and LCC Highways Department. This demonstrates that there is further capacity.

Summary

- 2.41 It has been demonstrated that the Council cannot demonstrate a five year HLS using the Sedgefield approach and that the Council has not properly considered whether additional sites are available.
- 2.42 At para. 3.17 of EL7.002, the Council states “*whilst sites have been put forward to the Council in previous calls for sites, there are none where the Council has been provided with information to show that the site is deliverable, i.e. that the above constraints or others do not apply to the site*”. This is not a sound approach and it demonstrates that the Council has not fully considered its own constraints in preparing its Local Plan.
- 2.43 If the Council were to properly consider the availability of brownfield land, the impact on pink footed geese, the highways capacity as a result of the PWDR and the impacts on J3 and J4 of the M55, it appears that it would likely uncover additional sites in sustainable locations that would enable it to adopt the Sedgefield approach.

Five Year Supply Methodology

- 2.44 The Council states that the Liverpool approach is justified because:
- A. There are no additional sites that can deliver in accordance with the development strategy;
 - B. The allocation of additional larger sites that would deliver later in the plan period would destabilise the strategy by threatening the delivery of key sites critical to the delivery of the housing strategy;
 - C. Neither Blackpool Council nor Wyre Council can accommodate additional residential development;
 - D. The plan allocates sites to provide sufficient dwellings for the whole plan period requirement;
 - E. A “Liverpool Plus” approach is adopted; and,

F. A higher requirement figure would not be achievable because of the vagaries of the market for housing.

A: There are no additional sites

2.45 The Council must fully justify this Statement. It should provide further information on the constraints identified in the 'Additional Sites' section of EL7.002. It should then carry out another Call for Sites to ascertain whether there are additional sites that can deliver in accordance with the development strategy while addressing the "*broad constraints*".

2.46 HSL is now promoting land off Fleetwood Road, Wesham for residential development (see section 4) and has briefly discussed this site with the LPA. It is considered that this site can be delivered despite the "*broad constraints*" identified by the Council.

B: Additional larger sites would destabilise the development strategy

2.47 This statement must be supported by evidence. It is not appropriate to state that any additional development would destabilise the delivery of unidentified key sites without setting out why.

2.48 It is worth noting that the Council did not object to the scheme allowed via appeal 3166394 on the basis that it would destabilise the delivery of the development strategy, despite it being for major development in Newton with Scales. Nor did it object to application 16/1029 for development off Sanderling Way on these grounds.

C: Blackpool and Wyre cannot accommodate further development

2.49 For the purposes of justifying the Liverpool approach, the Council accepts the evidence submitted by Wyre Council (WC) which states that it cannot accommodate all its housing requirement. However, it does not yet accept that it must assist Wyre with its unmet need via the emerging Local Plan.

2.50 Indeed, by stating that there are no additional sites that could be developed without being impacted upon by the "*broad constraints*", the Council appears to be suggesting that it cannot assist WC in the future, despite the eLP being amended to confirm that it can be reviewed upon receipt of evidence from WC regarding the exact amount of unmet need. WC would obviously be dismayed if this were the case and the Fylde eLP would have to be amended to confirm that it cannot assist WC in the future. Fylde has a duty to consider its position now.

2.51 It is worth noting that WC took a Publication Draft Local Plan to Full Council on 07/09/2017 and this confirmed that it can only accommodate 86% of its objectively

assessed housing need (OAHN). WC will therefore require assistance from Fylde to provide the remaining 14%, which equates to at least 1,356 dwellings. This is of course further evidence that WC will require assistance from Fylde. The prolonged examination of the Fylde eLP is making it more likely that WC will have sufficient evidence to justify assistance from Fylde in advance of the eLP being adopted.

- 2.52 It is considered that the Council must reassess the availability of additional sites to ascertain whether the Sedgfield approach is achievable and should, at the same time, consider whether there are sufficient additional sites to also accommodate at least another 1,356 dwellings to assist Wyre.

D: The Allocations will provide sufficient housing for the whole plan period

- 2.53 It is acknowledged that the allocation of sites for residential development, as opposed to a 'broad locations' approach, provides a greater degree of certainty with regard delivery through the plan period. However, it is important to note that there is a very limited degree of flexibility in the plan in this regard.

- 2.54 Document EL7.002 states that there is an increased requirement of 8,715 new homes and that the plan can provide only 8,823 homes. The Local Plan Experts Group (LPEG) report recommends that "*the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF*" (para. 41). The eLP should identify sites which, in total, can accommodate at least 10,458 homes.

- 2.55 As it presently exists, if one of the larger strategic sites does not come forward, the plan will not be able to meet its housing requirement. This inflexible approach significantly reduces the weight that can be applied to the Council's argument that the allocations support the Liverpool approach.

E: Liverpool Plus approach

- 2.56 The application of a 20% buffer due to persistent under-delivery does not justify the Liverpool approach. The Council accepts that there has been persistent under-delivery. The undersupply is not insignificant, such that it may be appropriate to spread it out across the plan period. Rather, the Council should aim to deal with it within the first 5 years where possible.

F: A higher requirement figure would not be achievable because of the vagaries of the market for housing.

- 2.57 HSL recently obtained outline permission for up to 170 dwellings at Dowbridge, Kirkham and a housebuilder has been secured for the site. HSL has also very recently obtained permission for up to 50 dwellings off Woodlands Close, Newton with Scales and it is anticipated that a housebuilder will be found quickly. Furthermore, HSL is promoting land off Fleetwood Road, Wesham as an allocation for housing in the eLP. This demonstrates that HSL considers there to be a strong housing market in Fylde and this is further demonstrated by the participation of numerous housebuilders at the EiP. The Council has not provided evidence to demonstrate that the housing market cannot achieve the five year housing requirement if the Sedgefield method were applied.

Summary

- 2.58 It has been demonstrated that:

- It is very likely that there are additional sites that can deliver in accordance with the development strategy, including land off Fleetwood Road, Wesham;
- The Council must do further work, perhaps another Call for Sites, to ascertain whether there are additional sites that can deliver in accordance with the development strategy while addressing the “*broad constraints*”;
- There is no evidence to suggest that additional sites would destabilise the development strategy, which has been based on sites that have been granted permission;
- The Council must fully consider its approach to WC unmet housing need at this stage, particularly if it considers that there are no additional sites for its own eLP;
- The Plan provides an inflexible approach to housing delivery across the plan period because of the very limited oversupply of only 108 dwellings against the overall requirement of 8715; an additional 20% should be identified, as recommended by LPEG;
- The application of a 20% buffer for the five year HLS does not justify the Liverpool approach and of course, the Council has acknowledged this for a number of years in its various Housing Supply Statements where it has applied a 20% buffer and the Sedgefield method;
- The Council has not provided evidence to show that the housing market cannot accommodate the additional housing that would be required in the five year period if the Sedgefield method were applied.

- 2.59 The Council must undertake significant additional work if it is to adopt the Liverpool approach. Otherwise, the Sedgefield approach must be adopted but even this would require additional work because, for the reasons set out earlier in this RS, the Council cannot demonstrate a five year supply under Sedgefield.

Summary

2.60 This RS has demonstrated that:

- The Council cannot identify a five year HLS;
- The Council cannot justify the Liverpool approach.

2.61 It is evident that the Council must undertake significant additional work. Furthermore, this is likely to delay the adoption of the eLP to an extent whereby the unmet housing need of WC should be taken into account now, rather than via a review of the LP in the future.

3 Implications for Policies of the Fylde Local Plan to 2032

3.1 HSL considers that the additional evidence will need to result in significant changes to the eLP because:

- The Council cannot identify a five year HLS or justify the Liverpool approach;
- The Council must identify additional sites, including those that are wholly or partially deliverable and those which are developable to:
 - Provide a five year HLS;
 - Provide flexibility over the plan period; and,
 - Take account of the WC unmet need of 1,356 dwellings.

4 Land off Fleetwood Road, Wesham

- 4.1 This RS has demonstrated that the Council must now identify additional sites which can contribute to the five year supply, provide flexibility across the plan period and respond to the WC unmet housing need of 1,356 dwellings. The land off Fleetwood Road, Wesham can achieve these important objectives.



Location Plan⁴

- 4.2 The land off Fleetwood Road is some 8.5ha in extent is urban edge in character and is well contained:
- To the north, the site is bound by a road which leads to a farm. There a number of mature trees along the northern boundary to the road, further containing the site.
 - To the east, the site is bound by a well-vegetated hedgerow and Medlar Brook, a natural defensible boundary. Beyond the Brook is the Wesham Marsh Biological Heritage Site which again, forms a natural defensible boundary to the site.
 - To the south, the site is bound by land which was recently the subject of an application for residential development. The application (no. 16/1029) was refused

⁴ Appendix 4: Location Plan

solely on landscape grounds, in the context of the Council being able to demonstrate a five year HLS. The Committee Report acknowledged the locational sustainability of the site. It is anticipated that the decision will be appealed. The settlement boundary to Wesham lies to the immediate south of this site.

- To the west, the site is bound by Fleetwood Road and significant built development around the Mill Farm Sports Village complex. This includes a 6,000-seater football stadium which dominates the street scene and is prominent in short and long distance views around Wesham and Kirkham. There are also industrial units, a supermarket, petrol station, bakery and 3G football/hockey pitches.



Context Plan⁵

⁵ Appendix 5: Context Plan

- 4.3 The site evidently has a strong relationship with Wesham and the significant facilities at Mill Fam. It is capable of accommodating c. 200 dwellings as well as significant areas of public open space, in a manner which reflects the pattern of existing and proposed development.



Concept Plan⁶

- 4.4 Initial research has not identified any significant constraints to the development of the site. It is of note that application no. 16/1029 was not refused on the basis of any of the “*broad constraints*” identified by the Council in document EL7.002. Having reviewed the submission documents, consultation responses and Committee Report

⁶ Appendix 6: Concept Plan

for application no. 16/1029⁷, HSL does not foresee these “*broad constraints*” being an issue for the land off Fleetwood Road.

- 4.5 Furthermore, the site is extremely well located to respond positively to the WC unmet housing need of 1,356 dwellings. Of the four strategic locations for development, Kirkham and Wesham has the closest relationship with Wyre. Fleetwood Road forms part of the A585, which continues north through the major urban areas of Wyre: Poulton-le-Fylde, Thornton and Fleetwood. The A585 also has good links to the rural parts of Wyre to the east, via the M55 and A586.
- 4.6 There are good public transport connections between Kirkham/Wesham and Wyre. Bus services run along the A585 and rail services from Kirkham/Wesham station run to Poulton-le-Fylde station, the only station in Wyre; it takes only approximately 8 minutes to get from Kirkham/Wesham to Poulton-le-Fylde by train.
- 4.7 Finally, it is important to note that Kirkham/Wesham Strategic Location is proposed to accommodate only 14.5% of the overall housing requirement whereas Lytham St Annes and Fylde-Blackpool Strategic Locations will accommodate 29.3% and 29.2% respectively. This is a significant difference given Kirkham is ranked as joint first in the settlement hierarchy and Wesham is fifth. There is evidently scope for Kirkham/Wesham to accommodate significantly more development than is currently proposed.

Summary

- 4.8 The land off Fleetwood Road, Wesham is some 8.5ha in extent and is capable of accommodating c. 200 dwellings and significant open space in a highly sustainable location. It is urban edge in character and forms an effective relationship with Wesham. It is not anticipated that the “*broad constraints*” would prevent the development of the site, a significant amount of which can be considered as deliverable. Furthermore, it is ideally located to respond to the WC unmet housing need of 1,356 dwellings.
- 4.9 The site would contribute to the five year supply, the flexibility of the eLP and the WC unmet need.

⁷ Appendix 7: Committee Report for application 16/1029

5 Conclusions

5.1 This RS has demonstrated that land off Fleetwood Road, Wesham should be allocated for housing as part of a comprehensive review of the eLP:

- The Council cannot demonstrate a five year housing land supply;
- The Council cannot justify the Liverpool approach;
- There is significant potential for locationally sustainable additional sites to be allocated for housing, enabling the Council to:
 - Demonstrate a five year supply of housing;
 - Provide flexibility over the plan period by allocating land for 10,458 homes; and,
 - Take account of the Wyre Council unmet housing need of 1,356 dwellings.

5.2 The land off Fleetwood Road is:

- some 8.5ha in extent and capable of accommodating approximately 200 dwellings as well as significant public open space;
- well related to existing built development, including residential development to the south and the Mill Farm complex to the west;
- in a highly sustainable location, well related to existing services and facilities in Wesham and Kirkham;
- not effected by the “broad constraints” listed by the Council in EL7.002;
- ideally located to respond to the WC unmet need, given its proximity to Wyre and its public transport connections to the Borough.

5.3 HSL considers that the Council must undertake significant additional work in order to be able to provide a sound LP for adoption which allocates sufficient land for at least 11,814 new homes (eLP Requirement of 8715 + 20% buffer of 1743 + WC unmet need of 1356). The land off Fleetwood Road, Wesham is a sustainable housing site capable of assisting the Council in meeting its own housing requirement as well as that of WC.

Appendix 1
Rebuttal Statement

Land off Woodlands Close, Newton with Scales

Five Year Housing Land Supply Rebuttal Statement

Appeal against the refusal of an application for outline planning permission for residential development of up to 50 dwellings (access applied for with all other matters reserved)

Planning Inspectorate Ref: APP/M2325/W/17/3166394

LPA Ref: 16/0554

Hollins Strategic Land

July 2017

1 Introduction and Summary

- 1.1 This Rebuttal Statement (RS) is written in response to Fylde Borough Council's (FBC) email to Hollins Strategic Land (HSL) of 07/07/17, stating that FBC can demonstrate a 5-year Housing Land Supply (HLS) figure of 5.1 years¹, having previously identified a HLS of 4.8 years².
- 1.2 On 10/07/17, HSL requested the information FBC used to achieve the increased figure. FBC provided draft information on 10/07/17³ in the form of a draft housing trajectory and a draft Five Year Housing Supply Statement (HSS) (base dated 31st March 2017, Examination in Public (EiP) Edit July 2017), which identified a HLS of 5.07 years, or 3,683 dwellings against a requirement of 3,629. On 14/07/17, FBC provided the final version of the HSS EiP Edit⁴, which identified a HLS of **5.07 years**, or 3,680 dwellings against a requirement of 3,632.
- 1.3 HSL has reviewed the HSS EiP Edit. Upon comparing it to the previous HSS, it is apparent that FBC has:
- revised delivery rates for a number of sites in light of the EiP Hearing Sessions;
 - removed the 10% non-implementation allowance for all sites and applied it only to small sites;
 - added an allowance of 40 dwellings per annum for small sites in years 4 and 5;
 - increased delivery from the Elswick Neighbourhood Plan from 15 dwellings in year 5 to 50 across years 3 - 5.
- 1.4 HSL has also found that FBC cannot demonstrate a 5-year HLS. It would only be necessary to find that 49 of the dwellings included within the identified HLS are not deliverable in order to conclude this.
- 1.5 However, a number of sites identified as contributing towards the 5-year HLS have been assessed as part of this Rebuttal Statement (RS) and it is concluded that 339 dwellings should be removed, resulting in FBC only being able to demonstrate a supply of 3,148 dwellings or 4.34 years.

¹ Appendix 1: Email of 07/07/17

² Appendix 2: HSS March 2017

³ Appendix 3: Email of 10/07/17 providing draft information

⁴ Appendix 4: HSS EiP edit

	HSL Assessment Reduction	Resultant Supply		Cumulative Resultant Supply	
		No. of dwellings	No. of years	No. of dwellings	No. of years
Sites with planning permission	30	3650	5.03	3650	5.03
S106 not signed	95	3585	4.94	3555	4.90
eLP Allocations	176	3504	4.83	3379	4.65
Elswick	28	3652	5.03	3351	4.62
Small sites commitments	123	3477	4.79	3228	4.45
Small sites windfalls	80	3600	4.96	3148	4.34

Table 1: Summary of RS Assessment

- 1.6 In addition to this, the Appellant considers that it would be reasonable to apply a 5% non-implementation rate to large sites and this would result in a revised HLS of 3,000, which equates to a **4.13 year** supply.
- 1.7 HSL will seek to discuss this RS with FBC in advance of the Hearing, with the aim of achieving common ground wherever possible.

2 Assessment of FBC Housing Land Supply

2.1 The HSS EiP Edit sets out a Methodology for the identification of the 5-year HLS. The following sections of the Methodology are utilised to demonstrate that FBC does not have a 5-year HLS:

- Housing requirement;
- Deliverable sites;
- Build-out rates and phasing; and,
- Development not being implemented.

2.2 Site-specific assessments are provided in the Appendix to this RS. These have been done using HSL knowledge of particular sites and developer experience, the FBC planning public access system, email exchanges with the FBC Planning Department and the FBC EiP Matter 5 Statement⁵, which afforded FBC the opportunity to provide all site-specific evidence in support of the inclusion of sites within the HLS.

Housing Requirement

2.3 The housing requirement is based on an Objectively Assessed Need (OAN) figure of 415 dwellings per annum (dpa). HSL does not wish to contest this figure for the purposes of this appeal. However, it is of note that the figure increased to 415dpa from 370dpa between the Stage 1 and Stage 2 EiP Hearing Sessions and that the FBC EiP document EL5.003f states that the “*evidence indicates an OAN of between 410 and 430 dwellings per annum*” (para. 5.5.1). The figure of 415 dpa is yet to be consulted on, as confirmed in the Inspector’s Letter to Council dated 03/07/2017. It is possible that this figure could increase (or decrease) following consultation.

2.4 If the OAN were to increase to 430dpa, FBC would only be able to demonstrate a 5-year HLS of 4.80 years against the HSS EiP Edit supply of 3,680 dwellings (a shortfall of 1,042 would have accumulated to date).

Deliverable Sites

2.5 The HSS EiP Edit states that the following types of sites have been considered deliverable:

- a. *Sites with planning permission, including ‘outline’ permission;*
- b. *Sites where planning permission has been agreed, but the Section 106 agreement has not yet been signed (if applicable);*

⁵ Appendix 5: Matter 5 Statement

- c. Sites where the council is minded to approve^a; and
- d. Any other sites which are allocated in the Fylde Local Plan to 2032.

2.6 The Appellant does not wish to contest the inclusion of a – c, other than where site specific evidence demonstrates that the HSS EiP Edit provides an incorrect assumption on the contribution a site would make to the HLS.

Sites with planning permission

2.7 The National Planning Practice Guidance (NPPG) confirms that “*planning permission ... is not a prerequisite for a site being deliverable in terms of the 5-year supply*” (Ref ID: 3-031-20140306).

2.8 An assessment of sites with planning permission⁶ demonstrates that the HLS should be reduced by 30 dwellings to 3,650 dwellings or 5.03 years. This RS focusses solely on site HSS12 because HSL has an interest in this site and has told the LPA that it is not deliverable because it is not viable.

	Site reference	5-year supply contribution		Resultant supply	
		HSS EiP Edit	HSL Assessment	No. of dwellings	No. of years
Sites with Planning Permission	HSS12	30	0	3650	5.03

Table 2: Sites with Planning Permission

Sites where planning permission has been agreed, but the s106 Agreement has not yet been signed

2.12 An assessment of these sites demonstrates that the HLS should be reduced by 95 dwellings, to 3,585 dwellings or 4.94 years⁷.

⁶ Appendix 6: Assessment of Sites with Planning Permission

⁷ Appendix 7: Assessment of Sites where s106 Agreement not yet been signed

	Site reference	5-year supply contribution		Resultant supply	
		HSS EiP Edit	HSL Assessment	No. of dwellings	No. of years
S106 not signed	HS12	20	0	3660	5.04
	HS13	30	0	3650	5.03
	HS14	45	0	3635	5.01

Table 3: 106 not been signed

Any other sites which are allocated in the Fylde Local Plan to 2032

- 2.16 The NPPG confirms that “*allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply*” (Ref ID: 3-031-20140306). There can be no guarantee that all sites included in the current *emerging* Local Plan (eLP) will remain in the adopted version.
- 2.17 The NPPG also confirms that “*Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out*” (Ref ID: 3-031-20140306). The following Judgment and appeal decisions demonstrate that it would not be reasonable to include all of the “*any other sites which are allocated in Fylde Local Plan to 2032*” in the HLS without sufficient site specific evidence.

Wainhomes v Secretary of State for Communities and Local Government

- 2.18 The Judgment⁸ is appended. Paragraphs 34 – 35 are relevant and demonstrate that the HLS EiP Edit must not include all sites which are allocated in the eLP within the HLS:

34. The issue for the inspector was whether the strategic sites were “deliverable” as defined by Footnote 11 so that they fell within the meaning of [47] and should have been included in the assessment of housing land supply. Footnote 11 is not entirely straightforward, but the following points are relevant to its interpretation:

⁸ Appendix 8: Wainhomes Judgment

iv) Where sites without planning permission are subject to objection, the nature and substance of the objections may go to the question whether the site offers a suitable location; and they may also determine whether the development is achievable with a realistic prospect that housing will be delivered on the site within five years. Even if detailed information is available about the site and the objections, prediction of the planning outcome is necessarily uncertain. All that probably need be said in most cases is that where sites do not have planning permission and are known to be subject to objections, the outcome cannot be guaranteed. Accordingly, where there is a body of sites which are known to be subject to objections, significant site specific evidence is likely to be required in order to justify a conclusion that 100% of all those sites offer suitable locations and are achievable with a realistic prospect that they will be delivered within five years;

v) For similar reasons, where sites are in contemplation because of being included in an emerging policy document such as the eWCS, and the document is still subject to public examination, that must increase the lack of certainty as to outcome. That is implicitly recognised by [216] of NPPF which requires decision-takers to “give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)” and to “the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)... .” As Inspector Graham pointed out in the Moat House Farm decision, there can be no guarantee that sites included in the current draft will remain in the finished version of the Local Plan. The approach taken by the various inspectors whose decisions have been considered in this case (including Inspector Robins at [22]) is therefore correct: the stage of preparation of the evidence base and the progress of the draft document are important considerations going to the prospects of housing being delivered within five years and therefore being “deliverable” within the meaning of Footnote 11.

35. I would accept as a starting point that inclusion of a site in the eWCS or the AMR is some evidence that the site is deliverable, since it should normally be assumed that inclusion in the AMR is the result of the planning authority’s responsible attempt to comply with the requirement of [47] of the NPPF to identify sites that are deliverable. However, the points identified in [34] above lead to the conclusion that inclusion in the eWCS or the AMR is only a starting point. More importantly, in the absence of site specific evidence, it cannot be either assumed or guaranteed that sites so included are deliverable when they do not have planning permission and are known to be subject to objections. To the contrary, in the absence of site specific evidence, the only safe assumption is that not all such sites are deliverable.

Whether they are or are not in fact deliverable within the meaning of [47] is fact sensitive in each case; and it seems unlikely that evidence available to an inspector will enable him to arrive at an exact determination of the numbers of sites included in a draft plan that are as a matter of fact deliverable or not. Although inclusion by the planning authority is some evidence that they are deliverable, the weight to be attached to that inclusion can only be determined by reference to the quality of the evidence base, the stage of progress that the draft document has reached, and knowledge of the number and nature of objections that may be outstanding. What cannot be assumed simply on the basis of inclusion by the authority in a draft plan is that all such sites are deliverable. Subject to that, the weight to be attached to the quality of the authority's evidence base is a matter of planning judgment for the inspector, and should be afforded all proper respect by the Court.

- 2.19 Whilst it is acknowledged that the inclusion of a site within the eLP is some evidence that the site is deliverable, the Judgment demonstrates that this is only the starting point. There can be no guarantee that all of the eLP sites will come forward, particularly where there are unresolved objections, where the eLP should only be afforded limited weight (as confirmed in the Appellant's Planning Statement of Case) and in the absence of site specific evidence.

Appeal 2228466: Land off Chartist Way, Staunton

- 2.20 This appeal decision⁹ is appended and paragraph 43 and 46 – 48 are relevant. The decision demonstrates that FBC must provide significant site-specific evidence to justify the inclusion of eLP allocations within the HLS.

Appeal 3003662: Land north of Gloucester Road, Tutshill, Chepstow, Gloucestershire

- 2.21 The appeal decision¹⁰ is appended and paragraph 30 is relevant. As with appeal 2228466, it demonstrates that FBC must provide significant site-specific evidence to justify the inclusion of eLP allocations within the HLS.

Summary

- 2.22 In light of the Judgment and appeal decisions, an assessment of the eLP allocations included within the HLS has been undertaken. It demonstrates that the HLS should be reduced by 191 dwellings, to 3489 dwellings or 4.81 years¹¹ (see table overleaf).

⁹ Appendix 9: Appeal 2228466

¹⁰ Appendix 10: Appeal 3003662

¹¹ Appendix 11: Assessment of sites allocated in the eLP

	Site reference	5-year supply contribution		Resultant supply	
		HSS EiP Edit	HSL Assessment	No. of dwellings	No. of years
eLP Allocations	HSS6	15	0	3665	5.05
	HS28	15	0	3665	5.05
	HS30	12	0	3667	5.05
	HS38	13	0	3666	5.05
	HS66	10	0	3670	5.06
	HS41	15	0	3665	5.05
	HS45	36	0	3644	5.02
	HS47	15	0	3665	5.05
	HS51	15	0	3665	5.05
	HS52	15	0	3665	5.05
	HS53	15	0	3665	5.05

Table 4: Emerging Local Plan sites

Build out rates and phasing

- 2.26 The HSS EiP Edit states that the assumed year of commencement for all allocated sites without a full or outline planning application is Year 5. This suggests that FBC does not have site specific evidence for the eLP sites. Rather, the HSS EiP Edit simply assumes that all eLP sites without a planning application will deliver 15 dwellings in year 5. In light of the aforementioned Judgment and appeal decisions, this is not a reasonable approach.
- 2.27 The Judgment and appeal decisions highlight that FBC should be able to provide site-specific evidence in order to justify the inclusions of ELP allocations within the HLS and if FBC did have such evidence, it is highly unlikely that it would demonstrate that all of these sites would contribute 15 dwellings in Year 5.

Development not being implemented

2.28 This section of the HSS EiP Edit Methodology refers to:

- Non-implementation allowance;
- Small 'windfall' sites; and,
- Development at Elswick.

Non-implementation allowance

2.29 FBC previously applied a 10% non-implementation allowance to all sites. However, the HSS EiP Edit states that this will now only be applied to small sites:

It is recognised that not all developments identified within the five year supply will be developed. During the Local Plan to 2032 Examination in Public Hearing Sessions a detailed 'forensic' evaluation of all large sites (sites of 10 units or more) was completed and the Housing Land Supply Trajectory amended according. Given this site specific evidence, the Council no longer considers it appropriate to apply a 10% allowance to all sites within the supply; instead the discount applies to small sites only.

2.30 HSL attended the EiP Hearing Sessions and a detailed forensic evaluation of all large sites was not completed. Not all large sites were discussed. Nevertheless, whilst it is acknowledged that the Hearing Sessions provided a more realistic trajectory than one based purely on assumptions, the removal of a non-implementation allowance on this basis is not considered reasonable. It remains feasible that sites will not come forward in the manner discussed during the EiP Hearings.

2.31 In the absence of site-specific evidence on all large sites and given FBC previously applied a 10% non-implementation allowance on all large and small sites, the appellant considers that some form of non-implementation allowance has to be made. If the non-implementation allowance were reduced to 5% on the basis of the EiP Hearing Sessions and applied to the existing supply of large sites (3,252 dwellings (total supply of 3,583 – small site supply of 331)), it would reduce by 163 dwellings to 3089, which would result in a total supply of 3420 dwellings or 4.7 years.

Small windfall sites

2.32 Prior to the HSS EiP Edit, FBC did not include a small site windfall allowance. The HSS EiP Edit states the following in order to seek to justify the addition of 80 dwellings via a small site windfall allowance:

The standard delivery assumptions have been applied to those small sites that have planning permission and so these are expected to be delivered during the next 3 years. An analysis of previous planning permissions coming forward in regard to small 'windfall' sites has

revealed that it is likely that 40 dwellings per annum will be delivered. Accordingly, an allowance of 40 dwellings has been made for years 4 & 5 and this has not been discounted as this is based upon historic delivery rates rather than planning permissions granted.

- 2.33 This justification does not provide “*compelling that such sites have consistently become available in the local area and will continue to provide a reliable source of supply*” (para. 48, NPPF). FBC does not provide any evidence on expected future trends, relying solely upon historic delivery rates during a time when the Council was largely unable to demonstrate a 5-year supply of housing.
- 2.34 Upon review of the housing trajectory, it appears as though the 40 dwellings/annum figure may have been based on the average number of completions between 2012/13 and 2016/17, which is 39.6 dwellings. However, this does not take account of the 9 dwellings which were completed in 2011/12. If this figure were taken into account, the average would be 35. This would result in a reduction from 80 to 70, based solely on historic delivery rates.
- 2.35 This in turn, would result in the HLS falling to 3670 dwellings or 5.06 years.

Small Sites Committed

- 2.36 FBC state that committed small sites will come forward in years 1 – 3 of the HLS. This would result in the 298 dwellings being built at a rate of 99 dpa. As previously mentioned, the historic delivery rate for small sites is only 35. If this historic rate were applied rather than the identified 99dpa, the committed small sites would contribute 175 dwellings to the HLS. This would result in the HLS falling by 123 dwellings to 3,557 or 4.90 years.
- 2.37 Furthermore, if the historic delivery rate of 35dpa were applied, there would no justification for small windfall sites in years 4 and 5. This would result in the supply falling by a further 80 dwellings to 3,477 or 4.79 years.

Development at Elswick

- 2.38 The eLP does not allocate specific sites in Elswick. Rather, it states that these will be determined as part of the Neighbourhood Plan (NP). During the eLP EiP, FBC confirmed that it does not know the timetable for the emerging NP, which is in its very early stages of preparation. There can be no certainty that the NP will be Made and sites allocated within it will be developed in the next 5 years.
- 2.39 The HSS EiP Edit seeks to justify the inclusion of 50 dwellings in the HLS by stating the following:

The Fylde Local Plan to 2032 includes provision for the construction of approximately 50 dwellings at Elswick, the specific sites for which are intended to be identified via a Neighbourhood Development Plan (NDP). However planning permissions have been granted in regard to a number of housing sites in Elswick (both small and large sites) ahead of the NDP. Accordingly, it is considered that the 50 dwellings identified for construction in the village will be delivered during the next five year period.

- 2.40 It is known that there is committed development in Elswick for 22 units: 8 at Bonds Ice Cream, 9 at Elswick Trading Park and 5 at Chapel Farm. However, none of these represent large sites. It is considered likely that FBC has taken account of application 16/0846, which was for 24 units and was approved by Committee on 28/06/17, subject to a 106 Agreement. This is of course after the base date of the HSS and so should not have been taken into account. It would be unreasonable of FBC to include additions to the supply which have occurred after the base date of the HSS without also taking account of possible reductions.
- 2.41 Furthermore, the addition of 24 units would only result in a committed development total of 46. The HSS states that 50 units are deliverable.
- 2.42 If only 28 dwellings (50 minus committed development of 22) were removed from the HLS, it would fall to 3652 dwellings or 5.03 years.

Summary of development not being implemented

	Site reference	5-year supply contribution		Resultant supply	
		HSS EiP Edit	HSL Assessment	No. of dwellings	No. of years
Small sites	-	80	70	3670	5.06
Elswick	-	50	22	3652	5.03

Table 5: development not being implemented

- 2.46 The application of a 5% non-implementation allowance can be applied to the cumulative resultant supply once all deductions are made.

3 Conclusions

- 3.1 Prior to 07/07/17, it was the Council's case that it only had a 4.80 year HLS. Revised delivery rates and an amended methodology has resulted in the HSS EiP Edit identifying a 5.07 year supply. This equates to an over-supply of only 48 dwellings, or less than one month. The HLS is evidently fragile, even if some/all of the findings of this RS are not taken into account.
- 3.2 This RS firstly demonstrates that site HSS12 should be removed from the supply altogether; HSL has an interest in this site and has told the LPA that it is not deliverable. This immediately reduces the over-supply to only 18 dwellings and results in a HLS of only **5.03 years**.
- 3.3 The RS then continues to demonstrate that an assessment of the sites included in the HLS, as set out in the HSS EiP Edit, results in the HLS falling to 3,341 dwellings or **4.60 years**.

	HSL Assessment Reduction	Resultant Supply		Cumulative Resultant Supply	
		No. of dwellings	No. of years	No. of dwellings	No. of years
Sites with planning permission	30	3650	5.03	3650	5.03
S106 not signed	95	3585	4.94	3555	4.90
eLP Allocations	176	3504	4.83	3379	4.65
Elswick	28	3652	5.03	3351	4.62
Small sites commitments	123	3477	4.79	3228	4.45
Small sites windfalls	80	3600	4.96	3148	4.34

Table 1: Summary of RS Assessment

- 3.4 In addition to this, the Appellant considers that it would be reasonable to apply a 5% non-implementation rate to large sites.
- 3.5 The HSS EiP Edit states that the total supply includes 428 dwellings on small sites¹². This figure can be subtracted from the total supply of 3680 to provide the total supply on large sites, which is 3,252.
- 3.6 HSL considers that 203 dwellings should be removed from the small sites (123 from commitments and 80 from windfalls) resulting in the total for small sites falling to 223. HSL considers that 329 dwellings should be removed from the large sites total of 3,252 resulting in a large sites total of 2,923. The application of a 5% non-implementation allowance to this figure results in a large site total of 2,777. The total supply is therefore 2,777 (large sites) plus 223 (small sites) = 3,000.
- 3.7 This equates to a **4.13 year** supply.

¹² 50 via Empty Homes; 80 via windfall allowance and 298 via small site commitments/minded to approve

Land off Woodlands Close, Newton with Scales

Five Year Housing Land Supply Rebuttal Statement Appendices

Appeal against the refusal of an application for outline planning permission for residential development of up to 50 dwellings (access applied for with all other matters reserved)

Planning Inspectorate Ref: APP/M2325/W/17/3166394

LPA Ref: 16/0554

Hollins Strategic Land

July 2017

Appendix 1

Email of 07/07/17

MW

07-Jul-17

RE: APP/M2325/W/17/3166394 - land off Woodlands Close, Newton with Scales.

 You replied to this message on 10-Jul-17 11:03 AM.



Action Items

+ Get more add-ins

Hi Matthew

I hope that you had good break.

The position of Fylde Borough Council is as follows (as written by the Planning Policy Officer):

The most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31st March 2017. The Planning Authority is currently undertaking the public examination of the new Local Plan, and has been required to update the five year housing land supply position as part of the evidence base and taking account of representations made to the examination regarding likely delivery rates. This revised approach indicates that the Council is able to demonstrate a 5.1 year supply. It should be noted that this revised figure will be the subject of further public consultation during the summer and is yet to be tested by the Examination, including the annual housing requirement of 415 dwellings and the deliverability of certain sites. However, at this time, the Council's position is that it is able to demonstrate a 5 year housing supply.

If you are happy to include this within the SoCG then please update and send over for signing.

Kind Regards

Matthew Wyatt

Senior Planner

Fylde Council
Five Year Housing Supply Statement, base dated 31st March 2017

Introduction

1. Local planning authorities must identify enough deliverable sites to provide five years worth of housing against their housing requirement. In other words, a five year supply of deliverable housing land must be identified. This is required under paragraph 47 of the National Planning Policy Framework (the Framework).
2. The five year housing supply statement, base dated 31st March 2017, is set out in Table 1. The methodology below explains how the Borough's five year supply position has been calculated. The calculation takes latest thinking into consideration, in addition to the Framework and the National Planning Practice Guidance (NPPG).
3. The latest version of the Housing Trajectory for the Fylde Local Plan to 2032 can be seen at Appendix 4. The five year supply position has been taken from this version of the Housing Trajectory which is base dated 31st March 2017 and reflects the most up to date information available to the Council.

Methodology

Housing Requirement

4. The Planning Committee at its meeting of 8th May 2017 considered 'Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP' which is an addendum to the Fylde Coast Strategic Housing Market Assessment (2013). In light of this new evidence The Planning Committee resolved that a figure of 415 homes per annum will meet Fylde's objectively assessed need (OAN) for housing.
5. Since 2011, the Borough has not met the OAN annual housing requirement. Rather, there has been an under delivery (shortfall) of 952 homes against the annual housing requirement. The housing shortfall has been rolled forward and evenly distributed over the next five years, not the plan period ('the Sedgefield approach').
6. There has been a persistent under delivery of housing in Fylde. Under paragraph 47 of the Framework, a 20% buffer is required where there has been a record of persistent under delivery. At the base date used for this calculation, there is a requirement for an additional 311 homes per annum based on the annual housing requirement.
7. The adjusted five year requirement for Fylde comprises: five years worth of the annual housing requirement, plus the shortfall; and a 20% buffer in accordance with the Framework paragraph 47, as set out below:

<p>Adjusted five year requirement</p> <p>=</p> <p>(Annual requirement x 5 + Shortfall) + 20% buffer</p>
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Deliverable sites

8. Only deliverable sites can be identified to meet the five year housing requirement. The following types of sites have been considered deliverable:
 - Sites with planning permission, including 'outline' permission;
 - Sites where planning permission has been agreed, but the Section 106 agreement has not yet been signed (if applicable);
 - Sites where the council is minded to approve^a; and
 - Any other sites which are allocated in the Submission Version of the Fylde Local Plan to 2032.
9. Only where there would be definite obstacles to the implementation of a planning permission, such as evidence of a lack of viability, will a site be excluded. Where viability is questioned, each case will be assessed on its own merits. The applicant will be expected to undertake and submit a viability assessment, at their own expense, as evidence that a site is not viable.
10. In those instances where the local planning authority agrees that a site is not viable, the site will be removed from the existing supply.

Build out rates and phasing

11. The build-out rates that are used in the calculations are the same as those that are used in the emerging Local Plan and the SHLAA 2015. The SHLAA is a robust piece of evidence that is produced with input from a SHLAA Steering Group. The SHLAA assumes that 15 homes will be built in the first year and 30 homes in subsequent years. If the site has a capacity of more than 300 homes then it assumes that there will be two developers and the output will be doubled.
12. Using these build-out rates means that a small number of large sites will not be fully delivered within the five years. The remainder would be delivered from year six onwards and is not factored into the five year supply.
13. Only on sites with full planning permission and a signed Section 106 agreement (if applicable) will development be able to commence in year 1. Sites with outline planning permission, or sites where a Section 106 agreement is yet to be signed, will not be able to commence in year 1. It is anticipated that development will be able to commence on these sites as follows:

Full planning permission, with signed Section 106	1-5 years
Full planning permission, awaiting signing of Section 106	2-5 years
Change of use, awaiting signing of Section 106	2-5 years
Outline planning permission, with signed Section 106	2-5 years
Outline planning permission, awaiting signing of Section 106	3-5 years
Full planning application received and proposed allocation in emerging Local Plan	3-5 years
Outline planning application received and proposed allocation in emerging Local Plan	4-5 years
Allocated Site without a full or outline planning application	5 years

^a Addendum III of the Interim Housing Policy (February 2013) increased the dwelling threshold for proposed developments requiring Section 106 contributions. There are however a number of planning applications which the council determined and was minded to approve, subject to Section 106 contributions, based upon a lower dwelling threshold. Therefore, at the 31st March 2016, these planning applications no longer required a Section 106 and the council is currently processing the planning applications. For the purposes of this five year housing supply, these planning applications are identified as 'minded to approve'. All of these sites would deliver within five years.

The Framework paragraph 47 buffer

14. The buffer is not an additional 20% to the housing requirement. Rather, it brings sites forward from later in the plan period and consequently the annual housing requirement for later in the plan period will be lower to reflect this.

Development not being implemented

15. It is recognised that not all developments identified within the five year supply will be developed. Within Fylde the number of residential planning permissions not brought forward is relatively low and it is considered that it is reasonable to make a 10% allowance for sites not coming forward.

Five year housing supply position

16. The adjusted annual housing requirement at 31st March 2017 base date provides a 4.8 year housing supply.

Change of approach upon adoption of the Fylde Local Plan to 2032

17. In line with the decision of the Development Management Committee of 9th March 2016, the Council will continue to calculate the five year housing land supply based on the 'Sedgefield' approach. While the submitted version of the Fylde Local Plan to 2032 aspires towards using the 'Liverpool' approach, it is considered that the 'Sedgefield' approach is the more robust methodology until the Local Plan has been the subject of an Examination in Public and that the 'Liverpool' approach has been accepted as being sound. At this time, the methodology preferred by the Council is to address any shortfall over the immediate 5 year period in line with the 'Sedgefield' approach. However, the consequences of using the 'Liverpool' approach can be seen at Appendix 2 for comparative purposes only.

Table 1: 415dpa OAN Five Year Housing Supply Position – base dated 31st March 2017

Table 1(a): OAN Plan Period Housing Requirement at 31st March 2017	No. of Homes
OAN plan period housing requirement 2011 – 2032 (21 years) (415dpa x 21)	8,715
OAN housing requirement between 1 st April 2011 and 31 st March 2017 (6 x 415dpa)	2,490
Completions between 1 st April 2011 and 31 st March 2017 (6 years)	1,538
Under delivery (shortfall) between 1 st April 2011 and 31 st March 2016 (2,490 – 1,538)	952

Table 1(b): Five Year Housing Requirement at 31st March 2017	No. of Homes
Annual housing requirement	415
5 year housing requirement and shortfall ((415 x 5) + 952)	3,027
Adjusted 5 year housing requirement, including shortfall and 20% buffer (3,027 + 605)	3,632
Adjusted annual housing requirement for 0 – 5 year period (3,632 ÷ 5)	726

Table 1(c): Five Year Housing Supply at 31st March 2017	No. of Homes
Requirement	
Adjusted 5 year housing requirement including shortfall and buffer	3,632
Supply	
Existing supply ¹	3,824
Potential supply ²	50
10% allowance for supply not coming forward ³	387
Total Supply ((3,824 + 50) - 387)	3,487
Over/Under Supply 5 year period (Total Supply – Requirement, 3,487 – 3,632)	-145
Equivalent Years Supply 4.80 (3,487 ÷ 726)	

APPENDIX 1: Delivery Notes

¹ Existing Supply

The existing supply includes:

- 1(a) Existing commitments;
- 1(b) Planning applications approved subject to a signed Section 106 and planning applications minded to approve;
- 1(c) Any other sites which are allocated in the Submission Version of the Fylde Local Plan to 2032.
- 1(d) A deduction for expired planning permissions;
- 1(e) A deduction for planning permissions that are no longer considered deliverable in accordance with the Framework paragraph 47.

Appendix 3 to this position statement presents the trajectory for years 0 – 5 which sets out existing commitments.

² Potential Supply

An allowance for long term empty homes of 10 homes per annum is made for homes re-entering the market (see Table 3). The existing supply includes the commitments and minded to approve homes yields on sites of 0 – 9 net homes. These sites are expected to complete, therefore an allowance for small sites is not included in the potential supply for years 1 – 5.

Table 3: Potential Long Term Empty Homes (net)						
Year	1	2	3	4	5	5 year total
No. of long term empty homes	10	10	10	10	10	50

➤ Potential supply: **50 homes**

³ 10% Allowance for Sites Not Coming Forward

A 10% allowance for sites not coming forward has been calculated from the existing and potential supply (see Table 4).

Table 4: Calculation of 10% allowance		No. of Homes
1	Existing Supply	3,824
2	Potential Supply	50
1 + 2	Total Supply	3,874
(1 + 2) x 10%	10% of existing and potential supply not coming forward (rounded up)	387

APPENDIX 2: Liverpool Approach

Table 2: 415dpa OAN Five Year Housing Supply Position – base dated 31st March 2017

Table 2(a): OAN Plan Period Housing Requirement at 31st March 2017	No. of Homes
OAN plan period housing requirement 2011 – 2032 (21 years) (415dpa x 21)	8,715
OAN housing requirement between 1 st April 2011 and 31 st March 2017 (6 x 415dpa)	2,490
Completions between 1 st April 2011 and 31 st March 2017 (6 years)	1,538
Under delivery (shortfall) between 1 st April 2011 and 31 st March 2016 (2,490 – 1,538)	952

Table 2(b): Five Year Housing Requirement at 31st March 2017	No. of Homes
Annual housing requirement	415
5 year housing requirement and shortfall $((952/15)+415)*5$	2,392
Adjusted 5 year housing requirement, including shortfall and 20% buffer (2,392 + 478)	2,870
Adjusted annual housing requirement for 0 – 5 year period (2,870 ÷ 5)	574

Table 2(c): Five Year Housing Supply at 31st March 2017	No. of Homes
Requirement	
Adjusted 5 year housing requirement including shortfall and buffer	2,870
Supply	
Existing supply ¹	3,824
Potential supply ²	50
10% allowance for supply not coming forward ³	387
Total Supply $((3,824 + 50) - 387)$	3,487
Over/Under Supply 5 year period (Total Supply – Requirement, 3,487 – 2,870)	617
Equivalent Years Supply 6.07 $(3,487 \div 574)$	

APPENDIX 3: 5 Year Housing Land Supply Trajectory (base dated 31st March 2017)

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11					
												7	8	9	10	11	
SL1 - Lytham and St Annes Strategic Location for Development																	
Queensway, St Annes	HSS1	1A782	08/0058 OL 13/0257 RM 15/400 FULL				1150	1150	0	1150	1150	30	60	60	60	60	270
Heyhouses Lane, St Annes	MUS4	1A783	12/0465 OL 13/0448 RM				162	162	103	59	59	30	29	0	0	0	59
Heyhouses Lane, St Annes	MUS4	1A783	15/787 OL				160	160	0	160	160	0	15	30	30	30	105
Jubilee House, East Beach, Lytham	HS2	1A847	13/0001 FULL				20	20	0	20	20	15	5	0	0	0	20
Ashton Nurseries, Mythop Road, Lytham	HS3	1A858	07/1264 OL 16/0413 FULL	12			12	0	12	0	0	0	0	12	0	0	12
The Gables, 35-39 Orchard Road, St Annes	HS4	1A594	05/0648 FULL 16/0639 FULL				19	19	0	19	19	15	4	0	0	0	19
68 North Promenade & 1 Sandgate, St Annes	HS6	1A828	08/0853 FULL				12	12	0	12	12	12	0	0	0	0	12
Petros House, St Andrews Road North, St Annes	HS7	1A931	14/0418 COU				35	35	0	35	35	15	20	0	0	0	35
23 - 33 Fairhaven Road, St Annes	HS9	1A990	14/0320 FULL				32	32	0	32	32	15	17	0	0	0	32
34-36 Orchard Road, Lytham St Annes	HS10	1A998	15/0176 FULL				12	12	0	12	12	12	0	0	0	0	12
The Galleries, 2-4 Kingsway, Lytham	HS11	1A1010	15/0486 FULL				10	10	0	10	10	10	0	0	0	0	10
Fairways, Heeley Road, St Annes	HS12		08/0092 OL			20	20	0	20	0	0	0	0	15	5	0	20
Kingsway Garage, St Annes	HS13		11/0667 OL			30	30	0	30	0	0	0	0	15	15	0	30
Axa, Lytham	HS14		13/0152 OL			45	45	0	45	0	0	0	0	15	30	0	45
Land to the West, Ballam Road, Lytham	HS15		14/0161 FULL			12	12	0	12	0	0	0	12	0	0	0	12
Westmoreland House, 29-31 Orchard Road, St Annes			16/0285 PA 16/0470 FULL				25	25	0	25	25	15	10	0	0	0	25
Land to East Sefton Road, Lytham St Annes			16/0239 FULL				12	12	0	12	12	12	0	0	0	0	12
Valentines Kennels, Wildings Lane, St Annes			16/0903 OL				53	53	0	53	53	0	15	30	8	0	53
Land at Roseacre, Wilding Lane, St Annes			16/0061 FULL			45	45	0	45	0	0	0	15	30	0	0	45
Keenans Mill, Lord Street, Lytham St. Annes			16/0905 FULL				26	26	0	26	26	15	11	0	0	0	26

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11					
												7	8	9	10	11	
Dalmeny Hotel			16/0374 OL			34		34	0	34	0	0	0	15	19	0	34
Lytham and St Annes Sub Total												196	213	222	167	90	
				0	12	186	2049	2247	424	1823	1625	888					
SL2 - Fylde - Blackpool Periphery Strategic Location for Development																	
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A833	08/1049 OL 10/0877 OL 14/0392 RM				76	76	45	31	31	30	1	0	0	0	31
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A834	08/1049 OL 16/0062 FULL				353	353	0	353	353	30	60	60	60	60	270
Land at Lytham St Annes Way, Whitehills	HSS6	4A771	13/0726 FULL				26	26	24	2	2	2	0	0	0	0	2
Land at Lytham St Annes Way, Whitehills	HSS6				22			22	0	22	0	0	0	0	0	15	15
Cropper Road East, Whitehills	MUS1	4A911	12/0717 OL 14/0310 RM				145	145	23	122	122	30	30	30	30	2	122
Cropper Road East, Whitehills	MUS1		13/0753 OL				25	25	0	25	25	0	15	10	0	0	25
Cropper Road East, Whitehills	MUS1		15/0114 OL			265		265	0	265	0	0	0	15	30	30	75
Cropper Road East, Whitehills	MUS1	4A1050	15/0472 OL 16/0847 RM				80	80	0	80	80	15	30	30	5	0	80
Whyndyke Farm, Preston New Road, Whitehills	MUS2		11/0221 OL			1310		1310	0	1310	0	0	0	30	60	60	150
Land to the rear of 23-63 Westgate Road, Squires Gate	HS21	1A677	08/0992 FULL 12/0499 FULL 16/0194 FULL				25	25	0	25	25	15	10	0	0	0	25
Former Clock Garage, Preston New Road, Westby	HS22	4A821	11/0847 OL 15/0891 RM				14	14	0	14	14	0	14	0	0	0	14
Land South of Bridgeside, Squires Gate	HS23	1A873	13/0231 FULL				22	22	0	22	22	15	7	0	0	0	22
Spengarth, Cropper Road, Westby			15/0807 OL			14		14	0	14	0	0	0	14	0	0	14
Cropper Road West, Whitehills	HSS5				442			442	0	442	0	0	0	0	0	30	30
Fylde-Blackpool Periphery Sub Total												137	167	189	185	197	
				0	464	1589	869	2922	195	2727	674	875					
SL3 - Warton																	
Land Opposite Blackfield End Farm, Warton	HSS2	2A1020	13/674 OL				360	360	0	360	360	0	30	60	60	60	210

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11					
												7	8	9	10	11	
Highgate Park, Lytham Road, Warton	HSS7	2A879	12/0550 OL 13/0786 RM 15/706 RM				254	254	64	190	190	30	30	30	30	30	150
Riversleigh Farm, Warton	HS24	2A985	13/0526 FULL				82	82	61	21	21	21	0	0	0	0	21
Nine Acres Nursery, Harbour Lane Phase 1	HS25	2A765	10/0766 OL 11/0816 RM				75	75	66	9	9	9	0	0	0	0	9
Georges Garage, Warton	HS26	2A955	14/0833 FULL				16	16	0	16	16	15	1	0	0	0	16
Oaklands Caravan Park, 252 Lytham Road, Warton	HS27		15/194 OL			53		53	0	53	0	0	0	15	30	8	53
Land North of Freckleton Bypass, Warton			14/0410 OL				375	375	0	375	375	0	0	0	30	60	90
Clifton House Farm, Lytham Road, Warton			15/0562 OL				115	115	0	115	115	0	0	0	15	30	45
Warton Sub Total												75	61	105	165	188	
				0	0	53	1277	1330	191	1139	1086	594					
SL4 - Kirkham and Wesham																	
The Pastures, Fleetwood Road, Wesham	HSS8	3A890	11/0763 OL 14/0041 RM 14/0779 OL 16/0195 FULL				264	264	72	192	192	30	30	30	30	30	150
Land North of Blackpool Road, Kirkham	HSS9	3A894	12/419 OL 14/613 RM				117	117	27	90	90	30	30	30	0	0	90
Land North of Blackpool Road, Kirkham	HSS9	3A895	12/0635 OL				180	180	13	167	167	30	30	30	30	30	150
Land North of Blackpool Road, Kirkham	HSS9		15/0177 FULL	291			291	291	0	291	0	0	0	15	30	30	75
Sunnybank Mill, Kirkham	HS28			29			29	29	0	29	0	0	0	0	0	15	15
Sunnybank Mill, Kirkham	HS28		17/0044 FULL	23			23	23	0	23	0	0	0	15	8	0	23
Pennine View, Weeton Road, Wesham	HS30	3A891	13/0364 OL	12			12	12	0	12	0	0	0	0	0	12	12
West End Residential Park, Kirkham	HS32		12/0376 COU				27	27	0	27	27	15	12	0	0	0	27
Land at Brookfarm, Dowbridge, Kirkham (Newton)			15/0547 OL				170	170	0	170	170	0	15	30	30	30	105
Campbells Caravans, Blackpool Road, Kirkham			16/0112 OL	30			30	30	0	30	0	0	0	15	15	0	30
Kirkham and Wesham Sub Total												105	117	165	143	147	

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11					
												7	8	9	10	11	
Minimum and Maximum Sub Total				0	355	30	968	1353	322	1031	646	677					
Non Strategic Locations for Development																	
Freckleton																	
The Refuge, Ruskin Road, Freckleton	HS37	2A880	13/0262 OL 16/0609 FULL				11	11	0	11	11	11	0	0	0	0	11
Land rear of High Meadows, Lower Lane, Freckleton	HS38				13			13	0	13	0	0	0	0	0	13	13
Elswick																	
Neighbourhood Development Plan allocation					50			50	0	50	0	0	0	0	0	15	15
Staining																	
Land at Kings Close, Staining	HS40	4A978	13/0590 OL 15/0901 RM				30	30	0	30	30	15	15	0	0	0	30
Thornfield Caravan Park, Staining	HS41				28			28	0	28	0	0	0	0	0	15	15
Wrea Green																	
Land off Willow Drive, Wrea Green	HSS11	4A1037	15/0458 OL 14/0302 OL 16/0280 RM				86	86	0	86	86	15	30	30	11	0	86
Land Adj Richmond Avenue, Wrea Green	HS44	4A822	12/0408 OL 13/0097 RM				54	54	52	2	2	2	0	0	0	0	2
Rear of 54 Bryning Lane, Wrea Green	HS45	4A969	12/0456 OL				25	25	0	25	25	0	15	10	0	0	25
North View Farm, 22 Ribby Road, Wrea Green	HS46	4A970	13/0507 OL				42	42	14	28	28	28	0	0	0	0	28
Land North of North View Farm, Wrea Green	HS47				15			15	0	15	0	0	0	0	0	15	15
Clifton																	
Land North of Preston Road, Clifton	HS49		15/0763 OL 16/0488 RM				74	74	0	74	74	15	30	29	0	0	74
Land East of Rowan Close, Ash Lane, Clifton	HS50		15/0165 OL		30			30	0	30	0	0	0	15	15	0	30

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11											
												7	8	9	10	11							
Newton																							
Newton Hall, School Lane, Newton	HS51			86		86	0	86	0	0	0	0	0	15	15								
Cobweb Barn, Oak Lane, Newton	HS52			29		29	0	29	0	0	0	0	0	15	15								
Singleton																							
Singleton Village, Singleton	HS53			15		15	0	15	0	0	0	0	0	15	15								
Weeton																							
Land West of Church Road, Weeton			16/0811 OL			25		25	0	25	0	0	0	15	10	0	25						
Greenhalgh																							
Little Eccleston																							
Sunnydale Nurseries, Garstang Road, Little Eccleston	HS56	4A1031	15/0124 OL 16/0817 FULL			41		41	0	41	0	0	15	26	0	0	41						
Non Strategic Locations Sub Total												86	105	125	36	103							
				0	236	96	455	787	199	588	256	455											
Strategic Locations Sub Total												513	558	681	660	622							
				0	831	1858	5163	7852	1132	6720	4031	3034											
Strategic and Non Strategic Locations Sub Total												599	663	806	696	725							
				0	1067	1954	5618	8639	1331	7308	4287	3489											
Allowances and Small Sites																							
Small Site Commitment and Minded to Approve (unallocated sites)						2	335	337	0	337	335	67	67	67	67	67	335						
Long Term Empty Home Re-entering Market				50				0	0	0	0	10	10	10	10	10	50						
Allowances Sub Total												77	77	77	77	77							
				450	0	2	542	544	207	337	335	385											
Total Housing Provision (Non Strategic, Strategic and Allowances)											676	740	883	773	802								
											450	1067	1956	6160	9183	1538	7645	4622	3874				

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Site

Site Reference

HLAS Site Reference

Planning Application Number

A. Allowances

B. Allocations

C. Minded to Approve (net)

D. Planning Application Commitment (net)

E. Total Dwellings (B+C+D = E)

F. Completions (Sum of Years 1 to 6)

G. Balance (E-F=G)

H. UC/NS (net) (D-F=H)

7 2017-2018

8 2018-2019

9 2019-2020

10 2020-2021

11 2021-2022

Years 7 to 11

APPENDIX 4: 2011 to 2032 Fylde Local Plan Housing Trajectory (base dated 31st March 2017)

Rear of 54 Bryning Lane, Wrea Green	HS45	4A969	12/0456 OL	25	25	0	25	25	0	0	0	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	0	0	25	0
North View Farm, 22 Ribby Road, Wrea Green	HS46	4A970	13/0507 OL	42	42	14	28	28	0	0	0	0	4	10	28	0	0	0	0	0	0	0	0	0	0	0	0	0	42	0	
Land North of North View Farm, Wrea Green	HS47			15	15	0	15	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	15	0	
Former Wareings, Ribby Road, Wrea Green	HS48	4A753	10/0709 FULL	13	13	13	0	0	10	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0	

Clifton

Land North of Preston Road, Clifton	HS49		15/0763 OL 16/0488 RM	74	74	0	74	74	0	0	0	0	0	0	15	30	29	0	0	0	0	0	0	0	0	0	0	0	74	0
Land East of Rowan Close, Ash Lane, Clifton	HS50		15/0165 OL	30	30	0	30	0	0	0	0	0	0	0	0	15	15	0	0	0	0	0	0	0	0	0	0	0	30	0

Newton

Newton Hall, School Lane, Newton	HS51			86	86	0	86	0	0	0	0	0	0	0	0	0	0	15	30	30	11	0	0	0	0	0	0	0	86	0
Cobweb Barn, Oak Lane, Newton	HS52			29	29	0	29	0	0	0	0	0	0	0	0	0	0	15	14	0	0	0	0	0	0	0	0	0	29	0

Singleton

Singleton Village, Singleton	HS53			15	15	0	15	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	15	0
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Weeton

The Laurels and Willow House, Mythop Road, Weeton	HS54	4A913	12/0772 FULL	20	20	20	0	0	0	0	5	11	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0
Land West of Church Road, Weeton			16/0811 OL	25	25	0	25	0	0	0	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	0	0	25	0

Greenhalgh

The Rowans (Former Blue Anchor Inn), Fleetwood Road, Greenhalgh Phase 1 & 2	HS55	4A820		17	17	17	0	0	0	0	12	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0
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Little Ecclestone

Sunnydale Nurseries, Garstang Road, Little Ecclestone	HS56	4A1031	15/0124 OL 16/0817 FULL	41	41	0	41	0	0	0	0	0	0	0	0	15	26	0	0	0	0	0	0	0	0	0	0	0	41	0
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Non Strategic Locations Sub Total									11	14	30	23	63	58	86	105	125	36	103	87	35	11	0	0	0	0	0	0	0	787	0
	0	236	96	455	787	199	588	256	199				455				133				0										
Strategic Locations Sub Total									120	91	179	172	220	350	513	558	681	660	622	608	490	345	300	285	240	212	126	120	120	7012	840
	0	831	1858	5163	7852	1132	6720	4031	1132				3034				2028				818										
Strategic and Non Strategic Locations Sub Total									131	105	209	195	283	408	599	663	806	696	725	695	525	356	300	285	240	212	126	120	120	7799	840
	0	1067	1954	5618	8639	1331	7308	4287	1331				3489				2161				818										

Allowances and Small Sites

Email of 10/07/17 providing draft HSS Information



Eddie Graves <eddie.graves@fylde.gov.uk>

Matthew Wyatt; + 5

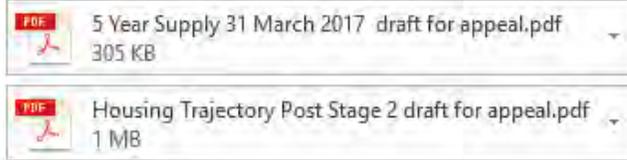


2

Mon 10-Jul

Five year housing land supply information for appeal

i You replied to this message on 11-Jul-17 11:31 AM.

[Action Items](#)[+ Get more add-ins](#)

Hi Matthew and Matthew

Please find attached a draft of the statement intended to be submitted as part of the response to the Inspector by Friday, and a draft of the accompanying housing trajectory for the whole plan period (I regret the 5-year one has not yet been prepared, but all of the information is contained in the one provided). It remains subject to correction but it is the best I can provide today.

I will provide copies of the information actually to be submitted to the Inspector when available in final form (probably Thursday)

Kind regards

Eddie

Eddie Graves
Planning Policy Officer
Fylde Borough Council

Fylde Council
Five Year Housing Supply Statement, base dated 31st March 2017
Examination in Public Edit July 2017

Introduction

1. Local planning authorities should identify sufficient deliverable sites to provide five years' worth of housing against their housing requirement. In other words, a five year supply of deliverable housing land must be identified. This is required under paragraph 47 of the National Planning Policy Framework (the Framework).
2. The methodology below explains how the Borough's five year supply position has been calculated. The calculation takes latest thinking into consideration, in addition to the Framework and the National Planning Practice Guidance (NPPG).
3. The latest version of the Housing Land Supply Trajectory to 2032 can be seen at Appendix 3. The five year supply position has been taken from this version of the Housing Trajectory which is base dated 31st March 2017 and reflects the most up to date information available to the Council, including revisions to delivery assumptions as agreed at the Stage 2 hearings of the Fylde Local Plan to 2032 Examination in Public held between 20 & 28 June 2017.

Methodology

Housing Requirement

4. The Planning Committee at its meeting of 8th May 2017 considered 'Fylde Addendum 3: Analysis of the Objectively Assessed Need (OAN) in light of the 2014-based SNPP and SNHP' which is an addendum to the Fylde Coast Strategic Housing Market Assessment (2013). In light of this new evidence the Planning Committee resolved that a figure of 415 homes per annum will meet Fylde's objectively assessed need for housing.
5. Since 2011, Fylde has met the OAN annual housing requirement in one year (2016/17). As a result there has been a cumulative under delivery (shortfall) of 952 homes against the annual housing requirement.
6. In order to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land, The Framework contains a requirement for a buffer where there has been a record of persistent under delivery of housing. The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.
7. At present there has been a persistent under delivery of housing in Fylde and accordingly under paragraph 47 of the Framework, a 20% buffer has been applied. The buffer is not an additional 20% to the housing requirement. Rather, it brings sites forward from later in the plan period and consequently the annual housing requirement for later in the plan period will be lower to reflect this.
8. The adjusted five year requirement for Fylde comprises: five years' worth of the annual housing requirement, plus the shortfall; and a 20% buffer in accordance with the Framework paragraph 47, as set out below:

<p>Adjusted five year requirement</p> <p>=</p> <p>(Annual requirement x 5 + Shortfall) + 20% buffer</p>
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Deliverable sites

9. Only deliverable sites can be identified to meet the five year housing requirement. The following types of sites have been considered deliverable:
 - Sites with planning permission, including 'outline' permission;
 - Sites where planning permission has been agreed, but the Section 106 agreement has not yet been signed (if applicable);
 - Sites where the council is minded to approve^a; and
 - Any other sites which are allocated in the Fylde Local Plan to 2032.
10. Only where there would be definite obstacles to the implementation of a planning permission, such as evidence of a lack of viability, will a site be excluded. Where viability is questioned, each case will be assessed on its own merits. The applicant will be expected to undertake and submit a viability assessment, at their own expense, as evidence that a site is not viable.
11. In those instances where the local planning authority agrees that a site is not viable, the site will be removed from the existing supply.

Build out rates and phasing

12. The build-out rates that are used in the calculations are the same as those that are used in the emerging Local Plan and the Strategic Housing Land Availability Assessment (SHLAA) 2015. The SHLAA is a robust piece of evidence that is produced with input from a SHLAA Steering Group. The SHLAA assumes that 15 homes will be built in the first year and 30 homes in subsequent years. If the site has a capacity of more than 300 homes then it assumes that there will be two developers and the output will be doubled.
13. During the Local Plan to 2032 Examination in Public Hearing Sessions the Council agreed to amend its approach to build out rates and phasing. Where detailed further information about a specific site has been provided by the site owners, developers or agents the Council has taken this into account and set out build out rates and phasing accordingly. Where there is sufficient evidence that an established development site is delivering at a rate that is at variance to the general delivery assumptions, these varied build out rates are assumed for the remaining units of the development site. In all other circumstance the Council continues to rely upon the evidence put forward in the SHLAA and SHLAA Steering Group. The Council considers that this balanced approach is in accordance with paragraph 47 of the Framework and the NPPG.
14. Only on sites with full planning permission and a signed Section 106 agreement (if applicable) will development be able to commence in year 1. Sites with outline planning permission, or sites where a Section 106 agreement is yet to be signed, will not be able to commence in year 1. It is anticipated that development will be able to commence on these sites as follows:

^a Addendum III of the Interim Housing Policy (February 2013) increased the dwelling threshold for proposed developments requiring Section 106 contributions. There are however a number of planning applications which the council determined and was minded to approve, subject to Section 106 contributions, based upon a lower dwelling threshold. Therefore, at the 31st March 2016, these planning applications no longer required a Section 106 and the council is currently processing the planning applications. For the purposes of this five year housing supply, these planning applications are identified as 'minded to approve'. All of these sites would deliver within five years.

Site Status	Assumed Year of Commencement
Full planning permission, with signed Section 106	Year 1
Full planning permission, awaiting signing of Section 106	Year 2
Change of use, awaiting signing of Section 106	Year 2
Outline planning permission, with signed Section 106	Year 2
Outline planning permission, awaiting signing of Section 106	Year 3
Full planning application received and proposed allocation in emerging Local Plan	Year 3
Outline planning application received and proposed allocation in emerging Local Plan	Year 4
Allocated Site without a full or outline planning application	Year 5

Development not being implemented

15. It is recognised that not all developments identified within the five year supply will be developed. During the Local Plan to 2032 Examination in Public Hearing Sessions a detailed 'forensic' evaluation of all large sites (sites of 10 units or more) was completed and the Housing Land Supply Trajectory amended according. Given this site specific evidence, the Council no longer considers it appropriate to apply a 10% allowance^b to all sites within the supply; instead the discount applies to small sites only.
16. Relying on data from the Housing Land Availability Schedule, the Council is aware that 61 units were the subject of a lapsed planning permission from 2011 to 2017. To estimate what proportion of implementable planning permissions the 61 represents, the Council has relied on the total number of small site completions and the total number of current small site commitments. Accordingly the 61 units represents approximately 11% of the implementable planning permissions over the corresponding time period^c. Therefore, in line with the approach of other Local Authorities and in seeking to make a reasonable allowance for small sites not coming forward in the five year period, the Council will apply a 10% discount to all small sites within the supply.
17. The standard delivery assumptions have been applied to those small sites that have planning permission and so these are expected to be delivered during the next 3 years. An analysis of previous planning permissions coming forward in regard to small 'windfall' sites has revealed that it is likely that 40 dwellings per annum will be delivered. Accordingly, an allowance of 40 dwellings has been made for years 4 & 5. This has not been discounted as this is based upon historic delivery rates rather than planning permissions granted.
18. The Fylde Local Plan to 2032 includes provision for the construction of approximately 50 dwellings at Elswick, the specific sites for which are intended to be identified via a Neighbourhood Development Plan (NDP). However planning permissions have been granted in regard to a number of housing sites in the village (both small and large sites) ahead of the NDP. Accordingly, it is considered realistic that the 50 dwellings identified for construction in the village will be delivered during the next five year period.

^b Prior to the Examination, the total supply was discounted by 10% to allow for sites not coming forward in line with the delivery assumptions.

^c Total implementable planning permissions 2011-2017 (small sites only) is (207+329) 536. Approximate percentage that lapsed is (61/536) 11%. Information taken from the Housing Land Availability Schedule and Local Plan to 2032 Housing Land Supply Trajectory correct as of 27/06/17.

Different Approaches to Five Year Housing Supply

19. There are two approaches taken to deal with any shortfall in supply, the differences coming from the time period over which the shortfall should be addressed. The first is a residual approach, or 'Liverpool approach', where the shortfall is spread across the remaining plan period i.e. the total number of homes still left to build is divided by the number of years remaining in the plan period; in Fylde's case that would be until 2032. The second, the 'Sedgefield approach', seeks to make up the shortfall within the next five year period.
20. The NPPG provides guidance by stating that Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate^d. The Framework is not prescriptive as to which approach Local Planning Authorities should adopt when calculating their five year housing land supply.
21. For comparative purposes the *Sedgefield* approach is shown in Table 1 and the *Liverpool* approach is shown in Table 2.

Housing Land Supply Trajectory

22. The '*5 Year Housing Land Supply Trajectory*' and the '*2011 to 2032 Fylde Local Plan Housing Trajectory*' upon which the five year housing supply statement relies, can be seen at Appendix 2 and Appendix 3 respectively.

^d NPPG Paragraph: 035 Reference ID: 3-035-20140306, Revision date: 06 03 2014

Table 1: 415dpa OAN Five Year Housing Supply Position – base dated 31st March 2017**Sedgefield Approach**

Table 1(a): OAN Plan Period Housing Requirement at 31st March 2017	No. of Homes
OAN plan period housing requirement 2011 – 2032 (21 years) (415dpa x 21)	8,715
OAN housing requirement between 1 st April 2011 and 31 st March 2017 (6 x 415dpa)	2,490
Completions between 1 st April 2011 and 31 st March 2017 (6 years)	1,538
Under delivery (shortfall) between 1 st April 2011 and 31 st March 2016 (2,490 – 1,538)	952

Table 1(b): Five Year Housing Requirement at 31st March 2017	No. of Homes
Annual housing requirement	415
5 year housing requirement and shortfall ((415 x 5) + 952)	3,027
Adjusted 5 year housing requirement, including shortfall and 20% buffer (3,027 + 605)	3,632
Adjusted annual housing requirement for 0 – 5 year period (3,632 ÷ 5)	726

Table 1(c): Five Year Housing Supply at 31st March 2017	No. of Homes
Requirement	
Adjusted 5 year housing requirement including shortfall and buffer	3,632
Supply	
Existing supply ¹	3,583
Potential supply ²	130
10% allowance for supply not coming forward ³	33
Total Supply ((3,583 + 130) - 33)	3,680
Over/Under Supply 5 year period (Total Supply – Requirement, 3,680 – 3,632)	48
Equivalent Years Supply 5.1 (3,680 ÷ 726)	

Table 2: 415dpa OAN Five Year Housing Supply Position – base dated 31st March 2017**Liverpool Approach**

Table 2(a): OAN Plan Period Housing Requirement at 31st March 2017	No. of Homes
OAN plan period housing requirement 2011 – 2032 (21 years) (415dpa x 21)	8,715
OAN housing requirement between 1 st April 2011 and 31 st March 2017 (6 x 415dpa)	2,490
Completions between 1 st April 2011 and 31 st March 2017 (6 years)	1,538
Under delivery (shortfall) between 1 st April 2011 and 31 st March 2016 (2,490 – 1,538)	952

Table 2(b): Five Year Housing Requirement at 31st March 2017	No. of Homes
Annual housing requirement	415
5 year housing requirement and shortfall $((952/15)+415)*5$	2,392
Adjusted 5 year housing requirement, including shortfall and 20% buffer (2,392 + 478)	2,870
Adjusted annual housing requirement for 0 – 5 year period $(2,870 \div 5)$	574

Table 2(c): Five Year Housing Supply at 31st March 2017	No. of Homes
Requirement	
Adjusted 5 year housing requirement including shortfall and buffer	2,870
Supply	
Existing supply ¹	3,583
Potential supply ²	130
10% allowance for supply not coming forward ³	33
Total Supply $((3,583 + 130) - 33)$	3,680
Over/Under Supply 5 year period (Total Supply – Requirement, 3,680 – 2,870)	810
Equivalent Years Supply 6.4 $(3,680 \div 574)$	

APPENDIX 1: Delivery Notes

¹ Existing Supply

The existing supply includes:

- 1(a) Existing commitments;
- 1(b) Planning applications approved subject to a signed Section 106 and planning applications minded to approve;
- 1(c) Any other sites which are allocated in the Fylde Local Plan to 2032.

Appendix 2 to this position statement presents the trajectory for years 0 – 5 which sets out existing commitments.

² Potential Supply

An allowance for long term empty homes of 10 homes per annum is made for homes re-entering the market (see Table 3). The existing supply includes the commitments and minded to approve homes yields on sites of 0 – 9 net homes. These sites are expected to complete in years 1-3, therefore an allowance for small sites is included in the potential supply for years 4 – 5.

Table 3: Potential Long Term Empty Homes (net)						
Year	1	2	3	4	5	5 year total
No. of long term empty homes	10	10	10	10	10	50
Allowance for small sites				40	40	80
Total	10	10	10	50	50	130

➤ Potential supply: **130 homes**

³ 10% Allowance for Sites Not Coming Forward

A 10% allowance for sites not coming forward has been calculated from the existing and potential supply (see Table 4).

Table 4: Calculation of 10% allowance		No. of Homes
1	Small Sites Commitments	329
2	Small Sites Minded to Approve	2
1 + 2	Total Supply	331
(1 + 2) x 10%	10% of existing and potential supply not coming forward (rounded up)	33

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APPENDIX 2: 5 Year Housing Land Supply Trajectory (base dated 31st March 2017)

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022
SL1 - Lytham and St Annes Strategic Location for Development																
Queensway, St Annes	HSS1	1A782	08/0058 OL 13/0257 RM 15/400 FULL				1150	1150	0	1150	1150	0	50	100	100	100
Heyhouses Lane, St Annes	MUS4	1A783	12/0465 OL 13/0448 RM				162	162	103	59	59	30	29	0	0	0
Heyhouses Lane, St Annes	MUS4	1A783	15/787 OL				160	160	0	160	160	0	15	30	30	30
Jubilee House, East Beach, Lytham	HS2	1A847	13/0001 FULL				20	20	0	20	20	15	5	0	0	0
Ashton Nurseries, Mythop Road, Lytham	HS3	1A858	07/1264 OL 16/0413 FULL		12			12	0	12	0	0	0	12	0	0
The Gables, 35-39 Orchard Road, St Annes	HS4	1A594	05/0648 FULL 16/0639 FULL				19	19	0	19	19	15	4	0	0	0
Petros House, St Andrews Road North, St Annes	HS7	1A931	14/0418 COU				35	35	0	35	35	15	20	0	0	0
23 - 33 Fairhaven Road, St Annes	HS9	1A990	14/0320 FULL				32	32	0	32	32	15	17	0	0	0
34-36 Orchard Road, Lytham St Annes	HS10	1A998	15/0176 FULL				12	12	0	12	12	12	0	0	0	0
The Galleries, 2-4 Kingsway, Lytham	HS11	1A1010	15/0486 FULL				10	10	0	10	10	10	0	0	0	0
Fairways, Heeley Road, St Annes	HS12		08/0092 OL			20		20	0	20	0	0	0	15	5	0
Kingsway Garage, St Annes	HS13		11/0667 OL			30		30	0	30	0	0	0	15	15	0
Axa, Lytham	HS14		13/0152 OL			45		45	0	45	0	0	0	15	30	0
Land to the West, Ballam Road, Lytham	HS15		13/0161 FULL 14/0161 FULL				12	12	3	9	9	9	0	0	0	0
Westmoreland House, 29-31 Orchard Road, St Annes	HS58		16/0285 PA 16/0470 FULL				25	25	0	25	25	15	10	0	0	0
Land to East Sefton Road, Lytham St Annes	HS59		16/0239 FULL				12	12	0	12	12	12	0	0	0	0
Valentines Kennels, Wildings Lane, St Annes	HS60		16/0903 OL				53	53	0	53	53	0	15	30	8	0
Land at Roseacre, Wilding Lane, St Annes	HS61		16/0061 FULL			45		45	0	45	0	0	15	30	0	0
Keenans Mill, Lord Street, Lytham St. Annes	HS62		16/0905 FULL				26	26	0	26	26	15	11	0	0	0

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11				
												7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022
Dalmeny Hotel	HS65		16/0374 OL			34		34	0	34	0	0	0	15	19	0
Lytham and St Annes Sub Total				0	12	174	2049	2235	427	1808	1622	163	191	262	207	130
SL2 - Fylde - Blackpool Periphery Strategic Location for Development																
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A833	08/1049 OL 10/0877 OL 14/0392 RM				76	76	45	31	31	30	1	0	0	0
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A834	08/1049 OL 16/0062 FULL				353	353	0	353	353	30	45	45	45	45
Land at Lytham St Annes Way, Whitehills	HSS6	4A771	13/0726 FULL				26	26	24	2	2	2	0	0	0	0
Land at Lytham St Annes Way, Whitehills	HSS6				22			22	0	22	0	0	0	0	0	15
Cropper Road East, Whitehills	MUS1	4A911	12/0717 OL 14/0310 RM				145	145	23	122	122	30	30	30	30	2
Cropper Road East, Whitehills	MUS1		13/0753 OL				25	25	0	25	25	0	15	10	0	0
Cropper Road East, Whitehills	MUS1		15/0114 OL			265		265	0	265	0	0	0	15	30	30
Cropper Road East, Whitehills	MUS1	4A1050	15/0472 OL 16/0847 RM				80	80	0	80	80	0	0	0	0	30
Whyndyke Farm, Preston New Road, Whitehills	MUS2		11/0221 OL			1310		1310	0	1310	0	0	0	0	0	15
Land to the rear of 23-63 Westgate Road, Squires Gate	HS21	1A677	08/0992 FULL 12/0499 FULL 16/0194 FULL				25	25	0	25	25	15	10	0	0	0
Former Clock Garage, Preston New Road, Westby	HS22	4A821	11/0847 OL 15/0891 RM				14	14	0	14	14	0	14	0	0	0
Land South of Bridgeside, Squires Gate	HS23	1A873	13/0231 FULL				22	22	0	22	22	15	7	0	0	0
Spengarth, Cropper Road, Westby	MUS1		15/0807 OL			14		14	0	14	0	0	0	14	0	0
Fylde-Blackpool Periphery Sub Total				0	472	1589	869	2930	195	2735	674	122	122	114	105	137
												600				

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022
SL3 - Warton																
Land Opposite Blackfield End Farm, Warton	HSS2	2A1020	13/674 OL				360	360	0	360	360	0	25	50	50	50
Highgate Park, Lytham Road, Warton	HSS7	2A879	12/0550 OL 13/0786 RM 15/706 RM				254	254	64	190	190	30	30	30	30	30
Riversleigh Farm, Warton	HS24	2A985	13/0526 FULL				82	82	61	21	21	21	0	0	0	0
Nine Acres Nursery, Harbour Lane Phase 1	HS25	2A765	10/0766 OL 11/0816 RM				75	75	66	9	9	9	0	0	0	0
Georges Garage, Warton	HS26	2A955	14/0833 FULL				16	16	0	16	16	15	1	0	0	0
Oaklands Caravan Park, 252 Lytham Road, Warton	HS27		15/194 OL			53		53	0	53	0	0	0	15	30	8
Land North of Freckleton Bypass, Warton	HSS12		14/0410 OL				350	350	0	350	350	0	0	0	0	30
Clifton House Farm, Lytham Road, Warton	HSS13		15/0562 OL				115	115	0	115	115	0	0	0	0	15
Warton Sub Total												75	56	95	110	133
				0	0	53	1252	1305	191	1114	1061	469				
SL4 - Kirkham and Wesham																
The Pastures, Fleetwood Road, Wesham	HSS8	3A890	11/0763 OL 14/0041 RM 14/0779 OL 16/0195 FULL				264	264	72	192	192	39	39	38	38	38
Land North of Blackpool Road, Kirkham	HSS9	3A894	12/419 OL 14/613 RM				117	117	27	90	90	30	30	30	0	0
Land North of Blackpool Road, Kirkham	HSS9	3A895	12/0635 OL				180	180	13	167	167	30	30	30	30	30
Land North of Blackpool Road, Kirkham	HSS9		15/0177 FULL		291			291	0	291	0	0	0	15	30	30
Sunnybank Mill, Kirkham	HS28				29			29	0	29	0	0	0	0	0	15
Sunnybank Mill, Kirkham	HS28		17/0044 FULL		23			23	0	23	0	0	0	15	8	0
Pennine View, Weeton Road, Wesham	HS30	3A891	13/0364 OL		12			12	0	12	0	0	0	0	0	12
West End Residential Park, Kirkham	HS32		12/0376 COU				27	27	0	27	27	15	12	0	0	0

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022
Land at Brookfarm, Dowbridge, Kirkham (Newton)	HS57		15/0547 OL				170	170	0	170	170	0	15	30	30	30
Campbells Caravans, Blackpool Road, Kirkham	HS63		16/0112 OL			30		30	0	30	0	0	0	15	15	0
Kirkham and Wesham Sub Total				0	355	30	968	1353	322	1031	646	114	126	173	151	155
													719			
Non Strategic Locations for Development																
Freckleton																
The Refuge, Ruskin Road, Freckleton	HS37	2A880	13/0262 OL 16/0609 FULL				11	11	0	11	11	11	0	0	0	0
Land rear of High Meadows, Lower Lane, Freckleton	HS38				13			13	0	13	0	0	0	0	0	13
Quernmore Trading Estate, Croft Butts Lane, Freckleton	HS66				10			10	0	10	0	0	0	0	0	10
Elswick																
Neighbourhood Development Plan allocation					50			50	0	50	0	0	0	15	30	5
Staining																
Land at Kings Close, Staining	HS40	4A978	13/0590 OL 15/0901 RM				30	30	0	30	30	15	15	0	0	0
Thornfield Caravan Park, Staining	HS41				28			28	0	28	0	0	0	0	0	15
Wrea Green																
Land off Willow Drive, Wrea Green	HSS11	4A1037	15/0458 OL 14/0302 OL 16/0280 RM				86	86	0	86	86	15	30	30	11	0
Land Adj Richmond Avenue, Wrea Green	HS44	4A822	12/0408 OL 13/0097 RM				54	54	52	2	2	2	0	0	0	0
Rear of 54 Bryning Lane, Wrea Green	HS45	4A969	12/0456 OL 16/0156 FULL				36	36	0	36	36	0	15	21	0	0
North View Farm, 22 Ribby Road, Wrea Green	HS46	4A970	13/0507 OL				42	42	14	28	28	28	0	0	0	0

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 7 to 11								
												7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022				
Land North of North View Farm, Wrea Green	HS47				15			15	0	15	0	0	0	0	0	15				
Clifton																				
Land North of Preston Road, Clifton	HS49		15/0763 OL 16/0488 RM				74	74	0	74	74	15	30	29	0	0				
Land East of Rowan Close, Ash Lane, Clifton	HS50		15/0165 OL			30		30	0	30	0	0	0	15	15	0				
Newton																				
Newton Hall, School Lane, Newton	HS51				86			86	0	86	0	0	0	0	0	15				
Cobweb Barn, Oak Lane, Newton	HS52				54			54	0	54	0	0	0	0	0	15				
Singleton																				
Singleton Village, Singleton	HS53				15			15	0	15	0	0	0	0	0	15				
Weeton																				
Land West of Church Road, Weeton	HS64		16/0811 OL			25		25	0	25	0	0	0	15	10	0				
Greenhalgh																				
Little Ecclestone																				
Sunnydale Nurseries, Garstang Road, Little Ecclestone	HS56	4A1031	15/0124 OL 16/0817 FULL			41		41	0	41	0	0	15	26	0	0				
Non Strategic Locations Sub Total												86	105	151	66	103				
												0	271	96	466	833	199	634	267	511
Strategic Locations Sub Total												474	495	644	573	555				
												0	839	1846	5138	7823	1135	6688	4003	2741
Strategic and Non Strategic Locations Sub Total												560	600	795	639	658				
												0	1110	1942	5604	8656	1334	7322	4270	3252

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	7 2017-2018	Years 7 to 11			
												8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022	
Allowances and Small Sites																
Small Site Completions							207	207	204	3	3	3	0	0	0	
Small Site Commitment and Minded to Approve (unallocated sites)						2	329	331	0	331	329	110	110	110	1	0
Small Sites and Windfall Allowance (unallocated sites)				480				0	0	0	0	0	0	0	40	40
Long Term Empty Home Re-entering Market				50				0	0	0	0	10	10	10	10	10
Allowances Sub Total												123	120	120	51	50
				530	0	2	536	538	204	334	332	464				
Total Housing Provision (Non Strategic, Strategic and Allowances)												683	720	915	690	708
				530	1110	1944	6140	9194	1538	7656	4602	3716				

APPENDIX 3: 2011 to 2032 Fylde Local Plan Housing Trajectory (base dated 31st March 2017)

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 1 to 6						Years 7 to 11					Years 12 to 16					Plan Period Total	Out of Plan Period Total					
												1 2011-2012	2 2012-2013	3 2013-2014	4 2014-2015	5 2015-2016	6 2016-2017	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022	12 2022-2023	13 2023-2024	14 2024-2025	15 2025-2026	16 2026-2027			17 2027-2028	18 2028-2029	19 2029-2030	20 2030-2031	21 2031-2032
SL1 - Lytham and St Annes Strategic Location for Development																																		
Queensway, St Annes	HSS1	1A782	08/0058 OL 13/0257 RM 15/400 FULL			1150	1150	0	1150	1150	0	0	0	0	0	0	50	100	100	100	100	100	100	100	100	100	100	100	100	1150	0			
Lytham Quays, Lytham	HSS3	1A735	02/0641 OL 1A200 1A354 06/0074 RM 09/0659 OL 11/0374 RM			119	119	119	0	0	5	22	48	40	4	0	0	0	0	0	0	0	0	0	0	0	0	0	119	0				
Heyhouses Lane, St Annes	MUS4	1A783	12/0465 OL 13/0448 RM			162	162	103	59	59	0	0	0	10	33	60	30	29	0	0	0	0	0	0	0	0	0	0	162	0				
Heyhouses Lane, St Annes	MUS4	1A783	15/787 OL			160	160	0	160	160	0	0	0	0	0	0	15	30	30	30	30	25	0	0	0	0	0	0	160	0				
Queen Mary School, Clifton Drive South, St Annes	HS1	1A439	03/0157 COU			35	35	35	0	0	21	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35	0				
Jubilee House, East Beach, Lytham	HS2	1A847	13/0001 FULL			20	20	0	20	20	0	0	0	0	0	15	5	0	0	0	0	0	0	0	0	0	0	0	20	0				
Ashton Nurseries, Mythop Road, Lytham	HS3	1A858	07/1264 OL 16/0413 FULL		12		12	0	12	0	0	0	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	12	0				
The Gables, 35-39 Orchard Road, St Annes	HS4	1A594	05/0648 FULL 16/0639 FULL			19	19	0	19	19	0	0	0	0	0	15	4	0	0	0	0	0	0	0	0	0	0	0	19	0				
7-8 St Georges Square, St Annes	HS5	1A760	10/0891 COU			11	11	11	0	0	0	0	0	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11	0				
Petros House, St Andrews Road North, St Annes	HS7	1A931	14/0418 COU			35	35	0	35	35	0	0	0	0	0	15	20	0	0	0	0	0	0	0	0	0	0	0	35	0				
35-37 South Promenade, St Annes	HS8	1A1003	14/0327 FULL			36	36	36	0	0	0	0	0	0	0	36	0	0	0	0	0	0	0	0	0	0	0	0	36	0				
23 - 33 Fairhaven Road, St Annes	HS9	1A990	14/0320 FULL			32	32	0	32	32	0	0	0	0	0	15	17	0	0	0	0	0	0	0	0	0	0	0	32	0				
34-36 Orchard Road, Lytham St Annes	HS10	1A998	15/0176 FULL			12	12	0	12	12	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12	0				
The Galleries, 2-4 Kingsway, Lytham	HS11	1A1010	15/0486 FULL			10	10	0	10	10	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10	0				
Fairways, Heeley Road, St Annes	HS12		08/0092 OL			20	20	0	20	0	0	0	0	0	0	0	0	15	5	0	0	0	0	0	0	0	0	0	20	0				
Kingsway Garage, St Annes	HS13		11/0667 OL			30	30	0	30	0	0	0	0	0	0	0	0	15	15	0	0	0	0	0	0	0	0	0	30	0				
Axa, Lytham	HS14		13/0152 OL			45	45	0	45	0	0	0	0	0	0	0	0	15	30	0	0	0	0	0	0	0	0	0	45	0				
Land to the West, Ballam Road, Lytham	HS15		13/0161 FULL 14/0161 FULL			12	12	3	9	9	0	0	0	0	0	3	9	0	0	0	0	0	0	0	0	0	0	0	12	0				
353 Clifton Drive North, St Annes	HS16	1A658	11/0312 FULL			34	34	34	0	0	0	0	20	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	34	0				
Hastings Point, Ballam Road, Lytham	HS17	1A592	03/0157 FULL			25	25	25	0	0	0	0	21	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	0				
Former FBC Depot, St Davids Road North, St Annes	HS18	1A755	12/0537 FULL			32	32	32	0	0	0	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	32	0				
1 Lord Street, St Annes	HS19	1A932	14/0178 FULL			14	14	14	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0				
Former Kwik Save, St Annes	HS20	1A943	14/0790 FULL			15	15	15	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0				
Westmoreland House, 29-31 Orchard Road, St Annes	HS58		16/0285 PA 16/0470 FULL			25	25	0	25	25	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	0	0	25	0				
Land to East Sefton Road, Lytham St Annes	HS59		16/0239 FULL			12	12	0	12	12	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12	0				
Valentines Kennels, Wildings Lane, St Annes	HS60		16/0903 OL			53	53	0	53	53	0	0	0	0	0	15	30	8	0	0	0	0	0	0	0	0	0	0	53	0				
Land at Roseacre, Wilding Lane, St Annes	HS61		16/0061 FULL			45	45	0	45	0	0	0	0	0	0	15	30	0	0	0	0	0	0	0	0	0	0	0	45	0				
Keenans Mill, Lord Street, Lytham St. Annes	HS62		16/0905 FULL			26	26	0	26	26	0	0	0	0	0	15	11	0	0	0	0	0	0	0	0	0	0	0	26	0				
Dalmeny Hotel	HS65		16/0374 OL			34	34	0	34	0	0	0	0	0	0	0	0	15	19	0	0	0	0	0	0	0	0	0	34	0				
Lytham and St Annes Sub Total				0	12	174	2049	2235	427	1808	1622	26	36	89	100	66	110	163	191	262	207	130	130	125	100	100	100	100	100	100	0	0	2235	0

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 1 to 6						Years 7 to 11					Years 12 to 16					Years 17 to 21					Plan Period Total	Out of Plan Period Total										
												1 2011-2012	2 2012-2013	3 2013-2014	4 2014-2015	5 2015-2016	6 2016-2017	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022	12 2022-2023	13 2023-2024	14 2024-2025	15 2025-2026	16 2026-2027	17 2027-2028	18 2028-2029	19 2029-2030	20 2030-2031	21 2031-2032												
Thornfield Caravan Park, Staining	HS41				28			28	0	28	0	0	0	0	0	0	0	0	15	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28	0								
Baines Farm, Mill Lane, Staining	HS42	4A752	08/0716 FULL				11	11	11	0	0	1	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	0								
Land Adj to 18 Chain Lane, Staining	HS43	4A774	11/0131 FULL 13/0470 FULL				30	30	30	0	0	0	1	18	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30	0								
Wrea Green																																												
Land off Willow Drive, Wrea Green	HSS11	4A1037	15/0458 OL 14/0302 OL 16/0280 RM				86	86	0	86	86	0	0	0	0	0	0	15	30	30	11	0	0	0	0	0	0	0	0	0	0	0	0	0	86	0								
Land Adj Richmond Avenue, Wrea Green	HS44	4A822	12/0408 OL 13/0097 RM				54	54	52	2	2	0	0	0	5	29	18	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	54	0									
Rear of 54 Bryning Lane, Wrea Green	HS45	4A969	12/0456 OL 16/0156 FULL				36	36	0	36	36	0	0	0	0	0	0	0	15	21	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0									
North View Farm, 22 Ribby Road, Wrea Green	HS46	4A970	13/0507 OL				42	42	14	28	28	0	0	0	0	4	10	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42	0									
Land North of North View Farm, Wrea Green	HS47			15			15	15	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0										
Former Wareings, Ribby Road, Wrea Green	HS48	4A753	10/0709 FULL				13	13	13	0	0	10	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0									
Clifton																																												
Land North of Preston Road, Clifton	HS49		15/0763 OL 16/0488 RM				74	74	0	74	74	0	0	0	0	0	0	15	30	29	0	0	0	0	0	0	0	0	0	0	0	0	0	74	0									
Land East of Rowan Close, Ash Lane, Clifton	HS50		15/0165 OL			30		30	0	30	0	0	0	0	0	0	0	0	15	15	0	0	0	0	0	0	0	0	0	0	0	0	0	30	0									
Newton																																												
Newton Hall, School Lane, Newton	HS51				86			86	0	86	0	0	0	0	0	0	0	0	0	0	15	30	30	11	0	0	0	0	0	0	0	0	0	86	0									
Cobweb Barn, Oak Lane, Newton	HS52				54			54	0	54	0	0	0	0	0	0	0	0	0	0	15	30	9	0	0	0	0	0	0	0	0	0	0	54	0									
Singleton																																												
Singleton Village, Singleton	HS53				15			15	0	15	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	15	0									
Weeton																																												
The Laurels and Willow House, Mythop Road, Weeton	HS54	4A913	12/0772 FULL				20	20	20	0	0	0	0	0	5	11	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0										
Land West of Church Road, Weeton	HS64		16/0811 OL			25		25	0	25	0	0	0	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	0	0	0	25	0										
Greenhalgh																																												
The Rowans (Former Blue Anchor Inn), Fleetwood Road, Greenhalgh Phase 1 & 2	HS55	4A820					17	17	17	0	0	0	0	12	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0										
Little Ecclestone																																												
Sunnydale Nurseries, Garstang Road, Little Ecclestone	HS56	4A1031	15/0124 OL 16/0817 FULL			41		41	0	41	0	0	0	0	0	0	0	0	15	26	0	0	0	0	0	0	0	0	0	0	0	0	41	0										
Non Strategic Locations Sub Total																																												
												0	271	96	466	833	199	634	267	199						511					123						0						833	0
Strategic Locations Sub Total																																												
												0	839	1846	5138	7823	1135	6688	4003	1135						2741					2176						876						6928	895
Strategic and Non Strategic Locations Sub Total																																												
												0	1110	1942	5604	8656	1334	7322	4270	1334						3252					2299						876						7761	895

Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allocations	C. Minded to Approve (net)	D. Planning Application Commitment (net)	E. Total Dwellings (B+C+D = E)	F. Completions (Sum of Years 1 to 6)	G. Balance (E-F=G)	H. UC/NS (net) (D-F=H)	Years 1 to 6						Years 7 to 11					Years 12 to 16					Years 17 to 21					Plan Period Total	Out of Plan Period Total			
												1 2011-2012	2 2012-2013	3 2013-2014	4 2014-2015	5 2015-2016	6 2016-2017	7 2017-2018	8 2018-2019	9 2019-2020	10 2020-2021	11 2021-2022	12 2022-2023	13 2023-2024	14 2024-2025	15 2025-2026	16 2026-2027	17 2027-2028	18 2028-2029	19 2029-2030	20 2030-2031	21 2031-2032					
Allowances and Small Sites																																					
Small Site Completions							207	207	204	3	3	9	57	25	35	34	44	3	0	0	0	0	0	0	0	0	0	0	0	0	207						
Small Site Commitment and Minded to Approve (unallocated sites)							2	329	331	0	331	329	0	0	0	0	0	0	110	110	110	1	0	0	0	0	0	0	0	0	0	0	331				
Small Sites and Windfall Allowance (unallocated sites)							480	0	0	0	0	0	0	0	0	0	0	0	0	40	40	40	40	40	40	40	40	40	40	40	40	40	480				
Long Term Empty Home Re-entering Market							50	0	0	0	0	0	0	0	0	0	10	10	10	10	10	0	0	0	0	0	0	0	0	0	0	0	0	50			
Allowances Sub Total							530	0	2	536	538	204	334	332	9	57	25	35	34	44	123	120	120	51	50	40	40	40	40	40	40	40	40	1068			
												204						464					200					200									
Total Housing Provision (Non Strategic, Strategic and Allowances)							530	1110	1944	6140	9194	1538	7656	4602	140	162	234	230	317	455	683	720	915	690	708	676	579	491	403	350	310	270	236	130	130	8829	
												1538						3716					2499					1076									

Fylde Council Local Plan to 2032

FYLDE BOROUGH COUNCIL STATEMENT

MATTER 5

HOUSING – SITE ALLOCATIONS AND DELIVERY

Stage 2 Hearing Sessions

June 2017



Contents

Matter 5	Housing – Site Allocations and Delivery	Page
<i>Issue – 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?</i>		
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?	6
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?	8
<u>Site Allocations – Policies SL1 – SL5</u>		
3.	In light of further planning permissions that have been brought to my attention, do these policies need updating with new sites?	9
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?	9
5.	The policies refer to masterplans and design codes for each site without planning permission in the case of Policies SL1 and SL2 and specific strategic sites without planning permission for Policies SL3 and SL4. Are these justified and consistent with Policy M1?	10
6.	Is the methodology for site assessment and selection robust and justified?	10
7.	Are the proposed housing site allocations in Policies SL1-SL5 justified and deliverable? Are the delivery rates for the sites reasonable and achievable?	11
8.	In Policy SL5 no sites are listed for Elswick as these will be determined as part of the Neighbourhood Plan (NP). What is the timescale for the NP and is this approach justified?	20

<u>Policy H1</u>		
9.	H1b refers to performance monitoring in relation to housing delivery. Can the Council clarify the purpose of the rolling 3 year review period and how 'the delivery of uncommitted sites will be adjusted' if completions targets are missed by 20%? Is this justified and effective?	21
<u>Policy H2 – Density and mix of new residential development</u>		
10.	A minimum density of 30 dph is proposed under Policy H2. Is this justified across all development sites, whether small or large?	21
11.	Does the policy adequately address the needs of different groups in the community in accordance with the first two bullet points in paragraph 50 of the Framework?	22
12.	Should the policy include specific reference to the proportion of dwellings to be provided by size? Is this justified or could the data become out-of-date during the Plan period? Is it clear what proportions of dwelling size would be required in different locations?	23
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?	24
14.	Is the requirement for specialist accommodation to include compliance with the optional technical standard for wheelchair adaptable dwellings justified and based on robust evidence of identified need? Has the impact of applying these standards on viability of schemes been considered? (Also see Policy GD7)	25
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 home in rural settlements should be 1-2 bed. What is the source of this?	26
16.	Does the policy provide sufficient flexibility to react to market forces?	26

<u>Policy H4 – Affordable housing</u>		
17.	It has been suggested that Policy H4 should be amended so that residential developments at the Fylde-Blackpool periphery should provide financial contributions for affordable housing to be spent in Blackpool. Has this approach been considered by the Council and is it reasonable?	27
18.	Under tenure the policy refers to the provision of starter homes. Is this appropriate in light of the Housing White Paper?	27
<u>Policy H5 – Gypsies, Travellers and Travelling Showpeople’s Sites</u>		
19.	In light of the new needs evidence (<i>Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update 2016 (EL1.002)</i>) what implication does this have for Policy H5?	28
<u>Policies H6 and H7 – Homes in the Countryside</u>		
20.	Do these policies apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policies?	28
21.	Is Policy H6 consistent with paragraph 55 of the Framework?	28
22.	Is the increase in size of a replacement or extended home by no more than 33% of the ground floor area of the original home justified and based on robust evidence?	29
Appendix 1	Housing Trajectory Summary Tables	Separately

Matter 5 – Housing – Site Allocations and Delivery

Issue – 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?

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?

1.1 The Housing Trajectory (Appendix 2) sets out the yearly requirement and the total provision for each year, including completions in years 1 to 5. The shortfall from years 1 to 5 is shown incorporated within a raised requirement figure for years 6 to 21.

1.2 A revised Housing Trajectory has been provided with the Council's letter to the Inspector of 10th May; however, this omitted the final three rows on the last page as shown in the original plan Trajectory.

1.3 An Appendix to this document includes a revised Housing Trajectory, with the three rows reinstated, and a fourth row added to show cumulative performance through the plan period. The revised Housing Trajectory shows the Council's new annual Housing Requirement of 415, total plan requirement of 8715, and how this is to be delivered over the plan period. Years 1-6 show the figure of 415 as the requirement, with the shortfall accrued up to that point (a total of 952 homes) being spread over the remainder of the plan period giving an annual requirement for the remainder of the plan period of 478 homes.

1.4 The Council produces an annual Five Year Housing Supply Statement, which considers the ongoing supply of sites against the requirement. The Council has released its statement for the base date 31st March 2017, assessed against the new housing requirement of 415 homes per annum. However, in advance of the completion of the Examination of the Local Plan, the latest Five Year Housing Supply Statement uses the Sedgefield method of calculating the supply, based on the requirement to deal with the backlog over 5 years; this is the approach the Council has taken in relation to the determination of planning applications, based on the absence of an up-to-date Local Plan in place.

1.5 The Fylde Local Plan to 2032 adopts the Liverpool approach to the backlog, dealing with backlog over the plan period. This is based on the greater certainty as to delivery of sites provided for by the Local Plan. In this respect, it is important to note that the Fylde Local Plan to 2032, in contrast with some Local Plans that have been adopted, provides a supply of housing sites, with an allowance for small site windfalls, to deliver the housing requirement for the whole Local Plan period in full, rather than merely relying on SHLAA sites for the latter years of the plan period. The Liverpool

approach has been supported by many Local Plan Inspectors, including those who have examined the Blackpool Core Strategy 2015 and the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies DPD) (adopted July 2015) (pages 46-47). These documents will be added to the Council's website as additional evidence documents.

1.6 Additional summary tables of the last three lines of the Housing Trajectory have been produced to show the effect of the Liverpool and Sedgefield methods of calculating the five-year supply on the plan, attached as an Appendix to this document. The Liverpool table shows the initial requirement of 415; for years 7-11 this figure is elevated to include the 20% buffer, giving a figure of 574 homes per annum, whilst the remainder of the plan period provides for the rest of the shortfall, giving a requirement of 431 homes per annum. The Sedgefield table shows the five year requirement in years 7-11 of 726 homes annually, with the requirement subsequently reducing to 354.

1.7 Although the assumptions in the plan provide for in excess of the Sedgefield requirement for four of the first five years, for the plan to rely on the Sedgefield method for its five year supply calculation would put the effectiveness of the plan at risk, as such numbers are far in excess of the record delivery rates of developers across the borough. The figure of 455 homes delivered in 2016-17 is the highest delivered: previously the highest figure was 394 in 2007/2008. The threat of the plan's housing policies being rendered out-of-date at a relatively early stage in the plan period, and the presumption in favour of sustainable development being invoked, could lead to a plethora of less suitable sites coming forward, threatening the delivery of the sites in the plan and the development strategy with it. The Council is clear therefore that targets for the delivery of housing in the plan should be based on the Liverpool method.

1.8 Paragraphs 10.15 to 10.19 of the plan explain the approach to delivery of the housing target. The paragraphs require some revisions in order to accord with the proposed annual requirement of 415 homes, and updates to the supply. Changes are suggested as follows:

10.15 *Councils are required to have a five year supply of housing land available (SHLAA, 2015). Where an authority is unable to demonstrate a five year supply, applications for housing development will be decided with regard to policy NP1, the 'presumption in favour of sustainable development'. Unless there is an overriding reason why an application should be refused, the Council may find it difficult to resist development which it may consider unsuitable for other reasons. The housing supply will be reviewed at least annually as part of the Council's Authority Monitoring Report.*

Housing Delivery

10.16 *The historic rate of delivery of new homes in Fylde, before the recession, averaged around 250 homes each year. The annual housing requirement for Fylde is ~~370~~ 415 dwellings per annum. A calculation of ~~370~~ 415 dwellings per annum for 21 complete calendar years from 1 April 2011 to 31 March 2032 produces an overall housing requirement figure of ~~7,768~~ 8,715 for the Plan period. The Council has identified sufficient sites, including an allowance*

for small sites and windfalls, to provide a supply figure of ~~7,891~~ 8,793 homes over the Plan period.

10.17 The supply provides a small amount of headroom above the housing requirement for the Plan period:

- Requirement: ~~7,768~~ 8,715 homes
- Proposed supply: ~~7,891~~ 8,793 homes

The proposed supply will provide approximately ~~376~~ 419 homes over 21 years which amounts to an extra ~~6~~ 4 homes per year.

10.18 The housing requirement figure relates to all types of housing including apartments, family housing and housing for specific needs such as the elderly and includes both market and affordable housing. The allocation of new homes over the Plan period to 2032 is set out in policy **H1** below.

10.19 The trajectory at **Appendix 2** sets out in detail when it is anticipated that individual sites will deliver homes, throughout the plan period to 2032. The Council's annual monitoring of housing completions has revealed that since the start of the Local Plan period a shortfall of ~~802952~~ homes has accrued. Planning application commitments amount to ~~5,087~~ 5,320 homes as at 31 March ~~2016-2017~~. This means that is ~~65%~~ 61% of the plan period's requirement already has planning permission. Completions are anticipated to increase as larger sites commence delivery. The shortfall of ~~802952~~ homes has been spread over the remainder of the plan period and added onto the annual requirement figure of ~~370~~ 415 homes resulting in an annual requirement figure of ~~420478~~ homes from ~~2016~~2017-2032.

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?

2.1 The site specific details in the Housing Trajectory are considered beneficial. The plan as published and submitted relies to a considerable degree on the schedule of identified sites for its delivery. Whilst this is achieved through Policies SL1 – SL5, explanation of the delivery of such a number of sites is best achieved through the tabulation that is provided by the Housing Trajectory. This allows sites where delivery is complete, partially complete, about to start or coming forward later to be clearly distinguished, without recourse to excessive narrative which on over 70 sites would come to dominate the plan.

2.2 A housing trajectory graph has not been included as the Council considers that the information in the final rows of the Trajectory provides a clear indication of the profile of delivery against the requirement.

Site Allocations - Policies SL1-SL5

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

3.1 The Council agrees that it would be sensible to add the new approved sites to the policies, for the sake of consistency and to recognise the contribution of those sites to the delivery of the plan.

3.2 The updated Housing Land Supply Trajectory (EL5.003g) includes within its listing the following additional sites which it is proposed to number as follows, in accordance with the modifications schedule submitted on 3rd May 2017. The following sites should also be added to Policy SL1:

- Westmoreland House HS58;
- Land to east of Sefton Road HS59;
- Valentine Kennels HS60;
- Roseacre, Wildings Lane HS61;
- Keenans Mill HS62;
- Dalmeny Hotel HS65.

The following sites should be added to Policy SL3:

- Land North of Freckleton Bypass HSS12;
- Clifton House Farm HSS13.

The following sites should be added to Policy SL4:

- Brook Farm Dowbridge HS57;
- Campbells Caravans HS63.

The following site should be added to Policy SL5:

- Land West of Church Road Weeton HS64.

3.3 In addition, some adjustments are needed to the total numbers to be delivered on sites, again these are listed within the modifications schedules.

3.4 Revised proposed modification schedules will be prepared to follow this submission.

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?

4.1 Policy SL5 is necessary in order to allocate and identify sites outside the strategic locations for development that will make a contribution to the plan total. Individually, the sites within the non-strategic locations are not of strategic importance, however, taken as a whole, they represent a significant element of the overall Development Strategy. Therefore the inclusion of Policy SL5 is warranted.

5. The policies refer to masterplans and design codes for each site without planning permission in the case of Policies SL1 and SL2 and specific strategic sites without planning permission for Policies SL3 and SL4. Are these justified and consistent with Policy M1?

5.1 The requirement for masterplanning is intended to apply to all strategic sites within strategic locations. Masterplans may not necessarily be established in detail at the stage of making an outline application, but are required for all strategic sites within the strategic locations in order that a coherent form of development is produced that optimises the creation of healthy communities, by maximising the potential for new residents to gain sustainable access to services, co-ordinating green infrastructure networks and ensuring mutual benefits from the development for existing neighbouring areas and the wider settlement. This is following the principles set out in the Framework in paragraphs 61, 69, 70, 73, 35, 38 and the core principles in paragraph 17.

5.2 It is recognised that the existing wording has created confusion as to when the masterplanning and design code elements of Policies SL1 – SL4 are intended to apply. It is therefore suggested that the wording of each policy should be altered as follows:

Masterplans and approved design codes for each strategic site listed above (where they do not have full planning permission for the whole site) ...

5.3 This clarifies that this requirement is not intended to apply to non-strategic sites. Policy M1 should also be amended:

Masterplans and design codes will be prepared by the prospective developers, with the approval of the Council for each ~~allocation~~ Strategic Site within the Strategic Locations for Development named in policy **DLF1**.

6. Is the methodology for site assessment and selection robust and justified?

6.1 The sites included within the plan are principally sites with planning permission, or sites where the council has resolved to grant permission. Some of the former were granted permission on appeal. However, almost all sites have appeared at some point within the formal selection process, and the process that has been undertaken is robust.

6.2 There have been four ‘calls for sites’ undertaken by the Council. The first was April 2007. The second was 17 January 2008 until 15 February 2008. A third call for sites was made as part of the consultation on the SHLAA which lasted from 4 March to 6 April 2010. Sites were also put forward as part of the Issues, Vision and Objectives consultation which took place from 7 February – 25 March 2011, the Issues and Options consultation which took place from 7 June – 19 July 2012 and the Preferred Option consultation in summer 2013. Following the call for non-strategic sites in January to February 2015, the details of approximately 140 sites were submitted to the council for due consideration, including both strategic and non-strategic sites. Non-strategic sites are capable

of accommodating up to 99 new homes. All sites put forward have been included as part of the assessment of sites.

6.3 Sites selected as potentially deliverable (suitable, available and achievable) have then been assessed further through the Strategic Site Assessment (ED028a to ED028g) in the case of sites of strategic size (at least 100 homes) or through both that and the Site Assessment Background Paper (ED004) for all sites.

6.4 In parallel to the site assessment process, further iterations of the plan itself, the Preferred Option 2013 (EL3.002) and the Revised Preferred Option 2015 (EL3.003) have been subject to consultation and Sustainability Appraisal. This has provided the opportunity for issues with particular sites to be raised, and other sites to be put forward.

6.5 The Strategic Site Assessment (ED028a to ED028g) considered each strategic site or potential strategic site against a range of sustainability indicators. Document SD028b shows the overall results. A detailed assessment of the sites is provided through the site portfolios in documents ED029c to ED029g, with a recommendation.

6.6 The Site Assessment Background Paper (ED004) provides a detailed explanation of the overall site selection process. It includes a summary of the sites considered for inclusion in the plan at the time of the preparation of the Publication Version. Each site is considered in relation to deliverability of the site, its sustainability and the deliverability of supporting infrastructure. A recommendation is provided, with reasons.

6.7 The Sustainability Appraisal of the Publication Version Local Plan provides a further assessment of the sites in relation to sustainability objectives. This includes a detailed site appraisal through scoring (SD004c, Appendices H and I), and a consideration of the reasonable alternatives (SD004c, Appendix J).

6.8 The portfolio of sites that has resulted from the process provides for the delivery of a balanced strategy over the four strategic locations. The individual sites are deliverable, and will individually and as a group contribute to the delivery of sustainable development.

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

7.1 The site allocations in the plan, with the exception of one significant allocation, are sites for which planning permission has been granted or the Council has resolved to grant planning permission. The delivery rates on each site derive from the assumptions used in the Council's annual Five Year Housing Supply Statement (EL1.008 is the interim version). These assumptions have been previously detailed in the response to the Stage 1 MIQs, Matter3, question 24 (EL2.025c, pages 6 and 7). The Council considers the assumptions robust.

7.2 The status of individual sites is set out below:

Policy SL1:

7.3 HSS1 Queensway, St. Annes is a large site on the northern fringe of St. Annes, which is the only area where there is a significant opportunity for major greenfield development adjacent to Lytham St. Annes, the largest settlement in the borough. Outline planning permission for 1,150 homes was granted in 2012. Reserved matters approval for 110 homes on the western part of the site was granted in 2015 and development has commenced. The site is owned by Kensington Developments. A reserved matters application for 927 dwellings is being considered. Delivery of the site will also drive the delivery of the M55 to Heyhouses Link Road, which will have very considerable benefits for the accessibility of Lytham and St. Annes generally. The overall site includes an area to mitigate impacts on ecology, and the provision of a site for a primary school.

7.4 MUS4 Heyhouses Lane is a site within the urban area of St. Annes, on the site of a large area of former government offices. Part of the site is under construction, whilst an outline permission for 160 homes on a further part of the site has been approved. The development of the site has also included a Booths supermarket, a public house (both completed) and a 76-bed care home is under construction.

7.5 HSS3 Lytham Quays, Lytham is a site almost complete, on previously developed land. The site has been constructed during the first part of the plan period.

7.6 HS1 Queen Mary School is a site on a previously-developed former school site within the Lytham and St Annes urban area, which has been completed in the early part of the plan period.

7.7 HS2 Jubilee House, East Beach, Lytham is a major refurbishment of a “legacy” office building and construction of new buildings to provide a combination of modern office space and 20 apartments. The refurbishment of the building is complete but the remaining parts of the development are to follow. A single planning permission covers all parts of the scheme. The site remains owned by the developer, and there are no obstacles to the apartments coming forward immediately.

7.8 HS3 Ashton Nurseries, Mythop Road, Lytham. An application has been received in May 2017 for 12 dwellings.

7.9 HS4 The Gables, 35-39 Orchard Road is a previously-developed site in central St. Annes, where the original buildings have been cleared. The site has been bought by a developer who has made a new full application for 19 apartments which was approved in March 2017. Application has since been made to discharge ten conditions. It is anticipated that construction will start in 2017.

7.10 HS5 7-8 St. George's Square, St Annes is an HMO with permission for conversion to flats, originally granted in 2011. The scheme was delivered in 2016-2017.

7.11 HS6 68 North Promenade and 1 Sandgate for which planning permission was granted in March 2013 for redevelopment of 2 houses to construct 14 apartments.

7.12 HS7 Petros House is a former office building in central St. Annes. Prior approval for change of use was granted in August 2014, and a planning permission for the details of physical alterations was granted in May 2016. Construction is now underway.

7.13 HS8 35-37 South Promenade is a previously-developed site on which a development of extra-care apartments for the elderly has been constructed by McCarthy and Stone, since the beginning of the plan period. It is now complete.

7.14 HS9 23-33 Fairhaven Road is a previously developed site with planning permission for a development of 32 apartments. The development is under construction.

7.15 HS10 34-36 Orchard Road is a site near the town centre for which outline planning permission was granted in 2015 for a development of 14 apartments. Construction has commenced very recently.

7.16 HS11 The Galleries, Kingsway is a site in the centre of Ansdell, for which permission was granted in November 2015 for the construction of 10 apartments within a former commercial building. The previous use of the building has now ceased.

7.17 HS12 Fairways, Heeley Road is a derelict former garage site in the urban area of St. Annes, for which the council has resolved to grant outline planning permission subject to a section 106 agreement for 20 dwellings. It is anticipated that a further application will be made for this site shortly, and being in a derelict condition there is no prospect of its former use being re-established.

7.18 HS13 Kingsway Garage is a commercial site in Ansdell, within a wider residential area, for which the council has resolved to grant outline permission subject to a section 106 agreement, for redevelopment to provide 30 apartments of sheltered housing for the elderly. The site was offered for sale at auction in December 2016 and it is believed that it did change hands.

7.19 HS14 AXA, Lytham is an existing business use in central Lytham; the Council has resolved to grant outline planning permission subject to a section 106 agreement for redevelopment to provide 45 dwellings. Prior approval has been sought to demolish the building but the form and type of any further application or proposal is not yet known.

7.20 HS15 Land W of Ballam Road is a settlement edge site on the northern fringe of Lytham. The Council has resolved to grant full planning permission for 12 dwellings subject to a Section 106

agreement, which has since been signed. There also exists a permission for 9 units. Development has commenced.

7.21 Developments at the sites HS16 353 Clifton Drive North, HS17 Hastings Point, HS18 Former FBC Depot, HS19 1 Lord Street and HS20 Former Kwik Save have been completed since the beginning of the plan period.

7.22 The following sites should be added to Policy SL1 for completeness, in response to permissions granted since publication:

7.23 HS58 Westmoreland House is an existing office building within St. Annes Town Centre (CHECK) for which prior approval was granted under class O of the GPDO for change of use to 25 residential apartments in June 2016. A subsequent planning application has been approved in November 2016 for physical alterations in connection with the development.

7.24 HS59 Land to east of Sefton Road is a previously developed site within the urban area surrounded by a mix of uses, for which full planning permission has been granted in July 2016 for redevelopment for 12 apartments. Construction is well advanced.

7.25 HS60 Valentine Kennels is a site outside the existing settlement of St Annes, partially enclosed within the adjacent proposed site HSS1 Queensway. Planning permission was granted in March 2017 for 53 dwellings. Inclusion of this site is a change requested by Emery Planning in their representation on behalf of Ideal Corporate Solutions Ltd.

7.26 HS61 Roseacre, Wildings Lane is also located outside the existing settlement of St. Annes, close to site HS60, and also partially enclosed by site HSS1 Queensway. The Council resolved to grant full planning permission for 45 homes in November 2016.

7.27 HS62 Keenans Mill is a former industrial site within a mixed area of St Annes. Full planning permission was granted in February 2017 for the erection of 26 residential units. Pre-conditions have been discharged and construction is underway.

7.28 HS65 Dalmeny Hotel is a site for the redevelopment of buildings at the rear of the hotel site, on land fronting Clifton Drive, St Annes. The Council resolved in March 2017 to grant outline planning permission for 34 homes subject to a section 106 agreement for a contribution to off-site affordable housing.

The current position on sites in Policy SL2:

7.29 HSS4 Coastal Dunes is a large previously-developed site that was formerly the Pontins Holiday Camp. The southern part of the site is under construction, whilst permission for the northern part of the site was granted in March 2017. Due to its location and extent, the site has been subject to Appropriate Assessment under the Habitats Regulations with mitigation for the

development secured through the provision of a warden. The developer Persimmon Homes has made considerable efforts in this process and is fully committed to the site.

7.30 MUS1 Cropper Road East is a greenfield site, located within the Whitehills area close to the M55 junction 4. Parts of the site have come forward as successive parcels of land. The site is under construction by Wainhomes.

7.31 MUS2 Whyndyke Farm is a large greenfield site to the north of the M55 Junction 4, with a small part extending into Blackpool. The site has been accepted as one of the Government's programme of Healthy New Towns. The Council has resolved to grant outline planning permission subject to a section 106 agreement.

7.32 HSS5 Cropper Road West is a greenfield site in the Whitehills area of the Fylde-Blackpool Periphery, directly adjacent to the Cropper Road East site. The site will come forward through the developer Wainhomes, who has control of the whole site. A planning application is expected shortly, but in advance of this, the developer has provided supporting statements and information within their representation to the plan (SD013d pages 1437-1442 and 1465-1515) including evidence of the necessary preliminary work it has undertaken in relation to flood risk/drainage and an indicative masterplan. The site forms a crucial element in delivering a critical mass of housing development in the Whitehills area to provide for a Local Centre to be brought forward, and for the area as a whole to represent sustainable development.

7.33 HSS6 Lytham St Annes Way is a greenfield site in the Whitehills area of the Fylde-Blackpool Periphery. The majority of the site is completed, but a single parcel of land remains.

7.34 HS21 Rear of 11-63 Westgate Road is a previously developed site within the existing Squires Gate Lane urban area of the Fylde-Blackpool Periphery. A part of the original site has now been subsumed into the redevelopment of an adjacent former office building for a Lidl supermarket; a revised scheme for the remainder of the site for 25 homes was approved in November 2016. Policy SL2 and the Housing Trajectory are to be amended to reflect this: the amendment was included within the Schedule of Proposed Minor Modifications (SD014) submitted for information with the plan. Construction of the scheme is well underway.

7.35 HS22 Former Clock Garage is a previously developed site close to the Fylde-Blackpool Periphery area on the A583. A reserved matters application for the site is pending consideration.

7.36 HS23 South of Bridgeside is a previously-developed site for 22 homes within the existing Squires Gate Lane urban area of the Fylde-Blackpool Periphery. Permission was granted in February 2014; application for discharge of remaining pre-conditions was approved in February 2017. The site is likely to be delivered in the short-term; the homes are being advertised on the site.

The current position on sites in Policy SL3:

7.37 HSS2 Blackfield End Farm is a greenfield site located on the northern fringe of Warton. Outline planning permission was granted at appeal for 360 homes in September 2015; a reserved matters application was received in February 2017 for the whole site, as was an application for discharge of conditions; these remain pending consideration. Delivery according to the Housing Trajectory remains likely.

7.38 HSS7 Highgate Park is a previously developed site in Warton with full planning permission for 254 homes, currently under construction, and will continue to be built out over the next 9 years of the plan period.

7.39 HS24 Riversleigh Farm is a site within Warton for 82 homes, with construction well advanced and continuing to deliver.

7.40 HS25 Nine Acres Nursery is a part greenfield, part previously-developed site within Warton. Development of the main phase of 66 homes is complete, however, the residual area remains developable, and is likely to come forward as a separate site.

7.41 HS26 George's Garage is a previously-developed site within the existing built-up area of Warton. Full planning permission was granted in January 2015 for a scheme of 16 affordable homes; a subsequent approval in June 2015 varied this to allow a scheme of 12 market and 4 affordable dwellings. The site is very likely to come forward but it may be for a smaller number of dwellings.

7.42 HS27 Oaklands Caravan Park is an existing holiday caravan/chalet site on the fringe of the existing built-up area of Warton. The Council resolved on 6th January 2016 to grant outline planning permission for up to 53 homes, subject to a section 106 agreement to secure affordable housing, open space and a commuted sum towards education provision. It is acknowledged that the owners have made a subsequent application to change touring caravan pitches to static caravan pitches; nevertheless, it remains likely that redevelopment for residential use will take place.

7.43 The following sites should be added to Policy SL3 for completeness, in response to permissions granted since publication:

7.44 HSS12 Land North of Freckleton Bypass, Warton is a greenfield site to the east of Warton, for which outline planning permission was granted at appeal in February 2017 for 350 homes. A condition restricts the development to 15% of homes prior to the completion of the Preston Western Distributor Road: this is reflected in the Revised Trajectory.

7.45 HSS13 Clifton House Farm, Lytham Road, Warton is a greenfield site in the western part of Warton; outline planning permission was granted for 115 homes at appeal in February 2017. A condition restricts the development to 15% of homes prior to the completion of the Preston Western Distributor Road: this is reflected in the Revised Trajectory.

The current position on sites in Policy SL4:

7.46 HSS8 The Pastures is a greenfield site on the northern edge of Wesham, with permission for 264 homes in total. The whole site has full planning permission; reserved matters approval for the second phase of the site was granted in February 2016. Delivery of the site is in progress, by Rowland Homes.

7.47 HSS9 Land North of Blackpool Road is a greenfield site sometimes known as the Kirkham Triangle, bounded by the A583, railway line and sports pitches. The site has three developers: two have commenced construction, whilst the full application for the third remains pending consideration and is likely to be considered by the Council's Planning Committee shortly.

7.48 HSS10 Willowfields is a site in Wesham for 113 homes, which has been completed in the early part of the plan period.

7.49 HS28 Sunnybank Mill is an existing traditional industrial site in Kirkham, for which redevelopment is proposed. Planning permission was granted on 15th May 2017 for 23 affordable homes on part of the site; the remainder of the site will be available for development for 29 further homes.

7.50 HS29 Crossacres is a site for 106 homes that was mainly constructed before the start of the plan period: the plan included the residual 13 units, the last 4 units of which were completed in 2016-17.

7.51 HS30 Pennine View is a previously developed site in Wesham, on which 12 units can be delivered. The planning permission has lapsed, but the site remains deliverable. The site is shown as delivering in year 5 from the current time, in line with the 5-year supply methodology.

7.52 HS31 Former Fylde Council Offices was completed in 2016-17.

7.53 HS32 West End Residential Park is an extension to an existing residential caravan park. An application for 29 residential park homes was approved in March 2017.

7.54 HS33 Arundel Lodge Nursing Home, HS34 Crossroads, Kirkham, HS35 Henthorne Builders and HS36 St George's Hotel have all been completed in the early part of the plan period.

7.55 The following sites should be added to Policy SL4 for completeness, in response to permissions granted since publication:

7.56 HS57 Brook Farm Dowbridge is a greenfield site on the edge of Kirkham, for which outline planning permission was granted in January 2017 for 170 homes (previously a permission had been granted for part of the site for 95 homes, which is reflected in the Schedule of Proposed Minor Modifications SD014).

7.57 HS63 Campbells Caravans is a previously-developed site on the edge of Kirkham, for which the Council has resolved on 8th February 2017 to grant outline planning permission for 30 dwellings subject to a section 106 agreement for the provision of affordable housing, public realm works and a schools contribution.

The current position on sites in Policy SL5:

7.58 HS37 The Refuge Freckleton is a site with full planning permission for 11 homes, granted in December 2016, on a previously-developed site within Freckleton. Conditions have been discharged and the site is now under construction.

7.59 HS38 Rear of High Meadows Freckleton is a previously developed site in the corner of an existing housing estate, which will provide 13 dwellings.

7.60 HS51 Newton Hall is an allocated site on the southern edge of Newton suitable for 86 homes. The site has landowner support.

7.61 HS52 Cobweb Barn Newton is a site on western fringe of Newton. The site boundary has been adjusted; the extended site could accommodate 54 dwellings.

7.62 HS39 South of Chain Lane Staining was completed in 2016-17.

7.63 HS40 Kings Close Staining is a site for 30 homes, for which reserved matters approval was granted in May 2016. Application has been made to discharge pre-conditions, and construction has now commenced.

7.64 HS41 Thornfield Caravan Park Staining is an existing holiday caravan site within the developed area of the village of Staining. The site is an allocation in the plan, following submission by the site owners to the 2015 Call For Sites. The site will deliver 28 homes.

7.65 HS42 Baines Farm Staining and HS43 Adjacent 18 Chain Lane Staining have both been completed in the early part of the plan period.

7.66 HSS11 Off Willow Drive Wrea Green (now 86 corrected in document SD014 at submission to reflect the latest permission) is a site for 86 homes including 26 affordable units. Reserved matters permission was granted in October 2016, and application to discharge conditions has been made since. Construction has commenced.

7.67 HS44 Adjacent Richmond Avenue Wrea Green is a site for 54 homes that is almost complete, with delivery of the last units expected in the current year.

7.68 HS45 Rear of 45 Bryning Lane Wrea Green is a site for 25 dwellings granted outline approval at appeal in April 2014. A subsequent full application for 36 homes remains currently pending.

7.69 HS46 North View Farm Wrea Green is a site for 42 homes. There is permission for the whole site and construction is underway.

7.70 HS47 Land North of North View Farm Wrea Green is a site on the edge of Wrea Green, adjacent to site HS46, on which an application had been made for 15 homes and the Council had resolved to grant permission subject to a Section 106 agreement. However, the application was withdrawn in late 2016 by the developer. It is understood that the site owner still wishes the site to be put forward for development, and as the site is clearly capable of being brought forward, the site has been retained as an allocation in the plan.

7.71 HS48 Former Wareings' Site Wrea Green has been completed early in the plan period.

7.72 HS49 North of Preston Old Road Clifton is a site for 74 homes for which reserved matters permission was granted in February 2017. Applications to discharge conditions on the outline consent have been made. It is anticipated that development will commence at an early stage.
LATEST?

7.73 HS50 East of Rowan Close Clifton is a site for 30 homes. The Council resolved in September 2015 to grant outline planning permission subject to a section 106 agreement for affordable housing and commuted sums for schools and open space.

7.74 HS53 Singleton Village is an allocation based on an earlier scheme to provide 15 homes and a retail unit along with some open space provision. Although the scheme has been withdrawn, it is clear that 15 homes could be delivered within the site, and the site should therefore remain allocated in the plan.

7.75 HS54 The Laurels and Willow House Weeton is a site for 20 homes that has now been completed.

7.76 HS55 The Rowans has been completed in the early part of the plan period.

7.77 HS56 Sunnydale Nurseries Little Eccleston is a previously-developed site. An earlier outline permission for 25 homes existed; however the Council has since resolved (in February 2017) to grant full planning permission for 41 homes subject to a section 106 agreement to secure affordable housing and education provision. The Revised Trajectory EL5.003g shows the updated position, which will also be amended in Policy SL5.

7.78 The following site should be added to Policy SL5 for completeness, in response to permissions granted since publication:

7.79 HS64 West of Church Road Weeton is a site for 25 homes for which outline planning permission was granted on 1st June 2017 (it remains shown as minded to approve on the Revised Trajectory EL5.003g which has a base date of 31st March 2017).

7.80 Delivery rates for sites in the plan are shown in the trajectory. These are based on assumptions which have been previously explained in the Council's Stage 1 MIQ response (EL2.025c) paragraphs 24a.3 and 24a.4. The approach was developed through a steering group involving representatives from the development industry and environmental groups in accordance with SHLAA Practice Guidance 2007 produced by DCLG, now incorporated into PPG.

7.81 Some developers' consultants, through their submissions, have challenged the inclusion of certain sites. Comments on these sites are necessary:

Fairways Heeley Road is not in use as a garage as stated by one respondent, but is in a very derelict condition. It is believed that this may have been a case of "mistaken identity" as there is a working garage on a corner site further along St. David's Road;

Kingsway Garage was offered for sale by auction in December 2016;

Axa: a prior notification for the demolition of the existing building has been made;

Westgate Road: the Council has already acknowledged that the scheme for 70 dwellings would not come forward, and this was included in document SD014 at submission, with a correction of the figure to 25;

West End Residential Park has since (March 2017) been granted planning permission for 29 residential park homes;

7-8 St George's Square has been developed in 2016-2017

7.82 It should be noted that Inspectors have accepted the inclusion of deliverable SHLAA sites, in addition to allocations and commitments, in determining whether councils have a 5-year deliverable supply of housing land for the purposes of Local Plans. The Fylde Local Plan includes sufficient committed and allocated sites that the need to consider beyond, to SHLAA sites, is not necessary.

8. In Policy SL5 no sites are listed for Elswick as these will be determined as part of the Neighbourhood Plan (NP). What is the timescale for the NP and is this approach justified?

8.1 There is no set timescale for the Elswick NP. The Neighbourhood Area has been approved and Elswick Parish Council are currently working on a document to meet with Regulation 14 of the Neighbourhood Planning Regulations. The Council could have proposed the allocation of land within the Plan for housing at Elswick, however the Parish Council have always expressed a keen ambition to develop a NP and as part of that process allocate land at Elswick which they wished to see developed. This approach is considered justified and is in line with the ambitions of the Localism Act

and the aspirations of the Government as set out in the Housing White Paper 'Fixing out broken housing market'.

8.2 As the neighbourhood plan has not yet been produced (even in draft), consideration has to be given to the stage at which the housing requirements of Elswick will be met. In this respect the Council must make a judgement on any proposals put before it. In cases where sites have been put forward, the Council has determined the applications with regard to the adopted plan, the Framework and the emerging Local Plan. This situation has not prevented sites being brought forward, although the uncertainty for applicants is understood. Sites brought forward have been assessed on their merits. A site for 24 homes will be considered between the submission of this document and the hearing sessions.

Policy H1

9. H1b refers to performance monitoring in relation to housing delivery. Can the Council clarify the purpose of the rolling 3 year review period and how 'the delivery of uncommitted sites will be adjusted' if completions targets are missed by 20%? Is this justified and effective?

9.1 H1b is the Council's self-imposed Housing Delivery Test, devised in advance of the Housing White Paper. The rolling three year review is intended to allow for peaks and troughs in delivery, in the same way as that proposed in the White Paper (A.109 onwards). Delivery of uncommitted sites could involve granting planning permissions for additional sites, where the applicant provided clear and robust evidence of early delivery.

9.2 As the Government has put forward a more complex suite of consequences for under-delivery, this policy may need to include reference to any such emerging requirement.

Policy H2 - Density and mix of new residential development

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

10.1 The application of a density standard is necessary to prevent the profligate use of land and to ensure that development sites can make the fullest possible contribution to the fulfilment of the housing needs of the borough. This is in accordance with the new Government Guidance provided by the Housing White Paper, paragraphs 1.51-1.53 and A66-A70.

10.2 A policy which applied different net density standards for different sizes of site, or provided exceptions for certain site sizes, would create perverse incentives for developers to bring forward sites in either smaller or larger parcels (according to where the advantage would lie) than would be the optimum for the use of the site. It would also be inequitable, resulting in a small number of very

low density dwellings which would consequently have grossly inflated value due to their scarcity, whilst occupiers of all other development would have to be content with the applied standard.

10.3 The density proposed in the policy has been tested through the viability assessment of the plan. The viability assessment demonstrates that the requirement for at least 30dph does not threaten the viability of sites.

10.4 It is considered that the imposition of a higher general minimum standard would not have been effective, as the requirement would result in development discordant with the existing settlements and result in a lower standard of amenity on new developments which would affect the marketability of new dwellings and hence their deliverability. However, where a developer proposes a higher density, the policy allows for this, but provides criteria to prevent potential harmful effects of badly-planned higher density development.

10.5 The expected standard of 30dph is one that is widely employed by other local planning authorities and best practice, including earlier government guidance.

10.6 The West Lancashire Local Plan 2012-2027 (adopted October 2013) Policy RS1 sets a requirement for a minimum density of 30dph subject to the specific context for each site.

11. Does the policy adequately address the needs of different groups in the community in accordance with the first two bullet points in paragraph 50 of the Framework?

11.1 Policy H2 requires a broad mix of types and sizes of home, suitable for a broad range of age groups, on all sites, reflecting the demographics and housing requirements of the borough identified in the SHMA. This is in line with the requirement of paragraph 50 for local planning authorities to plan for a mix of housing based on demographic trends, market trends and the needs of different groups.

11.2 The SHMA (ED021) shows estimates of the sizes of properties required in paragraph 7.22 (page 124). This reflects the impacts of the changes in household types, shown by the modelling on pages 117-119 of the SHMA. Policy H2 makes specific requirements on the mix, drawing from the evidence in the SHMA: this is considered in more detail in the response to question 12. By requiring a mix reflecting the needs based on different household types, the plan will provide for the needs of these groups.

11.3 The Specialised Housing Background Paper considers the particular needs of the elderly, drawing on the SHMA. The policy makes specific provision for the elderly, including those with mobility/self-care/visual impairment issues. This provision involves specific requirements of developers, which will deliver units of accommodation specifically suitable for the elderly, providing

mitigation for their mobility issues, through the plan period, and therefore contribute to meeting the needs of this group. More detail is given in the answer to questions 13 and 14.

11.4 Custom and self-builders are supported by a section of policy H2, where proposals to provide plots are encouraged. The policy gives a presumption of support on sites suitable for housing, subject to the general requirements of the policy and other policies of the plan.

11.5 In respect of the second bullet of paragraph 50, relating to the housing required in particular locations, the mix required in Policy H2 has been written in recognition that there are issues of affordability in the rural settlements, and that the existing mix in those settlements is skewed towards larger units of accommodation. The policy requirement for developments in rural settlements to include at least 33% 1- or 2-bedroom properties will contribute towards some degree of correction of these imbalances, providing more effectively for the need in those locations.

12. Should the policy include specific reference to the proportion of dwellings to be provided by size? Is this justified or could the data become out-of-date during the Plan period? Is it clear what proportions of dwelling size would be required in different locations?

12.1 The policy is necessary because it is apparent that a number of developers prefer to bring forward schemes for a very narrow range of dwelling types/sizes, most commonly all-large or all-very-large. To allow the borough to develop on this basis would not deliver the wide choice of high quality homes or create sustainable, inclusive and mixed communities as required by paragraph 50 of the Framework.

12.2 The requirement for a mix of dwelling sizes specifically set out in the policy is intended to give greater weight to the requirement than the alternative of, for instance, cross-referring to the SHMA (ED021). The proportions of dwelling sizes required are not drawn directly from the SHMA, but instead represent a compromise position. Table 7.22 on page 124 of the SHMA shows the estimated sizes of properties required, using floorspace ranges which allow analysis to be drawn from types of household that occupy them (figure 7.20 on page 123 of the SHMA). Based on the households that are projected to require accommodation, only 24% will require a home of 90 square metres or larger (3 or 4 bedroom family semi-detached home or detached house), whereas 48% will require a home of less than 69 square metres (1 or 2 bedroom flat or small mews house). The data from Table 7.22 of the SHMA are repeated in Table 6 of the plan (page 102). The Local Plan Policy H2 has provided built-in flexibility from this position, requiring 50% of any development to be 1,2 and 3 bedroom homes, and additionally 33% of homes in and adjacent to the rural settlements to be 1 and 2 bedroom properties, reflecting additionally the scarcity of existing smaller units of accommodation in those settlements (as shown in Table 5 on page 102 of the plan) and the affordability problem that partly derives from this.

12.3 The existing balance of dwelling sizes and the need identified by the SHMA clearly indicate a need to encourage the development of at least a contribution of smaller homes in all developments. This is what the policy will achieve, whilst representing a compromise position that will allow developers to provide a significant proportion of larger homes that form an important part of their strategies. The policy includes the ability to alter the mix later in the plan period if future assessments determine that a change is necessary; however, as it is likely that Local Plans will be subject to compulsory periodic review, such review is likely to include consideration of this issue.

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?

13.1 The Specialised Housing Background Paper ED029, pages 15-23, considers the issue of accommodation for the elderly, drawing on evidence from the SHMA, ONS and other sources. The proportion of the borough's population aged 65 and over will increase from 28% to 36.6% by 2030. All of the borough's growth in population over the plan period will be accounted for by people aged 65 and above. The existing provision of specialised accommodation for the elderly consists of approximately 1,100 sheltered housing units and approximately 1,100 care home places. Although data is not available on the suitability of the existing housing stock, nationally only 5.3% of existing dwellings have all four "visitability" features necessary even as a visitor to a dwelling, and which equate to the M4(1) standard required of all new dwellings. There is therefore a need for new developments to contribute to improving the suitability of the housing stock for the elderly.

13.2 A contribution from new sites in order to maintain balanced sustainable communities is in accordance with paragraph 50 of the Framework. A proportion of 20% of new homes to be specifically designed to accommodate the elderly will be enough that it will make a genuine contribution. The threshold is sufficient that the policy will not result in the need for bespoke dwellings on sites. The proportion is reasonable so that developments remain viable, and this has been tested within the Viability Assessment Update (SD006); the proportion would not dominate general sites. There is freedom for developers to determine how they meet the requirement.

13.3 The West Lancashire Local Plan adopted in 2013 also sets out a requirement for 20% of homes, in its case for sites of 15 or more homes, to be designed specifically to accommodate the elderly. In the case of West Lancashire this is layered on top of a requirement for all new dwellings to be built to the Lifetime Homes Standard, which approximates in effect to the accessible/adaptable standard M4(2) although there are differences between them in the actual measures. The West Lancashire Local Plan was therefore found sound with stricter measures overall than proposed in the Fylde Local Plan, although this was prior to the introduction of the new building regulations part M, which requires all new homes to meet the standard M4(1) "visitability" dwellings, requiring accessibility to habitable rooms and sanitary facilities on the entrance storey.

14. Is the requirement for specialist accommodation to include compliance with the optional technical standard for wheelchair adaptable dwellings justified and based on robust evidence of identified need? Has the impact of applying these standards on viability of schemes been considered? (Also see Policy GD7)

14.1 The Specialised Housing Background Paper (ED029) considers the different standards that could be required. These range from M4(1), the basic Building Regulations standard, to M4(3B) which is designed for immediate use by a wheelchair user. It goes on to provide evidence of the number of elderly people in the borough projected to have specific difficulties that may lead them to require specialist accommodation. By the end of the plan period, there will be over 9,600 elderly people unable to manage at least one self-care activity; there will be approx. 2500 elderly blind or partially sighted people; and there will be over 5,400 elderly people with a problem with daily mobility activities. Although such people may choose to continue to live in their existing homes, provision of accommodation that is more suitable will widen the choices available to them, and accords with Strategic Objective 1 of the plan and paragraphs 9, 50 and 159 of the Framework.

14.2 The background paper then relates this to the existing supply of accommodation for the elderly. There are approximately 1100 units of sheltered accommodation and 1100 care home spaces. The wider housing stock is considered: nationally, only 5.3% of homes have all four “visitability” features, which are essential even for visiting access for someone with mobility problems: this equates broadly to the requirements of standard M1, the new building regulations standard that applies automatically to all new dwellings.

14.3 The conclusion is that new development will need to contribute to increasing substantially the stock of dwellings that are genuinely suitable for people with significant specialist requirements. In this regard, the potential alternative requirement of standard M4(2) would result in a larger stock of conventional dwellings with some additional circulation space, but would not address the need for accommodation that genuinely attempts to provide for the needs of the elderly, by providing continuity of accommodation when the situation is reached where mobility problems become severe. For this to be achieved, the standard M4(3A) is required. This requires provision for lift access between levels (which could typically be in the form of a convertible cupboard; provision for structural support is also needed). It should be noted that where the accommodation is all at ground level, standard M4(3A) is very easy to achieve.

14.4 The result of the policy as proposed would be the provision of up to approx. 1,200 additional homes capable of adaptation for someone with mobility problems by 2032. The form that units of accommodation may take is not specified, which allows for developers to tailor their offer to the market, whether small units suitable for individuals or couples to large units designed for extended families, whether bungalows, flats or houses, whether small groups, large blocks or individual units peppered through the site. Given that there will be over 30,000 people of 65 and over in Fylde in 2030, it is anticipated that this area of the market will be seen as an opportunity by developers.

14.5 The Viability Assessment (SD006) includes, in Appendix 1, an assessment of the actual costs involved in meeting the standard M4(3A). This is then factored into the overall assessment of viability made. The assessment as a whole concludes that the overall scale of obligations, standards and policy burdens contained in the plan are not of such a scale that they cumulatively threaten the sites in the plan to be developed viably.

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 home in rural settlements should be 1-2 bed. What is the source of this?

15.1 Table 5 on page 102 of the plan is drawn directly from ONS Census (2011) data, Neighbourhood Statistics.

15.2 The approach taken in respect of Policy H2 is explained in the response to question 12. Almost half of the overall housing need across the borough according to the SHMA is for small units of accommodation. In the rural areas the issue is compounded by the lower proportions of the existing stock that are small dwellings. The requirement for 33% of homes in rural areas to be 1-2 bedroom homes therefore reflects the particular imbalance in those areas.

16. Does the policy provide sufficient flexibility to react to market forces?

16.1 The requirements of Policy H2 do not require developers to meet the precise requirements of housing needs as set out within the SHMA; instead, the Council has put forward requirements for housing mix that are a compromise between these and the preferences of developers, which have generally been for larger units of market housing. This has been explained in more detail above in the response to question 12.

16.2 The broad mix of homes is required, but it is not specified how this should be achieved, and density may vary within the whole site, provided that the overall figure meets the 30dph requirement.

16.3 The requirements for accommodation for the elderly are not prescriptive of form and type; it is left for individual developers to decide how they will seek to meet the requirement. Given the number of elderly in the borough by the end of the plan period, it will be very much in their own interest to include accommodation that is both marketable to and meets the needs of the older generations.

Policy H4 - Affordable housing

17. It has been suggested that Policy H4 should be amended so that residential developments at the Fylde-Blackpool periphery should provide financial contributions for affordable housing to be spent in Blackpool. Has this approach been considered by the Council and is it reasonable?

17.1 The need for affordable housing within the Borough of Fylde is substantial, amounting to 249 affordable homes per annum. To achieve this number of dwellings through provision of 30% of on-site affordable housing would require delivery of over 800 dwellings per annum, which is totally unrealistic based on past completion rates. Therefore, there is an imperative to deliver affordable housing to meet the needs of Fylde Borough.

17.2 Nevertheless, the policy has been phrased in such a way as to allow the Council to continue in further discussions with Blackpool Council, under the Duty to Co-Operate, with a view that contributions could be spent in Blackpool if that were considered the most effective approach in particular cases. The policy states that “In circumstances where the Council considers that affordable housing would be most appropriately provided off-site...the Council will require...”: therefore the policy gives the Council the authority to determine whether off site contributions would be most appropriate. How the off-site contributions would be spent is not specified.

17.3 Further discussions on the issue are continuing through the leadership board of the two councils. Although there are circumstances in which the spending of contributions in Blackpool could be reasonable, it is not considered appropriate that it be formally written into policy, which would commit the Council to this action irrespective of circumstances.

18. Under tenure the policy refers to the provision of starter homes. Is this appropriate in light of the Housing White Paper?

18.1 The Housing White Paper, whilst indicating that the statutory starter homes requirement is not to be invoked, nevertheless includes starter homes within the list of models that fall within the definition of affordable housing, in the box on page 100 of the document. Once this new definition is in place, there would not be a need for the reference to “affordable housing/starter homes” in the first paragraph of the policy, as starter homes would simply be a subset of the broad suite of affordable housing products. In the section with the heading “Tenure”, the reference to the number of starter homes to meet the starter homes requirement will be superfluous. To ensure flexibility and in the light of the emerging new definition, it is suggested that the whole of the first paragraph below the heading “Tenure” is removed from the policy. In paragraph 10.64, the sentence which begins “Regulations will impose...” should be deleted as this will not now happen.

Policy H5 – Gypsies, Travellers and Travelling Showpeople’s Sites

19. In light of the new needs evidence (*Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update 2016 (EL1.002)*) what implication does this have for Policy H5?

19.1 Planning Policy for Travellers’ Sites (PPTS) requires councils to make their own assessment of need and to use this to set pitch and plot targets to address the likely needs of travellers, as defined within Appendix 1 of the PPTS, in their area. The new evidence provides the assessment of need. On page 16 of document EL1.002 it sets out that there is a current and future need of 3 pitches over the plan period. The plan allocated 5 pitches on two sites. The study identifies no need for travelling showpeople’s sites within the plan period.

19.2 However there is a need to modify the wording of the plan in order that the policy reflects the up-to-date evidence. It is proposed that the initial paragraph, including the four bullet points, is deleted in its entirety. The initial sentence of the third paragraph could be altered to read:

“Where there is need from travellers and travelling showpeople in the borough, in either case meeting the definition in Appendix 1 of the Planning Policy for Traveller Sites 2015, which is identified during the plan period and is additional to that identified by the Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update 2016, where existing sites are insufficient to meet the need, planning permission for new Gypsies, Travellers and Travelling Showpeople’s sites will be granted where aa of the following criteria can be met: “

(to be followed by criteria a to j as at present).

Policies H6 and H7 – Homes in the Countryside

20. Do these policies apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policies?

20.1 The countryside area on the proposals map, relating to Policy GD4, is shown as green colouring. The Areas of Separation and Green Belt are shown by different forms of hatching applied over this green. Therefore, Policies H6 and H7 apply equally to Green Belt and Areas of Separation as they do to other areas only designated as Countryside Area.

20.2 In the case of each policy, as the plan is designed to be read as a whole, the general requirements of Policies GD2, GD3 and/or GD4, as appropriate, will continue to apply, in addition to the requirements of Policies H6 and H7.

21. Is Policy H6 consistent with paragraph 55 of the Framework?

21.1 Paragraph 55 sets out examples of special circumstances in which isolated new homes in the countryside could be acceptable. In the particular case of essential accommodation for a rural

worker, Policy H6 sets out criteria a. to d. in order to further specify the special circumstance that would justify the exception to the general policy restriction. These are the essential need for the permanent attendance of the worker on site, the absence of other existing accommodation that could meet the need, the ability of the business to support the employment of the worker and the suitability of the size and siting of the proposed dwelling. These criteria are intended to help achieve the objectives of paragraph 55 of the Framework.

21.2 In the case of a building of exceptional design, a criterion is added to those in the Framework, to protect the local environment.

21.3 The third category of isolated new homes that would be acceptable under Policy H6 combines the example in the Framework of the optimal use of the heritage asset with that for re-use of redundant or disused buildings. For clarity and consistency with the Framework, these could be separated, by the following change:

3. Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or

4. Where the development would re-use redundant or disused buildings and lead to enhancement in the immediate setting

if considered necessary.

22. Is the increase in size of a replacement or extended home by no more than 33% of the ground floor area of the original home justified and based on robust evidence?

22.1 Over-large and poorly designed extensions and outbuildings can adversely impact upon the openness and attractiveness of rural areas. In addition, the replacement of smaller properties with significantly larger dwellings diminishes the supply of smaller properties available for purchase and so the range of sizes of dwellings available for purchase in the rural area may be limited. The policy is proposed in order to prevent grossly disproportionate dwellings resulting from either the extension or replacement of original small and medium sized homes in the countryside. Monitoring has revealed many examples where the Council has been unable to resist development, even with the previous Local Plan policy, that have resulted in harmful highly prominent impacts in the countryside, as well as a loss of smaller homes in the rural area. Between 2003 and 2016, 51% of completions for rural dwellings in the countryside were for dwellings with 4 or more bedrooms. As the erection of new dwellings in the countryside is generally restricted, the significant extension of properties is eroding the stock of smaller properties available for purchase by people on a limited budget who may have a need to live in the rural area. Policy HL4 of the existing Fylde Borough Local Plan seeks to restrict the volume of new extensions or replacement dwellings to between 25-33% of the original dwelling. The proposed restriction of the proportional increase over the footprint of the original dwelling is intended to simplify implementation of this policy. Whilst the policy also requires

any replacement or extension to a property to be of a suitable design, the application of a restriction based upon increased footprint would also assist in preventing, for example, inappropriate flat roofed extensions where the volume of the proposed roof space would exceed that set out in the policy. The proposed policy will provide a means of ensuring that the particular impacts of increasing scale will be considered as well as the more generic impacts of design and effect on character are considered. The two elements of the policy are intended to be considered in tandem, rather than as wholly discrete criteria, in order to develop effective solutions for sensitively extending homes in rural areas. The policy would allow the reasonable expansion of existing homes whilst maintaining a wide choice and mix of homes in the rural area in line with Paragraph 50 of the Framework.

HSS12: Land north of Freckleton Bypass, Warton

	5-year supply contribution
Housing Supply Statement EiP Edit	30
Hollins Strategic Land Assessment	0

1. HSL has an interest in this site and made representations to the eLP Hearings to demonstrate that it should not contribute towards the 5-year HLS¹.
2. HSL wrote to the LPA on 12/04/17, regarding condition 7 of the outline permission which requires that no more than 15% of the approved development could be occupied until the completion and bringing into use of:
 - a. The Preston Western Distributor Road (PWDR);
 - b. The relocation of the BAE Systems gate; and,
 - c. The highways works at the junction of Church Road, Lytham Road and Highgate Lane, as required by the Blackfield End Farm (BEF) approval.
3. The letter² confirmed that the site would not be deliverable unless the requirements of condition 7 are varied significantly. A housebuilder would not risk significant up-front costs, including site acquisition and infrastructure, when only 53 dwellings can be built before the bringing into use of the PWDR, BAE gate and highways works. There is significant uncertainty over the delivery of these highways works.
4. During the eLP Hearing, a developer suggested that the Church Road junction works may be delivered in a timely manner but that is dependent upon a housebuilder being secured for the BEF site. At the time of writing this Statement, the BEF RM application is not linked to a housebuilder.
5. Moreover, LCC informed the eLP Inspector that the timetable for the PWDR had slipped significantly. It was due to be completed by early 2022, but LCC stated that it would not now be completed until late 2023. FBC also stated that the BAE Gate would be closely linked to the delivery of the PWDR, suggesting that it would not be relocated before the PWDR is brought into use.

¹ Sub-appendix 1: HSL eLP Representation

² Sub-appendix 2: Letter to LPA on HSS12

6. HSL is continuing to discuss the potential variation of condition 7 with the LPA and a meeting will be held in mid-August. However, at the time of writing this RS, HSL is confident that the site will not deliver housing during the 5-year period.

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 31st March 2017. This email is appended¹ 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.

¹ 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 appended² 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 appended³. 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

² Appendix 2: Letter to LPA – Lytham Rd, Warton

³ 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 Plan⁴ 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

⁴ 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)⁵. This sets out the Council's Landscape Officer's (LO) opinion on the area between Kirkham and Newton. The following statements are of note:

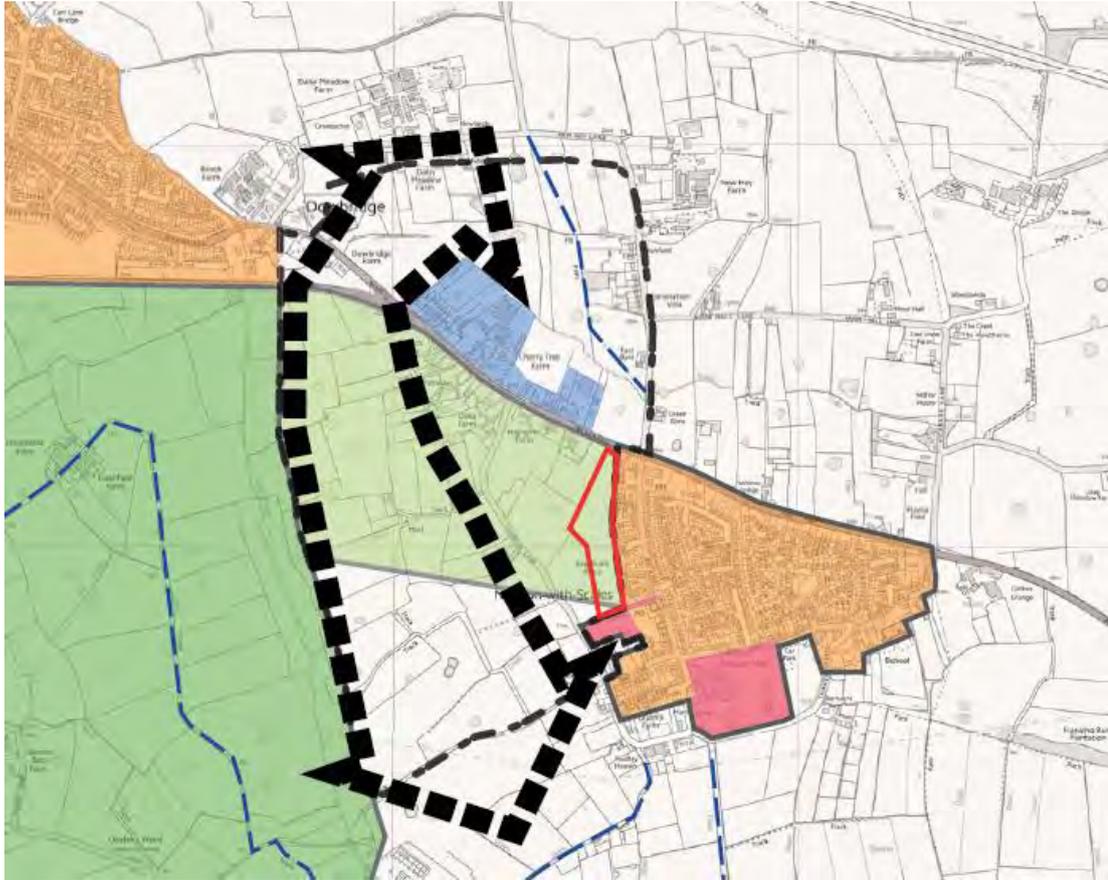
*Between the settlements of Newton and Kirkham there are only a **few places** along the main road which remain undeveloped and provide **key green spaces** which break up the settlements. The road corridor is busy with a great deal of traffic movement and detracting elements such as pylons, masts and 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:

⁵ Appendix 5: Landscape Statement of Case



- 3.5 The LSoC makes reference to the concept of Areas of Separation being supported in the Central Lancashire Core Strategy Examination and the Inspector's Report (IR) is quoted in the Area of Separation Background Paper (ASBP) (Document reference: ED010). HSL does not disagree with the concept of Areas of Separation and considers that the concept can be justified as being consistent with the NPPF. However, HSL considers that the extent of the land included within the proposed Newton-Kirkham AoS cannot be justified.
- 3.6 The ASBP also refers to appeal decisions (2182325 and 2201821) relating to land north of The Hills, Grimsargh, Preston. HSL wrote to the LPA on 19/10/16 to provide another appeal decision relating to another site in Grimsargh which also lay within the AoS. This email is appended⁶, as is the appeal decision (2208445), which confirms that The Hills appeals "*related to the narrowest part of the gap*" and "*the most sensitive part of the possible AoS*" (para. 12). The appeal was allowed with the Inspector finding that "*there would be no impression given of settlements merging or the sense of leaving one and entering another being diminished*" (Para. 16). The Grimsargh AoS then excluded the appeal site when the Preston Local Plan was submitted/adopted.

⁶ Appendix 6: Email to LPA and Appeal decision

- 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 imagery⁷, 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

⁷ 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 Plan⁸; the ASBP states that the concept of the AoS is of course in-part justified by the Central Lancashire and Preston policy.

⁸ 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)⁹ 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.

⁹ 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'.

Matthew Symons

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



On behalf of Hollins Strategic Land | Suite 4 | 1 King Street | Manchester | M2 6AW
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Mr Andrew Stell

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

T: 0161 300 6509

www.hsland.co.uk

Our reference:
Lytham Road, Warton

Email:
matthew.symons@hsland.co.uk

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 letter¹, 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.

¹ 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

Matthew Symons

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

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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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



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

Contents

1.	Introduction	1
	Qualifications and Experience	1
	The Appeal Site and its Context	1
	Project Background	2
	Scope of the Statement	3
2.	Planning Policy Context	5
	National Planning Policy	5
	Local Planning Policy	5
3.	Methodology	10
	Criteria for Landscape Effects	11
	Criteria for Visual Impacts	12
	Study Area	16
4.	Landscape Character	17
	Landscape Character Assessment	17
	The Impact of Development on Landscape Character	18
5.	Impact of the Proposed Development on Landscape	20
	Landscape Baseline	20
	Landscape Effects	21
6.	Visual Impact of the Proposed Development	23
	Visual Baseline	23
	Visual Effects	24
7.	Value of the Area of Separation	25
8.	Summary and Conclusions	26

Appeal APP/M2325/W/17/3166394
Land off Woodlands Close, Newton with Scales
Landscape Statement of Case



Appendices

Appendix A Photographs

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.

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;

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

Appeal APP/M2325/W/17/3166394
Land off Woodlands Close, Newton with Scales
Landscape Statement of Case



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.

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.

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	, landform, scale, pattern or features of the landscape.
Negligible adverse landscape impact	he 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	The proposals will provide a barely discernible improvement to the landscape character, landform, scale, pattern or features of the landscape.
	, landform, scale, pattern or features of the landscape and go some way towards improving the condition or character of the landscape.
Moderate landscape	, landform, scale, pattern or features of the landscape, or would noticeably improve the condition or character of the landscape.
	The proposals will totally accord with the landscape character, landform, scale, pattern or features of the landscape, or would restore, recreate or permanently

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.

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 cial. -

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	Moderate impact or	Slight impact or	Negligible impact or	Neutral impact
High			Moderately	Slightly	Not
Moderate	Moderately	Moderately	Slightly	Not	Not
Slight	Moderately	Slightly	Not	Not	Not

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.

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.

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
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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.

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.

Matthew Symons

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



On behalf of Hollins Strategic Land | Suite 4 | 1 King Street | Manchester | M2 6AW
0161 300 6509 | 07827 669141 | matthew.symons@hsland.co.uk | www.hsland.co.uk

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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

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) MA MRTPI	Senior Planning Officer, Preston City Council
Mr M Molyneux BA MSc BTP MRTPI	Planning Policy Manager, Preston City Council
Mr S Ryder BA(Hons) DipLA CMLI	Ryder Landscape Consultants

FOR THE APPELLANT:

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

INTERESTED PERSONS:

Mr K Oakley	Grimsargh Parish Council
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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 1st 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 2nd 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 50th 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.



Imagery Date: 22/04/2015

Source: Google Earth



Imagery date: 01/01/2000

Source: Google Earth

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.

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)

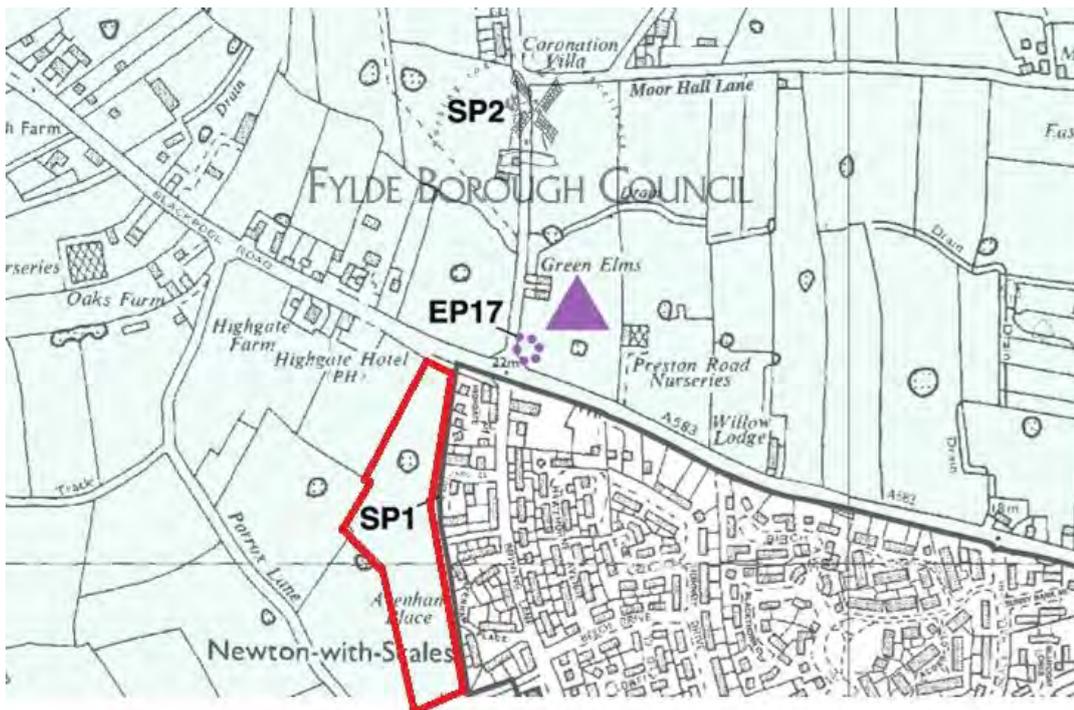


Figure 3: Extract from the Local Plan Proposal Map, indicating the Boundaries of the Appeal Site

- 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 – 29th March 2017, with Stage 2 Hearings currently scheduled for 20 – 29th 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.

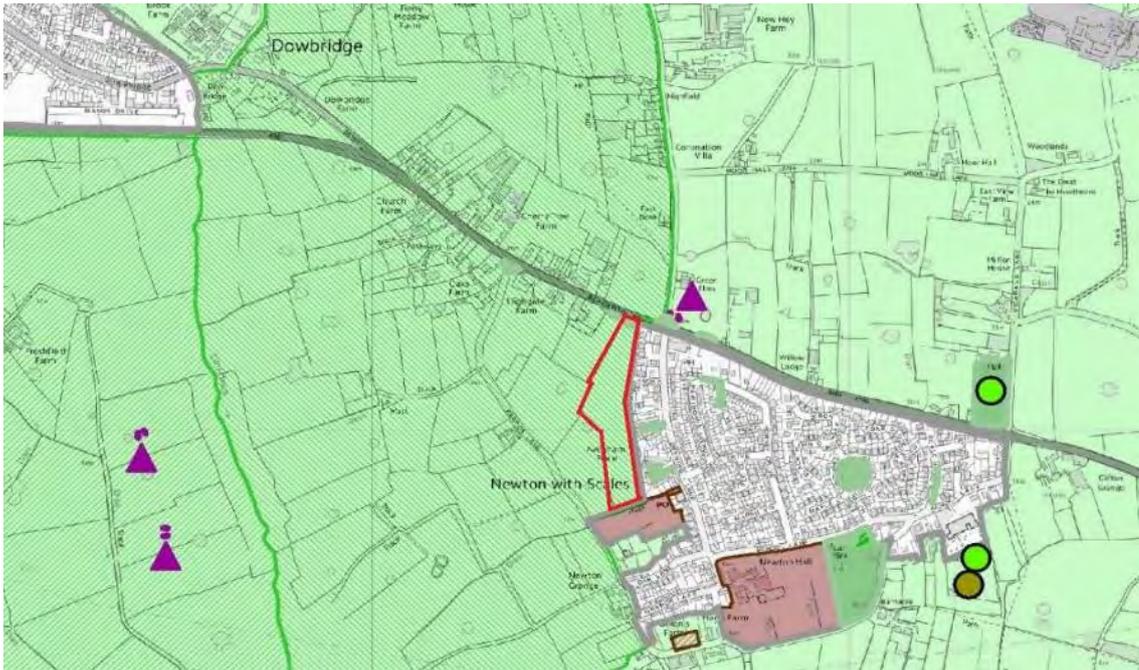


Figure 4: Extract from the emerging Local Plan Proposals Map, indicating the Boundaries of the Appeal Site

- 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 east¹ 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

¹ 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.

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**



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

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.

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)¹. 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

¹ 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.² 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 projections³ 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

² 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)

³ 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.

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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



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Mr Andrew Stell

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Lytham Road, Warton

Email:
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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 letter¹, 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.

¹ 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

Sites where s106 Agreement has not yet been signed

HS12: Fairways, Heeley Road, St Annes

	5-year supply contribution
Housing Supply Statement EiP Edit	20
Hollins Strategic Land Assessment	0

1. The HSS references application 08/0092 in support of site HS12. The application was validated on 01/02/2008 and taken to Committee on 30/07/2008. The 106 has still not been signed, some 9 years later.

2. The FBC Matter 5 Statement states the following:

HS12 Fairways, Heeley Road is a derelict former garage site in the urban area of St. Annes, for which the council has resolved to grant outline planning permission subject to a section 106 agreement for 20 dwellings. It is anticipated that a further application will be made for this site shortly, and being in a derelict condition there is no prospect of its former use being re-established

3. FBC does not provide evidence to demonstrate that a further application will be submitted, nor does it confirm what the proposals will be.

4. There is significant uncertainty regarding the development of this site and as such, 20 dwellings should be removed from the 5-year HLS.

HS13: Kingsway Garage, Lytham

	5-year supply contribution
Housing Supply Statement EiP Edit	30
Hollins Strategic Land Assessment	0

1. The HSS references application 11/0667 in support of site HS13. Application 11/0667 was validated on 28/09/2011 and taken to Committee on 10/10/2012. The 106 has not been signed over 4 and a ½ years later.
2. The FBC Matter 5 Statement states the following:

HS13 Kingsway Garage is a commercial site in Ansdell, within a wider residential area, for which the council has resolved to grant outline permission subject to a section 106 agreement, for redevelopment to provide 30 apartments of sheltered housing for the elderly. The site was offered for sale at auction in December 2016 and it is believed that it did change hands.
3. During the eLP Hearing, FBC stated that the land was offered for sale for residential purposes. However, FBC was not able to confirm whether the sale has been confirmed or how the potential purchaser intends to develop the site.
4. There is significant uncertainty regarding the development of this site and as such, 30 dwellings should be removed from the 5-year HLS.

HS14: Axa, Lytham

	5-year supply contribution
Housing Supply Statement EiP Edit	45
Hollins Strategic Land Opinion	0

1. The HSS references application 13/0152/FUL in support of site HS14. Application 13/0152/FUL was validated on 11/04/2013 and taken 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.
2. 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.
3. The FBC Matter 5 Statement states the following:

HS14 AXA, Lytham is an existing business use in central Lytham; the Council has resolved to grant outline planning permission subject to a section 106 agreement for redevelopment to provide 45 dwellings. Prior approval has been sought to demolish the building but the form and type of any further application or proposal is not yet known.
4. This reconfirms the significant level of uncertainty regarding the development of this site and as such, 45 dwellings should be removed from the 5-year HLS.



Neutral Citation Number: [2013] EWHC 597 (Admin)

Case No: CO/12207/2012

IN THE MANCHESTER CIVIL JUSTICE CENTRE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Manchester Civil Justice Centre,
1 Bridge Street West, Manchester,
Greater Manchester,
M60 9DJ

Date: 25/03/2013

Before:

THE HONOURABLE MR JUSTICE STUART-SMITH

Between:

**WAINHOMES (SOUTH WEST) HOLDINGS
LIMITED**

Claimant

- and -

**(1) THE SECRETARY OF STATE FOR
COMMUNITIES AND LOCAL GOVERNMENT**

Defendant

**(1) WILTSHIRE COUNCIL
(2) CHRISTOPHER RALPH CORNELL AND SARAH CECILIA CORNELL**

Interested Parties

David Manley Q.C. ~~**D. E. Manley Q.C.**~~ (instructed by Ashfords LLP) for the **Claimant**
Lisa Busch (instructed by **The Treasury Solicitor**) for the **Defendant**

Hearing date: 11 March 2013

Approved Judgment

Mr Justice Stuart-Smith:

Introduction

1. This is a claim under s.288 of the Town and Country Planning Act 1990. The Claimant (“Wainhomes”) challenges a decision dated 5 October 2012 by which inspector Mike Robins dismissed an appeal against the non-determination by Wiltshire Council (“the Council”) of a proposal to build up to 50 houses on land at Widham Farm, Widham Grove, Station Road, Purton, in Wiltshire. The inquiry was undertaken on the appeal of Mr and Mrs Cornell, who are now interested parties in these proceedings, against the Council’s non-determination of their application for planning permission. Wainhomes has an interest in the land the subject of the challenge by reason of an option agreement dated 13 November 2012.
2. The inspector indentified as one of the main issues in the case, whether or not there were material considerations that would outweigh the development plan presumption against development in the countryside. Central to that issue was whether or not there was a supply of specific deliverable sites sufficient to provide five years worth of housing against the Council’s relevant housing requirements with an additional buffer of five per cent to ensure choice and competition in the market for land, as required by paragraph 47 of the National Planning Policy Framework (“NPPF”). As discussed in greater detail below, that issue involved consideration of whether the strategic sites included in Wiltshire’s draft Core Strategy and AMR should be included by the inspector when determining the supply of deliverable sites over the next five years. The Council contended that they should be included; the appellants said that they should be excluded. After the hearing of the inquiry two decisions by another inspector (Inspector Papworth) were promulgated in relation to sites in Calne, which is also in Wiltshire. Those decisions decided, in materially identical terms, that strategic sites should be excluded from consideration of the supply of deliverable sites. Those decisions were sent promptly to the inspectorate by those who were at that time advising Mr and Mrs Cornell; but they were not considered by Inspector Robins. When he made his decision on 5 October 2012 he found against the appellants and included the strategic sites. Having done so he concluded that a five year housing supply had been shown.
3. By these proceedings Wainhomes advances five grounds of appeal, namely:
 - i) The inspector failed to have regard to a material consideration namely the two decisions at Calne or give reasons for not following the approach taken in those cases to the five year housing land supply;
 - ii) The inspector failed correctly to interpret the NPPF;
 - iii) The inspector gave inadequate reasons for the inclusion of strategic sites in the five year housing land supply and/ or the inclusion of the site was irrational;
 - iv) The inspector failed to take into account material considerations; gave inadequate reasons for concluding a five year housing land supply existed or otherwise behaved irrationally in so concluding;

- v) The inspector made a mistake or otherwise reached a conclusion based on no evidence.
4. In summary, this judgment concludes that:
- i) Ground 1 of the challenge is established. The inspector failed properly to exercise his discretion in deciding whether or not to admit the Calne decisions for consideration and failed to give proper reasons for his decision;
 - ii) The other grounds of challenge fail because when the Decision Letter is read fairly and with the reasonable latitude appropriate to a review of such decisions, it appears that the inspector made no material error of law, reached conclusions that it was open to him to reach on the material he considered, and gave adequate reasons for his decision.

The applicable principles

5. The principles applicable to a challenge under s.228 of the Town and Country Planning Act 1990 have been set out frequently and repeatedly in many decisions including decisions of the highest authority. It is neither necessary nor desirable to provide a comprehensive review in this case, and I merely highlight principles that are directly in point for this challenge.
6. In *Wiltshire Council v Secretary of State for Communities and Local Government and Robert Hitchins Limited* [2010] EWHC 1009 (Admin) Simon J provided a useful summary of the applicable principles at [7-8] which I gratefully adopt without setting it out again. I bear in mind at all times that:
- a) Where an expert tribunal (such as a planning inspector) is the fact finding body, the *Wednesbury* unreasonable test will be “a difficult obstacle” and poses a “particularly daunting task” for an applicant under s.288;
 - b) A decision letter must be read in good faith and as a whole. It should be construed in a practical manner and not as if it were a contract or statute.
7. The scope and extent of an inspector’s obligation to provide reasons were explained in *South Buckinghamshire DC v Porter (no.2)* [2004] 1 WLR 1953 by Lord Brown of Eaton-Under- Heywood at [36]:

“The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the “principal important controversial issues”, disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not readily

be drawn. The reasons need refer only to the main issues in the dispute, not to every material consideration. They should enable disappointed developers to assess their prospects of obtaining some alternative development permission, or, as the case may be, their unsuccessful opponents to understand how the policy or approach underlying the grant of permission may impact upon future such applications. Decision letters must be read in a straightforward manner, recognising that they are addressed to parties well aware of the issues involved and the arguments advanced. A reasons challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision.”

8. A decision maker ought to take into account all matters which might cause him to reach a different conclusion to that which he would reach if he did not take it into account. That includes considerations where there is a real possibility that the decision maker would reach a different conclusion if he did take that consideration into account. If a matter is excluded from consideration and it is clear that there is a real possibility that the consideration of the matter would have made a difference to the decision, a Judge is able to hold that the decision was not validly made. But if the Judge is uncertain whether the matter would have this effect or was of such importance in the decision-making process then he does not have before him the material necessary for him to conclude that the decision was invalid: see *Bolton MBC v SoSE* [1991] P&CR 343, 352-353. This obligation derives from s.70 (2) of the Town and Country Planning Act 1990 which applies to the determination of appeals by virtue of s.79 (4) of the Act: and see *R (on the application of Kides) v South Cambridgeshire DC* [2002] EWCA Civ 1370 at [122-127]. *Kides* establishes that the obligation to have regard to material considerations continues up to the time that the decision maker (in this case the inspector) makes his decision.
9. It is common ground that a previous inspector’s planning decision is capable of being a material consideration, though the importance to be attached to a previous decision will depend upon the extent to which the issues in the previous decision and the current decision overlap. In *North Wiltshire DC v SoSE and Clover* [1992] 605 P&CR 137 Mann J addressed the limits of the inspector’s obligation to have regard to previous decisions. At page 145 he said that ‘an inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision’. Mann J provided what he called ‘a practical test for the inspector’ which was to ask ‘whether if I decide this case in a particular way, am I necessarily agreeing or disagreeing with some critical aspect of the decision in a previous case?’ This guidance cannot simply be applied by rote. S.38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise; and this requirement is reflected and reiterated. The development plan may itself be in a state of flux and development. That being so, previous decisions that were made when the planning regime or development plan were significantly different are likely to be of

less materiality than recent decisions made in the same or a closely similar planning context.

10. The Town and Country Planning Appeals (Determination by Inspectors) (Enquiries Procedure) (England) Rules 2000 provides the procedural framework for the conducting of inquiries. They include rules that are intended to ensure that all relevant materials upon which the inspector will make his decision are available both to the inspector and to other parties according to an orderly timetable. The rationale for this procedural framework is self evident: the late submission of additional materials is liable to produce inefficiency, delay, increased expense and, at worst, injustice. However, it is inevitable that there will be occasions when information that is material to an inspector's decision will become available for the first time at a date which prevents compliance with the normal framework and rules. Against that eventuality the inspector has a discretion to admit materials which have not been provided in accordance with the normal procedural timetable. That discretion continues up to the time that he makes his decision. Rule 18 makes express provision for the admission of material after the inquiry has been held and before he has made his decision as follows:

“(2) When making his decision the inspector may disregard any written representations or evidence or any other document received after the close of the inquiry.

(3) If, after the close of an inquiry, an inspector proposes to take into consideration any new evidence or any new matter of fact (not being a matter of government policy) which was not raised at the inquiry and which he considers to be material to his decision, he shall not come to a decision without first (a) Notifying [in writing] the persons entitled to appear at the inquiry who appeared at the matter in question; and (b) affording them an opportunity of making written representations to him or of asking for the re-opening of the inquiry. And they shall ensure that such written representations or requests to re-open the inquiry are received by the Secretary of State within three weeks of the date of notification.

(4) An inspector may, as he thinks fit, cause an inquiry to be re-opened and he shall do so if asked by the appellant or the local planning authority in the circumstances and within the period mentioned within paragraph (3): and where an inquiry is re-opened – (a) The inspector shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited;...”

11. The inspector's power to admit material after an inquiry and the basis upon which he should exercise his discretion when asked to consider further material is the subject of Planning Inspectorate Good Practice Advice Notes. Advice Note 07 says at [67]:

“At any point before deciding the appeal the inspector may exercise his/her powers to seek further information from the

parties if it is considered necessary to enable a properly informed, and reasoned, decision to be made.”

Advice note 10 says (at [7]) that, if new matters arise which are considered likely to be material to the inspector’s consideration of the case, the relevant material should be submitted at the earliest possible stage. At [9] the note says:

“The Secretary of State and Inspectors have discretion as to how to treat new materials submitted with or during the consideration of an appeal. They will apply their discretion on the basis of the relevance of the material to the appeal proposal, whether it simply repeats something that is already before the Inspector (for example, rebuttal evidence which adds nothing to what is already recovered in a proof of evidence) and whether it would be procedurally fair to all parties “including interested persons” if the material were taken into account...”

12. These being principles that are relevant to apply in this case, I turn to consider the grounds of challenge.

Ground 1: The inspector failed to have regard to a material consideration namely the two decisions at Calne or to give reasons for not following the approach taken in those cases to the five year housing land supply

13. It is necessary to examine the factual background in more detail to put this ground of challenge in context. For convenient reference, the relevant passages of the Decision Letter are reproduced at Annexe A and are not set out again in the body of this judgment.

Factual background

14. The NPPF was introduced in March 2012. Under the heading “Delivering a wide choice of high quality homes”, [47] of the NPPF provides:

“To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with the policies set out in this framework, including identifying key sites which are critical to the delivery of the housing strategy over the planned periods;
- Identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of five per cent (moved forward

from later in the planned period) to ensure choice and competition in the market for land...”

15. A footnote attached to the word “deliverable” in the second bullet point (“Footnote 11”) defines what that word means in [47] as follows:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”
16. It was central to the appellants’ case before the inspector that there was an insufficient supply of deliverable sites and that insufficiency was a material consideration in favour of the appellant’s proposal. The importance of the existence or otherwise of deliverable sites sufficient to provide 5.25 years worth of housing against the identified housing requirements was made clear by Tracy Smith, the Council’s Area Team Leader, who expressly accepted in evidence that if it were to be concluded that there was a shortfall in the 5 year housing land supply and if it were to be concluded (as the inspector did conclude in the Decision Letter) that prematurity was not a legitimate basis on which to reject the appeal then development of the appeal site would be permissible in principle subject to satisfactory s 106 contributions being made. She also accepted that the Council was not suggesting that any more sustainable sites existed within the settlement boundaries of Purton, that the site had no constraints that would preclude its development, and that the development of up to 50 units could not be characterised as “large scale”. Accordingly, given the inspector’s conclusion on prematurity, the sufficiency of the housing land supply was of primary importance.
17. Various different sources of data relating to land supply were available. The appellants favoured the evidence base that had underpinned the dRSS while the Council favoured the approach adopted in the emerging Core Strategy for Wiltshire (“eWCS”). A number of reasons were put forward by the parties in support of their respective positions, which were encapsulated in the witness statements of Mr Stephen Harris, a Chartered Town Planner who gave evidence for the appellants, and Mr Neil Tiley, who gave evidence for the Council and who was the Council’s Manager of Monitoring and Evidence within Economy and Regeneration.
18. The inspector set out the competing positions at [11-14] of the Decision Letter. In summary, both parties accepted that the date and projections found in the adopted development plan were out of date. Revised housing requirements were promoted during the development of the dRSS, which was subject to Examination in Public and revision for the version that was published for consultation in 2008. However, because of the Coalition Government’s antipathy towards RSSs, it was recognised that although the dRSS had reached an advanced stage it was extremely unlikely to be adopted. In response to this state of affairs, the Council reconsidered the housing

requirements for Wiltshire and its reconsideration informed the eWCS. The eWCS had reached the stage of being submitted for Examination in Public but that examination had not taken place. The Council preferred to rely on the eWCS evidence base because extensive consultation had already taken place; but the outcome of the EIP was as yet unknown and uncertain, not least because it was subject to objections to proposed housing numbers and because concerns had been raised which suggested a need for the Council to re-consult.

19. A discrete but important argument related to what sites could properly be regarded as “deliverable” within the meaning of Footnote 11. The Council had included in its calculations 1,657 units from sites identified as “strategic sites” in the eWCS. None of these sites had planning permission. Mr Tiley did not know which, if any, were objected to. Mr Harris gave unchallenged evidence that, to the best of his knowledge, all were subject to objection. Mr Tiley was unable to identify any case in which the Secretary of State had deemed it appropriate to include emerging Core Strategy “strategic sites” in a calculation of the 5 year housing land supply where such sites were subject to objection. At the present hearing, the Court was informed that no such decision of the Secretary of State had been identified but that there are decisions of the Secretary of State going the other way (i.e. excluding strategic sites which were subject to objection from inclusion in the calculation of the 5 year housing land supply). No further details about these decisions have been provided¹.
20. The potential impact of this dispute about strategic sites on the raw figures as found by the inspector emerges clearly from the evidence of Mr Harris for the present proceedings. Inspector Robins included strategic sites in his calculations, which led him to produce a table at [52] of the decision letter as follows:

Plan/Policy	Housing Requirement	5 year Housing Requirement	Housing Supply	Assessment (years)
dRSS Rest of Wiltshire	3,024	1,008	1522	7.5
dRSS North Wiltshire	10,684	3,549	3052	4.3
eWCS North and West HMA	15,249	5,083	6292	6.2

In other words, adopting the Appellant’s favoured approach by reference to the dRSS North Wiltshire would support the conclusion that there was a shortfall in supply but adopting the Council’s favoured approach by reference to the eWCS North and West HMA would support the conclusion that there was not.

21. Mr Harris, whose evidence is not contradicted, says that “for North Wiltshire the total supply from [strategic sites] in the next 5 years was 990 dwellings ... and 1,657 dwellings for the North and West HMA ...” The effect of excluding these dwellings

¹ Save possibly for a reference to one decision in the Calne Decision letters: see [26] below.

upon the inspector's table is shown in the right hand column of the adjusted table below:

Plan/Policy	Housing Requirement	5 year Housing Requirement	Housing Supply	Inspector Robins' Assessment (years)	Adjusted assessment excluding strategic sites
dRSS Rest of Wiltshire	3,024	1,008	1522	7.5	7.5
dRSS North Wiltshire	10,684	3,549	3052	4.3	2.9
eWCS North and West HMA	15,249	5,083	6292	6.2	4.6

In other words, if the strategic sites are excluded there is a much greater shortfall by reference to the dRSS for North Wiltshire and there is also a shortfall by reference to the eWCS North and West HMA.

22. During the inquiry the inspector was referred to three previous decisions which touched on the issue of inclusion or exclusion of strategic sites. The decisions predated the introduction of the NPPF and were referred to at [22-23] of the Decision Letter. The decisions were:
- i) The decision of Inspector Youle relating to land at Meadow Lane, Ruands, in Northamptonshire dated 18 January 2010. At [41] of his decision the inspector referred to "impending consents and DPD allocation" which the Council had brought into account in its calculation of the housing land supply. The inspector said:

"This includes a number of sites which are proposed as housing allocations in the Preferred Options versions of the TTP and the RAP. However, these Plans have not been subject to independent testing through an examination and several of the sites do not appear to have planning permission or to be allocated for housing in the Local Plan. In addition, some sites appear to have constraints which could impede deliverability. Consequently I have not been given sufficient evidence to indicate that these sites can be regarded as being available, suitable and achievable as required by PPS3. Therefore, it has not been demonstrated that a five year supply exists. "
 - ii) The decision of Inspector Graham relating to land at Moat House Farm, Marston Green, in the area of Solihull MBC dated 21 February 2012. At [11] of her decision she addressed the question of Draft Local Plan sites, which the Council had brought into account in its calculation of the housing land supply. The inspector said:

“The draft Local Plan identifies proposed sites for 1,445 net additional dwellings, and the Council maintains that these should be taken into account when calculating the 5 years supply position. However, it is important to bear in my mind that this emerging Local Plan is still only a draft, which has yet to be the subject of further consultation, representations, and Examination in Public. Paragraph 54 of PPS3 explains that to be considered deliverable, sites should be available, suitable and achievable at the point of adoption of the relevant Local Development Document. There can be no guarantee that sites included in the current draft will remain in the finished version of the Local Plan, which in any event will not be adopted before 2013. As the situation stands at present, I consider that these sites should not be included when calculating the current five year land supply position”

- iii) The later decision of Inspector Graham relating to land at Park Road, Malmesbury, Wiltshire dated 15 March 2012. At [18] of her decision she accepted that “the Council’s 2010/2011 Annual Monitoring Report (AMR) provides the logical starting point for assessing the supply of deliverable housing sites.” She then considered specific sites, and at [23] she addressed the inclusion of three strategic sites at Chippenham which the Council had brought into account in its calculation of the housing land supply. The inspector said:

“It is fair to note that all three sites have physical, environmental and infrastructure constraints that will need to be addressed. However, the council has liaised with the developers of each, and obtained delivery trajectories which update the information provided in AMR. I see no convincing reason to doubt these revised figures, which indicate that within the five year period an additional 420 dwellings will be provided at the north Chippenham site, and a further 110 at the East Chippenham site. ”

23. Certain points may immediately be noted:

- i) Each inspector was prepared in principle to treat sites which did not yet have planning permission as potentially satisfying the PPS3 requirements;
- ii) The inspectors at Meadow Lane and Moat House Farm identified the fact that the Plans in those cases had not been subjected to Examination in Public as a feature weighing against the inclusion of the sites there listed;
- iii) In the Malmesbury decision, the inspector’s reservations about the status of two of the sites² were resolved by the calling of site specific evidence about

² The reference to “the North Chippenham site, and ... the East Chippenham Site” suggests that they were two of the three strategic sites being considered in [23], with the third site not being named or included. However, it makes no difference to the argument if the North Chippenham and East Chippenham Sites in fact comprised all three sites: whether two or three strategic sites were included by the inspector, they were included after the provision of site-specific evidence.

their availability and deliverability. By contrast, no such evidence had been called in the other two appeals.

24. In the present case it was not suggested before the inspector and is not suggested now that strategic sites which did not yet have planning permission were necessarily to be excluded from the calculation of the housing land supply. The case advanced before the inspector (relying upon the previous decisions from Meadow Lane and Moat House Farm) was that because the eWCS had not been adopted, sites could not be regarded as available by virtue of their inclusion in the eWCS since their deliverability would be assessed through the Core Strategy process³. Inspector Robins dealt with the previous decisions specifically at [22-23] of the Decision Letter. He accepted that he should not prejudge the outcome of the eWCS Examination in Public and that the weight to be ascribed to the eWCS depended upon “the specific stage of preparation of the evidence base and the evidence supporting deliverability.” In contrast to what had happened at Malmesbury, no site specific evidence of deliverability was presented to Inspector Robins. Referring to that decision he said that “the Inspector in that case also accepted the principle of including strategic sites.” It is evident that he saw the Malmesbury decision as supporting the conclusion (which he ultimately reached) that the strategic sites in the present case should be included.
25. Before Inspector Robins made his decision, two potentially relevant events occurred. First, on 3 September 2012 Mr Harris sent to the inspector a copy of a letter to the Council dated 29 August 2012 from Mr Andrew Seaman, the Senior Housing and Planning Inspector who was to conduct the Examination in Public of the eWCS. That letter raised a number of concerns about the eWCS and its prospects when submitted to the EIP. There were concerns relating to the soundness of the evidence base underpinning the housing chapter and the quality of the sustainability appraisal that had been carried out. Mr Seaman noted that the Council was “undertaking further consultation on its proposed pre-submission changes which will include details of the revised Sustainability Appraisal and an opportunity to comment upon the implications of the [NPPF] and Government Policy for Gypsies and Travellers.” He foresaw that the Examination would certainly extend into 2013. This further information was admitted by Inspector Robins. It seems likely that he had it in mind when he said, at [12] of his Decision Letter, that “the Council’s ambitions for this plan to be adopted by the end of 2012 or early 2013 may, however, be questioned in light of recent concerns and a need to re-consult.”
26. The second potentially relevant event was that Inspector Papworth made two decisions on 18 September 2012. Each decision related to land at Calne, in Wiltshire. Each considered in some depth (and in identical terms) the principles of development to be applied, at and from [9]. At [13-15] Inspector Papworth considered the housing requirement side of the equation established by [47] of the NPPF. He regarded the Malmesbury decision as “an anomaly” and contrasted it with a decision of the Secretary of State at Salisbury which “expressed a different view on a more advanced core strategy.” Turning to the state of development of the eWCS he said that it was “advanced inasmuch as an Examination is imminent, but in view of the extent of unresolved objections, including to the adequacy of the provisions for housing, there must remain doubts over the outcome and the consistency with Framework policies on increasing the supply of housing.” He held that the assumption that the Regional

³ See Mr Harris’ Witness Statement to the inquiry at [7.24-25]

Strategy will not now be taken further does not materially alter the weight that can be attached to that evidence base relative to that presently informing the emerging Core Strategy”; and he concluded that, having regard to the first bullet point of Framework [47] “it is appropriate to regard the figures derived from the evidence for the Regional Strategy as a robust basis for determining the requirement.”

27. Turning to the supply side of the equation at [16], Inspector Papworth took the view that “to ensure a robust appraisal it is necessary to look further at the list of sites as discussed at the hearing.” It is apparent that site specific evidence had been presented in relation to some but not all sites, and that no site specific evidence had been submitted in relation to strategic sites, because Inspector Papworth said at [17-18]:

“17. Of the large permitted areas, there does appear to be doubt over the delivery of the former Bath and Portland Stoneworks site given its past history, not being in the 2009/10 Annual Monitoring Report, and little evidence that matters have moved on substantially since. Similarly with the Blue Hills Site, this appears to have been subject to persistent delays and to being put back in time in the successive Annual Monitoring Reports. The delivery timescale for land adjacent to the scrap yard at Trowbridge also appears to be receding and reduction here is appropriate.

18. Other sites with permissions that had been previously dismissed have been brought back into the list, but it is apparent that even with the acceptance of these sites in total, a shortfall is possible. The Council has added 183 units in this category where none were previously included. Footnote 11 of the framework does provide for live permissions to be counted unless there is clear evidence that the schemes will not be implemented within 5 years, for example, they will not be viable, there is no longer a demand for the type of units or sites or sites have long term phasing plans. Clearly those where the permission has expired should not be included and where land was bought at or near the height of the market, doubts over viability would be legitimate. The prospect of new permissions on new land being required to replace such stalled schemes was discussed. Windfalls have also been significantly increased and that is provided for in paragraph 48 of the framework subject to certain requirements on historic evidence. There appears to be good reason to reduce the figure on that basis as suggested, *Vision and strategic sites are disputed in their entirety, and given the process to be gone through and the doubts over delivery, a degree of caution is appropriate. The requirement is to identify a supply of specific deliverable sites and to be considered deliverable, sites should be available now. These sites cannot truly be described as being available now.*” [Emphasis added]

28. Inspector Papworth concluded that there were sufficient doubts remaining over a number of included sites and supply provisions to increase further the shortfall which

he had already found to have existed by reference to the various evidence bases even if those sites were included.

29. On 26 September 2012 Mr Harris had a conversation with someone at the relevant PINS team who advised him to send the Calne decisions together with a brief note. As a result of that conversation he sent the Calne decisions by email times at 10:35 that day. In that email he provided the suggested note in the following terms:

“Following our conversation earlier, I understand that the Council has not commented on the letter from Wiltshire Core Strategy Inspector and therefore you do not require any further comment from the Appellant.

We also discussed two appeal decisions which were issued last week for the two sites in Calne, Wiltshire. As they are in the same policy area of North Wiltshire we consider that they are relevant to our appeal as they deal with similar issues. However we are conscious that the Inquiry closed a number of weeks ago. Therefore you requested that we send the decisions to you and you would decide whether or not they can be taken into account on this appeal.

Both of the attached appeals were heard at the same hearing in July this year. The first (APP/Y3940/A/12/2171106/NWF) was for some 154 dwellings and the second (APP/Y3940/A/12/2169716) was for up to 200 dwellings. Therefore both appeals (some 354 dwellings) would meet the 370 dwellings that remain to be planned for in the emerging Core Strategy for Calne. These decisions conclude that:

- The housing requirement to be used is the RSS Proposed Changes;
- The geographical area to determine the supply is the former North Wiltshire;
- Limited weight can be given to the emerging Core Strategy due to the stage it has reached;
- There are concerns on the deliverability of commitments and emerging allocations;
- The appeals would not result in prematurity against the emerging Core Strategy and neighbourhood plan.

Should you require any further information please do not hesitate to contact me”

30. Receipt of Mr Harris’ email was acknowledged at 15:50 on 26 September 2012. The only additional comment made by the person acknowledging receipt was the accurate

but inconsequential statement that “The Appeals referred to have now been decided and the Decisions issued on 18 September”, which Mr Harris obviously knew already.

31. No further response was sent until 14:11 on Tuesday 2 October 2012 when a Case Officer from the relevant team at PINS emailed Mr Harris above a copy of the email with which he had sent the Calne decisions:

“Thank you for your email below. Unfortunately it was received too late to be considered by the Inspector.”

32. Inspector Robins’ decision was made on 5 October 2012. No reference was made in the Decision Letter to the Calne decisions; nor has any further information or reason been given to explain why Mr Harris’ email of 26 September 2012 and the Calne decision he had attached to it were not considered by the inspector.

33. The relevant passages in the Decision Letter are set out in Annexe A. The following features may conveniently be highlighted here:

- i) The Decision Letter addresses the issue of “deliverable” sites and whether strategic sites should be included specifically at [21-24] and [51-54];
- ii) At [21] the inspector’s acceptance that allocated sites, including those within emerging plans, could be included was subject to two provisos:
 - a) Acceptance would be “subject to the weight that can be given to that plan and its evidence base”; and
 - b) Acceptance would be “subject to ... the submission of information indicating a reasonable likelihood of them progressing within the five year period.”
- iii) At [22] and [24] the inspector accepted that the existence of outstanding objections to sites meant that housing supply from such sites could not be guaranteed; and that he could not prejudge the outcome of the eWCS Examination. He treated these as matters going to the weight that he was able to attach to the Council’s assertion that such allocations should be included;
- iv) At [23] he identified the evidential factors supporting his conclusion that exclusion of all the draft allocations was not appropriate, including that the Malmesbury inspector had “accepted the principle of including strategic sites.”;
- v) He referred to the Moat House Farm and Meadow Lane decisions at [22]. There was no discussion of the basis or reasoning supporting either of those decisions or the Malmesbury decision. In particular, the Decision Letter does not evidence an appreciation that there was site specific evidence in the Malmesbury decision (but not in the other two) or that this might be a significant factor, despite his statement in [21] that acceptance would be subject to the submission of evidence indicating a reasonable likelihood of sites progressing within the five year period;

- vi) He accepted at [24] that, although exclusion of all the draft allocations was not appropriate, “full weight cannot be given to the precise numbers put forward by the Council”; but he concluded that it was “reasonable to include these sites in absence of specific evidence that they cannot be delivered.”;
- vii) At [53], reviewing the contents of his table, he concluded that the Council had shown a 5-year housing supply relative to the dRSS Rest of North Wiltshire figures and the eWCS North and West HMA figures but had failed to demonstrate adequate supply for the dRSS North Wiltshire Area. He concluded that the weight to be given both to the dRSS figures and the eWCS figures was “somewhat lessened”, to a similar degree in each case;
- viii) At [54] he stated that he did not rely upon the exact (or raw) figures in his table, but regarded the figures (taken broadly) to demonstrate a 5 year housing supply except in relation to the former North Wiltshire District, where he considered that the 4.3 years, set against an expectation of 5.25 years, did not represent a serious shortfall. As a result, he did not consider that there was an “overwhelming need for development to meet” the specific demand in the former North Wiltshire District. He therefore considered that a 5-year housing supply had been shown.

Discussion

34. The issue for the inspector was whether the strategic sites were “deliverable” as defined by Footnote 11 so that they fell within the meaning of [47] and should have been included in the assessment of housing land supply. Footnote 11 is not entirely straightforward, but the following points are relevant to its interpretation:

- i) It is common ground that planning permission is not a necessary prerequisite to a site being “deliverable”. This must be so because of the second sentence of Footnote 11 and because it would be quite unrealistic and unworkable to suggest that all of the housing land supply for the following five year period will have achieved planning permission at the start of the period;
- ii) The parties are agreed that a site which is, for example, occupied by a factory which has not been derequisitioned, or which is contaminated so that housing could not be placed upon it, is not “available now” within the meaning of the first sentence of Footnote 11. However, what is meant by “available now” is not explained in Footnote 11 or elsewhere. It is to be read in the context that there are other requirements, which should be assumed to be distinct from the requirement of being “available now”, though there may be a degree of overlap in their application. This suggests that being available now is not a function of (a) being a suitable location for development now or (b) being achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable. Given the presence of those additional requirements, I would accept Ms Busch’s submission for the Secretary of State: “available now” connotes that, if the site had planning permission now, there would be no other legal or physical impediment integral to the site that would prevent immediate development;

- iii) Questions as to the viability of the proposed development or, for example, whether a developer had been identified or was in a position immediately to start work, would go to the question whether there was a realistic prospect of delivery within five years, but not to the question whether the site was available now. For the same reason, the fact that a site does not “offer a suitable location” does not affect whether or not it is “available now”, suitability of the location being a separate requirement;
- iv) Where sites without planning permission are subject to objection, the nature and substance of the objections may go to the question whether the site offers a suitable location; and they may also determine whether the development is achievable with a realistic prospect that housing will be delivered on the site within five years. Even if detailed information is available about the site and the objections, prediction of the planning outcome is necessarily uncertain. All that probably need be said in most cases is that where sites do not have planning permission and are known to be subject to objections, the outcome cannot be guaranteed. Accordingly, where there is a body of sites which are known to be subject to objections, significant site specific evidence is likely to be required in order to justify a conclusion that 100% of all those sites offer suitable locations and are achievable with a realistic prospect that they will be delivered within five years;
- v) For similar reasons, where sites are in contemplation because of being included in an emerging policy document such as the eWCS, and the document is still subject to public examination, that must increase the lack of certainty as to outcome. That is implicitly recognised by [216] of NPPF which requires decision-takers to “give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)” and to “the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)... .” As Inspector Graham pointed out in the Moat House Farm decision, there can be no guarantee that sites included in the current draft will remain in the finished version of the Local Plan. The approach taken by the various inspectors whose decisions have been considered in this case (including Inspector Robins at [22]) is therefore correct: the stage of preparation of the evidence base and the progress of the draft document are important considerations going to the prospects of housing being delivered within five years and therefore being “deliverable” within the meaning of Footnote 11.
35. I would accept as a starting point that inclusion of a site in the eWCS or the AMR is some evidence that the site is deliverable, since it should normally be assumed that inclusion in the AMR is the result of the planning authority’s responsible attempt to comply with the requirement of [47] of the NPPF to identify sites that are deliverable. However, the points identified in [34] above lead to the conclusion that inclusion in the eWCS or the AMR is only a starting point. More importantly, in the absence of site specific evidence, it cannot be either assumed or guaranteed that sites so included are deliverable when they do not have planning permission and are known to be subject to objections. To the contrary, in the absence of site specific evidence, the

only safe assumption is that not all such sites are deliverable. Whether they are or are not in fact deliverable within the meaning of [47] is fact sensitive in each case; and it seems unlikely that evidence available to an inspector will enable him to arrive at an exact determination of the numbers of sites included in a draft plan that are as a matter of fact deliverable or not. Although inclusion by the planning authority is some evidence that they are deliverable, the weight to be attached to that inclusion can only be determined by reference to the quality of the evidence base, the stage of progress that the draft document has reached, and knowledge of the number and nature of objections that may be outstanding. **What cannot be assumed simply on the basis of inclusion by the authority in a draft plan is that all such sites are deliverable. Subject to that, the weight to be attached to the quality of the authority's evidence base is a matter of planning judgment for the inspector, and should be afforded all proper respect by the Court.**

36. The first limb of the challenge under Ground 1 is that the inspector failed to have regard to the two decisions at Calne. While it is common ground that the inspector had a discretion whether to admit or to refuse to admit the late-submitted material, this limb raises the following questions:
- i) Whether the Calne decisions were material that might have caused him to reach a different conclusion to that he in fact reached without taking them into account; and, if they were
 - ii) Whether the inspector's decision not to consider them was a lawful exercise of his discretion. This second question raises two sub-questions:
 - a) Whether the decision not to consider them could be and was a proper exercise of discretion in the circumstances prevailing; and
 - b) Whether the inspector was obliged to give any or proper reasons for his decision and, if so, whether he did so.
37. The Secretary of State accepts that it would have been open to him to submit evidence providing information about the circumstances in which the inspector decided not to consider the Calne decisions. Ms Busch correctly points out that the submission of such evidence could give rise to a risk of retrospective and unreliable justifications being advanced. That point is well made. However, once the risk is recognised, it can be addressed by the witness and should not be exaggerated; and the decision not to submit evidence covers not merely evidence about any reasoning that may have informed the inspector's decision but also primary factual evidence that may have been relevant. As it is, in the absence of such evidence, nothing is known save that the Calne decisions were submitted and received after the inquiry but nine days before the inspector made his decision on 5 October 2012.
38. Turning to the first question, there can be no real doubt that the Calne decisions were material that might have caused the inspector to reach a different conclusion to that he in fact reached without taking them into account. Ms Busch did not argue the contrary. It is, however, important to identify the features of the Calne decisions that gave them particular significance:

- i) While Inspector Robins already had before him three other decisions that were said to be relevant, they all pre-dated the introduction of the NPPF. The Calne decisions directly addressed the requirements of [47] of the NPPF, as Inspector Robins was required to do. It was therefore a previous decision that was directly in point;
 - ii) Inspector Papworth's Decision Letter identified the possibility of site specific evidence and that there had been none submitted in relation to the strategic sites in his case. His conclusion was that Malmesbury (where there had been site specific evidence) was "an anomaly" and he referred to a decision of the Secretary of State in relation to land at Salisbury going the other way, which does not appear to have featured in the material considered by Inspector Robins in his decision letter;
 - iii) Given its timing and the fact that Calne was also in Wiltshire, Inspector Papworth's decision was doubly relevant. It was relevant geographically since it addressed the same eWCS and other aspects of the Development Plan as applied to the Purton appeal; and it addressed them at the same stage of their progress as applied to the Purton appeal;
 - iv) Inspector Papworth had concluded that there were sufficient doubts remaining over a number of included sites and supply provisions to reduce the number of such sites that should be regarded as deliverable.
39. In these circumstances, there must have been (at least) a real possibility that considering the Calne decisions would have led Inspector Robins to a different conclusion. Although it would have been his decision and he would have been entitled to disagree with Inspector Papworth's conclusion, before doing so he would have been obliged to have regard to the importance of consistency and to give his reasons for departure from Inspector Papworth's decision. Given the features identified above, the result of applying Mann J's practical test would have been that he was disagreeing with a critical aspect of Inspector Papworth's decision, namely the conclusion that, there being no site specific evidence, the stage of progress of the development plan and the Council's evidence base did not justify the inclusion of the strategic sites as deliverable.
40. It would have been obvious to anyone receiving and reading the email (even without reading the attached Calne decisions themselves) that the decisions dealt with the same issues as were central to the Purton inquiry, that the decisions had been issued the previous week (and so could not have been provided earlier), and that, as very recent decisions, they were likely to address the same issues as arose in the Purton inquiry by reference to Wiltshire's Development Plan in its current state of development. Even a cursory review of the Calne decisions would have confirmed that this was so. In particular it would have confirmed that Inspector Papworth had produced a very recent assessment of whether, in the absence of site specific evidence, strategic sites included in the eWCS should be regarded as deliverable within the meaning of [47] of the NPPF.
41. That being so, the principle that a decision maker ought to take into account all matters which might cause him to reach a different conclusion and the obligation to have regard to material considerations up to the time that the decision is made

weighed heavily in favour of Inspector Robins exercising his discretion in favour of admitting the Calne decisions for consideration.

42. In support of her opposition to Ground 1 Ms Busch submitted that the late submission of the Calne decisions was a breach of the 2000 Rules. That submission is rejected. No sensible interpretation of the rules can require the submission of information before it is in existence. Furthermore, Rule 18(2)-(4) of the 2000 Rules expressly contemplates the submission of late information and that it may be admitted by the inspector in accordance with the rules. Reference to The Good Practice Advice Note 10 also weighed in favour of admitting the decisions for consideration. It provided that the inspector would apply his discretion on the basis of:
- i) The relevance of the material to the appeal proposal: the material was highly relevant and potentially decisive in persuading Inspector Robins to find in the appellants' favour on the issue of strategic sites. Had he done so the balance of evidence in favour of a finding that the existence of a 5-year land supply was not shown would shift markedly, as Mr Harris' evidence and the revised tables set out above show;
 - ii) Whether it simply repeats something that is already before the inspector: it did not; and
 - iii) Whether it would have been procedurally fair to all parties if the material were taken into account: even if some modest delay were to be incurred in bringing out the decision (as to which, see below) the admission of the Calne decisions could be handled in a way that was procedurally fair. The Secretary of State has not submitted to the contrary, which is realistic and correct.
43. I would accept that in some cases where information is submitted late there may be a tension between the need for finality and proportionate expense on the one hand and a willingness to admit evidence which has not been submitted in accordance with the normal procedural timetable under the Rules. However, there is no material available to the Court to suggest that there was any significant tension in this case. In particular, there is no evidence to suggest that the Calne decisions, though highly material, would open up any new issues or indicate the need for further evidence or hearings. On the evidence that is available to the Court, it would have been possible for any supplementary submissions to have been made shortly and in writing. It is not realistic to suggest, and it has not been suggested, that it would have been necessary to re-open the inquiry or that significant delay would have been caused by taking the Calne decisions into account. There is therefore no evidential basis upon which it could be said that it was disproportionate or contrary to the wider interests of justice for the Calne decisions to be taken into account.
44. In her oral submissions Ms Busch submitted that there was no obligation upon the inspector to state a reason for his decision not to take the Calne decisions into account because the Rules do not expressly require him to give reasons when exercising his discretion in these circumstances. That submission is rejected. No such implication can be deduced from the silence of the rules. On the contrary, the obligation on a decision maker to give reasons for his decisions (including exercises of discretion) which will or may affect the rights and obligations of parties to legal proceedings over which he is presiding is a general one which covers the exercise of Inspector Robins'

discretion in this case. Reasons were required in accordance with the guidance in *South Buckinghamshire DC*: see [7] above.

45. To the extent that any reason can be said to have been given at all, it was the statement in the email of 2 October 2012: “Thank you for your email below. Unfortunately it was received too late to be considered by the Inspector.” Taken at face value this says that not merely the Calne decisions but Mr Harris’ email were not considered at all by the inspector, but it is plain that the email was read, at least by one or more case-workers. What is neither self-evident nor the subject of evidence is whether the inspector (or anyone to whom he reasonably delegated the task) looked at the Calne decisions themselves before deciding that they would not be taken into account by the inspector for the purposes of reaching his decision.
46. The position confronting the Court when considering this limb of Ground 1 is that there is no evidence to suggest that the inspector (or anyone on his behalf) carried out a reasoned assessment of the materiality of the Calne decisions or whether, applying the approach advocated by Good Practice Advice Note 10 or any other reasonable balancing exercise, the decisions should be admitted and taken into account. For completeness I record that it was not submitted by Ms Busch that he had done so. While she submitted that there was material which could have justified him in reaching a reasoned decision to reject the late submission of the Calne decisions, she did not (and could not in the absence of any reasons being given by the inspector) submit that he in fact did take such a reasoned decision. She concentrated upon the fact that the submission that the information was submitted late and that, as she submitted, no one with knowledge of planning practice would be surprised to see the submission of the Calne decisions rejected on the basis that it was “just too late”.
47. Whether or not competent practitioners in the field would be surprised to see a late submission of information being knocked back on the basis that it is too late should depend upon the circumstances of the particular case, for two reasons. First, lateness is not of itself necessarily or even probably the determinative consideration. Secondly, the determinative considerations should be those that go into the mix of a reasoned assessment which balances those factors that tend in favour admission or rejection on the facts of a particular case. That assessment may be relatively simple or it may be complex; but in either event, the parties concerned are entitled to reasons that are intelligible and adequate to enable the reader to understand why the matter was decided as it was.
48. On the facts of this case, there is no information to support the suggestion that the Calne decisions were received too late to be considered by Inspector Robins and all the available information contradicts the assertion. The decisions were submitted promptly and were received 9 days before he made his decision on 5 October 2012. There is no evidence to suggest that he required that length of time to take them into account, or that his decision had in fact been taken by 29 September 2012, or that 5 October 2012 was an immutable deadline, or that reasonable accommodation could not have been made to ensure procedural fairness if the decisions were taken into account. In the absence of any reason or other material to explain why the date of the receipt of information trumped all other relevant considerations I am driven to the conclusion that the reason given is unsupportable. At its lowest, there was a failure to give adequate reasons so that the reader could know why, if any reasoned balancing exercise was in fact carried out, it led to the exclusion of the Calne decisions.

49. For these reasons, I therefore uphold Ground 1 of the challenge. In summary, his decision to exclude the Calne decisions from consideration should be set aside because:
- i) The inspector failed to exercise his discretion properly. A proper exercise of his discretion would have involved a balancing exercise either in accordance with or similar to that advocated by Good Practice Advice Note 10. Had he carried out such an exercise, he should have concluded that the considerations that weighed in favour of admitting the Calne decisions outweighed those that weighed in favour of excluding them;
 - ii) The reason given by the inspector, namely that the material was submitted too late to be considered by the inspector, was unsustainable;
 - iii) The inspector failed to give adequate reasons for his decision not to take the Calne decisions into account.
50. Given that he did not take the Calne decisions into account, it is somewhat academic to advance as a separate head of challenge that the inspector failed to give reasons for not following the approach taken in them. That said, in accordance with the principles established in *North Wiltshire DC v SoSE and Clover*, if he had taken them into account and decided not to follow them, he should have given his reasons for doing so. This would have been particularly important given the geographical and temporal overlap between the Calne and the Purton decisions.

Ground 2: The inspector failed to correctly interpret the NPPF.

Ground 3: The inspector gave inadequate reasons for the inclusion of strategic sites in the five year housing land supply and/ or the inclusion of the site was irrational.

Ground 4: The inspector failed to take into account material considerations; gave inadequate reasons for concluding a five year housing land supply existed or otherwise behaved irrationally in so concluding.

51. Although these are separate and distinct grounds of challenge, they overlap to the extent that they may be seen as different facets of the same argument, and I shall address them together. These Grounds fall to be considered by reference to the material actually considered by the inspector, without reference to the excluded Calne decisions.
52. Ground 2 is based upon an alleged disparity between the terms of [21] and [24] of the decision letter. In [21] the inspector wrote:

“In order for strategic plans to be put in place to address the housing supply, I consider that allocated sites can be included, including those within emerging plans, subject to the weight that can be given to that plan and its evidence base and the submission of information indicating a reasonable likelihood of them progressing within the five year period.”

In [24] he wrote:

“While full weight cannot be given to the precise numbers put forward by the Council, I consider it reasonable to include these sites in absence of specific evidence that they cannot be delivered.”

53. The Claimant submits that this shows that the inspector failed to apply the test required by [47] of NPPF. It is common ground that the correct test for sites not having planning permission, such as the strategic sites, is that set out in the first sentence of Footnote 11. The Claimant submits that the inspector failed to apply that test. It submits that the inspector has applied a presumption in favour of including sites in the absence of specific evidence that they cannot be delivered and that this is only appropriate in the case of sites having planning permission, where the approach is permitted and mandated by the second sentence of Footnote 11.
54. I have discussed Footnote 11 at [34-35] above. I accept that, for sites which fall to be considered under the first sentence of Footnote 11 to be taken as deliverable, it must be shown that they satisfy the requirements there set out. **There is no a priori assumption that sites not having planning permission are deliverable. However, the fact that sites have been included in an emerging policy document or evidence base may (and often will) be a starting point. In other words, inclusion may be evidence in support of a conclusion that the sites so included are deliverable. Once that is accepted, there is no reason in principle or on the proper interpretation of Footnote 11 why the fact that sites are included in the eWCS or the AMR may not be taken as sufficient evidence that they are deliverable in the absence of evidence (specific or otherwise) that they are not. The weight to be attached to the evidence that they are deliverable will vary from case to case and is a matter of planning judgment for the inspector: see [35] above. So too will be the weight to be attached to any evidence that they are not. Evidence that they cannot be delivered can in principle be specific (e.g. site specific evidence that a site is contaminated or in delay) or general (e.g. evidence that all sites are subject to objection, though this evidence may be refined to the extent that the objections to particular sites are identified and capable of being considered).**
55. Once [24] is read in its entirety and in context, it appears that the inspector was adopting this approach. Having set out the Footnote 11 test at the commencement of [21], he acknowledged the existence of objections at [22] and identified that it was for him to decide what weight he should attach to the sites having been allocated. At [23] he identified as a reason for including the sites that they had been identified by the Council in the course of the development of the eWCS. He acknowledged the weakness inherent in that process at the start of [24] but came to a planning judgment that sufficient weight could be given to the evidence in favour of inclusion so that the sites could be included in the absence of other, specific, evidence that they could not be included. Seen in this light, it is apparent that he did not misinterpret Footnote 11 in the way suggested by the Claimant. While other inspectors may have given different weight to particular aspects of the evidence, that does not cast doubt on the interpretation adopted.
56. Two further questions need to be considered. The first is the significance or otherwise of the cited passage from [21] of the Decision Letter. Bearing in mind the

obligation on the Court to read the Decision Letter in good faith and as a whole, construing it in a practical manner, the cited passage does not subvert the conclusion that the inspector did not misinterpret Footnote 11. If anything it states too demanding a test, since it suggests that the plan and evidence base can never be enough to support a finding that sites are deliverable in the absence of additional information indicating a reasonable likelihood of them progressing within the five year period. However, the passage should not be taken in isolation and, viewed overall, it appears that the inspector applied the correct test.

57. The second question is how an inspector should deal with the fact that, as Inspector Robins acknowledged, the housing supply from the sites could not be guaranteed. The logical consequence of this lack of certainty at first blush appears to be that the raw numbers should be discounted for the probability or certainty that not all included sites are in fact deliverable. Inspector Robins dealt with this in terms of weight, both at [21]-[24] and when tying his findings together at [51-54]. On a fair reading, at [54] he carried out a balancing exercise which started with the express recognition that “the exact numbers cannot be relied upon.” Prudently, in my judgment, he did not try to apply a precise numerical discount to reflect the uncertainty that he had identified. Instead, having acknowledged the uncertainty and after rehearsing the context in which the raw figures were generated, he reached the conclusion that the Council had demonstrated a 5-year housing supply. On a detailed semantic analysis, his reference to 4.3 years set against an expectation of 5.25 years not representing a serious shortfall may be criticised on two grounds. First, it suggests that, despite his balancing exercise, he is still adhering to the raw and exact figure of 4.3 years. Second, it may fairly be pointed out that the issue was whether there was adequate provision and, on the basis of a finding of 4.3 years supply, there was not. However, while it might have been preferable for the inspector to have inserted a qualification to show that he was not “sticking” at 4.3 years, a fair reading of the relevant paragraphs as a whole shows that he did in fact recognise the weakness of the raw figures and was not committed to them; and the thrust of the sentence was that no overwhelming need for development had been shown, which was a conclusion that was open to him on his findings.
58. In summary, I would accept that the inspector could have included an additional sentence or two which would have made [54] more transparent; but in my judgment, fair reflection upon [54] shows that he has carried out a balancing exercise to reflect the lack of certainty he had identified.
59. In support of Ground 3 of the challenge, the Claimant criticises [23] of the Decision Letter. The first criticism, as advanced in the Claimant’s skeleton argument, is that the inspector failed to engage with the issue whether Malmesbury inspector’s approach was still valid in the light of the NFFP and the fact that it was designed to address economic stagnation and boost the housing land supply. At the hearing, however, although the Claimant again pointed out the broad economic purpose of the NPPF, its focus on the Malmesbury decision was different: it is now alleged that the significance of the Malmesbury decision is that there was site specific evidence justifying the inclusion of the sites. That observation is correct, but does not advance the criticism that had been advanced in the Skeleton Argument. In my judgment, while there is no sign that Inspector Robins identified the distinguishing feature that there had been site specific evidence available to the Malmesbury inspector in relation

to strategic sites, that does not vitiate his decision. Furthermore, there is substance in the Secretary of State's submission that the thrust of the second half of [23], including the reference to the Malmesbury decision, was to support the undoubtedly correct view that the weight to be attached to an emerging plan and its evidence base depended upon the stage of progress it had achieved.

60. The Claimant's second criticism under Ground 3 is that [24] is opaque. If the Decision Letter had been a statute, it might have been profitable to observe that it could have been more detailed and precise; but it is not a statute. Having had the opportunity to reflect again upon the Decision Letter as a whole, I conclude that the inspector gave adequate reasons which were well capable of being understood by the parties. His reasons were not irrational, though other inspectors may have given different weight to the materials which he considered. On the contrary, having interpreted Footnote 11 correctly, he was entitled to reach the conclusions he did on the materials he considered and for the reasons he gave. The Court should in those circumstances be slow to interfere and I am not persuaded to do so.
61. Ground 4 is supported by a direct challenge to [54], which is said to be opaque. I reject that criticism. The Claimant points specifically to the words "...within the context of a strategic approach focussing sites on larger settlements or a housing market area that responds to the existing settlement pattern rather than political boundaries ...". When read fairly and in context those words are identifying the source and provenance of the "exact" figures that the inspector had set out in his table at [52] and which he had just acknowledged could not be relied on as such. Identifying the source and provenance of the figures served a useful and not unduly opaque purpose by giving some qualitative colour to the figures that he was balancing in that paragraph. Once again, the Court should be slow to interfere, and I am not persuaded to do so.
62. For these reasons I reject Grounds 2, 3 and 4 of the challenge. In summary, when read fairly, it appears that the inspector did not misinterpret Footnote 11, his reasons were adequate and rational and, on the basis of the materials that he considered, reflected planning judgments with which the Court should not interfere.

Ground 5: The inspector failed to take into account material considerations; gave inadequate reasons for concluding a five year housing land supply existed or otherwise behaved irrationally in so concluding.

63. This challenge relates to [58] of the Decision Letter where the inspector stated that the appropriateness of Purton's settlement boundaries had been considered as part of the eWCS. He therefore concluded that the boundaries were up to date. On the evidence of Mr Harris, this was not based on any evidence and was wrong. It is alleged that this caused him to place more than limited weight on Policy H4 of the Local Plan which provided that New Dwellings in the Countryside outside the Framework boundaries will be permitted in strictly limited circumstances w were not applicable to the Purton proposals.
64. In my judgment there is no substance in this ground of challenge. Although his belief that the settlement boundaries had been considered as part of the eWCS was incorrect, the central fact was that the boundaries remained and were not changed by the eWCS.

He was therefore entitled to conclude that the Policy H4 was not out of date and conformed to the Framework.

65. Ground 5 of the challenge is therefore rejected.

Conclusion

66. For the reasons set out above, Ground 1 of the grounds of challenge is established. Grounds 2, 3, 4, and 5 are rejected.

Annexe A
RELEVANT EXTRACTS FROM DECISION
LETTER
DATED 5 OCTOBER 2012

Background

...

11. In terms of housing supply both main parties accepted that the data and projections found in the adopted development plan are out of date. In this respect revised housing requirements were promoted during the development of the draft Regional Spatial Strategy, (dRSS). This was subject to Examination in Public, incorporation of proposed changes and a version was published for consultation in July 2008. Although reaching an advanced stage, the likelihood of this plan being adopted is considered extremely low in light of the Secretary of State's avowed intention to revoke Regional Strategies, and the enactment of the Localism Act, which prevents further Regional Strategies from being created.

12. In response to the Government's position on Regional Strategies, the Council indicated that they moved to reconsider the housing requirements for Wiltshire to inform an emerging Core Strategy, (eWCS). This document has now reached a relatively advanced stage with a resolution by the Council and its submission for examination. The Council's ambitions for this plan to be adopted by the end of 2012 or early 2013 may, however, be questioned in light of recent concerns and a need to re-consult.

13. Notwithstanding this the Council point to an extensive consultation process involved in the development of evidence base and suggest that the eWCS is preferable, both in terms of the housing requirement and the strategic approach to delivery, to either the out of date WSSP or the figures promotes in the dRSS.

14. The appellant raised concerns over the weight that should be afforded to the eWCS in light of the objections to the proposed housing numbers, declaring a preference for the publicly tested dRSS. However, the appellant goes further, suggesting an additional proposition that irrespective of the housing land supply position, the proposal represents a sustainable development. As such it would benefit from the Frameworks' presumption in its favour, in light of a contention that the development plan policies are out of date.

...

Sites

...

19. Thus the appellant suggests a difference between the Council's housing supply and their own of some 4,045 dwellings, made up in part by site specific differences and in part by a disagreement over which elements should be included. Some 80% of the difference relates to the strategic sites, the Vision Sites, windfalls and previously discounted sites.

20. The Council refer to paragraph 47 of the Framework and its footnote regarding the inclusion of strategic sites, specifically allocations in the eWCS.

This paragraph seeks to significantly boost the supply of housing and requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area”. It specifically includes “key sites critical to the delivery of the strategy over the plan period”.

21. The footnote sets out a definition for specific, deliverable sites: that they should be available now, offer a stable location for development now, and be achievable with a realistic prospect of delivery within five years. While on the face of it the requirement for sites to be available now would appear to preclude sites without permission, the definition continues by addressing permitted sites directly. In order for strategic plans to be put in place to address the housing supply, I consider that allocated sites can be included, including those within emerging plans, subject to the weight that can be given to that plan and its evidence base and the submission of information indicating a reasonable likelihood of them progressing within the five year period.

22. I accept that where there are outstanding objections to sites, such matters need to be addressed and resolved, however, it is not for me to prejudge the outcome of the eWCS examination. I must decide on what weight I can give to the Council’s assertion that these allocations should be included. In doing this it is necessary to separate the weight that can be given to the emerging plan from that associated with the evidence base associated with that plan. While I have been given examples from East Northampton and from Preston where draft allocations have not been included, the relevant weight must be ascribed based on the specific stage of preparation of the evidence base and the evidence supporting deliverability.

23. In this case I consider that exclusion of all the draft allocations is not appropriate. The Council have identified the sites following public consultation and they report that they have been subject to a Sustainability Appraisal. The sites are included within the AMR. While I note the appellant’s concern over the recent appeal decision in Malmsbury the Inspector in that case also accepted the principle of including strategic sites. The Council relied on this decision to support their position that the sites were available and deliverable. The appellant referred me to a slightly earlier decision by the same Inspector which discounted draft Local Plan sites, however, it strikes me that this differs in the progress of the emerging plan and the evidence therefore available to the Inspector. The decision clearly refers to the need for consultation and representations on the emerging plan.

24. I accept that until planning permission is secured and the sites are built out, the housing supply from the sites cannot be guaranteed. Nonetheless to exclude such sites risks Councils having to plan to meet housing supply in a dynamic market on the basis of only sites with planning permission or from relatively old plans. This would risk devaluing the process of strategic planning. While full weight cannot be given to the precise numbers put forward by the Council, I consider it reasonable to include these sites in absence of specific evidence that they cannot be delivered.

25. Turning to Vision Sites similar arguments apply, albeit that they are not formally proposed as allocations. They are included in the AMR and the eWCS sets out a specific policy for their delivery. The Council presented evidence that two sites, Foundary Lane and Hygrade Factory, while not currently having permission, are likely to be delivered within the five year period. While there may be some matters to be resolved on these sites, and the appellant points to part of the Foundary Lane site and the Hygrade site as being still partly occupied, this does not mean they cannot be delivered. On balance I consider that the dwellings associated with these sites can be included.

...

Housing Requirements

39. This is not therefore, as the Council set out, a simple case of “a stark choice” between the dRSS and the eWCS. Although I favour the RSS figures at this stage, which furthermore provide a conservative approach to ensuring adequate provision of housing, I must give some weight to the emerging evidence base in light of its more up to date projections and the extent of more local engagement in assessment of needs.

...

Conclusions on the 5-Year Housing Supply

51. It has been necessary to carefully consider the housing requirement and supply situation in Wiltshire as a result of the changes being introduced at both national and local level. My conclusions are by necessity based on the evidence put before me and can in no way prejudice the outcome of the eWCS Examination in Public which may take place later in this year or early 2013.

52. I consider that the principal assessment should be made between the housing requirement for the RoNW and the housing supply presented by the Council, amended in response to the evidence provided at the Inquiry. This must be further considered in light of the housing demand across North Wiltshire and the emerging strategic approach for the North and West HMA. I have summarised this in the following table:

Plan/Policy	Housing Requirement	5-year Housing Requirement	Housing Supply	Assessment (years)*
dRSS Rest of North Wiltshire	3,024	1,008	1,522	7.5
dRSS North Wiltshire	10,684	3,549	3,052	4.3
eWCS North and West HMA	15,249	5,083	6,292	6.2

*5.25 years required to meet the 5% buffer

53. This indicates that the appellant’s proposition that even using the eWCS figures the Council cannot demonstrate a 5-year housing supply is not well founded. The Council have shown a 5-year housing supply relative to the RoNW

dRSS figures and the eWCS North and West HMA, but have failed to demonstrate adequate supply for the dRSS North Wiltshire area. As set out above, I consider that the weight that can be given to the dRSS figures is somewhat lessened by the length of time since their preparation and examination, but also that the weight I can give to the emerging figures is similarly limited.

54. Nonetheless, although the exact numbers cannot be relied on, I am satisfied that the resulting figures indicate that within the context of a strategic approach focussing sites on larger settlements or a housing market area that responds to the existing settlement pattern rather than political boundaries, the Council have demonstrated a 5-year housing supply. Furthermore I do not consider that the 4.3 years, set against an expectation of 5.25 years, represent a serious shortfall in the former North Wiltshire District, such that there is an overwhelming need for development to meet the specific demand.

55. In such circumstances I consider that there is sufficient evidence to support that, for this location, a 5-year housing supply has been shown.

...

58. My reading of the previous appeal decision on this site suggests that the boundaries were considered in both the preparation and Examination of the Local Plan in 2006, and while they do not appear to have been assessed against the significant increase in supply sought by the dRSS, they have been against the large increase currently promoted in the eWCS. This process has not led to a redrawing of the boundaries, consequently I do not consider that Policy H4, which they inform, is out of date or fails to conform with the Framework.

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Appendix 9

Appeal 2228466

Appeal Decision

Inquiry held on 19-22 May 2015

Site visits made on 18, 21 and 22 May 2015

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 03 July 2015

Appeal Ref: APP/P1615/A/14/2228466

Land off Chartist Way, Staunton, Gloucestershire

- 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 Gloucester Land Company Limited against the decision of Forest of Dean District Council.
 - The application Ref P0901/14/OUT, dated 29 May 2014, was refused by notice dated 10 September 2014.
 - The development proposed is residential development for 45 dwellings, including infrastructure, ancillary facilities, open space and landscaping, with vehicular access from Chartist Way.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application as submitted sought outline planning permission, but with all details included except for appearance. At the inquiry, the appellants asked for this to be amended so that all details were reserved. The Council did not object to this change. I have dealt with the appeal on this basis, and have therefore treated the submitted plans as illustrative.
3. Notwithstanding the above, it was agreed that the intended access location would be from Chartist Way, and that if permission were granted, this could be controlled by condition.
4. Three legal undertakings have been entered into by the appellants, relating to affordable housing, on-site open space, and contributions to off-site recreation and library provision. In the light of these obligations, the Council did not pursue Refusal Reason no. 3 (RR3) at the inquiry. I will comment further on these matters elsewhere in my decision.

Policy background

The development plan

5. For the purposes of the present appeal, the only relevant development plan policies are those of the Forest of Dean Core Strategy (the CS), adopted in February 2012).
6. In the CS, the settlement of Staunton and Corse is defined as a Service Village, which is the fourth tier in the hierarchy. The proposals map defines a

- development boundary around the central part of the settlement. The appeal site lies outside that boundary.
7. Policy CSP1 relates to design and environmental protection. In considering new development, account is to be taken of the effects on the landscape, and on historic sites and heritage assets, amongst other things. The supporting text states that: *"The policy is intended to promote local distinctiveness as well as good design and conservation... Much of the strategy depends on the maintenance or enhancement of the quality of the landscape... While recognising that change is inevitable, it seeks to ensure that new development makes a positive contribution..."*
 8. **Policy CSP4, 'Development at Settlements', requires new development to reinforce the existing settlement pattern, and states that most changes are expected to take place within existing town and village boundaries. Development at villages should be in accord with the settlement's size and function.**
 9. Policy CSP16 sets out the approach to development in villages. The policy states that, where appropriate, settlement boundaries will be a key determinant. With regard to the Service Villages, the supporting text states that these are likely to see relatively little change; their settlement boundaries will be reviewed in a later DPD, but new major housing allocations are unlikely, and half of the total change expected can be met from existing permissions.
 10. In the Statement of Common Ground, the Council accepts that the need to allocate land for housing and employment, in future DPDs, means that the CS settlement boundaries are not up to date. Nevertheless, they are still part of the statutory development plan, to which I must have regard in accordance with Section 38(6) of the 1990 Act.

Emerging policies

11. The initial draft version of the Allocations Plan (the AP) was published for public **consultation in July 2014, and the 'publication version' was issued for a further round of pre-submission consultation in March 2015.** The period for representations ended on 20 May 2015, just before the close of the present inquiry.
12. At Staunton/Corse, the draft plan proposes to designate an extensive area, as **a 'Locally Valued Landscape' (draft Policy AP96).** The present appeal site lies within that area. The plan also proposes two changes to the settlement boundary: one adjacent to the appeal site, where a development of 15 affordable dwellings has already been built (Freedom Close), and the other to the east of Gloucester Road, where a new allocation for 20 dwellings is also now proposed (draft Policy AP95).
13. Although the Council apparently intends to submit the AP for examination quite soon, the plan itself states¹ that before then it will be reviewed in the light of representations, and a revised version published, which may include further changes, either minor or major. And whilst full information on the latest consultation responses is not yet available, it is evident that policies AP95 and AP96, and a number of other policies and proposals, are subject to objections.

¹ The AP, p9

Consequently, to my mind, the AP is still at a relatively early stage, and as such it carries only limited weight.

Main issues

14. In the light of all the submissions before me, I find that the main issues in the appeal are:
- the proposed development's effects on the nearby heritage assets, and their settings;
 - and whether the District has an adequate supply of housing land.

Reasons for decision

Effects on heritage assets and their settings

Legal and policy considerations and other relevant guidance

15. Under Section 66(1) of the relevant Act², I must have special regard to the desirability of preserving the settings of any relevant listed buildings. There is no directly equivalent duty in relation to the setting of a CA, but nevertheless, **the effects of development on a CA's setting is a material planning consideration.**
16. In the National Planning Policy Framework (NPPF), paragraph 17 sets out the core planning principles. One of these is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
17. In the case of designated assets, paragraph 132 requires that great weight should be given to their conservation. The same paragraph also goes on to say that significance can be harmed or lost through development within the **asset's setting.**
18. Paragraph 134 states that where a designated asset would suffer what is **referred to as 'less than substantial harm' to its significance, that harm should be weighed against any public benefits of the proposal.** In the case of non-designated heritage assets, paragraph 135 advises that a balanced judgement will be required, having regard to the scale of any harm, either direct or **indirect, and the asset's significance.**
19. **The NPPF Glossary defines 'setting' as the surroundings in which a heritage asset is experienced. Further guidance is contained in English Heritage's publication 'The Setting of Heritage Assets', which suggests that setting should be understood to embrace all of the surroundings from which the asset can be experienced, or which can be experienced from or with the asset itself. The same document goes on to comment that the way in which an asset is experienced may extend beyond purely visual considerations, to include spatial associations and historic relationships between places.**

Historical context

20. The historical and factual background to the heritage assets at the settlement that is now Staunton and Corse is not a matter of dispute. The present day settlement had its origins in the Chartist movement of the mid-19th century.

² The Planning (Listed Buildings and Conservation Areas) Act 1990

The Chartists campaigned for universal suffrage, a bill of rights, and better social conditions. The movement played a significant part in bringing about the political and constitutional reforms that followed in the latter part of the 1800s. **As such, Chartism played an important role in Britain's social and political history.**

21. One of the ways in which the Chartists sought to promote change was through the establishment of a series of self-contained rural settlements, in which the settlers would escape unemployment and poor housing, and support themselves from the land; and also, by becoming land-owners, gain the right to vote. Five such settlements were established throughout the country. One of these straddled the parishes of Staunton and Corse, and was known as Snigs End. The rarity of the Chartist settlements, and their association with such a notable episode in our national history, gives to what now remains of Snigs End its special historic and architectural interest.
22. The original Snigs End settlement covered a larger area than the present day Staunton and Corse. Within that area, much of the original layout is still clearly recognisable, with its characteristic pattern of smallholdings, in a range of different sizes, with regular, geometric plot boundaries. Likewise, many of the former Chartist cottages remain, with their distinctive single-storey design and repeated standard floor plan. Although many of these have now been heavily altered or extended, most are still readily identifiable as survivors from the original scheme. In this context, I note **the Council's evidence, which was not seriously challenged**, that Snigs End is in some ways the most typical example, and one of the best preserved, of all the Chartist settlements.

The heritage assets and their significance

23. The designated heritage assets relevant to this appeal comprise the Snigs End Conservation Area (the CA) and certain of the individual Chartist cottages that are listed. The CA covers a very large area, including most of the original Chartist settlement area, but excluding the central part around Prince Crescent, **where most of Staunton/Corse's modern development has taken place.**
24. In the vicinity of the present appeal site, the CA includes Ledbury Road Crescent, which along its south side comprises a continuous row of 13 original cottages, each with their former smallholding plots to the rear. These were originally numbered 1-13 Ledbury Road Crescent, but some are now known mainly by name rather than numbers. Five of this group, Nos 5-9, back directly onto the appeal site. In the group as a whole, five are Grade II listed buildings, including No 5 and Belle Vue (No 9), which are particularly relevant to the appeal, due to their proximity. In general, the five listed cottages are those which have been least altered, and have particular significance for that reason.
25. The other eight cottages in Ledbury Road Crescent are not listed, and most have been altered or extended more significantly. But despite this, the original scale and form of their front elevations has largely been retained, and the spacing between the buildings has been maintained. This consistency of scale and rhythm gives the group as a whole a sense of unity and cohesion. And equally importantly, the smallholding plots have been left undeveloped, so that the dwellings can still be seen in something like their original context, and their relationship to the land can be appreciated. In this way, this group of cottages

at Ledbury Road Crescent seems to me to exemplify the self-sufficiency ideals and utopian spirit on which the Chartist settlement concept was based. Consequently, all of the 13 cottages in this group, whether listed or not, contribute positively to the special interest of the CA, and to its character and appearance. For this reason, it seems to me that those that are unlisted should **be regarded as 'non-designated'** heritage assets in their own right. And in any event, the whole group has significance because of its role as an integral part of the CA.

26. Prince Crescent is outside the CA, and has undergone substantial change, with extensive infilling and backland development. However, it is evident that the road itself was a significant element of the original settlement, and a number of the houses on both sides of it are clearly identifiable as Chartist cottages. Three are listed, and one of these, Lyndale, backs onto the appeal site. Of the unlisted Chartist dwellings in this area, the most relevant are Peartree Cottage, which again backs onto the site, plus Willow Bank which faces it, and the two dwellings at Brook Farm, just to the west. Despite the changes that have occurred elsewhere along Prince Crescent, at the western end, where these latter four cottages are grouped, the setting remains predominantly open and agricultural, and although some of the original boundaries have been lost or realigned, for the most part the layout of the Chartist smallholding plots is still legible. In the context of the settlement as a whole, these surviving remnants make an important contribution to aiding our understanding of the **area's** history. As such, to my mind, both the listed and unlisted Chartist cottages at this western end of Prince Crescent have some significance as heritage assets.
27. Individually, many of the Chartist cottages and other surviving features of the Snigs End settlement may at first sight appear unremarkable. However, it seems to me that this is a case where the collective value of the elements exceeds the sum of the parts. Looked at as a whole, the street pattern, plot layout, buildings and boundaries of the Chartist settlement provide a strong link to an **important period in the area's past, and a visible reminder of its role** in nationally significant historical events. As such, it seems to me that all of the buildings that I have identified, both designated and undesignated, have considerable significance as heritage assets.

The role of the appeal site

28. The appeal site lies in the gap between Ledbury Road Crescent and Prince Crescent. A considerable part of this gap has been filled in with modern estate development, centred around Chartist Way, and culminating in **O'Connor Close** and Freedom Close, both relatively recent additions. However, the appeal site extends beyond these, towards the narrowest part of the gap, and towards the more open countryside to the west.
29. The site is divided into two roughly equal parts by a central dividing tree belt. The eastern half, adjacent to Freedom Close, is a flat, featureless field, contained by existing development on two sides, and by substantial hedgerows or tree belts on the other two. Although in winter there are filtered views to and from some of the nearby heritage assets, nevertheless this part of the site is clearly separated from the open countryside, and appears visually more closely related to the Chartist Way estate. Consequently, this eastern area contributes little to **any of the heritage assets' settings**.

30. The western part of the site, on the other hand, is quite different. This part is far more open, with limited boundary vegetation, and with no existing development adjoining it except for Peartree Cottage in one corner. This western area therefore appears primarily as part of the expanse of open countryside around Brook Farm, extending towards Staunton Court. The land in this part of the site slopes gently down to a small stream, forming an attractive visual composition, with a distinctly rural character.
31. This western field is adjacent to the part of the Snigs End CA that contains Ledbury Road Crescent, with its 13 Chartist cottages, and their former smallholdings. Unlike the eastern field, this western area has a largely open boundary on this side, giving greater intervisibility. In particular, the western field directly abuts the listed Belle Vue and the unlisted No 8, but the intervisibility extends beyond these to some of the other cottages in the row. On its opposite side, **the site's western field** abuts Peartree Cottage, and is directly in front of Willow Bank and Brook Farm. This part of the site is prominent in views to and from all of these heritage assets, and on the approaches to them. It is therefore an important part of their visual setting.
32. In addition, the western field is crossed by two public footpaths, connecting Ledbury Road Crescent to Prince Crescent. In linking up the disparate parts of the former Chartist settlement in this way, these paths assist in understanding its overall layout, and appreciating the historical relationships between its different areas and their heritage assets. As well as the heritage assets identified in the previous paragraph, this includes some which have no direct intervisibility with this part of the appeal site, such as the listed No 5 Ledbury Road Crescent and Lyndale. Consequently, the footpaths across the appeal site are an important part of the surroundings in which all of the heritage assets in this part of the former Snigs End settlement are experienced.
33. **The appellants draw attention to the Council's two reviews of the Snigs End CA boundary, in 2000 and 2014, which both concluded that Prince Crescent had altered so much that it had lost its original character.** In so far as the built-up part of Prince Crescent is concerned, I do not disagree. However, I see no basis for suggesting that this comment was meant to apply to the appeal site. **In any event, it does not change my view of the appeal site's contribution, as I have set out here.**
34. Overall, it seems to me that the openness and rural character of the appeal **site's western field contributes to the significance of** the nearby heritage assets, by emphasising their association with the land, and illustrating something of the kind of landscape that might have existed at the time of their origin. I appreciate that some elements of the landscape have changed since Chartist times, including some changes to hedgerows and the types of vegetation within them, but generally these are minor; they do not negate the contribution made to the significance of the heritage assets by their setting. Consequently, for the reasons that I have explained, I consider that the western half of the appeal site forms an important part of that setting.

The effects of the proposed development

35. Development on the western part of the site would encroach into a very open landscape, where it would be exposed to medium and close range views from all sides. In this part of the site, such development would be alien and highly intrusive, destroying the openness and the pleasant rural character of this

stretch of countryside. In addition, the separation between the different parts of the former Chartist settlement would become blurred, and the appreciation **of the area's history would thus be diminished.** In my view, development having these effects would fail to preserve or enhance the settings of the listed buildings, and would adversely affect the setting of the CA and other heritage assets identified above.

36. On the eastern half of the site, whilst any development would still be outside the settlement boundary, and thus contrary to policy, it would not unduly affect the setting of the CA or other heritages assets, due to the clear physical and visual containment of the existing tree belts and adjoining development. However, the present proposal does not seek to confine development to that eastern area. The submitted plans show housing development on both sides of the central tree belt, and there is no evidence to suggest that the whole of the development could be accommodated without breaching that line. Even if it were possible to fit all 45 dwellings into the eastern field, it is clear that any other facilities, such as open space and drainage ponds, would have to extend into the western field. To my mind these would be equally urbanising in their effect, and thus equally damaging **to the heritage assets' settings.**
37. I accept that increased screening could be achieved through new planting. But the openness and continuity of the landscape would still be lost, and thus the harm would not be mitigated. Neither would it be reduced by providing interpretation boards, valuable though those might be.
38. I also **note the appellants' contention that allowing development to extend** beyond the existing tree line would in itself create a softer edge. But to my mind, whatever the possible merits of that approach in general terms, in this location any such benefits would not compensate for the harm that would be caused to heritage interests.

Conclusion on heritage impact

39. For these reasons, I conclude that the proposed development would cause conspicuous harm to the settings of the nearby heritage assets, and particularly to those of the Snigs End CA, the listed buildings Belle Vue, No 5 Ledbury Road Crescent, and Lyndale, and the non-designated Nos 6-8 Ledbury Road Crescent, Peartree Cottage, Willow Bank and Brook Farm. Although this harm would be **'less than substantial' in NPPF terms,** nonetheless, it would still detract perceptibly from **the assets' significance.** This impact on heritage assets brings the proposed development into conflict with Policy CSP1, and with NPPF paragraph 17.
40. In accordance with NPPF paragraphs 132-135, the harm to both the designated and non-designated assets must be weighed in the overall planning balance against other relevant considerations. In the case of the designated assets in particular, the harm is to be given great weight. I address this planning balance later in my decision.

The supply of land for housing

Common ground

41. For the purposes of the appeal, the Council and appellants are both agreed that the 5-year supply should be measured against a requirement based on the adopted Core Strategy. On that basis, the basic annual requirement for the

period 2006-26 is 310 dwellings per annum. It is further agreed between the parties that the appropriate buffer to be applied in accordance with NPPF paragraph 47 is 20%, and that the shortfall of 376 units, from the period 2006-14, is to be treated as needing to be made up within the next five years. Taking these additions into account, the overall requirement for the 5-year period 2014-19 is agreed to be 2,236 units.

42. Against this requirement figure, the Council claims a supply of 2,367 dwellings, or around 5.3 years, whereas the appellants contend that the true figure should be 1,786 dwellings, or just under 4 years. The difference between the parties is therefore around 580 units, and it is common ground that I should focus my attention only on these disputed sites.

Disputed sites: 'Category 3' sites

43. **Looking first at what was referred to at the inquiry as 'Category 3' of the** disputed sites, these are a group of 10 sites, totalling 147 units, which are allocated in the draft AP, and which do not have planning permission. They are not by any means the only sites allocated for housing in that emerging plan, nor are they necessarily the only ones without planning permission, but they are those in that category which are disputed between the parties. I accept that Council officers have included these sites in the supply only where they have a high level of confidence that they are available and deliverable within 5 years. But the fact is that none has either a planning permission nor an allocation in an adopted plan, and the draft plan on which the Council relies is yet to be submitted for examination. It is therefore far from self-evident that these sites can be considered deliverable as of now. In these circumstances, it seems to me that the burden of showing why they should be counted rests very much with the Council.
44. I appreciate that a number of these Category 3 disputed sites are previously developed, and within built-up areas, and thus permission for these sites may not necessarily be dependent on the AP. However, that still leaves the question of whether the sites have a realistic prospect of coming forward within the required 5-year timescale. It is acknowledged by the Council that the local economy in the Forest Of Dean is not strong. The area was hit hard by the post-2008 recession and is only now beginning to recover. Some long-standing permissions and allocations have not been taken up (including some now included in disputed Categories 1 and 2), apparently due to the lack of buoyancy in the local housing market.
45. Of the previously-developed Category 3 sites, four are said to be vacant (Lawnstone House, the Victoria Hotel at Newnham, the George at Mitcheldean, and the Mitcheldean coach depot), and some of these have apparently been so for many years. It does not appear to be the lack of a development plan allocation that has held these sites back. Some of the others, such as the Kings Head, still have active commercial uses. The site at Hill Street, Lydney appears to require further site assembly, including a row of occupied shops in different ownerships. Others, such as the Victoria Hotel, have specific constraints such as listed buildings. All of these issues are likely to have some effect on the content, timing and viability of any development, and hence on its deliverability. In the absence of any of these previously-developed sites reaching the stage of even having a planning application submitted, there is

little evidence that these issues are likely to be overcome within the relevant period.

46. **I appreciate that the Council's view has been informed by discussions with** landowners, prospective developers, and their agents. But such discussions, by their very nature, can rarely be conclusive. Without any planning applications, the commitment of the relevant parties to developing these relatively difficult brownfield sites has not been demonstrated. At this stage therefore, there is too little **evidence to justify the council's confidence in their deliverability.**
47. And in any event, none of the arguments advanced for including these brownfield sites can apply to the remainder of the Category 3 disputed sites, which are wholly or mainly greenfield land. These include the proposed sites at Bream, Tutshill, north of Newnham, and the extension to Netherend Dairy, Woolaston. Until these sites have been endorsed through the AP public examination, there is no certainty that they will be allocated for development. Until then they remain in the countryside, and subject to potentially reasonable objections on that basis. These greenfield Category 3 sites can therefore not currently be regarded as available for development.
48. I accept that it is perfectly possible that some of the Category 3 disputed sites may yet achieve planning permission and deliver housing completions within **the next five years. But the Council's calculations already include a windfall allowance** for that eventuality. The purpose of the 5-year supply exercise is to ensure that sufficient specific sites can be identified. These must also be sites that are deliverable now. For the reasons that I have set out above, I am not persuaded that there is a case for the inclusion of any of the Category 3 **disputed sites. This reduces the Council's supply figure to** a maximum of 2,220 units. That figure is just below the agreed requirement.

Disputed sites: Categories 1 and 2

49. In the light of this finding, there is no need for me to consider in detail the merits of the disputed sites in Categories 1 and 2. The sites in these categories have either a planning permission or an allocation in an adopted plan. Whilst this does not make it certain that they will come forward, it is reasonable in principle to include them, unless there is specific evidence to the contrary.
50. However, in the case of the site at Foley Road, Newent, I note that the site **owner's** estimate is some 35 units less than the figure adopted by the Council, which suggests that the **Council's figure is** likely to be over-optimistic. And with regard to the allocated site for 29 units at Netherend Dairy, the Council accepts that the viability of this scheme depends on the proposed additional land which is one of the greenfield allocations in the AP. These two sites should therefore be excluded or adjusted, bringing the overall supply figure **down further, to around 2,156 units, equal to about 4.8 years' worth.**

The base date issue

51. In addition, as the appellants point out, there is an inconsistency in the way **the Council's calculation is constructed, in that the base date for the purposes** of calculating the requirement is 1 April 2014, and yet the supply information includes sites which have only qualified for inclusion after that date. I agree that it is desirable for the supply side information to be as up to date as

possible. But in order to make the whole exercise internally consistent, it would then be necessary to update it throughout, taking account of the latest completions, and their effect on the other variables. In the event, the 2014-15 completions data was produced on only the final day of the inquiry, and was not accompanied by any other updating.

52. Those figures show that there were 372 net completions during the year. The completion of these dwellings will have reduced the numbers remaining to be built in future years on the sites that are already under construction, but the **Council's forecasts have not been adjusted to reflect this. The Council's figures** for housing delivery in the next five years are therefore likely to overstate what can be achieved from these sites.
53. Other adjustments may also be needed, to the cumulative shortfall, and the residual requirement, and some of these may go some way to counteract each other. But none of these additional calculations are before me, and any assumptions that I might make as to these matters would be speculative.
54. In the circumstances, it seems to me that the inclusion of any sites which would not have qualified for inclusion at the base date can only serve to make the whole exercise unreliable. I acknowledge that there is nothing in the NPPF or Planning Practice Guidance (PPG) which specifically covers this point, but in the absence of any advice to the contrary, it seems to me that the inclusion of **the sites in question further undermines the Council's attempt to show that a 5-year supply exists.**
55. For the most part, this issue is possibly somewhat academic, in that the majority of the sites affected are those in the Category 3 list, and for the reasons explained above, I have already concluded that this group of sites should all be excluded on grounds of deliverability or availability. This additional issue regarding base dates therefore merely reinforces the case for their exclusion. However, there is also one additional site, which is the Category 1 site at Southend Lane, Newent, which received planning permission in January 2015. The Council acknowledged that the inclusion of this site was open to question. For the reasons given, I consider that it too should be excluded. This results in a further deduction of 25 units from the supply, reducing it to around 2,131 units, or 4.76 years.

Conclusion on housing land supply

56. The NPPF makes it clear that the onus of demonstrating a 5-year supply falls on the planning authority. In the present case, for the reasons that I have set out, I conclude that the Council has failed to do so. I appreciate that the Council is taking steps actively to redress that situation by bringing forward the AP, but for the time being, there remains a shortfall.
57. Under NPPF paragraph 49, this means that relevant policies for the supply of housing cannot be regarded as up to date, and that the presumption in favour of sustainable development must be looked at in that light. I return to this in considering the overall planning balance.

Other matters

Landscape impact

58. At the inquiry there was some discussion as to whether the Council's RRs were intended to convey an objection on 'pure' landscape grounds, in addition to the effects on heritage assets. However, the Council clarified their position by accepting that their landscape concerns were embraced within their heritage objection. I have adopted the same approach.

Effects on adjoining occupiers

59. A neighbouring resident raised concerns at the inquiry regarding the effects on her enjoyment of her property, in the light of her experience following the construction of another recent development. Particular concerns were cited with regard to noise and visual intrusion. However, the precise effects on individual properties would depend on details such as the layout and siting of buildings, and their heights, and the positioning of doors and windows. All of these are now reserved matters. Provided these details were properly considered at the appropriate stage, I can see no reason in principle why housing on any part of the appeal site should have any unacceptable impacts on neighbouring occupiers.

Scale of development in relation to Staunton/Corse

60. Staunton and Corse is a reasonably large village, and has a range of basic facilities, including a primary school, doctors' surgery, convenience shop, village hall, and bus services. Although Policy CSP16 states that the Service Villages will see relatively little change, other housing developments have been permitted since that policy has been in force, and a further allocation is envisaged in the AP. Even on a cumulative basis, there is no evidence that a further 45 dwellings would overload any existing local services or infrastructure.

61. Given that housing land is in short supply in the District, I do not see any reason in principle why a development of the size now proposed should be regarded as too large to be accommodated here. But this does not outweigh the site-specific considerations that arise in the case of the present appeal site.

Legal undertakings

62. I have considered the three legal undertakings with regard to whether the obligations within them comply with the CIL Regulations³ and NPPF paragraph 204, and also whether their provisions represent a benefit to the public that should weigh in the planning balance. All three undertakings contain provisions that make them unenforceable if I find them non-compliant with those Regulations.

63. The proposed financial contribution to local library services would provide some benefit to the general public. However, it is not clear why such a contribution is necessary to make the development acceptable in planning terms. Any development would add to the demand for library services, but equally it would provide the Council with an increase in income, through Council Tax and the New Homes Bonus. The undertaking states that the contribution is to be used

³ The Community Infrastructure Levy Regulations 2010

for new computers, stock, furniture, increased opening hours, or capital works. In the main, these are items normally covered out of revenue, and there is no reason to think that the Council Tax receipts from this development would not be proportionate to the level of increased usage. It was admitted that there are no proposals for any capital works, nor is there any identified deficiency that would require such works. Consequently, on the evidence presented, I am not convinced that in the absence of this contribution, the development would cause such harm to the provision of library services as to justify withholding planning permission on this ground. I note that such a contribution would **accord with the County Council's 'Local Developer Guide', but that is not a DPD or SPD.** I therefore find the libraries contribution to be unnecessary, contrary to CIL Regulation 122 **and the NPPF's tests for obligations.** Accordingly, I give no weight to any benefit arising from this contribution.

64. In the case of the proposed contribution to off-site recreation facilities, it was **explained at the inquiry that this would be put towards the Parish Council's** scheme for the provision of an outdoor multi-use games area ('MUGA') on the existing recreation ground at Corse village hall. To my mind this is clearly a different situation from that above, in that in this case there is an identified capital works project. The contribution of £33,000 from this development would need to be pooled with other funding, but so far this would be the first development to contribute, and as such the project is allowable under CIL Regulation 123. I also note that there is specific provision for seeking contributions to recreation facilities in the adopted CS, in Policy CSP9. In these circumstances, I am satisfied that the proposed contribution in this case is necessary, and meets all of the other relevant tests, including both Regulations 123 and 122, and the NPPF. As the new MUGA would add to the range of facilities available to existing residents, it would provide a benefit to the local community. This weighs in favour of the development.
65. The on-site open space would include a 'LAP'-sized play area, and other open space, of a size to be determined at the reserved matters stage. The provision of these facilities would again accord with Policy CS9, and also with the **Council's supplementary guidance. I am therefore satisfied that their provision** would meet the Regulations and NPPF tests. The new facilities would be available to the general public, and the LAP would evidently fill a gap in the existing local provision. To this extent, they would be beneficial. However, there is no suggestion that the overall amount of on-site open space would **exceed that required to provide for the development's own needs.** Consequently, apart from the play area, the benefit to the wider community would be limited.
66. The affordable housing would be provided on site, and would comprise 18 dwellings, whose sizes, types and tenures have been agreed with the Council, having regard to the **District's identified needs.** This accords with Policy CSP5, and thus in my view meets the relevant legal and policy tests. Although, on **the Council's figures, housing completions in the affordable sector have** improved considerably, with an average of 140 p.a. over the last four years, and this is likely to have been enough to keep pace with new demand over that period, the 2014 SHMA Update report makes it clear that there is a sizeable backlog of unmet need from before that time. Consequently, the 18 affordable dwellings now proposed would represent a significant benefit.

Other benefits

67. Irrespective of the affordable element, the provision of 45 units of housing, in a District where there is a shortage of available land, would be a substantial benefit. The development would also generate investment and employment in the construction industry, and its suppliers, and a wide range of related goods and services such as home furnishings. These secondary impacts would support the national economic recovery, as sought by the NPPF. And the **addition to the village's population and spending power would help to support** the existing local services. I give some weight to all these benefits.
68. Whilst the New Homes Bonus would help to offset the demand on Council services, this is essentially a redistribution of monies already within the public purse, and I therefore give little weight to it as a benefit of this particular development.
69. I accept that there would be some potential for biodiversity gains, but there is no evidence that these would be substantial. I therefore give this little weight.

The planning balance and overall conclusions

70. The proposed development conflicts with Policies CSP 4 and CSP16, in that the appeal site is outside the settlement boundary. In the light of my conclusions above, it also conflicts with Policy CSP1, because of its adverse impact on heritage assets.
71. On the other side of the balance, there are other material considerations. The district has not got a proven 5-year land supply, so any relevant housing supply policies cannot be considered up to date. Arguably these might include CSP 4 and CSP16, although both of these have other purposes as well as providing for housing. In addition, the Council has accepted that the settlement boundary is out of date. In any event, the development would provide housing that would help to meet the shortfall, including affordable housing, and would boost the local and national economy. It would also provide a play area and contribute to bringing forward a new off-site recreation facility.
72. I have weighed up these competing considerations very carefully. Redressing a housing shortfall, and providing economic benefits, in particular, are matters which deserve significant weight. But the harm to the settings of the heritage assets that I have identified, both designated and non-designated, would be serious. The heritage asserts in question are rare and their setting is fragile. The development would involve a substantial loss of their historic and architectural significance, and would thus undermine their value as heritage assets. This harm would be permanent in nature. The harm to the designated assets in particular, including the Snigs End CA, Lyndale, Belle Vue, and No 5 Ledbury Road Crescent, demands to be given great weight. Consequently, having regard to the balancing exercise required under NPPF paragraphs 134 and 135, I consider that the harm to heritage interests would outweigh the public benefits.
73. Furthermore, even though the out-of-date development plan policies may carry reduced weight, that does not mean they have no weight at all. The conflict with the settlement boundary, and resulting loss of countryside, still counts against the development, albeit in this case as a secondary consideration.

Overall therefore, in terms of the sustainable development balance in NPPF paragraph 14, it seems to me that **the development's benefits are** not merely outweighed by its adverse impacts, but are outweighed '**significantly and demonstrably**'.

74. In the light of these conclusions, the development now proposed cannot be considered sustainable development, because of the clear environmental harm that it would cause to important heritage assets.
75. I have considered and taken account of all the other matters raised. None outweighs the harm that I have identified, or changes my overall conclusion for any other reason.
76. For the reasons set out in this decision, I conclude that the appeal should be dismissed.

John Felgate

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr James Corbet-Burcher (of Counsel) Instructed by the Principal Solicitor to the Council

He called:

Mr David Haigh, JME Conservation
BA MA AA Grad DipCon
FSA Scot MIHBC

Mr Martin Hillier, Principal Planning Officer
DipTP MRTPI MCMi CMS

Mr Nigel Gibbons, Forward Plans Manager
BSc MRTPI

Mr Keith Chaplin, Housing Strategy and Enabling Officer
BSc MCIH

Mr Jonathan Medlin Infrastructure Officer, Gloucs County Council

FOR THE APPELLANT:

Mr Anthony Crean, QC Instructed by Pegasus Planning Group

He called:

Dr Nicholas Doggett, Asset Heritage Consulting
BA PhD Cert. Archaeol
MCIFA IHBC

Mr Paul Harris, MHP Chartered Landscape Architects
BA DipLA CMLi

Mr Mervyn Dobson, Pegasus Planning Group
MA MPhil MRTPI MRICS

Mr David Hutchison Pegasus Planning Group

Mr Philip Hardwick Robert Hitchins Limited

OTHER INTERESTED PERSONS:

Mr Basil Allen Chairman, Staunton Parish Council
Mrs Julie Milroy Neighbouring resident

DOCUMENTS TABLED AT THE INQUIRY

- 1 Statement of Common Ground – housing land supply, 18 May 2015
- 2 Statement of Common Ground – other matters, 18 May 2015
- 3 **Mr Crean’s opening submissions for the appellants**
- 4 **Mr Corbet-Burcher’s opening submissions for the Council**
- 5 PPG – Section 18a: Conserving and enhancing the historic environment
- 6 2012 Proposals Map extract, showing Staunton/Corse settlement boundary
- 7 Plan showing Staunton/Corse settlement and Conservation Area boundaries
- 8 **‘Heritage context’ plan (tabled by the appellants), also showing location of**
Treona Nursery and Moat Farm appeal sites
- 9 **Officers’ report on application P1680/11/FUL, for 15 dwellings off Chartist**
Way (now Freedom Close).
- 10 St Albans DC v Hunston Properties, Court of Appeal: *[2013] EWCA Civ 1610*
- 11 Gallagher Estates & Lioncourt Homes v Solihull MBC: *[2014] EWHC 1283*
(Admin)
- 12 List of agreed and disputed housing supply sites (tabled by the appellants,
19 May 2015)
- 13 Addendum to Statement of Common Ground on housing supply, 21 May
2015
- 14 Agreed list of disputed sites, categorised according to planning status, tabled
21 May 2015
- 15 Set of plans showing locations of disputed sites, tabled 21 May 2015
- 16 Agreed updated summary tables 1 and 2, tabled 21 May 2015
- 17 Table of affordable housing completions based on DCLG Table 253 (tabled by
the appellants, 20 May 2015)
- 18 Table of affordable housing completions based on DCLG Table 1008 (tabled
by the Council, 21 May 2015)
- 19 Table of all housing completions for 2014/15, tabled by the Council, 22 May
2015
- 20 Copies of objections to the Allocations Plan pre-publication and publication
versions, tabled by the appellants 21 May 2015
- 21 Unilateral undertaking re affordable housing, executed 20 May 2015
- 22 Unilateral undertaking re public open space and off-site recreation, executed
20 May 2015
- 23 Unilateral undertaking re libraries contribution, executed 20 May 2015
- 24 Agreed list of draft conditions, tabled 22 May 2015
- 25 **Mr Corbet-Burcher’s closing submissions for the Council**
- 26 **Mr Crean’s closing submissions for the appellants**

Appendix 10

Appeal 3003662

Appeal Decision

Inquiry held on 19 August 2015

Site visit made on 24 August 2015

by S R G Baird BA (Hons) MRTPI

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

Decision date: 14 January 2016

Appeal Ref: APP/P1615/W/15/3003662

**Land north of Gloucester Road, Tutshill, Chepstow, Gloucestershire
NP16 7DA**

- 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 Gladman Developments against the decision of Forest of Dean District Council.
 - The application Ref P1530/14/OUT, dated 18 September 2014, was refused by notice dated 10 December 2014.
 - The development proposed is residential development (up to 126 dwellings), access, parking, public open space, landscaping and associated infrastructure.
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Preliminary Matters

1. The application was submitted in outline with all matters other than access reserved.
2. The application was refused for 5 reasons (RfR). RfR 1 and 3 relate to the impact on biodiversity and trees. The appellant submitted further information on these matters to the local planning authority (lpa) who confirmed that it would not pursue these RfR. The remaining 3 RfR relate to the impact on a Listed Building (LB), the loss of agricultural land/effect on the character and appearance of the area and the absence of a S106 Agreement relating to affordable housing, open space management, air quality, education and libraries.
3. At the inquiry, the appellant submitted a signed S106 Unilateral Undertaking (UU) providing for library, highways and education contributions; the submission of a Travel Plan and a scheme for the transfer and management of the proposed open space.
4. At the opening of the inquiry, the appellant requested that the appeal be determined on the basis of an amended scheme for up to 95 dwellings. In coming to a conclusion on this request, I have been guided by the written submissions provided by the parties, the judgement of Forbes J in the case *Bernard Wheatcroft Ltd. V Secretary of State for the Environment and Another* (1982) 43 P. & C.R. 233 and Annex M of the PINS Procedural Guidance¹.
5. The judgement of Forbes J set out the test that the decision maker needs to apply. This is *"is the effect of the conditional planning permission to allow development that is in substance not that which was applied for? The main, but not the only, criterion on which that judgment should be exercised is*

¹ The Planning Inspectorate Procedural Guidance: Planning Appeals – England 31 July 2015.

whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation.... There may, of course, be, in addition, purely planning reasons for concluding that a change makes a substantial difference...."

6. In addition to a reduction in the number of dwellings, the scheme reduces the number vehicular accesses to one. The Gloucester Road access remains the same and the Elm Road access has been replaced by a pedestrian/cycle access. This change results in a marginally smaller red-edged area.
7. A thorough consultation exercise has been carried out by the appellant and whilst there continues to be local opposition, no new or additional material issues have been raised. The lpa has considered the revised scheme and the parties have had adequate time to produce evidence relating to the amended scheme. In my view, the very minor reduction in the red edged area does not result in prejudice to any party. I conclude that the nature of the scheme has not been so changed that to consider it would deprive those who should have been consulted on the changed development of the opportunity of such a consultation. Similarly, I find there are no other planning reasons why the proposed change would make a substantial difference. Following my ruling, the Tutshill and Tidenham Action Group (TTAG) confirmed that it would not pursue its request that the inquiry should be adjourned for further public consultation and to allow it to seek expert advice.
8. This appeal will be determined on the basis of the refusal of outline planning permission for residential development (up to 95 dwellings), access, parking, public open space, landscaping and associated infrastructure as shown on Drawing Nos. 5978-L-01 Rev A (Location Plan), 004 Rev D (Proposed Access Arrangement) and 5978-L-02 Rev N – illustrative Framework Plan.

Decision

9. The appeal is allowed and outline planning permission is granted for residential development (up to 95 dwellings), access, parking, public open space, landscaping and associated infrastructure on land north of Gloucester Road, Tutshill, Chepstow, Gloucestershire NP16 7DA in accordance with the terms of the application, Ref P1530/14/OUT, dated 18 September 2014, subject to the conditions set out in Annex A to this decision.

Main Issues

10. These are: (1) the effect on the character and appearance of the area; (2) the effect on the setting of heritage assets (HA); (3) whether the lpa can demonstrate a 5-year supply of housing land; (4) the effect on agricultural land and (5) whether adequate provision would be made for affordable housing and the infrastructure needs of the development, with particular reference to open space, education, libraries and air quality management.

Reasons

Development Plan and Emerging Development Plan Policy

11. The development plan comprises the Core Strategy Adopted Version-February 2012 (CS) and saved policies of the Forest of Dean Local Plan 2005 (LP). CS settlement strategy is to concentrate development in the **District's** 4 main

towns. Beyond the towns, larger villages are expected to continue to provide services and employment. New development will be supported where it is compatible with the role and function of the village. Most changes are expected to take place within existing settlement boundaries, areas outside these boundaries are to be treated as part of the open countryside.

Tutshill/Sedbury is identified as the fifth largest settlement in the District and is identified as a Major Village. The CS indicates that there are only limited opportunities for expansion and the strategy is one of locally based growth and a relatively modest amount of new development. The 2005 LP Proposals Map shows the appeal site abutting but outside the settlement boundary for Tutshill/Sedbury.

12. The lpa published an Allocations Plan (AP) for consultation in March 2015. As well as allocating sites, the emerging AP seeks to update the housing requirement. The settlement boundary for Tutshill/Sedbury has been redrawn to include additional land within the settlement. The emerging AP is the subject of objections, particularly on the level of the housing requirement. Accordingly, only limited weight can be attached to the emerging AP as a material consideration.

Issue 1 - Character & Appearance

13. CS Policy CSP. 1 seeks to ensure that new development takes into account important characteristics of the environment and conserves, preserves and otherwise respects them in a manner that maintains or enhances their contribution to the environment. This policy is broadly consistent with the objectives of the Framework which seek to ensure that planning decisions take account of and recognise the intrinsic character and beauty of the countryside (paragraph 17).
14. The Forest of Dean Landscape Character Assessment – November 2002 locates the site within Landscape Character Type (LCT) 6 – Unwooded Vale and more specifically within Landscape Character Area (LCA) 6a – Severn Vale – Stroat and Sedbury. The Unwooded Vale LCT is an extensive area whose overall character type is that of a soft rolling landscape that is distinctly small scale, intimate and domestic. LCA 6a is noted as being typical of the wider vale landscape with a gently undulating landform, a patchwork of fields defined by hedgerows, scattered farmhouses. A feature of this LCA is the urbanising influence of Tutshill/Sedbury.
15. Before and during the inquiry I had the opportunity to experience the nature of the surrounding and wider landscape as part of my accompanied and unaccompanied visits to the site and the wider area. Whilst the appeal site shares similar characteristics to the wider LCT, there are no particular landscape features, characteristics or elements that demonstrate that the appeal site is in GLVIA² terms representative of the wider landscape i.e. a particularly important example which takes this site beyond representing anything more than countryside in general. I have no reason to disagree with **the lpa's and appellant's assessments** that the landscape value and sensitivity of the area to change are medium.
16. The lpa refers to Framework paragraph 109, **which refers to "protecting and enhancing valued landscapes"**. Given that all landscapes are valued by

² Guidelines for Landscape and Visual Assessment.

someone at some time, the words "*valued landscape*" must mean a landscape that is considered to be of value because of particular attributes that have been designated through the adoption of a local planning policy document. The landscape around Tutshill/Sedbury is not the subject of any statutory landscape designation or emerging AP designation. The Framework has to be read as a whole and paragraph 17 refers to recognising the intrinsic character and beauty of the countryside. Paragraph 109 starts by reiterating the wider objective of enhancing the natural environment, which I take to mean the countryside in general and then it goes on to refer to valued landscapes, which must mean something more than just countryside in general. Thus, in this case, I consider that the reference in Framework paragraph 109 adds nothing to the exercise I need to undertake or the weight to be attached to the landscape and visual impact of the scheme.

17. Given the distinctly small scale, intimate and domestic nature of the landscape and the existing mature screening on the southern and eastern margins of the site, which would be retained and reinforced by new planting, the landscape and visual impact of this scheme would be highly localised. The loss of the fields where built development would occur would result in harm to and impact on landscape character. However, given the localised nature of this impact, the effect would be Minor/Moderate Adverse.
18. In terms of visual impact, the greatest effect would be on views from Elm Road looking east, where, in time, the effect would be softened by landscaping, I consider the effect would be Major Adverse reducing to Minor Adverse. There are no public rights away across the site and the main viewpoints from these routes are from some distance to the south-east, east, north-east and north of the site. However, on substantial lengths of these footpaths views towards the site are obscured by existing mature planting. Elsewhere there would be glimpses of the development, seen largely against the backdrop of the existing urban edge. In these views, the effect of the scheme would be mitigated by existing and proposed planting, reducing its visual impact. Overall, the visual impact of the development would largely be mitigated by existing and proposed planting and as such it would not appear intrusive or obtrusive. In this context, the visual impact would be highly localised and Minor/Moderate Adverse. This harm would not extend to materially harming views from elevated public vantage points of the Severn Estuary and land beyond.
19. On this issue, I conclude that there would be highly localised harmful landscape and visual impacts that would conflict with the objectives of CS Policy CSP.1.

Issue 2 – Heritage Assets

20. CS Policy CSP. 1 requires a consideration of the impact of a development on HAs and the potential for avoiding and/or mitigating any impacts. Framework paragraph 132 indicates that when considering the impact on the significance of a HA great weight should be given to its conservation. It notes that the significance of a HA can be harmed through alteration or development within its setting. Setting is defined as the surroundings in which a HA is experienced. Framework paragraph 134 says that where a development would lead to less than substantial harm to significance, the harm should be weighed against the public benefits of the proposal.

21. Historic England (HE) has published guidance³, which indicates that setting, whilst a key element of many HAs, is not itself a HA or a heritage designation. Rather the importance of setting lies in what it contributes to the significance of the HA. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have "*special regard to the desirability of preserving a listed building (LB) or its setting or any features of special architectural or historic interest which it possesses*".
22. LBs within the vicinity of the site include; Wirewoods Green Manor (the Manor); an adjacent barn now a separate dwelling (Elmwood House); the Powder House; Bishton Farm; Meads Farm; St Lukes Church; Church Cottage and Pen Moel. The lpa acknowledges that other than in relation to the Manor and Elmwood House, given the degree of separation and/or the degree of screening afforded to these HAs any effect on their setting/significance would be negligible or non-existent. I have no reason to disagree with that **conclusion. The lpa's and TTAG's** concern relates to the effect of the development on the Manor and Elmwood House, both Grade II LBs.
23. Both the lpa and the appellants acknowledge that the potential for harm to these HAs falls within the Framework category of less than substantial. What is at issue is the degree of harm. In terms of the Manor, the lpa submits that the degree of harm to its significance would be significant and irreversible. In **terms of Elmwood House, the lpa's position is less clear**, given that it does feature in **the lpa's RfR, the apparent acceptance of the lpa's heritage** consultant that the degree of harm would be minor and an absence of any **reference to harm to Elmwood House in the lpa's closing submissions. The appellant's position** is that the degree of harm to the significance of Manor would be minor and that there would be no harm to Elmwood House.
24. The difference between the lpa and the appellant on the degree of harm to the Manor depends on whether the views to and from it, particularly to the south and south-east and from Gloucester Road along the former drive were designed views. A significant amount of inquiry time was spent, including a forensic examination of historic ordnance survey and tithe maps, debating this point. Whilst, for the most part this discussion was interesting, ultimately I found it inconclusive on the issue of whether the views were designed and their relevance to the significance of the Manor and Elmwood House.
25. The Manor, although substantially remodelled in the 18th and 20th century, is a substantial and prominent building sitting on a raised terrace above the adjoining fields. Elmwood House, a former barn, is listed separately and said to date from the 19th century. The Manor and Elmwood House would have had a functional relationship with the surrounding agricultural land and buildings and as such have architectural and historic significance. Forming part of that agricultural landscape the fields that make up the appeal site contribute to the significance of this pair of LBs.
26. The reduction in the number of dwellings and the use of the land below and to the south-east of the terrace and along the eastern edge of Elm Road as open space, along with existing and proposed screening, would significantly reduce the impact of the development on these LBs. That said the siting of dwellings on the rising ground towards the central portion of the site would not provide a setting of the same quality and characteristics that exist now. In this

³ Historic Environment Good Practice Advice in Planning Note 3 March 2015

context, I consider that the development would have a Minor Adverse impact on the significance of the former barn and a Moderate Adverse impact on the significance of the Manor albeit falling within the category of less than substantial harm.

27. On this issue, I conclude that the proposed development would fail to preserve the setting of Wirewoods Green Manor and Elmwood House and as such would conflict with the objectives of CS Policy CSP.1.

Issue 3 – Housing Supply

28. Framework paragraph 47 identifies that one of its key objectives is to boost significantly the supply of housing. Accordingly, **lpa's should ensure that the development plan meets the Full Objectively Assessed Needs (FOAN) for market and affordable housing in the housing market area (HMA) and identify a supply of specific deliverable sites to provide 5-years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice an completion in the market for land.**
29. For the purposes of a S78 inquiry, the determination as to whether there is a 5-year supply is necessarily a snapshot based on the best evidence available at that time. On the supply side, to be considered deliverable, sites should be available now, offer a suitable location for development now and be achievable with a reasonable prospect that housing will be delivered on the site within 5 years and, in particular, that development of the site is viable. In July and August of 2015, 2 appeal decisions were issued, which, in relation to housing proposals at Staunton and Newent, considered the question of housing need/supply. In both cases, it was concluded that the lpa could not demonstrate a 5-year supply of deliverable housing. In terms of supply, there were concerns in both cases about an overly optimistic approach to the deliverability of sites by the lpa and its reliance on sites in the emerging AP. The SoS December 2015 decision was issued in the context of the lpa indicating that it could not demonstrate a robust 5-year housing land supply⁴
30. The discussion on housing land supply considered a list of disputed sites. This list included sites within the adopted plan, sites not allocated but with planning permission or committed and sites allocated in the emerging AP. This latter category includes 16 disputed sites. Whilst the lpa may have confidence that these sites will be available and deliverable in 5 years, the position is that most do not have planning permission, they are not allocated in the development plan and the AP has yet to be publically examined and there are substantial objections to some of these sites. Moreover, several of these sites are the subject of physical or policy constraints that could delay or prevent their use. Examples of these are the former Micheldean Coach Depot and Lawnstone House, Coleford, both of which appear to have been vacant for several years and have remained undeveloped. Other sites are still in active use that may require relocation. These include Cinderford Football Club; Valley Road, Cinderford and Staunton Corse. A site at Newnham has possible access and appearance constraints; The George Hotel, Micheldean is located with a Conservation Area and there are possible adverse planning conditions and The Victoria Hotel, Newham is a Grade II LB. In this context, I agree with the conclusion of my colleague in the Staunton case that, at this stage, there

⁴ APP/P1615/A/14/22188921 Inspector's Report Paragraph 14.

is little evidence to justify the lpa's confidence in their delivery. The Inspector in the Newent case expressed similar concerns.

31. The lpa accepts that there has been no change to the status of the emerging AP sites since the Newent inquiry and conceded that it could not reasonably assert that they should be counted in the 5-year supply. In the other categories, whilst some sites have a planning permission, they are long standing schemes where no progress has been made. These include housing schemes at Principality House and Netherend Farm, Lydney or are sites where there are concerns regarding viability such as Highfield Road, Lydney. On others there is, in my view, reasonable doubt as to the number of dwellings that would be delivered in 5 years. These include sites such as The Northern Quarter, Cinderford and Poolway Farm, Coleford.
32. Further to the concession by the lpa and the conclusions of my colleagues in the Staunton and Newent cases, **I consider the lpa's lower figure for housing land supply is overly optimistic.** In these circumstances, I consider it reasonable to exclude the disputed sites from the land supply calculation. As such the supply of housing land would be reduced to some 1,425 dwellings.
33. Turning to housing need and the FOAN for the district, which is the other side of the equation that determines whether there is a 5-year housing land supply. However, it is not the role of a S78 inquiry to undertake an exercise to determine the FOAN for the HMA. Not only, do I not have all the information to undertake this exercise, but also only 2 of the main parties in this debate were present to put forward evidence. The calculation of the FOAN is a matter for the public examination of the AP where the assumptions and divergent views of the various stakeholders can be thoroughly tested.
34. As both parties acknowledge and Planning Practice Guidance (PPG) confirms⁵, the calculation of the FOAN is not an exact science and requires the exercise of judgement. Subsequent paragraphs in the PPG⁶ identify a broad methodology and range of factors used to assess housing need. These factors include demographic change, household formation, migration, economic activity, employment, market signals and affordability. Assumptions on the nature/scale of these inputs can have a significant impact on the final level of the FOAN. Therefore, what is important is that the decision maker has confidence that the evidence and assumptions used to arrive at the FOAN are robust.
35. The CS adopted in February 2012 contained a dwelling requirement of 310 per annum. However, it is common ground that this figure is not Framework/PPG compliant and does not represent a FOAN for the district/HMA. The FOAN is generally accepted to be; the objectively assessed need for market and affordable housing in an area leaving aside planning policy considerations, i.e. the Policy Off position. The FOAN in the emerging AP is set at 320 dwellings per annum. However, the Inspector in the Newent case concluded that this was a constrained figure, i.e. the Policy On position and did not reflect the FOAN for the district. Having regard to the guidance in the PPG and the extensive and detailed evidence before me, I too have significant concerns about the level and robustness of the **lpa's calculation** of the FOAN.

⁵ ID: 2a-014.

⁶ ID: 2a-015 to 019.

36. Previously, an independent study commissioned by the Ipa along with those of Stroud and Cotswolds districts which took into account the needs of the wider HMA concluded that the FOAN should be 365 dwellings per annum. This figure was not accepted by the Ipa and it appears that this decision was based on taking into account policy considerations i.e. reducing out-commuting so as to reduce the need for further housing. This is, in my view, a Policy On approach and inconsistent with the approach to be adopted in identifying the **FOAN. A further study by the Ipa's independent consultant based** on the district and not the HMA produced a FOAN of 310 dwellings per annum. Leaving aside concerns regarding assumptions on demographic change, household formation, migration, economic activity, employment, market signals and affordability input into the calculation, the conflict with the guidance in the Framework paragraph 47 regarding the area of the study i.e. the HMA, raises significant and fundamental concerns regarding the **robustness of the Ipa's FOAN.**
37. Whilst these 2 issues indicate to me that at 320 dwellings per annum the FOAN being applied by the Ipa lacks robustness, it was also clear from the detailed evidence on matters such as demographic change, household formation, migration, economic activity, employment, market signals and affordability that the input of reasonable variations on any of these matters would increase rather than decrease the FOAN for this HMA. This adds weight to my conclusion that a FOAN of 320 dwellings per annum lacks robustness. Like the Inspector in the Newent case, I conclude that the FOAN for this district/HMA would not be less than the 365 dwellings per annum based on the study based on the wider HMA.
38. Taking my conclusions on the extent of the housing land supply, it is clear that taking either of the 320 or 365 dwellings per annum figures, the Ipa cannot demonstrate a 5-year supply of deliverable housing land. Accordingly, the guidance in Framework paragraph 49 is engaged which indicates that in the absence of a 5-year supply of housing, the relevant policies for the supply of housing, Policies CSP.4, CSP.5 and 16, are not to be considered up-to-date. Similarly, given the fundamental concerns regarding the assessment of the FOAN in the AP, matters which were not tested before the SoS in his assessment of the Lydney case, I consider that only limited weight can be attached to the emerging AP.

Issue 4 -Agricultural Land

39. The appeal site is a mix of Grade 2 (43%), Grade 3A (3%) and Grade 3B (54%) agricultural land. Grades 1, 2 and 3A fall within the definition of the best and most versatile land⁷ (B&MV). Based on the above this development would involve the loss of some 2.8ha of B&MV agricultural land. The Framework does not place a bar on the development of B&MV agricultural land. Paragraph 112 identifies that where development would involve the use of B&MV land, the economic and other benefits of that land should be taken into account and where significant development of agricultural land is necessary poorer quality land should be used in preference to that of a higher quality. Given that several housing allocations in the AP include land within this category that is a recognition that B&MV agricultural land will be needed to meet the housing needs of the district.

⁷ Annex 2, National Planning Policy Framework.

40. Some 54% of the appeal site falls outside the category of B&MV agricultural land, i.e. poorer quality land and the agricultural land classification map shows that the majority of the land to the east of Tutshill is B&MV land. In this context, the release of the appeal site would not result in a significant loss of land. Accordingly, in this case, the loss of B&MV agricultural land does not weigh heavily against the development.

Issue 5 - Affordable Housing & Infrastructure.

41. The UU provides for financial contributions towards highways, library and education facilities. The UU also provides for a Travel Plan and the creation of a management company to manage and maintain the open space. The provisions of the UU accord with guidance contained at paragraph 204 of the Framework and CIL R122. I consider the obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, I have taken it into account in coming to my decision. Some 40% of the dwellings proposed would be affordable homes. Their provision, allocation and retention are the subject of a suggested planning condition. The lpa is content with the proposed arrangements, which address its concerns in the fifth RfR.

Other Considerations

42. An up-to-date air quality assessment produced by the appellant, concludes that there would be a negligible or no impact on concentrations of NO₂ and PM10s at the various sensitive receptors. The UU provides for a contribution towards mitigating the limited impact on air quality. The lpa does not dispute **the accuracy or adequacy of the appellant's study and the environmental health officer has no objection to the development. Whilst I understand residents' concern there is no evidence other than assertion that would challenge the appellant's/lpa's conclusions.** I see no reason to come to a different view.
43. Gloucester County Council as the education authority, subject to the provision of a contribution towards early **year's** education, has no objection to the development on the basis that it would result in unacceptable pressure on local education infrastructure. I have taken careful note of the submissions made and concerns raised by various residents. Whilst it is clear that local primary schools are popular, there is no objective evidence to lead me to a conclusion that this factor should weigh against the development.
44. Although Tutshill is located within England, health care is provided under the England/Wales Cross-Border Protocol by the Aneurin Bevan University Health Board (ABUHB). As such primary health care is the responsibility of the National Health Service Wales, which is under the control of the Welsh Government. Primary care facilities are either located within Chepstow or as local branch surgeries to these Wales based practices. I have noted the submissions made regarding time required to obtain appointments and access care. However, these do not me strike me as being unusual within the national health care sector. Moreover, whilst the evidence shows a service under pressure, it does not show that there is a lack of capacity within the practices that serve the area.
45. Whilst the ABUHB has made representations on the potential for development on the English side of the border to increase pressure on its budget it has not

objected to the proposed development nor has it sought a financial contribution to mitigate its concerns. I recognise that the cross-border healthcare arrangements have been the subject of parliamentary scrutiny and the problems and tensions are recognised. However, whilst I do not seek to downplay the obvious and deeply felt concerns of local residents, this is a matter for national Governments to resolve and does not weigh against the proposal.

46. The effect of the development on the local highway network has been the subject of a robust transport assessment. Whilst TTAG does not dispute the **appellant's traffic flows or the technical validity of the traffic models used**, there is local concern regarding the impact of the development on the capacity of the local highway network and the highway safety implications of the proposed access onto Gloucester Road. Notwithstanding its geographical location close to the England/Wales border, neither Monmouthshire County Council or the Welsh Government considered it necessary to comment on or object to the proposal. The highway authority, Gloucestershire County Council, has confirmed that the additional cumulative impact on the highway network and the proposed access onto Gloucester Road are acceptable.
47. In terms of the impact on the capacity of the Gloucester Road/A48 junction, the transport assessment indicates that this junction would continue to operate within capacity with significant reserve capacity. Similarly, it is estimated that the single access onto Gloucester Road has more than adequate capacity with significant reserve capacity. In terms of the impact of the capacity of the network, the level of impact would be less than 3%. In my experience, impacts of up to 5% are generally considered to be acceptable.
48. Whilst I have noted the objectors' comments about traffic conditions and particularly traffic speeds on Gloucester Road, a review of personal injury collisions over the last 5 years does not suggest that there is a problem on this stretch of the road. The review indicates that there have been no collisions at the existing Elm Road junction and only one slight injury collision on the stretch of road near where the access is proposed. Appropriate visibility splays at the junction of the site and Gloucester Road are achievable. In this situation, I have no reason to conclude that the provision of an access onto Gloucester Road to serve up to 95 dwellings would unacceptably affect highway safety. Paragraph 32 of the Framework indicates that development should only be refused on transport grounds where there the residual cumulative impacts of the development are severe. In light of the findings of the transport assessment and the conclusion of the highway authority, I conclude that the impact of the proposed development of 95 dwellings would not have a severe impact on the surrounding highway network.
49. Whether the development and/or its location are sustainable is a matter that has to be considered in the round and the test is not whether the location has sufficient services and facilities to be self-sufficient. Manual for Streets (MfS) published in 2007 highlights that walkable neighbourhoods are typically **characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot**. However, this is not an upper limit and MfS states that walking offers the greatest potential to replace short car trips, particularly those under 2km.

50. The question as to whether Tutshill is a sustainable location has been addressed by the CS and the emerging AP where Tutshill and Sedbury are treated as one and identified as the fifth largest settlement in the District. Within Tutshill there are schools, a public house, a butchers and a surgery all within 700m of the site. I recognise that this list of facilities is not extensive. However, as the CS recognises Tutshill/Sedbury functions very much as part of Chepstow and suggests that it is for this reason it does not have the level of services and facilities expected in a settlement of its size. Chepstow has a wide range of facilities and services between 1.65 and 2.14km walking distance. I acknowledge that some of these routes involve steps and inclines that would deter the infirmed and the disabled. However, for the majority of the population there are a range of facilities and services within walking distance and there is the availability of a bus service.
51. In addition, the sustainability of Tutshill/Sedbury was addressed in a recent appeal for a development of up to 100 dwellings on land at Beachley Road, Sedbury⁸. There the Inspector concluded that the provisions of CS Policy CSP. 5 were another indicator of sustainability. He concluded, *"...the provision in policy CSP.5 for around 111 dwellings in the settlement, the fifth largest urban area within the District. Housing provision in policy CSP.5 is listed under the heading of 'Housing – strategic objectives: to promote thriving sustainable communities – provide affordable homes'. The Forest of Dean Settlement Hierarchy identifies Tutshill/Sedbury as the only settlement in the District (after the four main towns) that contains all eight of the criteria used in the methodology to assess sustainability. Moreover, if a development of the magnitude of the appeal proposal were considered to be unsustainable at Tutshill/Sedbury, then policy CSP.5 would not be making provision for around 111 dwellings at this location, and the Council's Core Strategy would not be including Tutshill/Sedbury as a sustainable community."* In addition, both the Planning Officer in the report to the Planning Committee and the **lpa's planning** witness at the inquiry acknowledge that Tutshill/Sedbury is a sustainable community. Therefore, looking at the issue of sustainability in the round, I consider that the appeal site is located in a sustainable community/location.

The Planning Balance and Conclusion

52. I have concluded that the proposal would not result in an unacceptable loss of B&MV agricultural land, there would be no unacceptable impacts on the safety and free flow of traffic, that the impact on air quality would be negligible and would be mitigated by the contribution provided by way of a UU and that there are no reasons in terms of primary health and education provision to resist this development.
53. The proposal would result in a moderate degree of harm to the setting and significance of Wirewoods Green Manor and a minor degree of harm to the setting and significance of Elmwood House albeit the degree of harm would fall, in Framework terms, in the category of less than substantial harm. As such the scheme would conflict with the objectives of CS Policy CSP.1. That said, Framework paragraph 134 indicates that in such circumstances the harm is to be weighed against the public benefits. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have

⁸ APP/P1615/A/14/2220590

“special regard to the desirability of preserving a LB or its setting or any features of special architectural or historic interest which it possesses”.

54. In this case, given the absence of a 5-year housing land supply, the provision of 95 dwellings is a significant and material contribution to the housing needs of the district. The contribution that this development would make to address the acute shortage of housing is a benefit that attracts very substantial weight in the planning balance. This is particularly so **given the lpa’s** acknowledgement that there is an acute need for affordable housing in the district. Economic benefits that would flow from the application include those arising from employment during the development phase; a New Homes Bonus payment and increased Council Tax revenues. In my view, the combination of these benefits would outweigh the minor/moderate harm to the settings and significance of the HAs. In light of the economic and social benefits of this development and my conclusion that the application site is located in a sustainable community/location, I consider this proposal, when taken in the round, would be sustainable development and that the requirements of Framework paragraph 14 are fully engaged. Framework paragraph 14 indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework, taken as a whole.
55. There would be a change in the character of the area from open agricultural pasture to built development and an impact on visual amenity resulting in localised and limited harm and less than substantial harm to the setting and significance of nearby HAs contrary to the objectives of CS Policy CSP.1. However, with careful attention to detailed design, layout and landscaping I consider the above harm would be acceptably mitigated. Therefore, taken in the round, I consider the adverse impacts of this proposal would not significantly and demonstrably outweigh the benefits of this housing scheme, when assessed against policies in the Framework as a whole. Accordingly, and having taken all other matters into consideration, I consider there are compelling reasons to allow this appeal subject to appropriate planning conditions.

Conditions

56. I have reviewed the list of suggested conditions in accordance with guidance contained in PPG. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions. I have not imposed **the lpa’s suggested condition (15) relating to a construction environmental noise management plan**. I consider this condition duplicates the matters dealt with by condition 11 relating to the agreement of a construction method statement
57. Conditions 1, 2 and 3 relate to the submission of reserved matters and given the number of conditions that require discharge before construction commences, I see no reason to depart from the standard time limits. I have imposed a condition specifying development in accordance with the approved plans to accord with the guidance on greater flexibility for planning permissions (4). In the interest of the appearance of the area and the **protection of neighbours’ living conditions**, conditions relating to the submission of details for approval relating to: the Framework Plan (5), foul and surface water drainage (6 & 7), the preparation of a construction method

statement (11), landscaping and landscape management (12 & 13), building heights (14), internal and external noise levels (16); the undergrounding of services (17) and the provision and management of the open spaces (10) are necessary. Within this latter condition, I have omitted specific reference to a community orchard. Should this be considered appropriate, it is something that could be dealt with generally under the reserved matters submission and through this condition.

58. In the interests of highway safety, conditions relating to parking and access (8 & 10) and the implementation of the vehicular and pedestrian accesses (9 & 25) are necessary. In the interest of encouraging sustainable travel patterns, the submission of a Travel Plan (26); the provision of electric charging points (17) and works to the existing bus stops (24) are necessary. In the interests of biodiversity, approval of details relating to lighting (21); construction, landscape and ecological environmental management plans (22 & 23), hedgerows and services access (19 & 20) are necessary. In the interests of providing for the protection of archaeology, a condition requiring the approval of investigations is necessary (18). To provide for the provision and implementation of the affordable housing a condition is necessary. The condition imposed is the Planning **Inspectorate's model condition**, which covers all relevant matters and is less prescriptive than that suggested by the lpa.

George Baird

Inspector

ANNEX A

SCHEDULE OF CONDITIONS

- 1) 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 3 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with Drawing Nos. 5978-L-01 Rev A and 0004 Rev D.
- 5) The details to be submitted under Condition (1) shall accord generally with the parameters of the development as set out on the Development Framework Plan reference 5978-L-02 Rev N and shall include street scenes, existing site levels and sections and proposed site and slab levels and sections through the site at a scale of not less than 1:500.
- 6) No development shall commence until full foul water drainage proposals have been submitted and approved by the local planning authority. The approved scheme shall be implemented before any of the dwellings hereby approved are occupied. Any surface water shall be drained separately from foul water.
- 7) No development shall commence until surface water drainage details, including a SUDS/drainage management plan have been submitted and approved in writing by the local planning authority. These details should fully incorporate the principles of biodiversity enhancement, sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme shall be implemented in accordance with the approved details before the development is completed and the dwellings served by such a scheme are occupied and shall be subsequently maintained in accordance with the approved details.
- 8) No development shall commence until details of properly consolidated and surfaced vehicle parking and manoeuvring facilities (including provision for the disabled) have been submitted to and approved in writing by the local planning authority. Such facilities shall be provided in accordance with the approved plans and prior to the dwelling(s) served by them being occupied and shall be kept permanently available for such use with the vehicle parking spaces retained for parking only and the manoeuvring facilities for manoeuvring.
- 9) No works shall commence on site, other than those required by this condition, until the approved site access as shown on Drawing No. 004 Rev D and associated visibility splays, have been completed in accordance with the approved details and with the carriageway and footways constructed to at least binder course level.

- 10) No dwelling shall be occupied, until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling, have been completed to at least binder course level and the footway(s) to surface course level.
- 11) No development shall take place, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall:
- i. specify the type and number of construction vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. include measures to control the emission of dust and dirt during construction; and
 - viii. mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- 12) No works shall commence on site until the landscaping scheme submitted under condition 1 and incorporating existing flora and trees unless indicated for removal as shown on plan 5978-A-04 A has been approved in writing by the local planning authority. The approved scheme shall be carried out in accordance with a phasing plan which shall be submitted to and approved in writing by the local planning authority. If at any time during the subsequent 5 years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree or shrub of the same species during the next planting.
- 13) Prior to the first occupation of the development, a Landscape and Open Space Works Specification and Management Plan including precise details of the Open Space, its long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, public open space and Play Area (to include a Locally Equipped Area for Play), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The Play Area/Open Space shall be laid out in accordance with the approved details and thereafter be retained and used for no other purpose.
- 14) No building on any part of the development hereby permitted shall exceed 10m in height to the ridgeline when measured from approved slab level.
- 15) No development shall take place until a Waste Minimisation Statement has been submitted to and approved by the Local Planning Authority. It shall include:
- i. details of the types and volumes of construction waste likely to be generated including measures to minimise re-use and recycle that waste and minimise the use of raw materials;

- ii. all construction waste to be re-used on site unless it can be demonstrated to the satisfaction of the Local Planning Authority that this is not the most sustainable option, suitable or safe option;
- iii. where waste is generated that cannot be re-used/recycled either on or off site the Waste Minimisation Statement must set out proposed measures for the disposal of this waste in an environmentally acceptable manner;
- iv. **provision within the residential development of 'on-site' storage** receptacles for recycling a range of materials as specified by the Local planning Authority, at identified locations;
- v. suitable accessing arrangements for recycle/waste collection vehicles.

Thereafter all of these provisions shall be implemented in accordance with the agreed Waste Minimisation Statement.

- 16) No development shall commence until a scheme is submitted to and approved in writing by the local planning authority which shall include details to ensure internal noise levels can be achieved in bedrooms and living rooms in the proposed dwellings post construction of 30dBLA_{eq}T (where T is 23:00 and 07:00) and 35 dBLA_{eq}T (where T is 07:00-23:00). Noise from individual external events typical to the area shall not exceed 45 dBLA_{max} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens, outdoor living areas and public open spaces to not exceed 55 dBLA_{eq} 1 hour when measured at any period.
- 17) All services required to be connected to the development hereby permitted shall be laid underground and each property shall be provided with an electric vehicle charging point.
- 18) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 19) All service connection locations for water, electricity, gas, sewage and telecommunications should be undertaken in accordance with the details as set out in the agreed Arboricultural statement of common ground in relation to the Gloucester Road Access (July 2015).
- 20) No development (including ground works and vegetation clearance) shall take place until a detailed scheme for tree and hedgerow works including protection in accordance with BS 5837:2012, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 21) A lighting strategy to demonstrate measures to reduce impacts to 1lux or below on existing and proposed features for bat foraging and flight corridors shall be submitted to the local planning authority for approval with the first reserved matters application and shall thereafter be implemented and retained in accordance with the approved scheme.
- 22) No development shall take place (including, ground works and vegetation clearance) until a Construction Environmental Management Plan -

Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP -Biodiversity shall include the following:

- i. risk assessment of potentially damaging construction activities including those in relation to Dormice and Bats;
- ii. **identification of "biodiversity protection zones"**;
- iii. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. the location and timing of sensitive works to avoid harm to biodiversity features;
- v. the times during construction when specialist ecologists need to be present on site to oversee works;
- vi. responsible persons and lines of communication;
- vii. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. use of protective fences, exclusion barriers and warning signs.

The approved CEMP - Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 23) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development [or specified phase of development]. The content of the LEMP shall include the following;

- i. description and evaluation of features to be managed;
- ii. ecological trends and constraints on site that might influence management;
- iii. aims and objectives of management including those in relation to dormice and bats;
- iv. appropriate management options for achieving aims and objectives including appropriate enhancement measures;
- v. prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. details of the body or organization responsible for implementation of the plan;
- viii. ongoing monitoring and remedial measures.

The LEMP shall also identify the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 24) Prior to commencement of development details of Bus Shelters to include seating and lighting on the Gloucester Road stops shall be submitted to and approved in writing by the local planning authority and implemented in

accordance with the approved details prior to first occupation of the development

- 25) Details of the footway link on Elm Road including pedestrian crossing facilities on Gloucester Road and a footway link from the Gloucester Road site access to the existing facilities shall be submitted to and agreed in writing by the local planning authority and implemented in accordance with the approved details prior to first occupation of the site
- 26) Prior to first occupation of the development hereby permitted, a Travel Plan shall be submitted to the local planning authority for its written approval. The approved Plan shall be implemented in accordance with the details and timetable therein unless otherwise agreed in writing by the local planning authority
- 27) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

ANNEX B - APPEARANCES & DOCUMENTS

FOR THE APPELLANT

Miss Sarah Reid of Counsel, instructed by Ms. Lucy Wilson MRTPI, Planning Manager, Gladman Development Ltd.

She Called:

Mrs. J Evans BSc Hons, MRTPI, IHBC.
Associate Director, CgMs Consulting.

Mr. G Holliday B.A (Hons), MPhil, CMLI.
Director, FPCR Environment and Design Limited.

Mr. J Donagh BA (Hons), MCD, MIED.
Director, Barton Willmore.

Mr. S Lucas BSc, MSc.
Principal, Development Economics Limited.

Mr. Dodds.
Planning Prospects Ltd.

FOR THE LOCAL PLANNING AUTHORITY

Peter Wadsley of Counsel instructed by the Solicitor to the Council, Forest of Dean District Council.

He Called:

Mr P Radmall MA, B.PHIL. CMLI.
Peter Radmall Associates.

Mr D Haigh BA, MA, AA, Grad. Dipl. Cons. FSA. Scot. IHBC.
Conservation Consultant.

Mr N Gibbons BSc. MRTPI.
Forward Plan Manager Forest of Dean District Council

Mr N McDonald BA.
NM Strategic Solutions Limited.

Mr M Hillier Dip TP. MRTPI, MCMi, CMS.
Principal Planning Officer, Forest of Dean District Council.

FOR THE TUTSHILL AND TIDENHAM ACTION GROUP

Phillip Robson of Counsel, instructed by the Tutshill and Tidenham Action Group.

He called:

Mr Purcell.

Mr Roberts.
Mr Evans.
Mr Harris.

INTERESTED PERSONS

Mr Blandford.
Mrs Kirkpatrick.
Ms Rymer.
Mr Braund.
Mrs Ford.
Mr Hewitt.
Cllr Davies.

DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 - **Appellant's submission to amend to the description of the proposal.**
- Doc 2 - **Lpa response to the appellant's submission to amend the description of the proposal.**
- Doc 3 - **TTAG response to the appellant's submission to amend the description of the proposal.**
- Doc 4 - Submissions by Mr K J Rodwell.
- Doc 5 - Submissions by Mr B Howells.
- Doc 6 - Submissions by Cllr. G J Davies.
- Doc 7 - Submissions by Mrs N Ford.
- Doc 8 - Submissions by Mrs M Golding-Evans & Mr JMJ Hewitt.
- Doc 9 - Submission by Ms J Rymer.
- Doc 10 - Submission by Mr A Braund.
- Doc 11 - Submission by Mrs G Kirkpatrick.
- Doc 12 - Submission by Mr T Blandford.
- Doc 13 - Enlargement of 1881 OS Map Wireswood Green Manor.
- Doc 14 - Suggested planning conditions submitted by the lpa.
- Doc 15 - Housing Land Supply Sites August 2015 - Agreed consolidated list of disputed sites.
- Doc 16 - TTAG letter to PINs dated 10 August 2015.
- Doc 17 - Traffic Report Gloucester Road 1/7/2015 to 10/7/2015.
- Doc 18 - Google Average Traffic Estimates for A48 Chepstow.
- Doc 19 - Copy of letter from Rt Hon. Mark Harper MP to Mr N Evans.
- Doc 20 - Copy of letter from David T C Davies MP to SoS DCLG.
- Doc 21 - TTAG Profile.
- Doc 22 - Comparison of tree heights.
- Doc 23 - Apple Root Stock Information.
- Doc 24 - TTAG - Pedestrian routes to Chepstow.
- Doc 25 - Rebuttal Proof, Mr S Lucas.
- Doc 26 - Rebuttal Proof, Mr Chau.
- Doc 27 - Hydrock Technical Note on TTAG Pedestrian Routes.
- Doc 28 - Air Quality Assessment August 2015.
- Doc 29 - Air Quality Supplementary Note 26 August 2015.
- Doc 30 - Lpa response to Air Quality Supplementary Note.
- Doc 31 - Replacement Table. Housing Supply 31 March 2015. Paragraph 5.55 of **Mr Tait's Proof.**
- Doc 32 - Replacement Table. Forest of Dean 5-Year Supply Requirement. **Paragraph 5.57 of Mr Tait's Proof.**

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- Doc 33 - Copy pf Persimmon Homes Email, dated 24 June 2015.
 - Doc 34 - Minutes of Planning Committee Meeting, 11 August 2015.
 - Doc 35 - PPG –Housing & Economic Development Needs Assessments.
 - Doc 36 - Page 76, Extract from The Tithe Surveys of England & Wales.
 - Doc 37 - An Introduction to Historic Mapping.
 - Doc 38 - Ordnance Survey Maps, 25 Inch England & wales 1841-1952.
 - Doc 39 - Appeal Decision APP/P1615/A/14/2228822.
 - Doc 40 - **APP/Z2260/A/2213265 SoS Decision & Inspector’s Report.**
 - Doc 41 - **APP/D2510/A/11/2161066, Inspector’s Report.**
 - Doc 42 - Planning Obligation dated 28 August 2015.
 - Doc 43 - List of Planning Conditions suggested by the appellant.
 - Doc 44 - Submitted Plans Location Plan 5978-L-01 Rev A & Access Plan 004 Rev D. Framework Plan 5978-L-02 Rev N.

