



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

# **COPIES OF REPRESENTATIONS MADE TO THE EVIDENCE CONSULTATION**

**Part 3 of 7**

**September 2017**



## Contents

Ref	Representor	Page
<b>Part 3</b>		
<b>22</b>	<b>Hollins Strategic Land:</b> 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	<b>245</b>
	<b>Any other sites allocated in the EiP</b>	<b>557</b>
	<b>Land of Woodlands Close Newton – Statement of common ground – Hollins Strategic Land</b>	<b>569</b>
	<b>Fylde Council Local Plan 2011-2032 EXAMINATION GUIDANCE NOTE - Stage 2 Update</b>	<b>592</b>
	<b>Fylde Council Local Plan 2011-2032 - Stage 2 Hearings Inspector’s Additional Note</b>	<b>598</b>
	<b>Fylde Council Local Plan – Next Steps – Mr Blackburn Programme Officer</b>	<b>600</b>
	<b>Fylde Local Plan to 2032 – Stage 2 Matters, Issues and Questions - Response Statement - Hollins Strategic Land June 2017 - <b>DUPLICATE</b></b>	<b>603</b>
	<b>Email from Matthew Symons to Eddie Graves - <b>DUPLICATE</b></b>	<b>617</b>
	<b>Letter to Andrew Stell, Land at Lytham Road, Warton - <b>DUPLICATE</b></b>	<b>620</b>
	<b>Email from Matthew Symons to Andrew Stell - <b>DUPLICATE</b></b>	<b>624</b>
	<b>West Lancs Borough Council – Chapter 7 Providing for Housing and residential accommodation - <b>DUPLICATE</b></b>	<b>626</b>

Ref	Representor	Page
	Fylde Council, Land of Woodlands Road, Newton Statement of case – Landscape and visual matters - <b>DUPLICATE</b>	628
	Email Matthew Symons to Rob Buffham June 2012 - <b>DUPLICATE</b>	659
	Appeal Decision - Land off Ribblesdale Drive, Grimsargh, Preston, Lancashire	661
	Google Earth Extract from 2000 and 2015 of Blackpool Road. <b>DUPLICATE</b>	674
	Future provision of green infrastructure Policy EN3 & EN4 - <b>DUPLICATE</b>	677
	Council's statement of case for appeal at Woodlands Road, Newton - <b>DUPLICATE</b>	679
	Copy of Appeal Decision Land adjacent 53 Bryning Lane, Wrea Green - <b>DUPLICATE</b>	705
	Fylde Council's Matter 6 General Development	719
	Fylde Council's Matter 8 the Environment	747
	Five Year Housing Supply Statement, base dated 31st March 2017 - EiP Edit July 2017 - <b>DUPLICATE</b>	765
	Fylde Council Officers Report for Land West of Woodlands Close, Newton	790
	Fylde Council Officer's Report for Bush Nurseries, Land of Ruskin Road, Freckleton	823
	Appeal Ref: APP/M2325/W/17/3166394 Land Off Woodlands Close, Newton with Scales	835
	Location Plan – Fleetwood Road, Wesham	855
	Fleetwood Road, Wesham – Context Plan	857
	Fleetwood Road, Wesham – Concept Plan	859
	Fylde Council Officer's report – Land north of Sanderling Way off Fleetwood Road, Wesham	861



Appendix 11

Any other sites allocated in the eLP

### HSS6: Land at Lytham St Annes Way, Whitehills

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS. As such, it is anticipated that FBC has included it because it is allocated in the eLP.
2. The FBC Matter 5 Statement states:
 

*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.*
3. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that the single parcel of greenfield land is deliverable.

### HS28: Sunnybank Mill, Kirkham

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS. As such, it is anticipated that FBC has included it because it is allocated in the eLP.
  
2. The FBC Matter 5 Statement states:
 

HS28 Sunnybank Mill is an existing traditional industrial site in Kirkham, for which redevelopment is proposed. Planning permission was granted on 15<sup>th</sup> 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.
  
3. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that an existing industrial site is deliverable.



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

	5-year supply contribution
Housing Supply Statement EiP Edit	12
Hollins Strategic Land Assessment	0

1. The HSS references application 13/0364 in support of site HS30. 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. An email exchange with the Planning Department confirmed that a RM application has not been submitted and nor has any other application for the site. As such, the consent has expired.
2. The FBC Matter 5 Statement states:
 

*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.*
3. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that a site where a permission has lapsed is deliverable.

### HS38: Land rear of High Meadows, Lower Lane, Freckleton

	5-year supply contribution
Housing Supply Statement EiP Edit	13
Hollins Strategic Land Opinion	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS. As such, it is anticipated that FBC has included it because it is allocated in the eLP.
  
2. The FBC Matter 5 Statement states:
 

*HS38 Rear of High Meadows Freckleton is a previously developed site in the corner of an existing housing estate, which will provide 13 dwellings.*
  
3. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that this PDL site is deliverable.

### HS66: Quernmore Trading Estate, Croft Butts Lane, Freckleton

	5-year supply contribution
Housing Supply Statement EiP Edit	10
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS. As such, it is anticipated that FBC has included it because it is allocated in the eLP.
2. The FBC Matter 5 Statement does not reference this site either.
3. The FBC Public Access System states that an application (no. 16/1026) for the demolition of the existing buildings and erection of 10 bungalows was refused by FBC on 22/03/2017. An appeal is pending.
4. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that 10 dwellings are deliverable on this site.

### HS41 Thornfield Caravan park, Staining

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS.
2. The FBC Matter 5 Statement states:
 

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.
3. During the eLP Hearing, FBC was unable to provide any further information in support of the inclusion of this site in the HLS, other than to say that it *may* come forward as a static caravan site for permanent residential use.
4. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that this existing caravan park is a deliverable site.

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

	5-year supply contribution
Housing Supply Statement EiP Edit	36
Hollins Strategic Land Opinion	0

1. The HSS references applications 12/0456 and 16/0156 in support of site HS45. 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 this has not been done.
2. It is acknowledged that the RM deadline was 16/04/2017 and so fell after the base date of the HLS Statement. As a result, the LPA may not have taken this into account for the HSS but as the information is available now, and FBC states that a forensic approach has been adopted, it must inform the HSS EiP Edit.
3. The FBC Matter 5 Statements states:
 

*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.*
4. The full application (16/0156) is still pending consideration. There can be no certainty that the application will be approved and the outline permission has lapsed. As such, 36 dwellings should be removed from the 5-year HLS.

### HS47: Land north of North View Farm, Wrea Green

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS.
  
2. The FBC Matter 5 Statement states:
 

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.
  
3. There could be numerous reasons why the application was withdrawn and it is entirely feasible that the site is not deliverable as a result of one or more of these issues.
  
4. Contrary to the Wainhomes Judgment, FBC does not provide site-specific evidence to demonstrate that is a deliverable site.

### HS51: Newton Hall, School Lane, Newton

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS.
2. The FBC Matter 5 Statement states:
 

HS51 Newton Hall is an allocated site on the southern edge of Newton suitable for 86 homes. The site has landowner support
3. The FBC Public Access system states that an application (no. 17/0290) for the 'installation of a cover for existing open-topped slurry tower to control ammonia and odours' on the site was approved on 04/07/17. This suggests that the farmer intends to continue agricultural use of the site for the foreseeable future and highlights the uncertainty regarding the site delivering in the 5-year period.
4. Contrary to the Wainhomes Judgment, FBC has not provided any site-specific evidence to demonstrate that the site, which is in agricultural use, is deliverable.

### HS52: Cobweb Barn, Oak Lane, Newton

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Opinion	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS.
  
2. The FBC Matter 5 Statement states:
 

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.
  
3. Contrary to the Wainhomes Judgment, FBC has not provided any site-specific evidence to demonstrate that the first 15 dwellings will be delivered in year 5.



### HS53: Singleton Village, Singleton

	5-year supply contribution
Housing Supply Statement EiP Edit	15
Hollins Strategic Land Assessment	0

1. The HSS does not reference any applications in support of the inclusion of this site within the HLS.
  
2. The FBC Matter 5 Statement states:
 

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.
  
3. The submission and withdrawal of an application does not make it “*clear that 15 homes could be delivered*”. It may, for example, be the case that the site will be developed for a larger retail unit and less homes or none at all. Or there could be other reasons which prevent the development of the site altogether.
  
4. Contrary to the Wainhomes Judgment, FBC has not provided any site-specific evidence to demonstrate that the site is deliverable.

**Appendix 2**

Statement of Common Ground

**Land off Woodlands Close, Newton with Scales**

## **Statement of Common Ground**

Appeal against the refusal of an outline application 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

Date of Hearing: 27<sup>th</sup> July 2017

**Hollins Strategic Land**

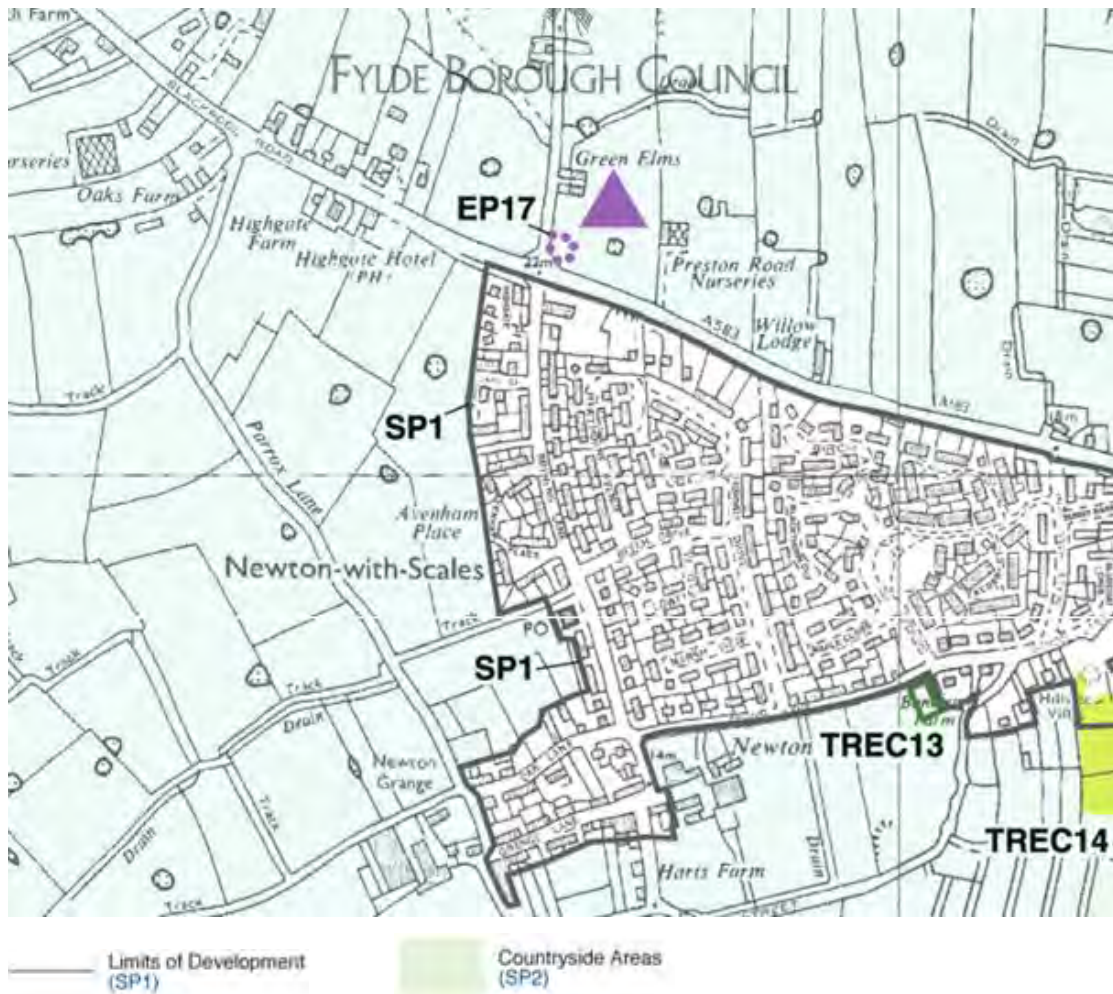
July 2017

## Contents

1	Description of the site.....	3
2	Description of the area.....	4
3	Relevant Planning History .....	5
4	Development plan .....	6
5	Other relevant local documents .....	11
6	Areas of agreement.....	15
7	Areas of disagreement.....	19
8	Conditions .....	20

## 1 Description of the site

- 1.1 The appeal site is some 2.8ha in extent and is greenfield land which is occasionally used for grazing purposes. The site is allocated as forming part of the Countryside Area in the 2004 Local Plan, but its eastern boundary adjoins the Newton-with-Scales limit of development boundary. The western boundary is approximately 1km from the Kirkham limit of development boundary.



## 2 Description of the area

- 2.1 The site is positioned between the A583 Blackpool Road and a private track from Parrox Lane to the north and south respectively.
- The A583 Blackpool Road adjoins the site's narrow northern boundary, and is adjacent to a bus lay-by with brick shelter (one of two west-bound bus stops which serve Newton-with-Scales).
  - The eastern site boundary is formed entirely by existing residential development, including that off Avenham Place (which has two junctions off Bryning Lane), Highgate Close and Woodlands Close. The latter of these being the road from which access is proposed. Dwellings front, back and side on to the appeal site.
- 2.2 A number of local services and facilities are available within Newton-with-Scales, befitting its Tier 1 status in the emerging Local Plan, and are accessible by foot/cycle, including:
- Select Convenience Store and Post Office (incl. cash machine), Bryning Lane;
  - Post box, Bryning Lane;
  - Newton Hall Park, School Lane;
  - Newton Bluecoat Primary School;
  - Restaurant and public house, A583;
  - Village Hall, Vicarage Lane;
  - Lund Pre-school, Vicarage Lane.
- 2.3 There are also bus stops along the A583 which offer regular services to Kirkham where other facilities such as doctors surgeries, pharmacies and a railway station can be accessed. Bus services to other larger settlements including Poulton, Blackpool and Preston also run from Newton with Scales.

### **3 Relevant Planning History**

3.1 There is no relevant planning history for this site.

## 4 Development plan

4.1 The development plan comprises the Fylde Borough Local Plan (LP).

### Local Plan

4.2 The following LP (as altered in 2005) policies are considered relevant:

- SP1 Development within Settlements;
- SP2 Development in Countryside Areas;
- HL2 Housing;
- HL6 Design of residential estates;
- TR1 Pedestrians;
- TR5 Public Transport;
- TREC17 Public Open Space within New Housing Developments;
- CF2 Provision of New Schools;
- EP10 Building design and landscape character;
- EP11 Landscape character;
- EP12 Conservation of Trees and Woodlands;
- EP13 Tree planting;
- EP14 Landscape planting;
- EP18 Nature conservation;
- EP19 Protected species;
- EP23 Surface water;
- EP25 Development and Waste Water; and,
- EP29 Contamination.

4.3 The Council refused the application on the basis of the following LP policies:

- HL2 Housing;
- EP10 Building design and landscape character;
- EP11 Landscape character;
- TREC17 Public Open Space within New Housing Developments;
- CF2 Provision of New Schools;
- TR1 Pedestrians; and,
- TR5 Public Transport.



## Emerging Development Plan Documents

### Fylde Local Plan to 2032

- 4.4 The Council had previously intended to produce a 2-part Local Plan to 2030. On 26 November 2014 the Council resolved to prepare a Local Plan Part 1 and Part 2 combined. A 'Revised Preferred Option' was published for consultation from 15 October 2015 to 03 December 2015. A 'Publication Version' was consulted on for a period of 6 weeks commencing 11/08/16. The Fylde Local Plan to 2032 was submitted to the Secretary of State for examination on 09 December 2016.
- 4.5 Stage 1 Hearings were held from 28 – 29 March 2017. Stage 2 Hearings were held from 20 – 29 June 2017.
- 4.6 The appended 'Examination Guidance Note Stage 2 Update'<sup>1</sup> and 'Inspector's Additional Note'<sup>2</sup> set out the status of the eLP examination at the start of the Stage 2 Hearing Sessions.
- 4.7 On 03 July 2017, following the Stage 2 Hearings, the Inspector wrote to the Council to set out the next steps as discussed during the final Stage 2 Hearing session<sup>3</sup>.
- 4.8 On 17 July 2017, the Inspector acknowledged the Council's intended consultation start date of 03 August 2017 (and ending 14 September 2017) on a range of items following the recent Stage 2 hearings. These will include, but not exclusively, the following: Economic Forecasts, Objectively Assessed Need, Housing Requirement Figure, Five Year Housing Land Supply and Trajectory, and Settlement Hierarchy. The information provided by the Council in their consultation document will also address the points raised in the Inspector's recent letter of 03 July 2017.
- 4.9 Once the Inspector has considered all of the comments, she will decide whether further Stage 3 hearings are necessary.
- 4.10 The Council anticipates that adoption of the eLP will not take place until December 2017 at the earliest and should Stage 3 Hearings be deemed necessary, it is likely that the eLP will not be adopted until 2018. At this stage, it is not known how long the delay could be. Numerous objections and letters of support, were submitted during

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<sup>1</sup> Appendix 1: Examination Guidance Note

<sup>2</sup> Appendix 2: Inspector's Additional Note

<sup>3</sup> Appendix 3: Inspector's Letter to Council of 03/07/17

consultation on the 'Publication Version'. These are still to be considered through the plan making process.

4.11 The appeal site has been promoted through the emerging Local Plan process. The Council discounted the site as a housing land allocation within the Revised Preferred Options version of the emerging Local Plan, which underwent consultation in October 2015. The Site Assessment Background Paper, published by the Council in May 2016 sets out the reasons for excluding the site from the eLP, referring to the decision to pursue the land between Kirkham and Newton as part of an 'Area of Separation'. Hollins Strategic Land has objected to the eLP Area of Separation policy<sup>4</sup>.

4.12 The following eLP policies would be considered as relevant:

- S1 The proposed settlement hierarchy;
- DLF1 Development locations for Fylde;
- GD1 Settlement boundaries;
- GD3 Areas of Separation;
- GD4 Development in the countryside;
- GD7 Achieving good design in development;
- H1 Housing delivery and the allocation of housing land;
- H2 Density and mix of new residential development;
- H4 Affordable housing;
- HW1 Health and wellbeing;
- HW3 Provision of indoor and outdoor sports facilities;
- INF1 Service accessibility and infrastructure;
- INF2 Developer contributions;
- CL1 Flood alleviation, water quality and water efficiency;
- CL2 Surface water run-off and sustainable drainage;
- CL4 Decentralised energy networks and district heating systems;
- ENV1 Landscape;
- ENV2 Biodiversity; and,
- ENV5 Provision of new open space.

4.13 The Council refused the application on the basis of the following eLP policies:

- GD3 Areas of Separation;
- ENV1 Landscape;

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<sup>4</sup> Appendix 4: HSL Stage 2 Matters, Issues and Questions Statement Representation

- GD7 Achieving good design in development;
  - INF1 Service accessibility and infrastructure; and,
  - H4 Affordable housing.
- 4.14 During the Hearing sessions on Matter 5 ‘Housing: Site Allocations and Delivery’, FBC acknowledged that the 5-year housing land supply and the eLP housing trajectory would have to be amended in light of new evidence regarding delivery. The Council produced a Housing Supply Statement EiP Edit on 17/07/17 which stated that the Council can demonstrate a housing land supply of 5.1 years.
- 4.15 Hollins Strategic Land produced a Rebuttal Statement in response to the HSS EiP Edit which stated that the Council can only demonstrate a supply of 4.1 years.
- 4.16 The Council’s Matter 6 Statement<sup>5</sup> for the Stage 2 Hearings confirms that the Council has proposed modifications to policy GD3. The modified policy allows development to take place within the proposed AoS, dependent upon assessment of its impact upon the AoS, including any harm to the effectiveness of the gap between the 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. The only further AoS related modification that arose from the Stage 2 Hearing was to be the alteration to the Glossary entry for AoS, to make it clearly a lower position within the hierarchy of restriction of development than Green Belt; this revision is not yet drafted. The modifications are yet to be consulted on. At this stage, no modification has been requested by the Inspector to the extent of the AoS.
- 4.17 The Council’s Matter 8 Statement<sup>6</sup> for the Stage 2 Hearings confirms that the Council intends to produce a Valued Landscapes SPD and that no valued landscapes have been defined to date. The Council will commence work on the SPD once the eLP is nearing completion and at that time, robust evidence in the form of landscape appraisals will be carried out by the Council’s Landscape Architect. The Council informed the eLP Inspector that the ‘Landscape Strategy for Lancashire: Landscape Character Assessment’ (2000) will be used as the starting point for the SPD work and this will then be bolstered by assessments against the NPPF definition of ‘Valued Landscapes’, which the eLP Inspector described as being “strict”.

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<sup>5</sup> Appendix 5: FBC Matter 6 Statement

<sup>6</sup> Appendix 6: FBC Matter 8 Statement

- 4.18 The site is allocated as forming part of an AoS in the eLP, whereas the land to the immediate south of the site is allocated for residential development. There are only two such AoS designations being brought forward through the eLP.



## 5 Other relevant local documents

### Draft policies in Chapter 10 of the Revised Preferred Option Fylde Local Plan to 2032

- 5.1 The Council previously operated an Interim Housing Policy it was resolved at the Development Management Committee on 17 June 2015 to approve the draft policies in the Housing Chapter (Chapter 10: Provision of Homes in Fylde) of the Fylde Local Plan to 2032 - Revised Preferred Option for immediate use as 'Interim Housing Policies' for use by the Development Management Committee and for decisions determined under Delegated Authority by the Head of Planning. The document has little, if any, weight in the decision making process.
- 5.2 When the document does reach a stage where it can be given significant weight, the following policies would be considered relevant:
- H1 Housing delivery and the allocation of housing land;
  - H2 Density and mix of new residential development; and,
  - H4 Affordable housing.

### Settlement Hierarchy Background Paper (March 2016)

- 5.3 This states that Newton is classed as a Tier 1 Larger Rural Settlement, which are defined as follows:

*The larger rural settlements provide small scale essential local services, as well as local opportunities for employment. They can therefore be regarded as sustainable communities, albeit with a dependency on, and sustainable transport connection to / from, the Key Service Centres and Local Service Centres.*

- 5.4 Tier 1: Larger Rural Settlements sit third within the overall hierarchy, below Key Service Centres and Local Service Centres.
- 5.5 The document scores each settlement based on its services/facilities. Along with Wrea Green, Newton is the joint-top Larger Rural Settlement. Newton also scores better than Warton, a Local Service Centre.

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

- 5.6 This document assesses areas of separation suggested during the Preferred Options consultation for the eLP. It provides the following definition of an Area of Separation (AoS):

*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*

5.7 The document sets out a methodology for establishing sequential assessment criteria. These criteria have then been applied to the suggested Areas of Separation. No detailed Landscape Assessments have been undertaken.

5.8 The following summary is reached with regard land between Kirkham and Newton:

*The area meets the sequential assessment criteria. The two settlements are within 1200 metres of each other. (1013.81 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 land east of Newton. There is a risk of the settlements merging if the ribbon development between the two settlements is allowed to expand*

#### Site Assessment Background Paper (May 2016)

5.9 This document states that the application site was “*not included in the Local Plan as it is located in a proposed Area of Separation*”. The document confirms that there are no major infrastructure issues in Newton and that “*the completion of the Preston Western Distributor Road in 2019 will enhance accessibility*” to both sites and therefore, Newton.

#### Strategic Housing Land Availability Assessment

5.10 Strategic Housing Land Availability Assessment 2012 - the site (ref: NE06) is identified as part of a wider site that is potentially suitable as a settlement extension.

#### Fylde Coast Strategic Housing Market Assessment 2014

5.11 This states there is a total housing need (net annual) of 247 affordable homes in Fylde. The Housing Land Availability Schedule (HLAS) confirms that only 228 affordable homes have been provided in Fylde since 2011/12. There is a significant shortfall, as shown in the table overleaf:

Year	No. of affordable homes provided	Cumulative need	Cumulative shortfall
2011/12	62	247	185
2012/13	29	494	403
2013/14	59	741	591
2014/15	55	988	783
2015/16	23	1235	1007

### Relevant national documents

5.12 **National Planning Policy Framework (NPPF)** (March 2012) para. 14 provides a presumption in favour of sustainable development “*which should be seen as a golden thread running through both plan-making and decision-taking*”.

5.13 The following parts of NPPF are also considered relevant to this application:

- Part 1: Building a strong, competitive economy;
- Part 4: Promoting sustainable transport;
- Part 6: Delivering a wide choice of high quality homes;
- Part 7: Requiring good design;
- Part 8: Promoting healthy communities;
- Part 10: Meeting the challenge of climate change, flooding and coastal change;
- Part 11: conserving and enhancing the natural environment;
- Determining applications;
- Planning conditions and obligations;
- Annex 1: Implementation.

### Supreme Court Judgement - Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council (May 2017)

5.14 The Supreme Court Judgement (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council) (May 2017) is of direct relevance to the appeal. In particular Paras 57 - 58, which states that:

*“Unaided by the legal arguments, I would have regarded the meaning of paragraph 49 itself, taken in context, as reasonably clear, and not susceptible to much legal analysis.*

*The word “for” simply indicates the purpose of the policies in question, so distinguishing them from other familiar categories, such as policies for the supply of employment land, or for the protection of the countryside. I do not see any justification for substituting the word “affecting”, which has a different emphasis. It is true that other groups of policies, positive or restrictive, may interact with the housing policies, and so affect their operation. But that does not make them policies for the supply of housing in the ordinary sense of that expression.*

...

*In neither case is there any reason to treat the shortfall in the particular policies as rendering out-of-date other parts of the plan which serve a different purpose.”*

- 5.15 The implications of the Judgement is that material weight remains irrevocably a matter for the decision maker. The weight to be attributed to material considerations is therefore not fixed. This includes but is not limited to the extent of any shortfall in housing land supply and progress towards the adoption of emerging policy.



## 6 Areas of agreement

6.1 These are the areas of agreement between the LPA and Appellant:

### **Matters of Principle**

- a. The Council does not consider that the proposals are unacceptable in principle as a result of the site falling within open countryside and being contrary to LP policy SP1;
- b. The proposals do not comply with LP policy SP2 Development in Countryside Areas;
- c. Para. 14 of the NPPF is engaged because relevant policies of the development plan are out of date due to the LP and its evidence base in respect of development needs being time-expired;
- d. The Council considers that moderate weight is applicable to the eLP policies and the HLS EiP Edit figure of 5.1 years;
- e. The Council therefore considers that policies of the NPPF with particular regards to sustainable development should prevail. The principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.
- f. The eLP has unresolved objections with specific reference to the Area of Separation.
- g. In light of the Supreme Court Judgement (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council) (May 2017), the material weight attributed to the eLP, including policies GD3, GD7 and ENV1 is irrevocably a matter for the decision maker.
- h. The figure of 150 dwellings in Tier 2 settlements must not be regarded as a cap on development.
- i. The appeal proposals will result in benefits, which include:
  - i. the proposals will result in jobs within the construction industry and benefit the associated supply chain;
  - ii. result in an increase in spending in local shops and businesses in Newton with Scales;
  - iii. the dwellings proposed will make a contribution towards reducing the housing supply deficit, with all of the proposed dwellings capable of coming forward in the next 5 years;
  - iv. the proposals will result in the provision of (up to) 15No. affordable homes which will make a contribution to the borough-wide housing need and that of the local area. The SHMA analysis of Housing Need Addendum 2014 determines that Kirkham/Wesham and Freckleton/Warton have the second

highest levels of newly arising housing need at 89 new households per annum and there are currently minimal supply of affordable housing units within Newton with Clifton.

- v. Opportunities to seek biodiversity gain will be taken.
- j. The appeal proposals will result in the following adverse impacts:
  - i. The loss of open countryside; and,
  - ii. The loss of the BMV land, which should be given minor weight.

### **Landscape Matters**

- k. The site has no formal landscape designation;
- l. Neither the Reasons for Refusal nor the Committee Report states that the site forms part of a 'valued landscape';
- m. The site forms part of the setting of Newton and development of the land would affect its character.

### **Housing Land Supply Matters**

- n. The Council considers that the HLS EiP Edit figure of 5.1 years is subject to further public consultation during the summer and is yet to be tested by the Public Examination. It should therefore only be afforded moderate weight.
- o. Since the publication of the HLS EiP Edit, the Council has found that an error was made and that the overall supply should be reduced by 6 dwellings to 3677 dwellings, or 5.06 years against a requirement of 3,632 dwellings. The Revised HSS is appended<sup>7</sup>.

#### Sites with Planning Permission

- p. Site HSS12 – the LPA and Appellant will meet on 11/08/17 to discuss the variation of condition 7 imposed on the outline planning permission. The Appellant anticipates that it will propose that the condition must be varied so as to enable 65% of development to come forward in advance of the completion and bringing into use of all highways works in order for the scheme to be considered deliverable.

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<sup>7</sup> Appendix 7: Revised HSS

Sites where planning permission has been agreed, but the 106 Agreement has not yet been signed

- q. The LPA and Appellant agree that no further evidence will be provided on these sites in advance of or at the Hearing, other than the following:

Site 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; Site HS13 – the site has not been sold to a housebuilder/developer;

Site 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.

Any other sites allocated in the Fylde Local Plan to 2032

- r. The LPA and Appellant agree that no further evidence will be provided on these sites in advance of, or during, the Hearing. The Appellant will rely upon the Rebuttal Statement and the LPA will rely upon the content of the eLP Matter 5 Statement.

Non-implementation Allowance

- s. The Council does not apply a non-implementation allowance to large sites. The Council has not carried out a forensic evaluation of all Large Sites that have capacity for between 10 and 100 dwellings. The Council has focussed on all strategic sites that have a capacity of more than 100 dwellings.

Small windfall sites

- t. The Council includes an allowance of 40 dwellings per annum for years 4 and 5 of the HLS. The Council states that it has based this on average historic delivery rates from 2003/04 to the base date of the HSS.

Small Sites Committed

- u. As stated, the Council has identified an error in the HSS EiP Edit and this results in the supply of committed small sites falling by 3 dwellings to 328 from 331.

Development at Elswick

- v. 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.

- w. The Council considers that sustainable housing development should be supported in order to maintain a 5-year supply, irrespective of location, as failure to do so would increase the risk of the Council not being able to demonstrate a 5 year supply in the future.
- x. In light of the Supreme Court Judgement (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council) (May 2017), the material weight attributed to the extent of any shortfall in housing land supply is irrevocably a matter for the decision maker.

### **Other Matters**

- y. The Council accepts that the proposals would be acceptable in highways, ecology, drainage and heritage terms (there would be no harm to designated or non-designated assets).

## 7 Areas of disagreement

- 7.1 These are the areas of disagreement between the LPA and Appellant:
- a. The deliverable housing land supply, specifically:
    - i. the Council considers that it has a HLS of 3677 dwellings, or 5.06 years against a requirement of 3,632 dwellings;
    - ii. The appellant considers that the Council has a HLS of 2,974 dwellings, or 4.10 years against a requirement of 3,632 dwellings.
  - b. The weight to be afforded to the policies of the emerging Local Plan, in particular policies GD3, ENV1 and GD7. The Appellant considers that the eLP should be afforded limited weight and the Council considers that the eLP should be afforded moderate weight;
  - c. The eLP has unresolved objections with specific reference to the Area of Separation. However, the Council believes that any subsequent amendments to eLP policy GD3 would not be so substantial that the appropriateness of major development within the Areas of Separation would be supported.
  - d. The weight to be afforded to the contribution the appeal proposal makes to housing (market and affordable);
  - e. The effect upon the landscape character, the setting of Newton with Scales and the separation between Newton with Scales and Kirkham;
  - f. Whether these effects significantly and demonstrably outweigh the benefits of the proposal when undertaking the planning balance required by para. 14 of the NPPF.

## 8 Conditions

- 8.1 With the exception of Condition no. 4, the Appellants and the LPA are satisfied with the list of conditions originally detailed within the Committee Report<sup>8</sup> but would amend condition 5 as follows:

*5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated the Indicative Layout Plan drawing number 001 revision 04 received on ... June 2017. The scheme shall include, but not be limited to, the following details:*

- 1. retention of existing trees, hedgerows and other vegetation on/overhanging the site.*
- 2. public open space, with the provision of a equipped play area as per drawing number ...*
- 3. a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.*
- 4. Soft landscaped areas to provide an entrance to the development, linkages to the existing pond and countryside beyond.*
- 5. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).*
- 6. the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs. Reference should be made to paragraph 5.7 of the submitted Ecology Survey and Assessment (August 2016).*
- 7. Enhancement measures of the pond as per 5.6.3 and 5.6.4 of the submitted Ecology Survey and Assessment (August 2016).*

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

*Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the*

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<sup>8</sup> Appendix 8: Committee Report

*development's visual impact on the open countryside, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development, in accordance with Policies HL2, EP10, EP12, EP14, EP18, EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.*

- 8.2 Additionally, the LPA and Appellant agree that the conditions should include a scheme for the management / maintenance regime for the EPA as well as any other POS/ communal landscaped areas. The following condition is proposed:

*Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of public open space / amenity landscaping, and equipped play area required by condition 27. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.*

*Reason: To ensure that the development is implemented and maintained to a satisfactory degree into the future, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).*

<p>Signed on behalf of Appellant</p> 	<p>Signed on behalf of JWPC Ltd and Local Planning Authority</p> 
<p>Date: 26/07/17</p>	<p>Date: 26/07/17</p>
<p>Position: Planning Manager</p>	<p>Position: Senior Planner</p>





## Fylde Council Local Plan 2011-2032

EXAMINATION GUIDANCE NOTE  
Stage 2 Update

Inspector – Mrs Yvonne Wright BSc(Hons) DipTP MSc DMS MRTPI  
Programme Officer – Mr Tony Blackburn, tel: 01254 260286  
Email: Tony.Blackburn@fylde.gov.uk

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## 1 INTRODUCTION

- 1.1 I am the Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the legal compliance and soundness of the Fylde Council Local Plan. This note provides guidance to participants on the procedural and administrative arrangements for the stage 2 hearing sessions as part of the examination.
- 1.2 The stage 2 hearing sessions will be held on Tuesdays, Wednesdays and Thursdays between Tuesday 20 June 2017 and Thursday 29 June 2017. The sessions will commence at 10:00 am unless stated otherwise on the timetable. They will be held at the Dalmeny Hotel, 19-23 South Promenade, Lytham St Annes, Lancashire, FY8 1LX.
- 1.3 Two documents are available with this note:
- *A draft hearing timetable for stage 2 hearing sessions* which sets out the issues to be discussed on each day. This is the first version and details may change.
  - ***Inspector's Matters, Issues and Questions for stage 2 hearing sessions*** which will form the basis for the discussions.

## 2 PROGRAMME OFFICER

- 2.1 The Programme Officer (PO) is Tony Blackburn who acts as an impartial officer of the Examination, under my direction, and is not an employee of the Council. His role is to:
- Liaise with all parties to ensure the smooth running of the examination.
  - Manage all the documents received and ensure they are recorded and made available to all parties.
  - Maintain the examination document list and library.
  - Act as the point of contact and assist me with all procedural and administrative matters.
- 2.2 All programming queries, practical and procedural points should be addressed to the Programme Officer. He will pass them on to me for a reply, if necessary, but carries his own authority to act in accordance with the regulations. The Programme Officer's contact details are set out above.

2.3 Copies of all examination documents are available to view on the **Council's** website. Any participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements can be made.

### 3 SCOPE OF THE EXAMINATION AND **INSPECTOR'S** ROLE

3.1 My role is to assess whether the Plan has been prepared in accordance with the duty to cooperate, legal and procedural requirements and assess whether it is sound, in respect of the relevant legislation, associated regulations and the National Planning Policy Framework (the Framework).

3.2 As set out in the Framework<sup>1</sup>, assessing soundness involves determining whether the Plan is:

- *Positively prepared* – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- *Justified* – the most appropriate strategy when considered against the alternatives, based on proportionate evidence;
- *Effective* – deliverable over the Plan period and based on effective joint working; and
- *Consistent with national policy* – to enable the delivery of sustainable development in accordance with the policies in the Framework.

3.3 My starting point for the examination is that the Council has submitted a Plan which they consider is sound and legally compliant. Those seeking changes must demonstrate why the Plan does not meet these criteria and clearly set out what changes are necessary.

3.4 There are two ways by which changes can be made to the submitted plans:  
(a) *Main modifications* recommended by the Inspector; and  
(b) *Additional modifications* (often called *minor modifications*) made by the Council.

3.5 However I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. *Main modifications* are changes which alone or in combination with others, would materially alter the Plan or policies and must be subject to consultation.

3.6 *Additional modifications* are those changes which do not materially affect the policies in the Plan. The Council has published a schedule of proposed minor modifications which it intends to incorporate into the Plan (SD014).

## 4 STAGE 2 HEARING SESSIONS – CONTENT AND PROCEDURE

### Content

4.1 The stage 2 hearing sessions follow on from the stage 1 hearings held in March 2017. Discussions at stage 1 focussed on legal and strategic matters including the duty to cooperate, other legal compliance and procedural

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<sup>1</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

matters, objectively assessed housing and economic development needs and the development strategy.

- 4.2 I issued a letter to the Council dated 11 April 2017 setting out my interim findings on duty to cooperate and requested further evidence on the objectively assessed housing need (OAHN) (EL5.003a). I also asked the Council to consider main modifications to the Plan in relation to two specific matters. I issued further queries in relation to proposed changes to Policy DLF1 on 5 May 2017 (EL5.003d).
- 4.3 **The Council's** responses dated 3 and 10 May 2017 include some proposed main modifications and additional evidence on OAHN (EL5.003e-g). In my letter of 11 April 2017 I indicated that I would discuss these matters at stage 2 hearings. However I am now proposing to consider these matters following main modifications consultation which will take place after the stage 2 hearings.
- 4.4 Prior to the start of the first stage 2 hearing session I will be clarifying a number of points with the Council in relation to their recent submissions to me. However except on certain matters including site allocations and the changes to Policy H7 I am not proposing there to be any general discussion on the **Council's recent submissions** during stage 2. Representors will be given an opportunity to comment on the **Council's updated** evidence on OAHN and changes to the development strategy as part of main modifications consultation.
- 4.5 The hearing sessions will therefore focus on my stage 2 matters, issues and questions (MIOs). This will include consideration of housing and employment land supply and delivery (but not objectively assessed needs). Taking account of paragraph 3.3 above I do not propose to discuss any omission sites put forward by representors at this stage.

#### Procedure

- 4.6 Morning hearing sessions for stage 2 will commence at 1000 and finish around 1300 on each day and the afternoon sessions will commence at 1400 and finish at around 1700 each day unless stated otherwise. Lunch will normally be between 13:00 and 14:00 and there will be short breaks mid-morning and mid-afternoon as appropriate on each day.
- 4.7 The purpose of the hearings is to focus on the issues that I consider need further discussion. This is to enable me to obtain the information I need to come to a conclusion on the matters and issues before me. The hearings will be in the form of structured round table discussions which I shall lead. There will be no formal presentation of evidence or cross-examination. The discussion will focus on the issues in the programme together with any additional points or supplementary questions I wish to ask arising from any further written statements.
- 4.8 I will progress the hearings by drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a decision on the relevant matters. All participants invited to attend individual sessions will have the opportunity to contribute to the discussions.

- 4.9 The purpose of the hearings timetable is to set out the issues and matters for each session to focus discussion. This is currently in draft and may be subject to change. The final version will be issued shortly before the hearings and will contain a list of participants invited to each session. In the meantime if you think that a change should be made to either an issue or the timetable, please inform the Programme Officer without delay, giving your reasons and I may consider it.
- 4.10 Please remember that all mobile phones and similar devices must be switched off (or on silent) when the hearings are in session.

## 5 PARTICIPATION AT THE HEARINGS AND FURTHER STATEMENTS

- 5.1 Only those seeking changes to the Plan in relation to the issues to be discussed have a right to be invited to and participate in relevant hearing sessions. However the sessions are open for anyone to observe.
- 5.2 Those who have made representations within the relevant time period should have already decided whether their views have been adequately expressed in written form or whether they wish to also present them at a hearing session. Both methods will carry the same weight and I will have equal regard to views put at the hearings or in writing. Attendance at a hearing session will only be useful and helpful to me if participants can engage in a debate and focus on specific matters.
- 5.3 Those wishing to participate in the hearing sessions must contact the Programme Officer as soon as possible and by Monday 12 June at the latest so that the timetable and other arrangements can be finalised. Please also let the Programme Officer know if any adjustments or arrangements need to be made to facilitate your attendance.
- 5.4 Anyone participating in the hearings may prepare a statement in response to my (MIQs) that I have identified for the particular session of interest. However this is not compulsory and should not merely repeat what is in the representations, nor stray beyond the issues to which each original representation refers.
- 5.5 If a statement is produced, this should be submitted by email to the Programme Officer by 21.00 hours on Monday 12 June. In addition four paper copies of the statement should be sent to the Programme Officer at 15 Ottawa Close, Blackburn, BB2 7EB to be received promptly thereafter.
- 5.6 The examination documents are available on the **Council's** website. These include the **Council's submitted Local Plan**, background papers and other documents that parties may wish to refer to. Accordingly, participants should not attach extracts of these documents to statements. However it would be useful within your statement when referring to any of these documents to include the examination document number and relevant page numbers where possible.
- 5.7 Any additional submissions produced by participants should be succinct and avoid unnecessary detail and repetition. There is no need to re-state previous submissions as I will take these in to account. It is the quality of the reasoning that carries weight, not the scale of the documents or the

weight of the appendices. All further statements should be as short as possible and certainly no longer than 3,000 words. Appendices are not included in the word limit but these should only be submitted, suitably referenced, if they are essential. Any submissions that are of excessive length and/or containing irrelevant or repetitious material may be returned. No additional statements or documents will be accepted during the hearing sessions, unless I request them.

- 5.8 Unlike other participants, the Council is required to respond to each issue and question and therefore the 3,000 word limit does not apply to them. However any statements should still be succinct.

## 6 SITE VISITS

- 6.1 Insofar as I consider it necessary for my consideration of the soundness of the Plan I shall visit relevant sites and areas before, during or after the hearing sessions. I will do these unaccompanied unless I find that I need to access private land.

## 7 CLOSE OF THE EXAMINATION

- 7.1 Following the hearing sessions the Examination will remain open until my report is submitted to the Council. However I will not accept any further representations or evidence from any party unless I have requested it.

## 8 FURTHER INFORMATION

- 8.1 Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* available at: <http://planningguidance.communities.gov.uk/> and the Planning **Inspectorate's** *Examining Local Plans Documents: Procedural Practice – June 2016 (4th edition v.1)* available at: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*Yvonne Wright*

INSPECTOR

15 May 2017



## Fylde Council Local Plan 2011-2032 - Stage 2 Hearings

**Inspector's** Additional Note

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Council's additional evidence on objectively assessed housing needs and consideration of omission sites

I have been advised by the Programme Officer that a number of queries have been raised following the recent publication of my Stage 2 Matters, Issues and **Questions (MIQs) in relation to consideration of the Council's new evidence on objectively assessed housing needs (OAHN) and omission sites.**

As set out in paragraphs 4.1 to 4.5 of my Examination Guidance Note – Stage 2 Update I am not proposing to discuss the contents of the new documents during the stage 2 hearings. **Consultation on the Council's evidence, the OAHN, housing requirement, 5 year housing land supply and housing trajectory will occur after stage 2.**

However I will be discussing some of **the Council's site allocations as part of stage 2**, in particular whether the sites are achievable and deliverable within the timescales set out by the Council. At this stage there is no need for me to discuss omission sites. Should I find that evidence submitted shows that a site or sites will not come forward as planned then I may ask the Council to allocate additional sites.

Following the stage 2 hearings it is my intention at present for the Council to go out for consultation on proposed changes to the Plan. This will include the **Council's new evidence on OAHN** etc. as well as all other matters. Representors will therefore have a full period of consultation in **which to consider the Council's new evidence and proposed changes to the Plan.**

Once I have considered all comments from the consultation I will need to decide whether further discussions on specific housing matters are necessary through either written representations or further hearing sessions (stage 3).

Please note that the above are my initial thoughts on future proceedings and may be subject to further consideration following the stage 2 hearings.

*Yvonne Wright*

INSPECTOR

17 May 2017





## FYLDE COUNCIL LOCAL PLAN EXAMINATION

Inspector: Mrs Yvonne Wright BSc(Hons) DipTP MSc DMS MRTPI

Programme Officer: Mr Tony Blackburn

Tel: 01254 260286

Email: Tony.Blackburn@fylde.gov.uk

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Dear Mr Evans

Fylde Council Local Plan – Next Steps

1. Further to the Stage 2 examination hearing sessions held between 20 and 28 June 2017, this letter sets out next steps as discussed during the final session.
2. Firstly though, in the Stage 2 round-up session the Council gave an initial response to the matters of clarification I highlighted at the start of Stage 2 proceedings. **One matter related to the justification for the Council's** approach to the delivery of the housing shortfall (undersupply) that has accumulated since the beginning of the Plan period. As the Council is fully aware, at this stage this is based on objectively assessed housing needs and housing requirement figures that are subject to further consultation and examination. I heard that the Council considers that local circumstances justify the use of the Liverpool approach rather than Sedgefield.
3. However the factors that were highlighted by the Council in the session, on their own, do not provide sufficient justification for use of the Liverpool approach. Can I therefore ask the Council to respond to the following queries:
  - i. Can any sites proposed to be delivered later in the Plan period be realistically brought forward into the five year supply?
  - ii. Are there any additional sites available within the Borough that **would conform to the Plan's development strategy and be deliverable within the first five years?**
4. At the round-up session, I queried whether bus service details set out within the settlement hierarchy assessment paper were up-to-date for certain settlements. I also heard that other services may have changed since the assessment was produced. The Council should consider this matter, clearly set out their findings and confirm whether there are any implications for the position of settlements within the settlement hierarchy.
5. The Council response received on the above matters will need to be consulted on as part of the forthcoming consultation exercise. This should **be for a minimum of 6 weeks and also include the Council's** new evidence produced in relation to objectively assessed housing needs, economic forecasting, the housing requirement, housing trajectory and the five year

housing land supply. This should include implications for any relevant policies within the Plan (such as S1, DLF1 and SL1-SL5). In addition, any implications for carrying out further sustainability appraisal needs to be assessed at this stage.

6. I would therefore be most grateful if the Council could confirm as soon as possible when a response to the above queries can be produced and when the dates for the 6 week consultation period are proposed.
7. During the hearing sessions the Council was asked to provide further details and consider main modifications on other specific matters within the Plan. However a response on these issues is not needed prior to the start of consultation on the above matters. I will issue a deadline for submission of this information in due course subject to Council clarification as to when responses can be provided.
8. Following the consultation period it will be necessary for me to examine the evidence and representations made on these matters. Whether or not Stage 3 hearing sessions will be necessary will be confirmed at a later date.

Yours Sincerely

*Y Wright*

Inspector

3 July 2017





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

## **Response Statement**

Hollins Strategic Land  
June 2017

## 1 Introduction

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

Matter 5 – Housing – Site Allocations and Delivery

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

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

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

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

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

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

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

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

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

### Site Allocations – Policies SL1 – SL5

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

### 3 Matter 6 – General Development

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

#### Policy GD1 – Settlement Boundaries

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

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

#### Policy GD3 – Areas of Separation

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

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

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

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

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

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

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

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

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

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



- 3.7 In order for the Kirkham-Newton AoS to be justified, it is considered necessary for the Council to consider the extent in more detail than has been done within the ASBP. Something akin to a Landscape and Visual Impact Assessment of the proposed AoS should have been undertaken. It is considered that this would have demonstrated that individual land parcels within the proposed AoS, such as the land off Woodlands Close, are not necessary to ensure that there would be no impression given of Newton and Kirkham merging or the sense of leaving Newton and entering Kirkham being diminished.
- 3.8 Furthermore, it is of note that the Council's LSoC for appeal 3166394 makes reference to there having "*been several planning enquiries regarding development on land in this area*" (para. 7.5) but no applications have been submitted other than that for land off Woodlands Close. Upon inspection of aerial imagery<sup>7</sup>, it is evident that very little development has taken place within the proposed AoS since the current LP was adopted despite FBC having operated in the absence of a 5-year supply and an out of date LP for a number of years. This suggests that the existing policies are sufficient and that policy GD3 is not necessary.

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

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

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

- 3.10 The first part of the third paragraph of policy GD3 allows for development to be approved, depending on an assessment of its impact upon the AoS; the second part of the third paragraph permits extensions to dwellings (potentially with no assessment); the third part does not permit dwellings within the curtilages of existing homes and it appears as though this would be the case even if the impact on the AoS were acceptable.
- 3.11 The policy could be read as meaning that any development might be permissible, other than new dwellings within the curtilage of existing dwellings, provided the impact on the AoS is acceptable. But it is likely to be read as meaning no new dwellings will be

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

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

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

## 4 Matter 8 – The Environment

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

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

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

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

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



## 5 Conclusions

5.1 This RS has demonstrated that:

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



**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



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**Mr Andrew Stell**

Development Management  
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The Town Hall  
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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 letter<sup>1</sup>, 15% of 350 dwellings is only 53 dwellings. As we discussed, significant up-front infrastructure costs will be incurred by any prospective developer of this site because of the:

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

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

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

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

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

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

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

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

### **Preston Western Distributor Road**

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

### **Summary and Conclusions**

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

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

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

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

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

I look forward to hearing from you.

Yours sincerely,

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





**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

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## Contents

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

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



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## 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.

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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

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***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.

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## Criteria for the Assessment of Landscape Effects

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

### *Landscape Sensitivity*

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

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

### *Magnitude*

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

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

Category	Description
Major adverse landscape impact	The proposals will be at total variance with the landscape character, landform, scale, pattern and features of the landscape.
Moderate adverse landscape impact	The proposals will be clearly at odds with the landscape character, landform, scale, pattern and features of the landscape.
Slight adverse landscape impact	, 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.

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## Landscape Effects

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

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## 8. Summary and Conclusions

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

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

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

Hi Rob,

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

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

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

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

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

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

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

Thanks,  
 Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



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## Appeal Decision

Inquiry opened on 23 April 2014

Site visit made on 29 April 2014

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

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

**Decision date: 12 June 2014**

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

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

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

### Procedural matters

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

### Decision

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

### Main Issue

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

## Reasons

### *Suitable location for housing*

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

### *Housing land supply*

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



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

## PHOTOGRAPHS

- 1 Aerial photograph showing distances between Grimsargh and Preston

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### Schedule of Conditions

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

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

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



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

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

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

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

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

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

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

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





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)

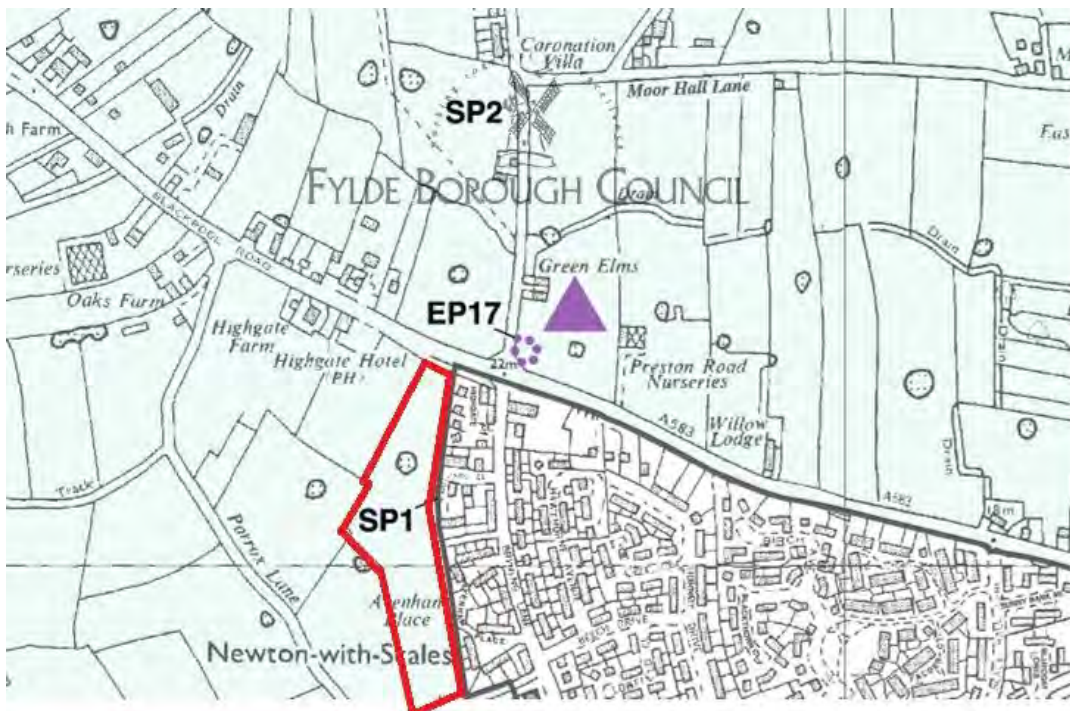


Figure 3: Extract from the Local Plan Proposal Map, indicating the Boundaries of the Appeal Site

- 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 – 29<sup>th</sup> March 2017, with Stage 2 Hearings currently scheduled for 20 – 29<sup>th</sup> June 2017. As an emerging document, its policies should be attributed weight in the determination of planning applications. The weight to be applied is for decision maker to determine. This is further explored at Chapter 4.



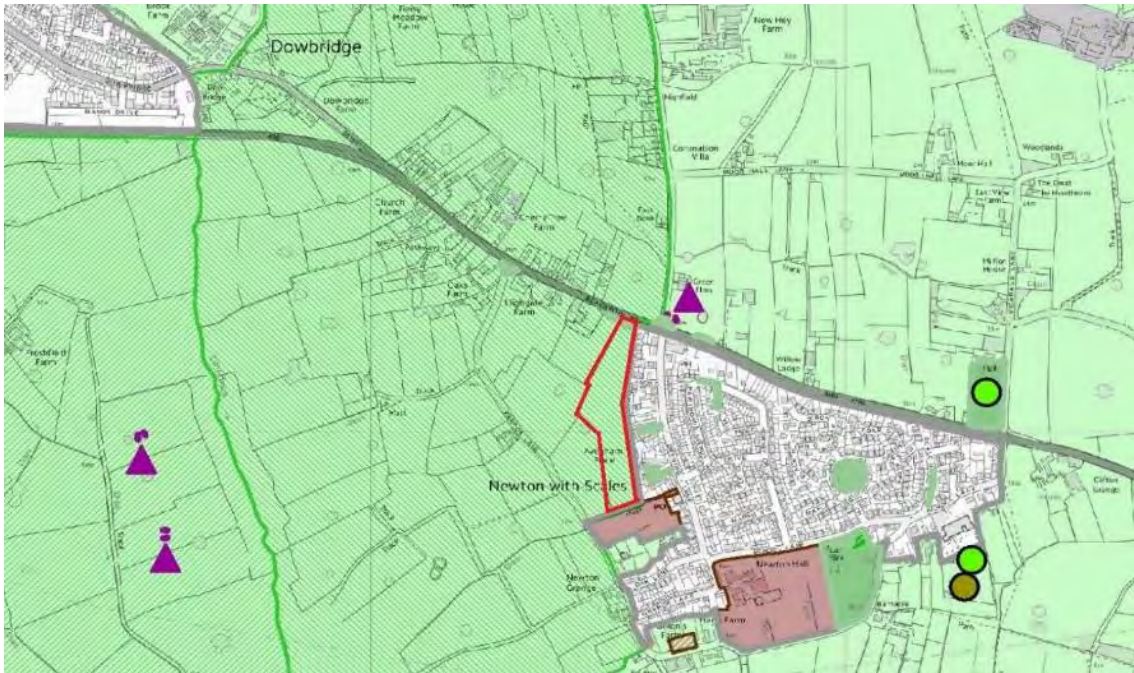


Figure 4: Extract from the emerging Local Plan Proposals Map, indicating the Boundaries of the Appeal Site

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

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

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

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

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

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

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

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

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

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



## 4. Other Material Considerations

### National Planning Policy Framework (NPPF)

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

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

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

Area of Separation Background Paper (November 2014)

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

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

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

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

#### Relevant Appeal Decisions

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

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

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

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



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

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



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

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

Land off Dowbridge, Kirkham

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

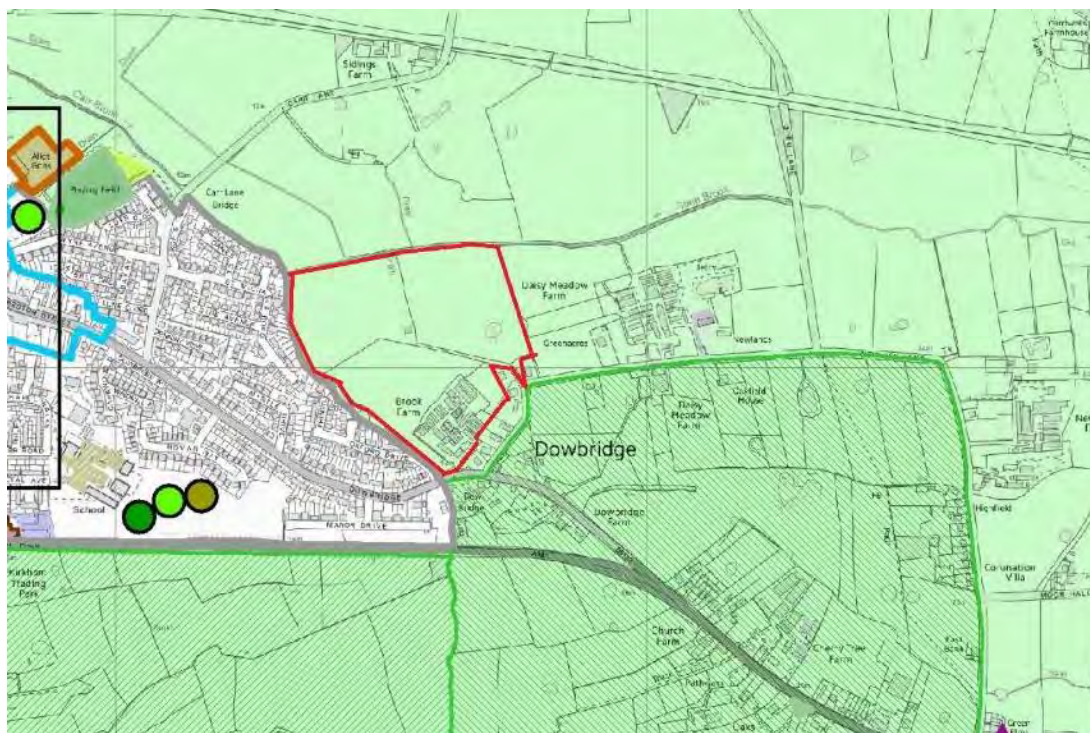


Figure 6: Extract from the Proposals Map which accompanies the eLP, showing the Land off Dowbridge, Kirkham outside of the area identified as part of an Area of Separation

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

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

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

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

LPA’s Landscape Statement of Case

- 4.23 In light of the current planning appeal, the Landscape and Urban Design Officer for Fylde Borough Council has prepared a Landscape Statement of Case which has been submitted alongside this document. The position of this Officer of the Council was vacant during the period over which the application for outline consent was determined and thus, no previous comment was made by the in-house consultee.
- 4.24 Whilst it is not necessary to repeat all of the Landscape Statement of Case here, the Landscape and Urban Design Officer disagrees with the Appellant’s assessment and highlights three areas of concern:
- i. The impact of the proposed scheme on the skyline and setting of Newton from the north and west;
  - ii. The loss of the green gap of open countryside and ancient enclosure immediately to the west of the village; and
  - iii. The change to the landscape character resulting from the development proposals.
- 4.25 The Landscape Statement of Case for the LPA moreover highlights the sensitivity of the land being pursued as an Area of Separation within the eLP and the intended function of emerging policies to prevent the coalescence of the urban area between Newton and Kirkham.

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

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

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

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

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

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

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

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



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

### Other Considerations

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

### Conditions

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

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



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# Appeal Decision

Site visit made on 25 February 2014

**by David Richards BSocSci Dip TP MRTPI**

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

**Decision date: 16 April 2014**

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

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

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

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

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## Application for costs

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

## Procedural matters

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

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

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

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

## **Main Issues**

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

## **Reasons**

### *Policy*

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

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

### *Housing Land Supply*

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

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

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

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

<sup>3</sup> 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013  
<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

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

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

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

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

### *Sustainability*

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



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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





# Fylde Council Local Plan to 2032

FYLDE BOROUGH COUNCIL STATEMENT

**MATTER 6**

**GENERAL DEVELOPMENT**

**Stage 2 Hearing Sessions**

June 2017





## Contents

Matter 6	General Development	Page
<i>Issue – 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?</i>		
23.	Does the Plan overall take adequate account of shale gas exploration, production and distribution?	7
24.	Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?	9
<u>Policies M1</u>		
25.	<p>Policy M1 requires ‘each allocated site’ within the Strategic Locations for Development (SLD) to produce a masterplan and design code, to be approved by the Council and turned into SPDs.</p> <p>a. Is the policy justified and consistent with national policy?</p> <p>b. Have the timescales for producing masterplans and design codes for each allocated site been taken into account in considering the timescales for site delivery? Are there any implications for the housing trajectory?</p> <p>c. Is the policy consistent with the wording set out in Policies SL1-SL4 regarding masterplans and design codes?</p>	9
<u>Policy GD1 – Settlement boundaries</u>		
26.	Policy GD1 refers to development being focussed on previously developed land within and immediately abutting the existing settlements. Does this relate to allocated sites and if so are settlement boundaries drawn around them? Are the boundaries around each settlement justified?	11
27.	Will some settlement boundaries be determined through Neighbourhood Plans? If so, does this need to be referenced in GD1?	13
28.	The policy refers to ‘settlement development targets’. Is this appropriate and consistent with national policy?	13

29.	Is it necessary to refer to agricultural land within a settlement boundary policy?	14
30.	In relation to greenfield land within settlement boundaries paragraph 8.3 lists other matters that will be taken into consideration when considering development proposals. Should these matters be included in the policy? Would this be justified?	14
<u>Policy GD2 – Green Belt</u>		
31.	The policy states that national guidance for development in the Green Belt will be applied. Should this refer to national policy rather than guidance and include reference to other policies in the Plan including GD4, GD5, H6 and H7? Does the plan clearly set out how development in the Green Belt will be assessed?	14
32.	Paragraph 8.6 of the justification text states that no review of the Green Belt has been undertaken, but minor alterations of the Green Belt may be required to accommodate the boundaries of some site allocations or to amend minor anomalies. Paragraph 8.7 also refers to boundary changes. What are the details of these changes and are they consistent with paragraph 83 of the Framework which states that Green Belt boundaries should only be altered in exceptional circumstances?	15
33.	Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate except for the development types listed. Other forms of development are also not inappropriate and these are listed in paragraph 90. Paragraph 88 clearly states that ‘very special circumstances’ will not exist unless harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Does paragraph 8.7 of the Plan accurately reflect the Framework in relation to very special circumstances?	16

Policy GD3 – Areas of Separation

34.	<p>Two Areas of Separation are proposed within the plan.</p> <p>a. Are the areas of separation justified and is the policy consistent with the Framework?</p> <p>b. How have the boundaries been determined and will they be effective?</p> <p>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 development proposals be assessed?</p>	16
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Policies GD4 and GD5 – Development in the countryside

35.	Do Policies GD4 and GD5 apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policy? Are the policies justified and consistent with national policy?	20
36.	Are both policies consistent with Policy S1 which includes allowing ‘minor infill development’ within rural areas?	20
37.	Is reference within Policy GD4c to ‘minor extensions’ to existing homes and other buildings appropriate and justified? Is it consistent with national policy?	21
38.	Paragraph 8.14 which relates to Policy GD5 refers to Policy GD4. Is this correct?	21
39.	Is it clear in GD5 what is meant by ‘large developed sites’?	21
40.	Should reference be made to the NDA redundant facilities site at Springfield within Policy GD5? Can the Council clarify why redundant farms, holiday caravan parks and sites are excluded from the policy?	22
41.	Policy GD5 promotes mixed use development on large developed sites in the countryside. Is the policy sufficiently clear about the mix of uses that would be acceptable on such sites?	22

<u>Policy GD6 – Promoting Mixed Use Development</u>		
42.	The policy appears to only refer to strategic sites. Is this correct and if so is this consistent with other policies including GD5?	22
43.	Paragraph 8.19 refers to categories set out in Policy GD6. Can the Council clarify what this means?	23
44.	Is the policy sufficiently clear about the mix of uses that would be acceptable on sites?	23
<u>Policy GD7 – Achieving Good Design in Development</u>		
45.	Do the various criteria, particularly under the section on general principles of good design, provide a clear indication of how a decision maker should react to development proposals? Are the requirements justified?	24
46.	The Ministerial Statement (MS) of 25 March 2015 set out a new approach for the setting of technical standards for new housing comprising new additional Building Regulations on water and access and a new national space standard. The MS states that <i>'the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and where the impact on viability has been considered ...'</i> . Policy GD7 requires all new homes to <i>'comply with all relevant design and quality codes in the National Technical Standards'</i> . Is this approach justified and based on robust evidence of identified need? Has the impact of applying these standards on viability and land supply been considered? (Also refer to Policy H2)	24
47.	The policy includes reference to advertisements. Is the policy adequate in this regard taking into account that the Advertisement Regulations state that "A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety"?	25
Appendix 1	Map Showing Green Belt Amendment	Separately

## Matter 6 – General Development

### *Issue – 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?*

vi.i The Local Plan Development Strategy (Chapter 6), and the Local Plan as a whole, including the Development Management policies does provide a robust framework for the management and delivery of development across the Borough that is justified, effective and consistent with national policy.

vi.ii The Fylde Local Plan will promote the delivery of sustainable development to provide for new homes, employment, services, tourism, renewable energy and the infrastructure that supports them. It plans to deliver a minimum of 8,715 new homes and a minimum of 62.6 Ha (gross requirement) of employment land over the plan period to 31 March 2032. Eighty percent of the new homes and 59.6Ha of the new employment land will be at the four strategic locations for development as prescribed in Policy DLF1. Development of the strategic sites at these locations is key to ensuring that the development strategy is achieved.

vi.iii The Development Strategy and the Development Management policies have been refined through the consideration of Issues and Options, a Preferred Option and a Revised Preferred Option. At each stage of plan production, Sustainability Appraisal, evidence base updates and responses to the consultations have been used to refine the Local Plan. More recently, evidence base updates, with respect the economy and the 2014SNHP, have been used to further refine the Development Strategy.

vi.iv The Development Strategy is deliverable over the plan period, most of the development sites are commitments, and many are under construction, the trajectory sets out in detail when housing development will be delivered. Effective Joint Working has taken place with Blackpool, Wyre, Preston and Lancashire County Council’s and the statutory Duty to Cooperate has been met.

vi.v The policies of the Fylde Local Plan will deliver sustainable development in accordance with the policies in the Framework.

## **23. Does the Plan overall take adequate account of shale gas exploration, production and distribution?**

23.1 Lancashire County Council is the Minerals and Waste Planning Authority in Fylde and has responsibility for identifying sites and policies for minerals and waste development in Lancashire within the Joint Minerals and Waste Local Plan.

- 23.2 Paragraph 147 of the Framework states that Minerals planning authorities should also:
- *When planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration.*
- 23.3 Paragraphs 150 – 185 of the Framework, Plan-Making Local Plans do not refer to on-shore oil and gas development, including unconventional hydrocarbons.
- 23.4 The Minerals Planning Authority(LCC) have been consulted on the Fylde Local Plan and have not requested that any policy or additional wording be included.
- 23.5 Fylde Council Officers hold regular Duty to Cooperate meetings with Lancashire County Council and the other Fylde Coast Authorities. Updates on the Minerals and Waste Local Plan are provided. On the 5<sup>th</sup> May 2017 LCC advised that they are going to consult over the summer on the Minerals and Waste Local Plan update, this Minerals and Waste Local Plan will include Onshore Oil and Gas Production and Distribution. Fylde Council is consulted by LCC on planning applications for ‘fracking’ as a statutory consultee.
- 23.6 Shale Gas exploration, production and distribution are referred to in paragraphs 1.52 and 1.53 of the Local Plan. The impacts of Shale Gas exploration are unknown. There are counter arguments for and against shale gas exploration. The industry is still in a pre-exploration phase.
- 23.7 The Council has supported the development of the Fylde Coast Energy Hub which has been constructed at Blackpool Airport, the main objective being to support the development of a diverse Fylde Coast Energy Sector. The building is occupied and courses to provide job-ready students in engineering and advanced technology will commence in September (paragraph 9.7 of the Local Plan).
- 23.8 If a shale gas production industry is developed in Fylde, the Council acknowledges it will need to monitor any effects of the developing industry and to consider the implications for the Local Plan.
- 23.9 In order to provide clarity and update the plan with respect to shale gas exploration, production and distribution paragraph 1.53 should be deleted and replaced with:

*“Lancashire County Council continue to work on a Minerals and Waste Local Plan for Lancashire which will include Onshore Oil and Gas Exploration, Production and Distribution. The industry is still in a pre-exploration phase. If a shale gas production industry is developed in Fylde, the Council acknowledges it will need to monitor the scale and rate of shale gas development via the Authority Monitoring Report and review any cumulative impacts..”*



**24. Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?**

24.1 Policies M1 Masterplanning the Strategic Locations for Development, Policy GD6 Promoting Mixed Use Development, Policy GD7 Achieving Good Design in Development, Policy HW1 Health and Well Being, Policy HW2 Community Facilities, Policy HW3 Protection and Provision of Indoor and Outdoor Sports Facilities, T4 Enhancing Sustainable Transport, Policy ENV3 Protecting Existing Open Space (the Green Infrastructure network), Policy ENV4 Provision of New Open Space (the Green Infrastructure network) Policy ENV5 Historic Environment and Policy T4 Enhancing Sustainable Transport Choice are all relevant to paragraphs 57, 58, 61 and 69 of the Framework.

24.2 However, in order to provide greater emphasis on inclusive design and accessible environments the Council suggests the following modifications to Policy GD7. A new criterion should be added at the beginning of GD7.

- a. *In order to promote community cohesion and inclusivity, new development will be expected to deliver mixed uses, strong neighbourhood centres and active street frontages which bring together all those who live, work and play in the vicinity.*

It is proposed that the criterion j of policy GD7 is amended to as follows:

- j. Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycle ways and open spaces, ~~are of high quality and respect the character of the site and local area~~ create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.*

Also that Criterion k is amended as follows:

- k. ~~Creating safe and secure environments that minimise opportunity for crime and maximise natural surveillance~~ and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.*

**Policy M1**

**25. Policy M1 requires 'each allocated site' within the Strategic Locations for Development (SLD) to produce a masterplan and design code, to be approved by the Council and turned into SPDs.**

**a. Is the policy justified and consistent with national policy?**

25a.1 The Council considers the Policy to be justified, it is the most appropriate strategy, and is preferable to not taking a comprehensive approach. It is justified because some the strategic sites at the Strategic Locations for Development were being developed by a number of developers and the Council wanted a comprehensive approach to masterplanning the site as whole, rather than piecemeal uncoordinated development e.g. Land north of Blackpool Road, Kirkham.

25a.2 Paragraphs 17, 38, 52, 58, 59, 69 and 70 of the Framework relate to planning for larger scale development, such as extensions to existing villages and towns, in order to provide sustainable development.

25a.3 The Council is still of the opinion that this is crucial for the strategic development sites where more than one developer may be involved and there is therefore a risk that a comprehensive approach may not be taken.

25a.4 However, the Council agrees that the policy should be clarified by the addition of a threshold:

**Policy M1**

**Masterplanning the Strategic Locations for Development**

*Masterplans and Design codes will be prepared by the prospective developers, with the approval of the Council for each ~~allocation site~~ strategic development site (+100 dwellings) within the Strategic Locations for Development .....*

**b. Have the timescales for producing masterplans and design codes for each allocated site been taken into account in considering the timescales for site delivery? Are there any implications for the housing trajectory?**

25b.1 There have been delays in local plan production, and nearly all of the strategic development sites at the strategic locations for development have planning permission. The only sites which do not have full planning permission are Whyndyke Farm MUS2, which has an outline consent with 106 waiting to be signed. This site is part of the Governments Healthy New Town initiative and is being progressed by a team within the Council. Also Cropper Road West, Whitehills HSS5, this site is not projected to commence until 2020/21, it is in multiple ownership and includes a local centre therefore it should be comprehensively masterplanned.

25b.2 Design and Access statements are required to be submitted in support of any planning application for major development. Such statements will need to demonstrate how the provisions of policy M1 have been considered in the formulation of the development proposal. .

25b.3 The Council concludes that the requirement for masterplans/design codes will not impact on site delivery. Therefore, there are no implications for the Housing Trajectory.

**c. Is the policy consistent with the wording set out in Policies SL1-SL4 regarding masterplans and design codes?**

25c.1 The policy is consistent with the wording set out in Policies SL1-SL4 regarding masterplans and design codes. However, for clarification the wording below Policies SL1-SL4 should be modified to include the threshold in the Policy:

***Policies SL1-SL4***

*Masterplans and approved design codes for each ~~specific strategic development~~ site (+100 dwellings) listed above (where they do not have planning permission) within ...*

**Policy GD1 - Settlement boundaries**

**26. Policy GD1 refers to development being focussed on previously developed land within and immediately abutting the existing settlements. Does this relate to allocated sites and if so are settlement boundaries drawn around them? Are the boundaries around each settlement justified?**

26.1 This does relate to allocated sites, though most of them are greenfield sites and most of them have planning permission. All allocated sites are within the settlement boundary as illustrated by the Fylde Local Plan to 2032 Policies Map SD002a. The last sentence of paragraph 8.1 explains that where strategic and non-strategic sites are allocated adjacent to existing settlements, forming urban extensions – the boundaries have been amended on the **Policies Map** so as to include them within the settlement boundary.

26.2 The Council agrees that the policy could be made clearer by the following modification:

***Policy GD1 Settlement Boundaries***

*The boundaries of settlements in Fylde are shown on the **Policies Map**. ~~Development will be focussed on previously developed land within and immediately abutting the existing settlements subject to other relevant Local Plan policies being satisfied.~~*

*Development proposals outside settlement boundaries will be in accordance with GD2, GD3 and GD4, except where alternative settlement boundaries have been agreed in a Neighbourhood Plan.*

Development proposals on greenfield sites within existing settlement boundaries will be assessed against all relevant Local Plan policies. In addition, the following matters will be taken into consideration:

- a) The sustainability of the site, namely how well it relates to the settlement, and how easy it is to access the settlement centre and other local services on foot or by sustainable modes of transport;
- b) The extent of, and the likely impact upon the site's visual, amenity, leisure, recreational, biodiversity value, tree cover; and the scope for effective mitigation measures;
- c) ~~Whether the site includes any best and most versatile agricultural land, and if so, whether the proposed development can be configured to minimise the loss or sterilisation of the agricultural land. The best and most versatile agricultural land is a finite resource. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality. That the layout of the site ensures that sterilisation of adjacent agricultural land does not occur;~~
- d) Whether the site includes any mineral safeguarding area, and if so, whether the proposed development can be configured to minimise the loss or sterilisation of the mineral resource;
- e) Whether the proposal is at risk of flooding and / or will result in an increase in surface water run-off. This will be expected to be investigated and confirmed as part of any planning application submission. It will be necessary to attenuate any discharge of surface water through the incorporation of sustainable drainage systems (SuDS). The preference will be for no surface water to discharge to the public sewer, directly or indirectly, if more sustainable alternatives are available.
- f) The cumulative impact of successive development proposals in the same settlement, or in the same part of a settlement;
- g) The scope for provision of community facilities, general improvements to the locality, or other community benefits;
- h) The historic environment with particular reference to the contribution the site makes to the character and setting of the local area.

~~Development proposals on greenfield sites within or immediately abutting the existing settlements' boundaries will be assessed against all relevant Local Plan policies, including but not limited to, policies on the settlements' development targets, infrastructure, open and recreational space, the historic environment, nature conservation, mineral safeguarding, flood risk, as well as any land designations or allocations.~~

~~The significant loss of the best and most versatile agricultural land will be resisted unless it is necessary to deliver development allocated in the Local Plan, or for strategic infrastructure.~~

26.3 See also the response to question 30 which addresses the inclusion of the list of criteria (a-h).

26.4 The settlement boundaries defined by the Fylde Local Plan Policies Map have been derived by the plan making process and are the most appropriate strategy when considered against the alternatives, based on proportionate evidence. Therefore, the boundaries around each settlement are justified.

**27. Will some settlement boundaries be determined through Neighbourhood Plans? If so, does this need to be referenced in GD1?**

27.1 At the time of writing no settlement boundaries have been altered by Neighbourhood Plans, however, the settlement boundary of Elswick may be altered by a Neighbourhood Plan, which is still in very early stages of production. For clarity a reference has been included in GD1 – see the response to question 26.

**28. The policy refers to ‘settlement development targets’. Is this appropriate and consistent with national policy?**

28.1 The Council considers that this is appropriate and consistent with national policy. The Council sets out the Development Strategy in Chapter 6 with Policy S1 defining The Proposed Settlement Hierarchy. The policy describes the roles of the settlements, their services and the types and scale of development that is expected to take place over the plan period. This overall strategy has been subject to sustainability appraisal at every stage of plan production, the overall objective being that of ‘sustainable development’ as defined by the NPPF.

28.2 This is further refined in Policy DLF1 which sets out the percentages of total development that are expected to occur at the strategic locations for development. Policies SL1 – SL5 provide lists of commitments and allocations by settlement.

28.3 Paragraph 7.21 evidences the settlement development targets, the Council has prepared a Settlement Hierarchy Background Paper which assesses the level of services and facilities in each settlement. The Background Paper includes Tier 1: Larger Rural Settlements, which the Council considers could accommodate between 100 and 150 homes over the plan period and Tier 2 Smaller Rural Settlements which could accommodate 50 homes over the plan period.

28.4 The targets are ‘targets’ they are not ceilings and they reflect the Proposed Settlement Hierarchy in Policy S1, the Development Strategy set out in the revised DLF1 and Policy SL5 Development Sites outside the Strategic Locations for Development. The Council considers that it is sustainable to have targets particularly for the rural settlements, otherwise it is highly likely that while the Local Plan was being prepared the most popular villages e.g. Wrea Green would have received unsustainable amounts of development and other villages would have received very little.

28.5 The Sustainability Appraisal of the Issues and Options Local Plan recommended that a degree of rural development occurs which is more than that proposed in Options 1,2,3 and 5 but not as much as Option 4, on a small scale and to a design that reflects rural character.

**29. Is it necessary to refer to agricultural land within a settlement boundary policy?**

29.1 The Local Plan does not allocate any best and most versatile agricultural land, therefore it is agreed that this wording should be deleted from the policy.

29.2 A reference to the sterilisation of agricultural land, by for example the development of the only access into it, should be included in the policy (see the response to question 30).

**30. In relation to greenfield land within settlement boundaries paragraph 8.3 lists other matters that will be taken into consideration when considering development proposals. Should these matters be included in the policy? Would this be justified?**

30.1 For clarification, given the modification proposed to GD1, paragraph 8.3 should be deleted; however the bullets should be added to the policy as Criteria a – h, starting with the statement:

In addition, the following matters will be taken into consideration:

The third criterion should be amended to read:

- c. That the layout of the site ensures that sterilisation of adjacent agricultural land does not occur;

This is considered to be justified as these matters should all be taken into consideration when assessing development proposals.

**Policy GD2 – Green Belt**

**31. The policy states that national guidance for development in the Green Belt will be applied. Should this refer to national policy rather than guidance and include reference to other policies in the Plan including GD4, GD5, H6 and H7? Does the plan clearly set out how development in the Green Belt will be assessed?**

31.1 The policy should be amended as follows:

***Policy GD2  
Green Belt***

*The Green Belt within Fylde is shown on the Policies Map. Within that area national ~~guidance~~ policy for development in the Green Belt will be applied.*

31.2 Paragraph 1.8 of the Local Plan states:

*The Local Plan should be read as a whole and every policy and supporting justification should be considered equally together and a balanced judgement needs to be made when determining planning applications.*

Therefore, policies do not cross reference every other relevant policy.

31.3 The plan relies on the Framework which clearly sets out how development in the Green Belt will be assessed. From the PPG Paragraph: 010 Reference ID: 12-010-20140306 Revision date: 06 03 2014:

*In drafting policies the Local Planning Authority should avoid undue repetition, for example by using generic policies to set out the policies that may be common to different types of development. There should be no need to reiterate policies that are already set out in the National Planning Policy Framework.*

31.4 However, the plan should be made clearer by reference to all of the relevant policies in the Framework. This is dealt with under question 33.

**32. Paragraph 8.6 of the justification text states that no review of the Green Belt has been undertaken, but minor alterations of the Green Belt may be required to accommodate the boundaries of some site allocations or to amend minor anomalies. Paragraph 8.7 also refers to boundary changes. What are the details of these changes and are they consistent with paragraph 83 of the Framework which states that Green Belt boundaries should only be altered in exceptional circumstances?**

32.1 The only change that has been made to the Green Belts of Fylde is a single change at the Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor (site HSS4). A map showing the change is included with this response as Appendix 1.

32.2 For clarity the last sentence of paragraph 8.7 should be amended to read:

A minor change has been made to the green belt boundary at the Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor (site HSS4). The original greenbelt boundary was not a defensible boundary, it cut across the corner of the Pontins Holiday Camp and was occupied by built development including chalets, indoor leisure facilities and a Go Kart track.

The boundary has been redrafted to run around the edge of the previously developed land ( Holiday Camp) which is currently being redeveloped for housing.

**33. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate except for the development types listed. Other forms of development are also not inappropriate and these are listed in paragraph 90. Paragraph 88 clearly states that ‘very special circumstances’ will not exist unless harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Does paragraph 8.7 of the Plan accurately reflect the Framework in relation to very special circumstances?**

33.1 For clarity paragraph 8.7 should be amended:

Inappropriate development in the Green Belt will be resisted unless there are very special circumstances. Paragraphs 87 – 91 of the Framework sets out the types of development that are inappropriate in the Green Belt ~~these special circumstances~~. Policy ENV3, relating to the Green Infrastructure network Protecting Existing Open Space (the Green Infrastructure network), sets out the positive community benefits the Green Belt can provide in terms of landscape, amenity and open space.

### **Policy GD3 - Areas of Separation**

**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?**

34a.1 The Adopted Central Lancashire Core Strategy Policy 19 provides for ‘areas of separation’ to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods and to ensure that those places at greatest risk of merging are protected. For Preston, which abuts Fylde’s eastern boundary, the wording is that Areas of Separation (AoS) will be designated ‘around’ Broughton, Goosnargh and Grimsargh.

34a.2 Fylde Council discussed the purpose of AoS at Duty to Cooperate meetings with Preston and decided to investigate whether a consistent approach to that applied in Central Lancashire would be justified in Fylde.

34a.3 In 2014 Fylde Council produced an Area of Separation Background Paper ED010 pages 1-9, which sets out why the AoS are justified and how the policy is consistent with the framework.

**b. How have the boundaries been determined and will they be effective?**



34b.1 The process of determining the boundaries is described in detail in the Area of Separation Background Paper ED010 which describes how initially the AoS policy was first included in the Fylde Local Plan Part 1: Preferred Options document which was issued for consultation between the 27<sup>th</sup> June and the 22<sup>nd</sup> August 2013. There was one proposed AoS between Wrea Green and Kirkham. There were 159 representations with respect to the Policy with 12 additional areas of separation suggested at various locations throughout the Borough.

34b.2 The Council then carried out additional work and developed five sequential assessment criteria and a proforma which are included at Section 4 of the Area of Separation Background Paper. All of the proposed AoS were assessed in relation to the Criteria, and the Council's Landscape Architect carried out an Assessment of the landscape character which was added to the proformas. All of this evidence, and maps of the proposed AoS are included in Section 5 of ED010 Assessment of Suggested Areas of Separation Against Criteria. Section 6 contains a Summary of the Areas taken forward.

34b.3 The Council decided to take two AoS forward. The main purpose of an AoS is to protect the identity and local distinctiveness of certain settlements. The worthy purpose is to ensure that those places at greatest risk of merging will be prevented from doing so. The Council selected two AoS, they restrict development between Wrea Green and Kirkham, and Newton and Kirkham, the gaps between these settlements being 313m and 1014m respectively. There are significant development pressures in both areas.

34b.4 The boundaries were consulted upon at the Revised Preferred Option and Submission stages. Prior to the Revised Preferred Option consultation the boundary of the Wrea Green and Kirkham AoS was altered following an appraisal by the Council's landscape architect, a small area was removed and the boundary changed to follow the natural tree line.

34b.5 At the Revised Preferred Option stage 20 responses were received with respect to the two proposed AoS. There are summarised in the Statement of Regulation 18 Consultation (SD010) pages 668-671.

34b.6 The Council considered the responses and decided not to amend Policy GD3 or the boundaries of the two proposed AoS.

34b.7 At the Publication Stage a further 8 responses were received SD011 The Statement of Regulation 20 Consultation(Regulation 22(1)(c)(v)document) pages 80-82. There were two proposed amendments to the boundary of the Wrea Green and Kirkham AoS, the Council decided not to amend the boundary.

34b.8 The boundaries of the two AoS have been established through the collection of evidence by the Council and three successive rounds of plan making and consultation.

34b.9 Policy GD3 is considered to be effective because it restricts inappropriate development in two very small gaps between two rural settlements and the Kirkham and Wesham Strategic Location for Development. Inappropriate development in the AoS would result in the merging of Kirkham with Wrea Green and Newton, resulting in the identity and distinctiveness of Wrea Green and Newton being lost.

**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 development proposals be assessed?**

34c.1 It is considered justified to assess all forms of development in the AoS against GD3. This allows the Council to assess any form of development with respect to its harm to the effectiveness of the gap between settlements. These AoS are very narrow gaps between settlements and even very small amounts of development are likely to have a detrimental impact.

34c.2 The concept of an Area of Separation was supported in the Central Lancashire Core Strategy Examination, the Inspector referred to it having a worthy purpose to ensure that those places at greatest risk of merging will be protected from doing so. In addition the Inspector noted that in practice the Area of Separation Policy may well be more restrictive than Greenbelt. ED010 page 6.

*'95. Policy 19: Areas of Separation and Major Open Space is drafted to protect the identity and local distinctiveness of certain settlements and neighbourhoods by these two types of designation. The worthy purpose is to ensure that those places at greatest risk of merging will be protected from doing so. The Policy can be compared to green Belt policy, although the construction of new buildings for, for example, agriculture and essential facilities for sport and recreation which may be considered acceptable in a Green Belt, may not be acceptable in an Area of Separation or a Major Open Space. To that extent it would appear that Policy 19 may in practice be more restrictive than Green Belt policy.'*

34c.3 The Council considers that for the policy could be made clearer by means of the following modification, if considered necessary:

### **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 the coalescence of two distinct and separate settlements.~~

~~Areas of Separation identified on the Policies Map are designated to avoid coalescence and to main the character and distinctiveness of the following settlements:~~

Areas of Separation shown on the Policies Map are designated between

- 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 effectiveness of the gap ~~openness of the land~~ between the 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 of Separation. No new homes will be permitted within the curtilage of existing homes in the Area of Separation.~~~~

The final paragraph of Policy GD3 should be included as an additional paragraph to the justification.

34c.4 For clarity the final sentence of Paragraph 8.10 should be deleted.

~~The policy will apply to all forms of development in these two areas.~~

34c.5 It is considered that the amendments to the policy allow the decision maker to assess any type of development in relation to its impact on the function of the AoS(s). The Glossary to the plan (p192) includes reference to Areas of Separation, including that development in these areas will be restricted to that appropriate within an area of Green Belt. Inappropriate development is not defined by the Policy, it will be for the decision maker to assess whether or not development is inappropriate and this will depend upon its degree of harm to the effectiveness of the gap between settlements.

34c.6 Development proposals will be assessed upon their degree of harm to the effectiveness of the gap between settlements. The Council's Landscape Architect will assist the Council's Development Management officers by providing an assessment which can then be used in the determination of planning applications.

### **Policies GD4 and GD5 – Development in the countryside**

#### **35. Do Policies GD4 and GD5 apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policy? Are the policies justified and consistent with national policy?**

35.1 The countryside area on the policies map, relating to Policy GD4, is shown as green colouring. The Areas of Separation (GD3) and Green Belt (GD2) are shown by different forms of hatching applied over this green. Therefore, where Policies GD5 or GD6 apply, Policy GD4 also applies and Policy GD5 also applies where such sites described in the policy occur.

35.2 Although reference could be made additionally to Green Belt and Areas of Separation within the policy, it is considered that this could result in confusion, as the particular requirements for development in the Green Belt and Areas of Separation are covered in separate policies GD2 and GD3; these would then have to be cross-referred. The plan has been written to be read as a whole, avoiding widespread cross-referral between policies, for the sake of the clarity of the individual policies.

35.3 Policy GD4 is intended to limit development outside defined areas and allocated sites. The purpose of the policy is to direct development away from countryside areas to the more suitable locations that have been provided in the plan, in order to prevent profligate use of land and to protect the countryside for its intrinsic benefits including its use for agriculture, its provision of ecological networks and its intrinsic character. This is in accordance with the core planning principles of paragraph 17, and within paragraphs 54 and 55 of the Framework.

35.4 Policy GD5 is necessary because in its absence, in the event of one of the sites becoming available, there would be the potential for piecemeal development. This could nevertheless be difficult to resist on a previously-developed site, even though it would fail to develop the site sustainably or to develop the site as a whole to best advantage. The criteria therefore reflect the locations of the sites within the countryside and the sensitivity that results, the importance of a comprehensive scheme for the redevelopment of a site, and the need to promote sustainable development in a countryside location.

#### **36. Are both policies consistent with Policy S1 which includes allowing ‘minor infill development’ within rural areas?**

36.1 Policy S1 provides a very brief outline of development acceptable outside settlements within the settlement hierarchy in the plan. To an extent this goes over the same ground as Policy GD4, which sets out what is acceptable but in more detail. However, Policy GD4 omits the reference to minor infill development.

36.2 It is considered that the reference to minor infill development in rural areas is necessary in order to ensure consistency with national guidance that all settlements can play a role in delivering sustainable development in rural areas. Clarification could be achieved if necessary by replacing the wording “except where development involves a like-for-like re-development of an existing property, the appropriate re-use of an existing building or minor infill development” in Policy S1 by “except where development is allowed by Policy GD4”, and adding an additional criterion “f. minor infill development” to Policy GD4.

**37. Is reference within Policy GD4c to ‘minor extensions’ to existing homes and other buildings appropriate and justified? Is it consistent with national policy?**

37.1 The issue of the scale of extensions to homes in the countryside is dealt with principally by Policy H7, which allows extensions resulting up to a 33% increase in relation to the ground floor area of the original home. The reference to minor extensions within Policy GD4 is therefore consistent with the more specific policy H7. The specific justification is set out in the Council’s response to question 22 of these Stage 2 MIQs.

**38. Paragraph 8.14 which relates to Policy GD5 refers to Policy GD4. Is this correct?**

38.1 The reference to Policy GD4 in paragraph 8.14 is an attempt to cross-refer Policy GD4, as the sites concerned are all covered by the countryside area defined by Policy GD4. However, the effect of policy GD5 is to provide different policy requirements from those generally required in the countryside under Policy GD4, for the specific type of site described in Policy GD5. The cross-reference is therefore not really appropriate, and for clarity the reference to GD4 in the paragraph could be directly replaced by reference to GD5, i.e. the policy itself.

**39. Is it clear in GD5 what is meant by ‘large developed sites’?**

39.1 The policy is defined essentially by the sites that are listed. These are large sites located within the countryside area, that in the event that one of them came forward for redevelopment, would represent a substantial previously-developed site detached from any settlement. Redevelopment of such a site would constitute strategic amounts of development.

**40. Should reference be made to the NDA redundant facilities site at Springfield within Policy GD5? Can the Council clarify why redundant farms, holiday caravan parks and sites are excluded from the policy?**

40.1 The policy is written to provide a framework within which any of the sites listed could be considered if it arose. In respect of the Westinghouse Springfields site although it is acknowledged that the site is undergoing progressive decommissioning, activities that constitute the original use remain ongoing. The policy does not apply to development connected with the site's existing use, including the decommissioning of the existing use, rather, it applies to a situation when portions of the site are to be redeveloped for new uses.

40.2 Farms and holiday caravan parks, generally, have smaller amounts and extent of permanent built development than the examples listed. On the basis that presumption exists for like-for-like quantities, extent and scale of permanent built development, the sites listed would require very careful planning as redevelopment would result in strategic amounts of development. Smaller sites can be dealt with suitably through the other policies of the plan.

**41. Policy GD5 promotes mixed use development on large developed sites in the countryside. Is the policy sufficiently clear about the mix of uses that would be acceptable on such sites?**

41.1 Because the nature of the sites that fall within the scope of the policy vary greatly, in particular the existing structures but also their suitability for different subsequent uses, the likely mix of uses that are suitable for the site may vary. Nevertheless, the size of sites will mean that a mix of uses will be necessary in order to ensure that the site is redeveloped sustainably. It is not considered practical to make detailed specifications within the policy concerning the mix; rather, this could be dealt with by means of a development brief, once it be known that a site would be coming forward.

**Policy GD6 – Promoting Mixed Use Development**

**42. The policy appears to only refer to strategic sites. Is this correct and if so is this consistent with other policies including GD5?**

42.1 The policy is intended to stress the importance of mixed-use development on strategic sites, and more widely in strategic locations, but is not intended to exclude encouragement of mixed use on any site where appropriate. For clarity and to make the policy effective, if considered necessary, it could be amended to state:

“Mixed use development will be encouraged, particularly on strategic sites, in order to provide...”

**43. Paragraph 8.19 refers to categories set out in Policy GD6. Can the Council clarify what this means?**

43.1 Policy GD6 explains where mixed –use development will particularly be promoted. Categories a. b. and c. of the policy provide a mixture of types of situation for mixed-use development and a criterion for its acceptability. To provide clarity, some revised wording is provided below under question 44, which clearly separates the categories of situation where mixed-use development will be sought, from the requirement at the end that mixed-use development does not undermine housing delivery.

**44. Is the policy sufficiently clear about the mix of uses that would be acceptable on sites?**

44.1 The policy will apply to a wide range of sites, of varying sizes. The mix of uses that are likely to be suitable for individual sites will vary. It is therefore not considered practical to make detailed specifications within the policy concerning the mix.

44.2 The policy states that the element of mixed use development will depend on the particular site and the character of the surrounding area. This responsiveness to the circumstances and flexibility in the policy are considered essential for the effectiveness of the policy.

44.3 The policy states that its intention is to provide local retail centres and access to employment, commercial, leisure, community and recreational opportunities close to where people live and work. It is implicit in this that those uses would be possible within the mix, and it is also implicit that these could be mixed with residential. However, be it considered that this needs to be explicit in order to be effective, and to remove some superfluous elements, the policy could be modified as follows:

Mixed use development will be encouraged, particularly on strategic sites, ~~in order to provide.~~ The mix of uses could include local retail centres, and access to employment, commercial, leisure, community and recreational opportunities close to where people live and work uses as well as residential. ~~New businesses will be encouraged to locate within settlements and on redeveloped sites. Community facilities should be multi-functional – this could include areas for skills training programmes. Local businesses should be encouraged to provide training or apprenticeships to local people.~~ The element of mixed use development will depend on the particular site and the character of the surrounding area.

Mixed use development will be promoted where the following apply:

- a. An area within which the scale and character of uses is such that no single land use predominates. Residential, retailing, business, health, community, educational facilities, recreation, sport, open space and industrial uses may all be represented;
- b. Where residential and commercial uses can be integrated within the same unit, creating flexible working practices and live / work units, or opportunities for home working;  
or-
- c. On Strategic Development Sites MUS1, MUS2, MUS3 and MUS4, and on other Strategic Development Sites where appropriate.
- e. —Mixed use development would be supported providing it does not undermine housing delivery.

### **Policy GD7 – Achieving Good Design in Development**

#### **45. Do the various criteria, particularly under the section on general principles of good design, provide a clear indication of how a decision maker should react to development proposals? Are the requirements justified?**

45.1 The policy requires development proposals to adhere to a series of design principles the general principles being labelled a. to m. The introductory text introduces the principles by the phrase “including the following:”. The significance of the individual principles would be clearer if this were to become “including each of the following requirements:” Each principle is written in the form, for example, “a. Ensuring...”. Although this could be replaced in each principle by, for example “a. Developers must ensure”, this is considered an unnecessarily pointed means of expressing what is clear through the current wording.

45.2 The Framework (paragraph 56 and onwards) places great importance on the design of the built environment, and requires Local Plans to include robust and comprehensive policies to set out what is expected. Policy GD7 provides design principles that should be adhered to. These are all well-understood planning principles, that have been subject to refinement over several rounds of public consultation. It is intended that the Council will produce a Good Design SPD, to provide further detail on the application of the policy where needed.

**46. The Ministerial Statement (MS) of 25 March 2015 set out a new approach for the setting of technical standards for new housing comprising new additional Building Regulations on water and access and a new national space standard. The MS states that *‘the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and where the impact on viability has been considered ...’*. Policy GD7 requires all new homes to *‘comply with all***



***relevant design and quality codes in the National Technical Standards'. Is this approach justified and based on robust evidence of identified need? Has the impact of applying these standards on viability and land supply been considered? (Also refer to Policy H2)***

46.1 The requirement in Policy GD7 for developments to comply with all design and quality codes in the National Technical Standards does not imply requirement to meet the requirements of any of the new optional standards. Rather, it writes into Local Plan policy the requirement for compliance with the mandatory standards, in line with the Building Regulations.

**47. The policy includes reference to advertisements. Is the policy adequate in this regard taking into account that the Advertisement Regulations state that “A local planning authority shall exercise its powers under these Regulations in the interests of *amenity and public safety*”?**

47.1 The criterion w. of Policy GD7, which refers to advertisements, considers the particular potential effects of advertisements on amenity, reflecting particularly the presence of sensitive town centres and sea-front locations within the borough, where poorly-considered advertisements could have severe adverse effects. In respect of public safety, the criterion p. of Policy GD7 satisfactorily addresses this issue for all types of development.

# Fylde Council Stage 2 MIQs

## Matter 6

### Appendix 1

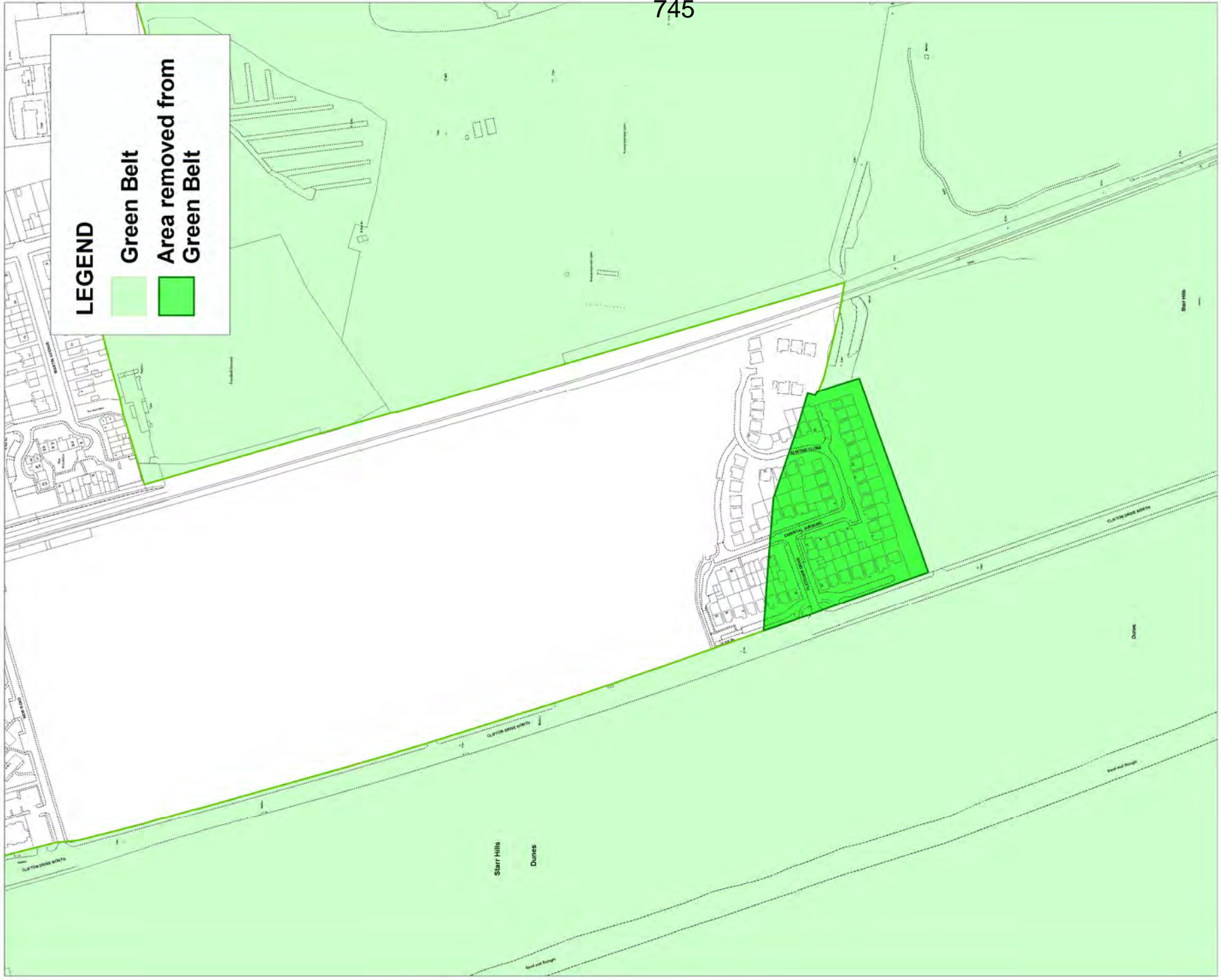
## Map Showing Green Belt Amendment



745

**LEGEND**

-  Green Belt
-  Area removed from Green Belt



Scale 1:4000

Policy GD2 Green Belt - Minor Modification to Green Belt Boundary at Pontins, Lytham St Annes



# Fylde Council Local Plan to 2032

FYLDE BOROUGH COUNCIL STATEMENT

**MATTER 8**

**THE ENVIRONMENT**

**Stage 2 Hearing Sessions**

June 2017





## Contents

Matter 8	The Environment	Page
<i>Issue – 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?</i>		
<u>Policies ENV1 – ENV2 – Landscape and Biodiversity</u>		
62.	Are policies ENV1 and ENV2 consistent with paragraphs 113 and 114 of the Framework?	6
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?	7
<u>Policy ENV3 – Existing Open Space</u>		
64.	It has been suggested that Policy ENV3 should also refer to the protection of open space in the countryside. Is this justified?	7
65.	Is the purpose of ENV3a and ENV3e the same? Can the Council clarify what ENV3b is trying to achieve as it is not entirely clear?	8
66.	Is the policy justified and consistent with national policy?	9
<u>Policy ENV4 – New Open Space</u>		
67.	The policy includes minimum standards for the provision of amenity open space. Are these justified and based on robust and up-to-date evidence?	9
68.	Sites of 100 houses or more are required to provide double the minimum standards. Is this justified and based on credible up-to-date evidence? Has the impact on the viability of development been taken into consideration?	10

Policy ENV5 – Historic Environment

69.	Does the policy set out a positive strategy for the conservation and enhancement of the historic environment in accordance with national policy?	11
70.	Is the policy consistent with paragraphs 132-134 of the Framework which includes making a distinction between substantial and less than substantial harm to the significance of a designated heritage asset?	11
71.	Under the section titled 'Locally important heritage assets' reference is made to development only being permitted in exceptional circumstances. Is this consistent with paragraph 135 of the Framework in relation to the significance of non-designated heritage assets?	12
72.	Does the policy promote development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework?	12

Policies CL1-CL3 – Water Management, Flooding and Renewable and Low Carbon Energy Generation

73.	Are the provisions set out in Policy CL1 justified and consistent with national policy?	13
74.	Does Policy CL2 apply to all new development? Is this justified? Is the provision of agreed discharge rates as part of any pre-application negotiations justified? Does the policy require developers to provide drainage measures beyond what is necessary for the site?	14



75.	In relation to Policy CL3: a. Does the policy provide a positive strategy for renewable and low carbon energy generation in accordance with national policy? b. Is the exclusion of onshore wind energy from Policy CL3 justified and consistent with national policy? c. Is criterion f consistent with the Framework in regards to taking account of any public benefits of renewable and low carbon energy proposals? d. Is the penultimate paragraph of the policy consistent with the Framework in its reference to Green Belt? Should this refer to very special circumstances in this context?	15
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## Matter 8 – The Environment

***Issue – 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?***

viii.i The Council considers that the Plan sets out a positively prepared strategy for the preservation and enhancement of the environment; and the management of water and flood risk; and the promotion of renewable and low carbon energy generation, which is justified, deliverable and in line with sections 10,11 and 12 of national policy contained within the Framework and corresponding PPG.

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

#### **62. Are policies ENV1 and ENV2 consistent with paragraphs 113 and 114 of the Framework?**

62.1 Yes, the Council considers that both policies ENV1 and ENV2 are consistent with Section 11 of the Framework, specifically paragraphs 113 and 114. Paragraph 113 of the Framework, states that *“local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged”*. The PPG also advises that Local Plans should include policies for the conservation and enhancement of the natural environment, including landscape. This includes the wider landscape as well as designated landscapes (para 001 Reference ID: 8-001-20140306). Policy ENV1 is a criteria based policy which seeks to protect landscapes and coastal change management areas (formally known as Areas of Open Coastline) from inappropriate development through an assessment carried out in accordance with the Lancashire Landscape Character Assessment.

62.2 Paragraph 114 of the Framework operates to advise LPAs on their strategic approach to the protection, enhancement and management of the biodiversity networks and green infrastructure. Fylde has a rich and diverse landscape, and it is important and appropriate to retain, enhance and improve the landscape where possible; Policy ENV1 will be effective in achieving this aim.

62.3 A representor has objected to the wording in Policy ENV1 namely criterion b. The Council disagrees with the representor as paragraph 17 of the Framework also states that Local Plans should *‘contribute to conserving and enhancing the natural environment’* which this policy clearly does.

62.4 Policy ENV2 seeks to protect nature conservation sites and ecological networks from inappropriate development. Policy ENV2 clearly sets out the hierarchy of nature conservation sites as specified in paragraph 113 of the Framework, covering all the relevant designations from national to local, using appropriate wording from the Framework and PPG. The policy seeks to make sure that

there is no overall loss of biodiversity and geodiversity and seeks to utilise avoidance, mitigation, compensation and offsetting strategies to avoid this.

62.5 The CPRE (Campaign to Protect Rural England), The Wildlife Trust and the MMO support the policy phrasing and Natural England has not raised any objections to wording contained in Policy ENV2. The Woodlands Trust suggested the insertion of reference specifically to ancient woodlands and veteran trees, all of which the Council have agreed with and are listed in the **SD014** Schedule of Proposed Minor Modifications document.

**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?**

63.1 No valued landscape areas have been defined to date. A significant amount of construction and development is currently taking place within the borough, including on a number of allocated sites which are already committed, this is changing the landscape significantly. The Council will commence work on a number of SPDs once the Local Plan is nearing completion. At that time, robust evidence in the form of landscape appraisals will be carried out by the Council's Landscape Architect.

#### **Policy ENV3 – Existing Open Space**

**64. It has been suggested that Policy ENV3 should also refer to the protection of open space in the countryside. Is this justified?**

64.1 The Council wishes to protect the finite supply of open space throughout the Borough. The Council has taken paragraph 74 of the Framework into account when developing Policy ENV3. Direct reference to the protection of Open Spaces within the countryside area has not been made, as Policy ENV3 refers to Open Spaces throughout the Borough including the countryside, Green Belt and urban areas, and as such the Council does not see the benefit of specifically referring to the countryside within Policy ENV3. The Framework makes no direct reference to open spaces within countryside areas and as such the Council have made no specific reference to countryside either.

64.2 The openness of the countryside is also protected by Policy GD4, which limits the types of development permissible within the countryside. Policy ENV3 is based on robust, up-to-date assessments provided by the Open Space Update Report 2016 (Ref: **ED059**), and the Playing Pitch Strategy and Action Plan and Assessment Report 2016 (Ref: **ED060** and **ED061**).

**65. Is the purpose of ENV3a and ENV3e the same? Can the Council clarify what ENV3b is trying to achieve as it is not entirely clear?**

65.1 On further review of Policy ENV3, in light of the inspector's questions, the Council suggests textual amendments to the policy as follows:

***“Policy ENV3***

***Protecting Existing Open Space (the Green Infrastructure network)***

*The existing areas of open space which are identified on the **Policies Map**, comprise the Green Infrastructure network within Fylde. The Green Infrastructure network will be protected from inappropriate development, having particular regard to the multi-functional benefits of open spaces, as follows:*

*a. Public open space (the Green Infrastructure network), including sports and playing pitches (subject to policy HW3: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless the requirements of paragraph 74 of the Framework are met and the findings of any published and adopted needs assessment are met.*

*b. Public open space (the Green Infrastructure network), including sports and playing pitches (subject to policy **HW3**: Protection and Provision of Indoor and Outdoor Sports Facilities), will be protected unless it can be demonstrated that any proposal will not have adverse effects contrary to the landscape, biodiversity and water management requirements of the Local Plan are met, and the requirements set out elsewhere in this policy are met.*

*c. Development will not be permitted on existing public open space (the Green Infrastructure network) which is considered essential to the setting, character, recreational benefits for residents, or visual amenities of Key Service Centres, Local Service Centres and rural settlements.*

*d. Development will not be permitted on open space that makes a positive contribution to the historic environment including the character, appearance and setting of conservation areas and listed buildings, unless the proposal meets the requirements of Policy ENV5.*

*e. ~~Development that results in the loss of public open space (the Green Infrastructure network) or sports and recreation facilities (including playing fields) will only be permitted if one of the following criteria are met:~~*

- ~~• The open space has been identified by the council as being unsuitable for retention because it is poorly located;~~
- ~~• the proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or~~
- ~~• Successful mitigation takes place and alternative, enhanced provision is provided in the same locality.~~

*fe. Development that results in the loss of land currently used for allotments will only be permitted when:*

- Suitable, alternative provision is made that is at least equivalent in size and quality to that which will be lost; or*
- It can be demonstrated that there is no longer a community need for the allotments.*

*gf. Fylde's Public Rights of Way network, comprising footpaths, byways, cycleways and bridleways will be protected and opportunities to extend the network will be safeguarded from development and supported where this improves access to key Green Infrastructure*

*assets, including areas of Green Belt, the two Areas of Separation, the Coastal Change Management Areas and the Lancaster Canal towpath.”*

## **66. Is the policy justified and consistent with national policy?**

66.1 The Council considers that the Open Space Update Report (2016) (Ref: **ED059**), provides a robust, up to date assessment of needs in line with the statutory policy framework relating to open space. It identifies the supply of different types of open space, sports and recreation facilities: parks, natural greenspace, provision for children and young people, allotments and community food growing areas and indoor sports provision. It identifies where in the Borough there are deficiencies in provision. The consultants also undertook surveys to establish the quality of facilities, this involved interviewing users of parks and open spaces and the consultants own analysis of the range and condition of facilities provided by each open space. The Report updates previous assessments, namely the Fylde Open Space, Sport and Recreation Study Strategy and Action Plan 2008 (Ref: **ED071**) prepared by the Council as part of the original evidence base. Although produced in 2008, the information and conclusions are still relevant to the present.

66.2 Paragraph 73 of the Framework explains that robust and up-to-date assessments of the needs for open space, sport and recreation facilities should “*identify specific needs and quantitative or qualitative deficits or surpluses of open space, sport and recreational facilities in the local area*”.

66.3 With regards to protecting open space, Policy ENV3 sets out specific exceptions whereby development would be acceptable, and when it would not, in accordance with those outlined in paragraph 74 of the Framework. As such, the Council consider that the designation and protection of open space is in accordance with national policy.

### **Policy ENV4 – New Open Space**

## **67. The policy includes minimum standards for the provision of amenity open space. Are these justified and based on robust and up-to-date evidence?**

67.1 The Council considers that the amenity open space minimum standards in Policy ENV4 are justified and deliverable by the evidence base. The policy is clear and sets out detailed guidance for developers on what schemes are expected to make open space contributions, the types of open space the Council prefers and the amount of open space to be provided. The minimum standards as set out in Policy ENV4 have been carried forward from the adopted Fylde Borough Local Plan, as altered, October 2005 (Policy TREC17), which has been considered an applicable policy. The standards are considered effective and conclusions outlined in the Fylde Open Space, Sport and Recreation Study Strategy and Action Plan 2008 (Ref: **ED071**), subsequently updated in 2016 by the Open Space Update Report (2016) (Ref: **ED059**) support this approach as both conclude that opportunities to increase provision and utilise developer contributions to address the shortfalls identified and the quality of current stock should be sought.

67.2 It is acknowledged that some of the evidence that supports the policy were completed a number of years ago. However, much of the key information has been updated through subsequent assessment work. Some of the technical work (the Fylde Open Space, Sport and Recreation Study Strategy and Action Plan 2008 (Ref: **ED071**), and the Open Space Update Report (2016) (Ref: **ED059**)) reflects long-term land uses rather than subtle changes in demand, and so is unlikely to change significantly over time.

67.3 This approach accords with paragraph 73 of the Framework which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities, and that *“information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”* It is intended that a future SPD on Open Spaces will support Policies ENV3 and ENV4, and provide more details and explain the requirements for new open space provision, to help applicants incorporate open space provision into development proposals and to provide guidance on any financial contributions required, in line with Chapter 8 of the Framework ‘Promoting healthy communities’.

67.4 The policy will be applied flexibly to the specific detail of any planning application and the normal considerations regarding viability, scale and deliverability of provision which may be applicable to potentially small numbers of dwellings. Paragraph 14.43 of the supporting text further clarifies the flexible application of the policy.

67.5 Furthermore, the Policy was assessed as part of the draft Economic Viability Assessment of the emerging Fylde Local Plan to 2032 (Ref: **ED016a**), which concluded:

*“...the overall scale of obligations, standards and policy burdens contained in the emerging Local Plan are not of such a scale that cumulatively they threaten the ability of the sites and scale of development identified in the Plan to be developed viably.”*

**68. Sites of 100 houses or more are required to provide double the minimum standards. Is this justified and based on credible up-to-date evidence? Has the impact on the viability of development been taken into consideration?**

68.1 The Council considers that the threshold of sites of 100 houses or more having to provide double the minimum standards is justified and reasonable. The policy is clear and sets out what is expected of a developer in regards to the provision of amenity open space, knowing what is expected of a developer from the outset, helps assess whether a scheme is viable or not before purchasing the land or submitting a proposal. As with the answer to question 67, the policy is based on evidence contained in the Fylde Open Space, Sport and Recreation Study Strategy and Action Plan 2008 (Ref: **ED071**), the Open Space Update Report (2016) (Ref: **ED059**) and in addition, the policy

was assessed as part of the draft Economic Viability Assessment of the emerging Fylde Local Plan to 2032 (Ref: **ED016a**).

### **Policy ENV5 – Historic Environment**

#### **69. Does the policy set out a positive strategy for the conservation and enhancement of the historic environment in accordance with national policy?**

69.1 Policy ENV5 sets out Fylde’s approach to the historic environment. This covers both designated and non-designated heritage assets in the Borough, and sets out the types of heritage asset that might be affected where the significance of the asset will need to be established in order to assess the impact of a development proposal.

69.2 The Council considers that Policy ENV5 does set out a positively prepared strategy for the conservation and enhancement of the historic environment in accordance with the principles set out in the Section 12 of the Framework. The first section of Policy ENV5 sets out the policy intention in regards to this. The policy is backed up by evidence in the form of the Built Heritage Strategy for Fylde (2015 to 2032) (Ref: **ED062**).

69.3 The policy has been amended and refined throughout the various consultation stages, in liaison with English Heritage (as a Statutory Body) and internal specialist officers. Following further correspondence with English Heritage regarding their representations to the Publication Version of the Local Plan, (no comments or objections were received at Revised Preferred Option stage) the Council has proposed additional modifications to this policy to enhance its effectiveness, improving clarity and readability (Ref: **SD014** Schedule of Proposed Minor Modifications).

#### **70. Is the policy consistent with paragraphs 132-134 of the Framework which includes making a distinction between substantial and less than substantial harm to the significance of a designated heritage asset?**

70.1 Although the Council considers that to distinguish between substantial and less than substantial harm to a heritage asset is a matter of fact and degree, reference to substantial harm or total loss is reiterated in paragraph 14.52 (p174). When making an informed decision the Council will also rely on officer’s professional judgement and opinion through the Development Management consultation process. Where a proposed development would cause substantial harm to the significance of a designated heritage asset, either as a result of total loss or through work which would undermine a key element of the asset’s interest, it will be refused planning permission unless the development is necessary to achieve substantial public benefits which outweigh the harm, or if all possible solutions for the asset’s conservation have been exhausted.

70.2 However, in reviewing Policy ENV5, in light of the inspector's questions, the Council now recognises the merit in reflecting more explicitly the two-tier approach concerning "substantial" and "less than substantial" harm, as set out in paragraphs 132, 133 and 134 of the Framework, therefore for clarity the Council have suggested a minor modification to ensure this principle is covered within the policy. This comprises the addition of a further paragraph following the last paragraph under the Listed Buildings title, which reflects the Framework and reads as follows:

*Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use, having special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest it possesses*

70.3 The wording is consistent with the terminology of the Framework and will also mean that the public benefit can be weighed against the less than substantial harm to the significance or loss of the heritage asset.

**71. Under the section titled 'Locally important heritage assets' reference is made to development only being permitted in exceptional circumstances. Is this consistent with paragraph 135 of the Framework in relation to the significance of non-designated heritage assets?**

After reviewing Policy ENV5, in light of the Inspector's questions, the Council now recognises the merit on amending the policy to refer to a balanced judgement as reflected in paragraph 135 of the Framework. Therefore for clarity, text in the second paragraph under the 'Locally important heritage assets' title will be amended as follows:

*'Development which would remove, harm or undermine the significance of a locally important heritage asset, or its contribution to the character of the area, will only be permitted, where robust evidence can demonstrate that the public benefits of the development would outweigh the harm, based on a balanced judgement'.*

**72. Does the policy promote development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework?**

72.1 Yes, the first paragraph under the Conservation Areas title quite clearly reiterates the wording contained in paragraph 137 of the Framework. Policy ENV5 sets out a general development criteria in order to 'conserve or enhance those elements that make a positive contribution to their special character and appearance' of Fylde Borough's ten Conservation Areas. The requirements set



out in this policy are of a general nature but as such have a degree of flexibility and will also be supported by a suite of Conservation Area Appraisals. The adopted Conservation Area Appraisal will be a material consideration in determining relevant planning applications and therefore will be afforded appropriate regard through the planning process.

72.2 Although paragraph 137 of the Framework is not quoted verbatim within the policy, the second paragraph under the title of Listed Buildings does state that:

*'In addition to the requirements of national policy, applications for works to listed buildings alterations, extensions, changes of use or new development within its curtilage or setting must ....'*

72.3 However, the Council would be content to include an additional bullet point within the second set of bullet points on page 176, to conform better with the position of paragraph 137 of the Framework, should the Inspector consider this to be necessary:

*"Look for opportunities for new development within the Borough's Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance."*

### **Policies CL1-CL3 – Water Management, Flooding and Renewable and Low Carbon Energy Generation**

#### **73. Are the provisions set out in Policy CL1 justified and consistent with national policy?**

73.1 Policy CL1 accords with Section 10 of the Framework 'Meeting the challenge of climate change, flooding and coastal change' ensuring that flood risk issues are given due consideration in the determination of planning applications, in line with national guidance alongside the integration of measures to reduce flood risk and avoid an adverse impact on water quality and quantity within the Borough, in particular bathing water quality, whilst adapting to climate change and associated impacts along the lifetime of the development. Responses from previous consultations have refined the policy and as such, the policy applies a sequential, risk-based approach to the location of development to avoid areas of flood risk and direct development away from the areas at highest risk. The policy is justified and supported by evidence contained in various reports and assessments, including: **ED049** 'Lancashire Climate Change Strategy', **ED050** 'Lancashire and Blackpool Local Flood Risk Management Strategy', **ED051** 'Ribble Catchment Flood Management Plan' a full catalogue relating to climate change, renewable energy and flood risk on the comprehensive list of evidence page on the Council's website. The policy is considered to be deliverable and effective and aims to manage flood risk from all sources.

73.2 In conformity with the Framework, specifically paragraph 103, Policy CL1 criterion a. also establishes that development must seek to minimize the risk and impact of flooding through the implementation of Sustainable Drainage Systems (SuDS) to ensure that development is appropriately

flood resilient and resistant. The policy has been positively prepared with no formal comment or objection received from the Environment Agency (EA), and United Utilities supported the wording, specifically criterion a. One representor has objected to certain text within this policy implying that it replicates the role of the EA and requires developers to incorporate unnecessarily onerous drainage measures. They consider the burden of combined policy requirements can impact on the viability of developments. The Council strongly disagrees with this assumption, if drainage measures have to be adhered to, as a statutory requirement, then these details should be readily available, at no further cost to the developer with no impact on viability.

**74. Does Policy CL2 apply to all new development? Is this justified? Is the provision of agreed discharge rates as part of any pre-application negotiations justified? Does the policy require developers to provide drainage measures beyond what is necessary for the site?**

74.1 Yes, Policy CL2 will apply to all new development. The policy is considered justified as it is in line with up to date evidence as specified in the response to Question 73, and national policy contained within the Framework, specifically paragraph 100, which states *'Local Plans should ..... develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency....other flood risk management bodies .... And internal drainage boards.'* The policy phrasing has been supported by the EA and UU.

74.2 PPG Paragraph: 050 Reference ID: 7-050-20140306, states that LA's and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond, which can be achieved through the layout an form of development. Development Management Officers have advised that having discharge rates agreed as part of the pre-application stage saves money and time, enabling the planning application to be determined quicker.

74.3 Fylde is a very low lying, relatively flat and poorly drained area. There are local issues, for example new development around Junction 4 of the M55, will increase surface water run-off into slow flowing dykes. These dykes all merge and enter the Ribble Estuary just east of Lytham. Parts of Lytham are in Flood Risk Zone 3, because of the existing amounts of water flowing through Liggard Brook. It is important that new development at Junction 4 of the M55 does not increase this risk.

74.4 The policy only requires a developer to provide drainage measures for the application site and is practical in the sense that it provides a degree of flexibility, as developers can submit evidence that the measures contained within the policy are either not feasible for the development proposal or would adversely affect the viability. The decision maker will need to assess this information to come to a view as to whether the information is sufficient and the case has been made for any particular development departing from the provisions of the policy, if this is the case then national discharge (SuDS) hierarchy would have to be adhered to.

**75. In relation to Policy CL3:**

**a. Does the policy provide a positive strategy for renewable and low carbon energy generation in accordance with national policy?**

75a.1 Fylde has a number of assets within the Borough that need to be safeguarded. As such Policy CL3 tries to strike a balance between those existing assets that are protected by existing legislation and regulations with those aims identified to contribute to delivery of renewable and low carbon energy generation. The justification that follows the policy in the Plan explains in more detail what the nature of the asset is and why it should be taken into consideration.

75a.2 As such, as a requirement of Policy CL3 the Council request that evidence is submitted which supports any proposal that does not have a detrimental impact on any of the criteria set out in a.- j. of the policy. The policy sets out what the evidence should consist of and allows for a proportionate approach in seeking energy efficiency development having regard to the nature of the development. No justification by the developer needs to be submitted for this form of development.

75a.3 The Policy has been reviewed in light of this question from the Inspector, the Council agrees that the first paragraph should be amended to make it clear that the Council wishes to provide a more positive strategy for renewable and low carbon energy in accordance with national policy. The first paragraph of Policy CL3 will be amended as follows:

*'Renewable and low carbon energy development potential – excluding on shore wind turbines - is significant in Fylde. Opportunities for renewable and low carbon development should be maximised, while ensuring that adverse impacts are addressed satisfactorily; including cumulative landscape and visual impacts. Proposed developments will be assessed in relation to the following criteria:*

75a.4 The decision maker will need to assess all evidence and come to a view as to whether the information is sufficient and the case has been made for any particular development departing from the provisions of this policy.

75a.5 The Council considers that the policy is consistent with PPG 'Renewable and low carbon energy', which contains guidance on renewable and low carbon energy including guidance on producing criteria based policies.

**b. Is the exclusion of onshore wind energy from Policy CL3 justified and consistent with national policy?**

75b.1 The written ministerial statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

75b.2 Paragraph: 005 Reference ID: 5-005-20150618 of PPG 'Renewable and low carbon energy', also states that *'In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan'*.

75b.3 There are no suitable areas in Fylde where medium/large scale wind energy development is acceptable even in principle, due to the large number of overlapping constraints, including a NATS safeguarding zone designation, the presence of Blackpool airport, BAE's aerodrome, including radar and military radio facilities, requirement for engagement with the MoD and the potential for the impact on species linked to the European-designated sites.

75b.4 The Council consider it would be unnecessary to plan for something that cannot take place in line with paragraph 154 of the Framework which states that *'Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where'*. Accordingly, Policy CL3 specifically excludes onshore wind turbines, and this is considered to be a realistic approach.

**c. Is criterion f consistent with the Framework in regards to taking account of any public benefits of renewable and low carbon energy proposals?**

75c.1 Criterion f has been reviewed in response to the Inspector's question. The Council agrees that the criterion should be modified to refer to consideration of the impact on heritage assets and their settings in accordance with Policy ENV5:

*"f. That the proposal for renewable and low carbon energy would not harm the significance of heritage assets and their settings, unless such harm is justified in accordance with Policy ENV5"*

75c.2 It is also recognised that a caveat is required to criterion e:

*"e. Impacts on land resources, in particular that the development would not be sited on the best and most versatile agricultural land (grades 1, 2 and 3a), unless the most compelling evidence is provided, and areas of deep peat which function as a carbon store"*

**d. Is the penultimate paragraph of the policy consistent with the Framework in its reference to Green Belt? Should this refer to very special circumstances in this context?**

75d.1 In reviewing Policy CL3, in light of the inspector's questions, the Council recognises that the policy should be amended to refer to 'very special circumstances' as reflected in paragraph 91 of the Framework. Therefore for clarity text will be amended as the following:

*Renewable and low carbon energy proposals within the Green Belt and Areas of Separation will need to demonstrate ~~that any adverse impacts of granting permission will not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, specific policies in that Framework, or other policies in the Local Plan~~ very special circumstances where elements of any proposed renewable energy project comprises inappropriate development.*



**Fylde Council**  
**Five Year Housing Supply Statement, base dated 31<sup>st</sup> 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 31<sup>st</sup> 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 8<sup>th</sup> 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><b>Adjusted five year requirement</b></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<sup>a</sup>; 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:

<sup>a</sup> 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 31<sup>st</sup> 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<sup>b</sup> 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<sup>c</sup>. 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.

### Different Approaches to Five Year Housing Supply

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

<sup>c</sup> Total implementable planning permissions 2011-2017 (small sites only) is (204+326) 530. Approximate percentage that lapsed is (61/530) 11%. Information taken from the Housing Land Availability Schedule and Local Plan to 2032 Housing Land Supply Trajectory correct as of 20/07/17.

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<sup>d</sup>. 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.

<sup>d</sup> NPPG Paragraph: 035 Reference ID: 3-035-20140306, Revision date: 06 03 2014

**Table 1: 415dpa OAN Five Year Housing Supply Position – base dated 31<sup>st</sup> March 2017**

**Sedgefield Approach**

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

<b>Table 1(b): Five Year Housing Requirement at 31<sup>st</sup> March 2017</b>	<b>No. of Homes</b>
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

<b>Table 1(c): Five Year Housing Supply at 31<sup>st</sup> March 2017</b>	<b>No. of Homes</b>
<b>Requirement</b>	
Adjusted 5 year housing requirement including shortfall and buffer	3,632
<b>Supply</b>	
Existing supply <sup>1</sup>	3,580
Potential supply <sup>2</sup>	130
10% allowance for supply not coming forward <sup>3</sup>	33
Total Supply ((3,580 + 130) - 33)	3,677
Over/Under Supply 5 year period (Total Supply – Requirement, 3,677 – 3,632)	45
<b>Equivalent Years Supply 5.1 (3,677 ÷ 726)</b>	

**Table 2: 415dpa OAN Five Year Housing Supply Position – base dated 31<sup>st</sup> March 2017**

**Liverpool Approach**

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

<b>Table 2(b): Five Year Housing Requirement at 31<sup>st</sup> March 2017</b>	<b>No. of Homes</b>
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

<b>Table 2(c): Five Year Housing Supply at 31<sup>st</sup> March 2017</b>	<b>No. of Homes</b>
<b>Requirement</b>	
Adjusted 5 year housing requirement including shortfall and buffer	2,870
<b>Supply</b>	
Existing supply <sup>1</sup>	3,580
Potential supply <sup>2</sup>	130
10% allowance for supply not coming forward <sup>3</sup>	33
Total Supply $((3,580 + 130) - 33)$	3,677
Over/Under Supply 5 year period (Total Supply – Requirement, 3,677 – 2,870)	807
<b>Equivalent Years Supply 6.4</b> $(3,677 \div 574)$	

## APPENDIX 1: Delivery Notes

### <sup>1</sup> 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.

### <sup>2</sup> 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.

<b>Table 3: Potential Long Term Empty Homes (net)</b>						
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
<b>Total</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>50</b>	<b>50</b>	<b>130</b>

➤ Potential supply: **130 homes**

### <sup>3</sup> 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).

<b>Table 4: Calculation of 10% allowance</b>		<b>No. of Homes</b>
1	Small Sites Commitments	326
2	Small Sites Minded to Approve	2
1 + 2	Total Supply	328
(1 + 2) x 10%	10% of existing and potential supply not coming forward (rounded up)	<b>33</b>

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**APPENDIX 2: 5 Year Housing Land Supply Trajectory (base dated 31<sup>st</sup> 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
<b>SL1 - Lytham and St Annes Strategic Location for Development</b>																
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
<b>Lytham and St Annes Sub Total</b>				<b>0</b>	<b>12</b>	<b>174</b>	<b>2049</b>	<b>2235</b>	<b>427</b>	<b>1808</b>	<b>1622</b>	<b>163</b>	<b>191</b>	<b>262</b>	<b>207</b>	<b>130</b>
<b>SL2 - Fylde - Blackpool Periphery Strategic Location for Development</b>																
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
<b>Fylde-Blackpool Periphery Sub Total</b>				<b>0</b>	<b>472</b>	<b>1589</b>	<b>869</b>	<b>2930</b>	<b>195</b>	<b>2735</b>	<b>674</b>	<b>122</b>	<b>122</b>	<b>114</b>	<b>105</b>	<b>137</b>
												<b>600</b>				

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
<b>SL3 - Warton</b>																
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
<b>Warton Sub Total</b>												<b>75</b>	<b>56</b>	<b>95</b>	<b>110</b>	<b>133</b>
				<b>0</b>	<b>0</b>	<b>53</b>	<b>1252</b>	<b>1305</b>	<b>191</b>	<b>1114</b>	<b>1061</b>	<b>469</b>				
<b>SL4 - Kirkham and Wesham</b>																
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)	Years 7 to 11				
												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
<b>Kirkham and Wesham Sub Total</b>				<b>0</b>	<b>355</b>	<b>30</b>	<b>968</b>	<b>1353</b>	<b>322</b>	<b>1031</b>	<b>646</b>	<b>114</b>	<b>126</b>	<b>173</b>	<b>151</b>	<b>155</b>
<b>Non Strategic Locations for Development</b>												<b>719</b>				
<b>Freckleton</b>																
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
<b>Elswick</b>																
Neighbourhood Development Plan allocation					50			50	0	50	0	0	0	15	30	5
<b>Staining</b>																
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
<b>Wrea Green</b>																
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	15							
<b>Clifton</b>																						
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						
<b>Newton</b>																						
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						
<b>Singleton</b>																						
Singleton Village, Singleton	HS53				15			15	0	15	0	0	0	0	0	15						
<b>Weeton</b>																						
Land West of Church Road, Weeton	HS64		16/0811 OL			25		25	0	25	0	0	0	15	10	0						
<b>Greenhalgh</b>																						
<b>Little Ecclestone</b>																						
Sunnydale Nurseries, Garstang Road, Little Ecclestone	HS56	4A1031	15/0124 OL 16/0817 FULL			41		41	0	41	0	0	15	26	0	0						
<b>Non Strategic Locations Sub Total</b>												<b>86</b>	<b>105</b>	<b>151</b>	<b>66</b>	<b>103</b>						
												<b>0</b>	<b>271</b>	<b>96</b>	<b>466</b>	<b>833</b>	<b>199</b>	<b>634</b>	<b>267</b>	<b>511</b>		
<b>Strategic Locations Sub Total</b>												<b>474</b>	<b>495</b>	<b>644</b>	<b>573</b>	<b>555</b>						
												<b>0</b>	<b>839</b>	<b>1846</b>	<b>5138</b>	<b>7823</b>	<b>1135</b>	<b>6688</b>	<b>4003</b>	<b>2741</b>		
<b>Strategic and Non Strategic Locations Sub Total</b>												<b>560</b>	<b>600</b>	<b>795</b>	<b>639</b>	<b>658</b>						
												<b>0</b>	<b>1110</b>	<b>1942</b>	<b>5604</b>	<b>8656</b>	<b>1334</b>	<b>7322</b>	<b>4270</b>	<b>3252</b>		

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
												2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
<b>Allowances and Small Sites</b>																
Small Site Completions							204	204	204	0	0	0	0	0	0	0
Small Site Commitment and Minded to Approve (unallocated sites)						2	326	328	0	328	326	109	109	109	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
<b>Allowances Sub Total</b>												<b>119</b>	<b>119</b>	<b>119</b>	<b>51</b>	<b>50</b>
				<b>530</b>	<b>0</b>	<b>2</b>	<b>530</b>	<b>532</b>	<b>204</b>	<b>328</b>	<b>326</b>	<b>458</b>				
<b>Total Housing Provision (Non Strategic, Strategic and Allowances)</b>												<b>679</b>	<b>719</b>	<b>914</b>	<b>690</b>	<b>708</b>
				<b>530</b>	<b>1110</b>	<b>1944</b>	<b>6134</b>	<b>9188</b>	<b>1538</b>	<b>7650</b>	<b>4596</b>	<b>3710</b>				

**APPENDIX 3: 2011 to 2032 Fylde Local Plan Housing Trajectory (base dated 31<sup>st</sup> March 2017)**





Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allotments	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
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	50	100	100	100	100	100	100	100	100	100	100	100	100	100	1150	0	
Lytham Quays, Lytham	HSS3	1A735	02/0641 OL 1A200 06/0074 RM 1A354 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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	32	0			
1 Lord Street, St Annes	HS19	1A932	14/0178 FULL				14	14	14	0	0	0	0	0	0	14	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	0	15	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	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	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	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	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	26	0			
Dalmeny Hotel	HS65		16/0374 OL			34		34	0	34	0	0	0	0	0	0	0	15	19	0	0	0	0	0	0	0	0	0	34	0			
<b>Lytham and St Annes Sub Total</b>				<b>0</b>	<b>12</b>	<b>174</b>	<b>2049</b>	<b>2235</b>	<b>427</b>	<b>1808</b>	<b>1622</b>	<b>26</b>	<b>36</b>	<b>89</b>	<b>100</b>	<b>66</b>	<b>110</b>	<b>163</b>	<b>191</b>	<b>262</b>	<b>207</b>	<b>130</b>	<b>130</b>	<b>125</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>2235</b>	<b>0</b>

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
<b>SL2 - Fylde - Blackpool Periphery Strategic Location for Development</b>																																		
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A833	08/1049 OL 10/0877 OL 14/0392 RM				76	76	45	31	31	0	0	0	0	13	32	30	1	0	0	0	0	0	0	0	0	0	0	0	76	0		
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor	HSS4	1A834	08/1049 OL 16/0062 FULL				353	353	0	353	353	0	0	0	0	0	0	30	45	45	45	45	45	45	45	45	8	0	0	0	353	0		
Land at Lytham St Annes Way, Whitehills	HSS6	4A703	11/0639 FULL				67	67	67	0	0	0	0	27	30	10	0	0	0	0	0	0	0	0	0	0	0	0	0	67	0			
Land at Lytham St Annes Way, Whitehills	HSS6	4A770	13/0213 FULL				36	36	36	0	0	0	0	23	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0			
Land at Lytham St Annes Way, Whitehills	HSS6	4A771	13/0726 FULL				26	26	24	2	2	0	0	0	0	0	24	2	0	0	0	0	0	0	0	0	0	0	26	0				
Land at Lytham St Annes Way, Whitehills	HSS6			22			22	22	0	22	0	0	0	0	0	0	0	0	0	0	15	7	0	0	0	0	0	0	22	0				
Cropper Road East, Whitehills	MUS1	4A911	12/0717 OL 14/0310 RM				145	145	23	122	122	0	0	0	0	0	23	30	30	30	30	2	0	0	0	0	0	0	0	145	0			
Cropper Road East, Whitehills	MUS1		13/0753 OL				25	25	0	25	25	0	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	25	0				
Cropper Road East, Whitehills	MUS1		15/0114 OL	265			265	265	0	265	0	0	0	0	0	0	0	0	15	30	30	30	30	30	30	30	30	30	10	0	265	0		
Cropper Road East, Whitehills	MUS1	4A1050	15/0472 OL 16/0847 RM				80	80	0	80	80	0	0	0	0	0	0	0	0	0	30	30	20	0	0	0	0	0	80	0				
Whyndyke Farm, Preston New Road, Whitehills	MUS2		11/0221 OL	1310			1310	1310	0	1310	0	0	0	0	0	0	0	0	0	0	15	60	60	60	60	60	60	60	60	60	60	60	60	60
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	0	0	0	0	0	15	10	0	0	0	0	0	0	0	0	0	0	0	25	0			
Former Clock Garage, Preston New Road, Westby	HS22	4A821	11/0847 OL 15/0891 RM				14	14	0	14	14	0	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	0	14	0				
Land South of Bridgeside, Squires Gate	HS23	1A873	13/0231 FULL				22	22	0	22	22	0	0	0	0	0	15	7	0	0	0	0	0	0	0	0	0	22	0					
Spengarth, Cropper Road, Westby	MUS1		15/0807 OL	14			14	14	0	14	0	0	0	0	0	0	0	0	14	0	0	0	0	0	0	0	0	14	0					
Cropper Road West, Whitehills	HSS5			450			450	450	0	450	0	0	0	0	0	0	0	0	0	0	0	0	0	10	30	30	30	30	30	30	30	250	200	
<b>Fylde-Blackpool Periphery Sub Total</b>				<b>0</b>	<b>472</b>	<b>1589</b>	<b>869</b>	<b>2930</b>	<b>195</b>	<b>2735</b>	<b>674</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>53</b>	<b>36</b>	<b>79</b>	<b>122</b>	<b>122</b>	<b>114</b>	<b>105</b>	<b>137</b>	<b>172</b>	<b>165</b>	<b>165</b>	<b>128</b>	<b>120</b>	<b>120</b>	<b>100</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>2035</b>	<b>895</b>
<b>SL3 - Warton</b>																																		
Land Opposite Blackfield End Farm, Warton	HSS2	2A1020	13/674 OL				360	360	0	360	360	0	0	0	0	0	0	25	50	50	50	50	50	50	50	35	0	0	0	0	0	360	0	
Highgate Park, Lytham Road, Warton	HSS7	2A879	12/0550 OL 13/0786 RM 15/706 RM				254	254	64	190	190	0	0	0	7	30	27	30	30	30	30	30	10	0	0	0	0	0	0	254	0			
Riversleigh Farm, Warton	HS24	2A985	13/0526 FULL				82	82	61	21	21	0	0	0	0	27	34	21	0	0	0	0	0	0	0	0	0	0	82	0				
Nine Acres Nursery, Harbour Lane Phase 1	HS25	2A765	10/0766 OL 11/0816 RM				75	75	66	9	9	0	8	41	10	6	1	9	0	0	0	0	0	0	0	0	0	0	75	0				
Georges Garage, Warton	HS26	2A955	14/0833 FULL				16	16	0	16	16	0	0	0	0	0	0	15	1	0	0	0	0	0	0	0	0	16	0					
Oaklands Caravan Park, 252 Lytham Road, Warton	HS27		15/194 OL	53			53	53	0	53	0	0	0	0	0	0	0	0	0	15	30	8	0	0	0	0	0	0	53	0				
Land North of Freckleton Bypass, Warton	HSS12		14/0410 OL				350	350	0	350	350	0	0	0	0	0	0	0	0	0	0	30	60	60	60	60	60	20	0	0	0	350	0	
Clifton House Farm, Lytham Road, Warton	HSS13		15/0562 OL				115	115	0	115	115	0	0	0	0	0	0	0	0	0	0	15	30	30	30	10	0	0	0	115	0			
<b>Warton Sub Total</b>				<b>0</b>	<b>0</b>	<b>53</b>	<b>1252</b>	<b>1305</b>	<b>191</b>	<b>1114</b>	<b>1061</b>	<b>0</b>	<b>8</b>	<b>41</b>	<b>17</b>	<b>63</b>	<b>62</b>	<b>75</b>	<b>56</b>	<b>95</b>	<b>110</b>	<b>133</b>	<b>170</b>	<b>150</b>	<b>140</b>	<b>105</b>	<b>60</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1305</b>	<b>0</b>	



Site	Site Reference	HLAS Site Reference	Planning Application Number	A. Allowances	B. Allotments	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												
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	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	0	30	0							
<b>Wrea Green</b>																																												
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	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	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	15	21	0	0	0	0	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	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	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	0	0	13	0							
<b>Clifton</b>																																												
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	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	0	0	30	0							
<b>Newton</b>																																												
Newton Hall, School Lane, Newton	HS51			86				86	0	86	0	0	0	0	0	0	0	0	0	0	0	15	30	30	11	0	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	15	30	9	0	0	0	0	0	0	0	0	0	0	0	0	54	0								
<b>Singleton</b>																																												
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	0	0	0	0	15	0							
<b>Weeton</b>																																												
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	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	0	0	25	0								
<b>Greenhalgh</b>																																												
The Rowans (Former Blue Anchor Inn), Fleetwood Road, Greenhalgh Phase 1 & 2	HS55	4A820					17	17	17	0	0	0	0	12	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0								
<b>Little Eccleston</b>																																												
Sunnydale Nurseries, Garstang Road, Little Eccleston	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	0	0	0	41	0							
<b>Non Strategic Locations Sub Total</b>												11	14	30	23	63	58	86	105	151	66	103	73	39	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	833	0
<b>Strategic Locations Sub Total</b>												120	91	179	172	220	353	474	495	644	573	555	563	500	440	363	310	270	230	196	90	90	6928	895										
<b>Strategic and Non Strategic Locations Sub Total</b>												131	105	209	195	283	411	560	600	795	639	658	636	539	451	363	310	270	230	196	90	90	7761	895										
												199						511					123					0																
												1135						2741					2176					876																
												1334						3252					2299					876																

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					
<b>Allowances and Small Sites</b>																																					
Small Site Completions							204	204	204	0	0	9	57	25	35	34	44	0	0	0	0	0	0	0	0	0	0	0	0	204							
Small Site Commitment and Minded to Approve (unallocated sites)							2	326	328	0	328	326	0	0	0	0	0	0	109	109	109	1	0	0	0	0	0	0	0	0	0	328					
Small Sites and Windfall Allowance (unallocated sites)							480	0	0	0	0	0	0	0	0	0	0	0	0	0	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			
<b>Allowances Sub Total</b>							<b>530</b>	<b>0</b>	<b>2</b>	<b>530</b>	<b>532</b>	<b>204</b>	<b>328</b>	<b>326</b>	<b>9</b>	<b>57</b>	<b>25</b>	<b>35</b>	<b>34</b>	<b>44</b>	<b>119</b>	<b>119</b>	<b>119</b>	<b>51</b>	<b>50</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>1062</b>			
												<b>204</b>						<b>458</b>					<b>200</b>					<b>200</b>									
<b>Total Housing Provision (Non Strategic, Strategic and Allowances)</b>							<b>530</b>	<b>1110</b>	<b>1944</b>	<b>6134</b>	<b>9188</b>	<b>1538</b>	<b>7650</b>	<b>4596</b>	<b>140</b>	<b>162</b>	<b>234</b>	<b>230</b>	<b>317</b>	<b>455</b>	<b>679</b>	<b>719</b>	<b>914</b>	<b>690</b>	<b>708</b>	<b>676</b>	<b>579</b>	<b>491</b>	<b>403</b>	<b>350</b>	<b>310</b>	<b>270</b>	<b>236</b>	<b>130</b>	<b>130</b>	<b>8823</b>	
												<b>1538</b>						<b>3710</b>					<b>2499</b>					<b>1076</b>									





Item Number: 3

Committee Date: 07 December 2016

<b>Application Reference:</b>	16/0554	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Hollins Strategic Land LLP	<b>Agent :</b>	
<b>Location:</b>	LAND WEST OF WOODLANDS CLOSE, NEWTON WITH CLIFTON		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Need to report to Committee		

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

<https://www.google.co.uk/maps/@53.7733238,-2.8445058,572m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Approve Subj 106

#### **Summary of Officer Recommendation**

The proposal for consideration by Members is an outline application for up to 50 dwellings, seeking matters relating to access only, on land west of Woodlands Close, Newton. The site is allocated as a Countryside Area in the adopted Fylde Borough Council Local Plan and within an Area of Separation as designated by the Publication Version of the Fylde Local Plan 2032.

The development falls outside the settlement boundary of Newton, representing encroachment into the countryside and is therefore contrary to Policy SP2 which acts to restrict residential development within such areas. Notwithstanding this, the Council cannot demonstrate a five year supply of housing land and Policy SP2 is in conflict with the NPPF. Consequently Policy SP2 is out of date and the principle of residential development cannot be resisted on this basis.

The Publication Version of the Fylde Council Local Plan 2032 (PV) is yet to be examined in public. Objection has been received to the PV designation of the application site within an Area of Separation, requesting inclusion as a housing allocation, residents have also raised concern to new housing within Newton. Since the PV has unresolved objections with specific reference to housing provision, relevant policies can only have very limited weight in the decision making process and should not be relied upon to either restrict or support housing development in Newton. Notwithstanding this, it is considered that the proposal would not result in the coalescence of Newton with Kirkham.

The proposed development, would result in an expansion of the village of approximately 8% (25% when combined with proposed housing allocations) in a location which relates well to the existing built-up edge of Newton and existing shops, services, and public transport facilities. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse



effects on landscape character and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development could result in the loss of a small proportion of the Borough's best and most versatile agricultural land, though this is not considered sufficient to warrant refusal of the proposal and there are no other landscape designations to restrict its development for housing.

Numerous appeals have demonstrated that the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of private and affordable new housing in the Borough in the absence of a five year supply, as well as providing 30% affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

The development provides for satisfactory access to the site and the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

The officer recommendation is that members support the application and delegate the authority to grant planning permission to officers subject to a legal agreement to secure affordable housing and other contributions.

### **Reason for Reporting to Committee**

The application is a major development which is recommended for approval by Officers. In accordance with the Council's adopted Scheme of Delegation the application must therefore be referred to the Development Management Committee for determination. It is also the subject of objections from the Parish Council.

### **Site Description and Location**

The application site is located adjacent to the western boundary of Newton, being bound by Blackpool Road to the north, housing to the east on High Gate, Woodlands Close and Avenham Place, and farm holdings to the south and west. The site is approximately 2.81 hectares in size and is a long, narrow area which stretches in a southerly direction from Blackpool Road, comprising of a relatively flat, grassed parcel of land with centrally located pond adjacent to Woodlands Close. Trees, hedgerow and residential fencing define the current site boundaries.

### **Details of Proposal**

Outline planning consent is sought for up to 50 dwellings on the site, seeking approval of vehicular access arrangements only. Detail relating to appearance, landscaping, layout and scale are to be

assessed through subsequent reserved matter application(s).

The submission indicates that the sole vehicular access to the development will be by provision of a new entrance off the existing cul de sac of Woodlands Close. This proposed arrangement will include continuation of the exiting footpath network on Woodlands Close into the development.

Revision has been received to the indicative layout originally submitted. Housing will now generally be outward facing with the frontage of dwellings, or dual aspect properties opposing countryside boundaries whilst maintaining a back to back relationship with existing dwellings. A central strip of public open space provides for a landscaped entrance to the site, whilst providing a wildlife corridor linkage to the pond and countryside beyond, and open aspect to existing dwellings on Woodlands Close. A landscape buffer is also proposed to the north of the site bounding with the A583. The Planning Statement refers to scale of buildings ranging between 4.5m to 12m, equivalent of 3 storey housing with an estimated density of 18 dwellings per hectare (DPH). Existing boundary hedgerow and trees to the countryside edge are to be retained and enhanced by additional planting.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

Newton with Clifton Parish Council notified on 02 August 2016 and comment:

The Council **OBJECT** to the proposal and recommend that the application be refused for the following reasons:

- a) *“The proposed development does not conform to the Local Planning Authority’s (LPA) Local Plan revised Preferred Option/emerging Local Plan to 2032 in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1/GD1 which only permits development within defined limits and SP2/GD4 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed “Brownfield” sites to be used before “Greenfield” and, consequently, agricultural land and NPPF paragraph 7,17. The proposed development will impact on the openness of the land and its biological value means that the application fails to contribute to the ‘Environmental’ sustainability, as detailed at Paragraphs 7, 17 of the NPPF.*
- b) *Council determined that the submitted transport statement provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is Woodlands Close, Newton-with-Scales. Council therefore considers it reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety specifically in the Woodlands Close/Bryning Lane locality and the A583 Kirkham Bypass.*
- c) *The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2/GD7 Point i and paragraph 32 of NPPF.*
- d) *Drainage is a key issue highlighted in Policy HL2/GD7. It is considered that the proposed*

*development does not therefore fully address the capacity issues related to the sewer network. The proposed development if granted planning permission will have an adverse impact on the sustainability of existing infrastructure.*

- e) The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process.*
- f) The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes.*
- g) Policy SP2/GD4 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.*
- h) The development as proposed fails to meet the objectives of Policies EP10/ENV2 and EP11/ENV1 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.*
- i) The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17.*
- j) The proposed development is to the detriment of the biodiversity, ecology and wildlife in the area.*
- k) Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in the parish and the surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.*
- l) Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its emerging Local Plan to 2032 this application must be considered premature.*
- m) The Publication Version of the emerging Local Plan designates the planning application site as part of an 'Area of Separation' i.e. a narrow strip of land between Kirkham and Newton-with-Scales. Proposed development within an Area of Separation is considered premature and the scale of the application is such that it will undermine the emerging Local Plan to 2032. The planning application site is on land which is outside the settlement boundary for Newton-with-Scales under the Fylde Borough Local Plan (as altered October 2005) and is also to be maintained in this part of the settlement under the emerging Local Plan to 2032. Due to its advanced stage towards adoption the document should be a material consideration in the determination of this major planning application.*
- n) The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2, in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.*
- o) Attached is a copy representation submitted by a planning consultant engaged by residents of Woodlands Close the content of which is wholly endorsed by the parish council.*
- p) The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much development in the recent past to the detriment of parish amenity, character and tranquillity."*

## **Statutory Consultees and Observations of Other Interested Parties**

### **National Grid**

National Grid does have a major accident hazard pipeline in the vicinity, (Lostock Hall-Kirkham),

The (Building Proximity Distance for the Lostock Hall-Kirkham Pipeline is 14.5 metres. and it does not appear the proposed works will directly affect the above pipeline.

### **HM Inspector of Health & Safety**

The application site clips the easement for which advice should be sought from the Health and Safety Executive. Importantly the revised scheme has introduced a development free buffer adjacent to Blackpool Road, resulting in dwellings sited outside of the easement. On this basis consultation with the HSE is not considered necessary.

### **United Utilities - Water**

No objection to the proposal subject to conditions requiring implementation of drainage for the development in accordance with the Flood Risk Assessment, no surface water to be permitted to drain directly or indirectly into the public sewer, any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority, and, submission and approval of a scheme for the management and maintenance of sustainable urban drainage systems.

### **Strategic Housing**

No objection to the proposal, subject to the provision of 30% affordable housing within the development. There is currently minimal supply of affordable housing units within Newton and Clifton.

### **Greater Manchester Ecology Unit**

No objection subject to condition requiring:

- a construction environmental improvement plan.
- no removal or works to any hedgerows trees or shrubs during the bird nesting season.
- lighting scheme relative to the pond and safeguarding habitat for foraging bats.
- measures to reduce the risk to amphibians in the design of the development and biodiversity enhancement for bats, the pond and landscaping.

The survey has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. Overall the survey found the site to support agriculturally improved grassland but with a number of features of ecological value including a pond and a number of hedges. The site also lies in close proximity to two other ponds and is part of a much wider network of ponds in the surrounding area. While it is proposed to keep the pond and enhance it, which is welcome, the illustrative layout is not ideal. There are no direct habitat corridors between the on-site pond and those offsite. A better design would be swap the location of the Public Open Space and the houses on the western side of the pond. The ecology report makes a number of recommendations for the retention and protection of ecological features and species on site. These include protection of hedgerows, trees and scrub (paragraph 5.3.1), construction lighting (5.4.2), protection of the pond (5.3.3) and protection of amphibians (Appendix 2).

In addition as the habitats on site could be used by nesting birds.

The ecology survey makes recommendations on the lighting design of the development

(5.4.3) particularly in relation to the pond and for foraging bats.

The survey also makes recommendations for the measures to reduce the risk to amphibians in the design of the development (5.6.6-5.6.7) together with measures for biodiversity enhancement for bats (5.4.7-5.4.8), birds (5.5.4- 5.5.5), the pond (5.6.3-5.6.4) and landscape planting (5.7).

#### **Lancashire CC Flood Risk Management Team**

No objection to the proposal, subject to conditions requiring surface water drainage scheme as part of the reserved matters submission, and surface water lifetime management and maintenance plan.

#### **Lancashire County Council - Highway Authority**

“Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.

The developer has submitted a Transport Statement (TS) in support of this development. Whilst there are some issues with the contents of the TS it is not considered necessary to require the developer to produce any further analysis as these will be addressed in this response.

Given the scale of the development it is considered acceptable for the developer to submit a Transport Statement (TS) rather than a Transport Assessment (TA). The TS covers the basic elements of what is necessary to assess the traffic and transportation impact of the development on the highway network.

#### Trip Rates.

The trip rates produced in the TS are based on edge of town surveys in the TRICS database and as such are not considered to be truly representative. The trip rates for more rural / village locations is likely to produce slightly higher trip rates but not to the extent that the overall number of vehicles in the peak hours would rise by more than 1 or 2 vehicles. For the purposes of analysing this development the traffic forecast produced by the developer is consider reasonable.

#### Trip Distribution / Traffic Growth / Highway Capacity.

Analysis of these is generally only considered necessary in a TA or when it is know that there are existing junction or highway capacity issues. Whilst it has been observed that queuing occurs on Bryning Lane (southerly arm) it tends to clear each cycle and is a result of the old traffic controllers at this location. The development will add 20 -22 vehicles to Bryning Lane in the AM peak. This is unlikely to put more than 2 or 3 vehicles into the queue on Bryning Lane in any traffic signal cycle time (time taken for signals to go through all their phases). Upgrading the controller would help resolve any existing issues by making the signals run more efficiently.

The developer makes reference to the Preston Western Distributor Road (PWDR) in connectivity terms but does not refer to its impact in highway capacity terms. It is predicted that the PWDR will reduce traffic levels on the A583 once constructed, however, even without the PWDR the traffic signals at the junction of the A583 with

Bryning Lane are unlikely to be at or near capacity in the peak hours in the short term future (regarded as 5 years post completion of the development proposal).

For the purposes of analysing this development Trip Distribution, Traffic Growth and Highway Capacity analysis are not considered necessary.

#### Road Safety.

The developer has undertaken a 3 year accident analysis in the vicinity of the development site and identified 3 injury accidents all of which resulted in slight injuries at or near the traffic signalised junction of the A583 and Bryning Lane.

LCC expects developers to produce an analysis that covers 5 years. The most recent 5 collision data covers the period 1 January 2011 to 31 July 2016 and shows 6 injury accidents on the A583 at or within 60m of the traffic signals with a 7th injury accident within 220m. Only 2 of the 7 accidents resulted in severe injuries. All collisions involved 2 or more vehicles. None involved pedestrians or cyclists. The extended accident review does not highlight any other accidents than those on the A583. Whilst any accident is regrettable the accident rate is not untypical for a road with the level of traffic that the A583 carries. Further, upgrading the traffic signs is likely to go some way to addressing highway concerns here.

#### Accessibility.

The National Planning Policy Framework (NPPF) paragraph 17 emphasises a need to "*make the fullest possible use of public transport, walking and cycling*" while paragraph 35 emphasises a need to give priority to the creation of safe & secure layouts which minimise conflict between traffic, cyclists and pedestrian in essence actively managing patterns of growth".

The developer claims an accessibility rating of 27 (using LCC's residential accessibility questionnaire. This score is disputed as distances should be measured from the centre of the development site and train frequency is zero when the distance to the station exceeds 1km. LCC consider the accessibility score to be 20.

The Indicative Layout Plan Rev O1 shows a pedestrian / cycle link is a welcomed addition to the original proposal and is seen as an attempt by the developer to address and promote sustainable transport issues.

A similar link at the southerly end of the site to Avenham Place would provide a shorter walking route to the Post Office / General Store and to Newton Bluecoat Primary School. This route would be a desirable addition.

Whilst the westbound bus stop on the A583 is adjacent to the pedestrian / cycle site access it lacks the raised boarding area new bus stops have to address those with mobility issues. To further promote sustainable travel the bus stop needs upgrading. To further promote sustainable travel the eastbound bus stop should also be upgraded.

The pedestrian route between the development site and the eastbound bus stop requires negotiating the traffic signals at the A583 / Bryning Lane junction. Whilst some pedestrian facilities exist here the signals are old and lack a number of features modern signals provide, e.g. lacks tactile paving and nearside red / green man indicators.

The development is below the scale at which a Travel Plan would be required, however, the developer has indicated that basic travel planning initiatives will be provided in the form of welcome packs which will include walking / cycling information, public transport information and information on efficient car use and parking management.

The development site is conveniently located in term of access to public transport and the currently services are considered adequate to meet the needs of future residents. Whilst LCC frequently request s106 contributions for sustainable transport improvements from large developments none are requested here.

#### Vehicular Access.

Vehicular access to the site is via a simple priority junction on Woodlands Close. Whilst Woodlands Close is relatively narrow the levels of traffic that the development would generate would not lead to any significant safety issues. The general geometry of Woodlands Close would ensure low traffic speeds and thus the access would meet with the philosophy of Manual for Streets and Creating Civilised Street where residential roads should be design to restrict vehicle speeds to 20mph or below.

Bryning Lane and Woodlands Close are already subject to a 20mph speed limit.

The proposed pedestrian / cycle access to the A583 raise no concerns.

The proposed access arrangements are acceptable.

#### Layout.

Layout is a reserved matter and as such the layout is only indicative.

Whilst I would not raise an objection to the indicative layout I would suggest that the following points be considered prior to the submission of a reserved matters application (presuming outline permission is granted).

1. All estate roads should be designed to limit speeds to a maximum of 20mph without the use of vertical traffic calming.
2. LCC would expect all roads serving 5 or more dwellings to meet adoption standards.
3. The pedestrian / cyclepath at the northern end of the site should be lit and offered for adoption.
4. Swept paths should be provided for turning heads.
5. Garages should have minimum internal dimensions of 6m x 3m.

#### Conclusion.

LCC are satisfied that the development proposal with an appropriate level of mitigation will not have a severe impact on highway safety or capacity. In order to promote sustainable travel and address highway concerns it is considered essential that the following be provided:-

1. Pedestrian / Cycle link between the site and the A583.

This needs to be available for use prior to first occupation of any dwelling.

2. Upgrading of eastbound and westbound bus stops on the A583. These need to be provided prior to first occupation and constructed under a s278 agreement. The works to include raised boarding area.
3. Upgrading of the traffic signals at the junction of the A583 / Bryning Lane. This needs to be provided prior to first occupation of any dwelling. The works to include new signal controller and pedestrian facilities.

**Suggested Conditions**

- wheel wash facilities during the construction period.
- scheme of off site highway works.
- implementation of approved scheme of off site highway works prior to any occupation of the development.

**LCC Education Contribution Assessment**

No objection to the proposal, subject to the following financial contribution:

- £162, 478.72 for 8 secondary places. - £256,016.07 for 19 primary school places.

An infrastructure project will be provided following approval of the planning application.

Given the outline nature of development, the contribution will be reassessed once accurate bedroom information becomes available.

**Regeneration Team (Trees)**

*"All trees of significance are offsite to some or other degree, and none of these would have to be removed for development. Their root protection areas and crown spreads may influence layouts but none are likely to prevent development. An oak just west of the internal hedge and an ash tree inside this hedge are definitely landmark trees that would add maturity and scale to any development. I would wish these to be retained and given protection (HERAS fencing at RPAs) in any development.*

*The internal hedge, which will be crucial for screening to the west if development were permitted, is in variable form: sections to the north are depleted of trees and therefore visually permeable, though it must be remarked that views are only to the next field and the boundary hedge of that field. The topography is uneven: land form declines both to the west and south, with the central area being apparently highest.*

*Southern sections of the internal hedge have a different character. Clumps of blackthorn have outgrown into the field giving a deeper, denser field boundary, and gaps are few and small.*

*If the prospect of development became likely I would suggest that we looked for landscape planting that paid strong regard to the rural location. That means hedgerow retention is essential, but we should also look for a deep buffer plantation around the development to blend it into the surrounding landscape."*

**Environment Agency**

No comment to make on the application – it is not listed in the 'when to consult the EA' doc or in the Development Management Procedure Order.

**Environmental Protection (Pollution)**

No objections subject to the following conditions:

1. restriction to the hours of construction on the site to between 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no works on Sundays or Bank Holidays.
2. Submission of, and agreement to a noise, vibration and dust Management Plan during construction. The approved scheme to be implemented for duration of construction works.



**NHS Fylde and Wyre CCG**

Comment to be provided by update.

**Natural England**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Newton Marsh SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

**Neighbour Observations**

<b>Neighbours notified:</b>	02 August 2016
<b>Amended plans notified:</b>	n/a
<b>Site Notice Date:</b>	03 August 2016
<b>Press Notice Date:</b>	18 August 2016
<b>Number of Responses</b>	22 - including an objection statement submitted on behalf of residents of Woodlands Close and objection statement from Newton Residents Association.

**Summary of Comments** The main concerns raised by residents are summarised below:

- Principle of development with reference to the site being designated in the Publication Version of the Fylde Local Plan 2032 within an Area of Separation which seeks to restrict inappropriate development that would result in a coalescence of two distinct and separate settlements. In this case Kirkham is a large market town, Newton is a small village and both need to maintain their identity, this development would seek to close the gap between the two and is therefore inappropriate.
- Need for homes fulfilled by housing allocations for 115 houses in the Publication Version of the Local Plan 2032. Proposal would result in 50% more than this requirement.
- Highway safety at the junction of Bryning Lane and Blackpool Road (A583), reference to 3 serious accidents which has not been acknowledged in the Transport Assessment. The development will place further pressure on the junction.
- Highway safety at the junction of Woodlands Close and Bryning Lane, reference to poor visibility when egressing from Woodlands Close being obscured by trees and fences. Additional traffic will place increased pressure and present a danger to highway safety. This junction was designed to accommodate traffic associated with 10 dwellings or less. Highway issue for vehicles turning south on Bryning Lane to go to shops/ services, vehicles, at peak time, would have to cross queuing traffic increasing the potential for accidents.
- Woodlands Close is 4.8m in width and unsuitable to accommodate passage of emergency and service vehicles. Presence of on street parking reduces this to 1.5m – 1.8m, causing access

problems and potential for dangerous reversing manoeuvres out on to Bryning Lane in the event of vehicles meeting head on. Current problems exiting to Bryning Lane during rush hour due to queuing traffic. There is no other access for emergency vehicles if Woodlands Close is blocked. Additional vehicles associated to the development will increase congestion.

- Highway infrastructure not capable to support existing village.
- Loss of residential amenity to 3 and 5 Woodlands Close, as well as all other properties on Woodlands Close, from car head and break lights exiting the application site shining directly into habitable rooms. Loss of light or overshadowing to properties east of the development. Overlooking of properties to the west. Loss of visual amenity. Noise and disturbance of Bryning Lane from additional traffic.
- Loss in property value.
- Loss of open aspect and views.
- Loss of agricultural land.
- Visual amenity – development out of keeping with the existing settlement which is bordered by open fields, there is no development along the eastern boundary of Newton, other than Parrox Lane, the visual appearance of the existing boundary to the settlement is open, unspoilt countryside.
- Damage to rural character of the village.
- Heritage – impact on Newton Hall Farm House (Grade II).
- Pressure on school services, Newton Bluecoat Primary and Carr Hill High School are at capacity.
- Lack of health services, with those in Kirkham being stretched and no NHS dental practices locally.
- Poor wastewater and drainage. Aging surface and foul water infrastructure. UU have commented that Bryning Lane to Grange Lane foul sewer being hydraulically overloaded and in need of upgrade.
- Village is adjacent to a high flood risk area, existing problems of surface water drainage results in water logged garden
- Poor electricity supply, current problems of power cuts and additional development will only add to this problem.
- Ecology – hunting ground for barn owls, proposal would destroy this habitat. Kestrel and Sparrowhawk feeding, wildlife including bats, rabbits, sheep, horses use the field.
- Pressure on existing services, such as additional parking requirements.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EMP5	Hazardous installations
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land

EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

**Fylde Local Plan to 2032:**

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD3	Areas of Separation
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

**Other Relevant Policy:**

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

**Site Constraints**

Pipelines  
 Within countryside area  
 Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues pertinent in the assessment of this proposal are:

- Principle of development.
- Relationship with Surrounding Development.
- Highways.
- Flood risk and drainage.
- Ecology.
- Trees.
- Heritage.

## Principle of Development

### *Policy Context and Site Allocation*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that planning decision takers should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the FBLP and PV. Policies SP2 and GD4 are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policy SP2 and GD4. Newton with Clifton Parish Council have raised objection to the proposal on principle grounds.

Notwithstanding this, assessment of principle against the NPPF and other material considerations must be made to determine whether there is sufficient justification to outweigh this position.

### *Housing Need*

The NPPF emphasises the importance of housing delivery. Indeed, paragraph 47 requires the significant boosting of housing, local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in their area. A five year supply for market and affordable housing, with an additional 5% buffer (20% for those local authorities consistently under providing), should be maintained. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The Council's most recent five year housing land supply position statement, as of 31 March 2016, indicates a supply of 4.8 years (including the 20% buffer for a persistent under delivery). In the absence of a five year supply, policies of the development plan which relate to housing supply, including FBLP Policy SP2, cannot be considered up to date and in conflict with the NPPF. Therefore, the release of housing sites in the countryside area is acceptable in accordance with paragraphs 47 and 49 of the NPPF, provided that there are no overriding policy or other material considerations to indicate that development should be refused. The delivery of housing in the absence of a five year supply is considered to weigh in favour of the development.

Policy DLF1 of the PV Local Plan sets out a targeted strategy for new residential development within Fylde, identifying Newton as a Tier 1: Larger Rural Settlement location. Justification text to Policy SL5 confirms that Tier 1 locations can accommodate between 100 and 150 homes over the plan period with delivery, in part, made by allocation of 115 units spread between two sites namely School Lane (HS51) and Oak Lane (HS52). It should be noted that the figure of 150 units is not a ceiling for development. Collectively, unit numbers in this current proposal combined with those of the allocated sites will exceed the 150 units specified within Policy SL5, though it is considered that the proposal will make a significant contribution to meeting this overall target.

Paragraph 216 of the NPPF indicates that “from the day of publication, decision-takers may also 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);
- 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); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the PV Local Plan is a material consideration, it is yet to be examined in public.

Representation has been received to the application site being re-designated from an Area of Separation to a housing allocation, residents and the Parish Council have also raised concern to additional residential development. Since the PV has unresolved objections with specific reference to the sites proposed designation and housing supply, relevant policies can only have very limited weight in the decision making process. This position has been emphasised in a number of recent appeal decisions and on this basis relevant Policies of PV relating to housing provision, including the Area of Separation, cannot be relied upon to restrict or support housing development in Newton.

*Does the proposal deliver sustainable development?*

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in this location being availability and accessibility of services, scale of development and visual impact.

*Accessibility and Availability of Services*

Objectors have suggested that there is a lack of services which are capable of supporting a development of the size proposed. Particular reference is made to a lack of medical facilities, schools and key services such as electricity and drainage in Newton.

Newton is identified settlement within Policy SP1(4) of the FBLP and a Tier 1 settlement in the PV. This is an acknowledgement that Newton is capable of accommodating sustainable growth up, albeit that it may have a dependency on other larger settlements for some services.

The application site is located to the west of the village on the edge of (but wholly outside) the defined settlement boundary of Newton. Newton has a number of local services including convenience store, post office, primary school, cash point, equipped play area/ amenity area, Village Hall and public house. It is recognised that the village does rely on connections to other villages and Kirkham, for some services including health and secondary education.

According to the Lancashire County Council web site, closest bus stops are located adjacent to the site on Preston Old Road, accessible on foot by the existing footpath network. This provides the 61 service between Blackpool, Kirkham and Preston, 61c Wrea Green to Preston College, 75 Fleetwood to Preston via Thornton, Poulton and Kirkham and 75a Myerscough to Preston via Gt Eccleston and Kirkham.

Concern has been raised by residents with regards to pressure on existing health and education facilities. Comment from the NHS with regards to this matter is outstanding and will be provided via update to Committee. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that this matter alone is not sufficient to refuse the development on sustainability grounds. LCC Education comment that there is currently a shortfall of primary and secondary school places and that the development will add to this. On this basis, financial

contributions are requested from the development which will be used to increase provision, in this circumstance 19 primary school places equivalent to £256, 016.07 and 8 secondary school places equivalent to £162, 428.72 is sought.

As identified in paragraphs 34 and 38 of the NPPF, it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid new isolated homes in the countryside.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and would not be isolated from them in comparison to existing dwellings within the village envelope. Moreover, the addition of up to 50 dwellings would help sustain and could act as a catalyst for the development of local facilities and services. The site is accessible by 2 main bus services which provide sustainable connectivity to larger settlements of Blackpool, Preston, Kirkham, Poulton and Thornton and the services provided therein.

In summary, although the application site is located within the countryside, it is located in close proximity to Newton and the development would have reasonable access to shops, services community facilities and public transport that Newton provides. On this basis, with regards to accessibility and availability of services, the site is considered to be in a sustainable location. Therefore whilst the application would be contrary to Policy SP2 of the FBLP in this instance there is greater weight to be given to the NPPF due to the sites sustainable location, housing objectives and presumption in favour of sustainable development.

#### *Scale of Development*

The scale of development proposed is intrinsic to the scheme design, the NPPF states that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare. Policy EP11 states, amongst other criteria, that new development in rural areas should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style.

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.

The nature of the outline application dictates that elevation drawings are not requisite for the submission. The submitted Design and Access Statement provides scale parameters, referring to height of buildings ranging from 4.5m to 12m, equivalent to a 3 storey dwelling. It is recognised that there is a mix of dwellings in the locality; dormer bungalows define the character of Woodlands Close/ Highgate Close and 2 storey dwellings are present on Bryning Lane/ Avenham Place. It is expected that the proposal is consistent with the existing scale of properties, from a design perspective dwellings adjacent to those on Woodlands Close should be bungalows to appear as a

continuation of this street scene into the development. It is recommended that appropriate conditions to restrict the size of dwellings are attached to any subsequent approval notice.

There are approximately 651 properties (inclusive of commercial and residential) in the village of Newton. Based on this total, the proposal of 50 units will therefore result in an 8% increase in the village size. Cumulatively with allocated sites proposed (115 units in the PV), the village has the potential to grow by 25%. It is not considered that this is an unacceptable scale of growth to the settlement and that there are sufficient services within the settlement to meet the needs of existing and prospective occupants. Members should note that these figures are intended only to give a quantitative context to the level of expansion which would arise as a result of the development. There is, in policy terms, no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

#### *Visual and Landscape Impact*

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected, identifying that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make suitable provision for landscape planting. This reflects guidance contained within the PV and NPPF.

A revision has been received which reduced the amount of developable by providing a 40m buffer of open space to the northern edge of the site, adjacent to Blackpool Road.

The applicant has submitted an Arboricultural Impact Assessment (AIA) which includes a survey of trees within and overhanging the site in respect of their condition, retention category and root protection area. The assessment concludes that trees are of moderate quality and value and that those on/ surrounding the site do not pose a significant limitation to development. The indicative site layout shows retention of existing vegetation to the site periphery, which includes trees and mature hedgerow, and the pond. Accordingly, the most valuable landscape features on the site would be retained. Conditions are suggested requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention of these features.

The site is situated on the western edge of the settlement boundary of Newton and forms part of an area of open countryside which extends to the west of the village. Aerial images dating back to the 1940's indicate that Newton has evolved through infill development of farm land bound by the A583, Bryning Lane and School Lane, the 1960's saw further expansion to the west side of Bryning Lane. This historic development has resulted in an east to west linear settlement with a strong northern boundary definition formed by Blackpool Road. The sites eastern boundary abuts the built up area of the village adjacent to dwellings on Woodlands Close and Avenham Place. With the exception of dwellings on Woodlands Close which have a front facing or side on relationship to countryside, the

majority of housing in the locality has a rear facing aspect, with rear gardens and associated boundary treatment adjoining countryside. A mix of trees and hedgerow form a natural boundary to other elevations of the site. The site is considered to be in a prominent location adjacent to Blackpool Road, though this is tempered by peripheral vegetation, with only glimpsed views being available through gaps in the built form when entering the village via Bryning Lane. Parrox Lane is located to the west, and provides glimpsed views of peripheral vegetation to the site and existing housing. There are of course more prominent views of the site when seen at close quarters from Woodlands Close. There are no adopted Public Rights of Way in the vicinity.

It is considered that the application site is a natural expansion of Newton and is consistent with the historic expansion pattern of the settlement. The development relates well to the defined Village boundary designated in the FBLP and emerging PV. The proposal provides for an outward facing development, with retained trees/ hedgerow acting as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge when compared to that existing. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment. This is an important feature of the proposal, providing mitigation of the development's visual and landscape impact along its most sensitive boundary.

The site is allocated as an Area of Separation in the Fylde Local Plan 2032. Policy GD3 is of relevance and states that these areas are designed to *"preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in a coalescence of two distinct and separate settlements"* Kirkham and Newton are named as two distinct and separate settlements in the policy. The policy explains that this will be achieved by assessing the impact that a proposal has on the harm it causes to the openness of the land between settlements, and how it would compromise the identity and distinctiveness of settlements. The policy's main aim is to prevent the coming together of Kirkham and Newton to form a single mass. Members should note that there is specific objection to the application site being designated as an Area of Separation, with the site being put forward as a housing allocation. Since there are unresolved objections with specific reference to housing provision in Newton and the Area of Separation, relevant policies, including GD3, can only have very limited weight in the decision making process.

The application site forms part of a larger Area of Separation land designation, washing over land and buildings between Kirkham and Newton. Importantly it covers the ribbon development located on Blackpool Road between these two settlements. Agricultural fields currently detach Newton from this ribbon development and in essence give the village its own distinct identity. Development which results in the joining up of Newton to this ribbon would therefore prejudice this identity and character of the village as it would encourage the incremental expansion of the village toward Kirkham – of which GD3 is envisaged to avoid. Notwithstanding this, an adjoining field sandwiched between the application site and ribbon development prohibits the physical merger with Newton. A revision to the scheme has located the built form of development further away from Blackpool Road (circa 40m), enabling an area of wildflower grassland planting within the development to be provided. The revision, combined with retention of existing trees and hedgerow will act to provide a sense of openness to the northern edge of the development, reinforcing separation of the village envelope to the ribbon development and maintaining Newton's identity as a separate entity. On this basis, irrespective of the weight applicable to Policy GD3, it is considered that the development would not result in the coalescence of Newton with Kirkham.

It must be accepted that the proposal will result in the urbanisation of a countryside location, with resultant harm to landscape character. Notwithstanding, this is the case for the majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining



the degree of harm arising. The development would diminish openness and would interrupt existing external views across the site where available. Notwithstanding, resultant harm would be minimised by virtue of the development's close relationship with existing buildings on the edge of the settlement, retention of existing features and provision of new landscaping within the proposal. It is not considered that the limited visual harm to landscape character would be sufficient to outweigh the benefits of the scheme to a degree which would warrant refusal of the application. Moreover, mitigation would be introduced in order to ensure that any adverse impact in this regard is minimised.

It is important that the parameters of the Indicative Layout Plan are provided within any subsequent reserved matters planning application, this can be controlled by condition.

#### *Loss of agricultural land*

Paragraph 112 of the NPPF stipulates that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In addition, Policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough, with Grades 2 and 3a considered the best and most versatile.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map indicates the site to be Grade 2, though is only accurate to about 80ha and is not accurate for use in assessment of individual sites.

The applicant has not submitted an Agricultural Land Appraisal to determine the precise grade of land. Assuming a worse case scenario, the development could therefore result in the loss of Grade 2 land. The submitted Planning Statement confirms that the site is occasionally used for grazing purposes. Notwithstanding this, it is recognised that the Fylde Borough has significant amounts of Grade 2 agricultural land available, loss of 2.81ha through possible redevelopment of this site is not therefore considered to detrimentally impinge on this provision to an extent that refusal should be recommended.

#### *Principle of Development – Conclusion.*

The site lies within the Countryside Area and outside the settlement boundary of Newton as identified on the FBLP Proposals Map. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and is therefore in conflict with this policy. However, given the absence of a five year supply of housing land, housing supply policies, including those restrictive Policies such as SP2, are considered out-of-date and in conflict with the NPPF. As a result, little weight can be attached to Policy SP2 in the decision making process. For the same reasons, the settlement boundary cannot be relied upon as a tool to limit the expansion of the village.

The PV Local Plan is yet to be examined in public. Representation has been received to inclusion of the application within the Area of Separation, requesting inclusion as a housing allocation, residents have also raised concerns to new housing. Since the PV has unresolved objections with specific reference to housing provision, relevant policies can only have very limited weight in the decision making process and should not be relied upon to either restrict or support housing development in

Newton. Notwithstanding this, with regards to the Area of Separation it is considered that the proposal would not result in the coalescence of Newton with Kirkham.

The application site is considered to be in a sustainable location and would not result in the introduction of isolated homes in the countryside. The scale of development is considered appropriate and would not unacceptably undermine the character of Newton. The development represents a rounding off of the defined Village Boundary in this locality, enhanced landscaping to open countryside and outward facing development will provide a transitional buffer between urban and rural and act to enhance the village setting. The site is in a prominent location, though retention of natural features and strengthening of landscaping to the site boundaries would ensure that any harm to landscape character and visual amenity is minimised.

Numerous appeals have demonstrated that the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of new housing in the Borough, in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 30% affordable housing on the site. On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that the principle of development is acceptable, having particular regard to the requirements of the Development Plan and NPPF.

#### Relationship with surrounding development:

Policy HL2 supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes to privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The Indicative Layout Plan sites development adjacent to the western boundary of Newton and there are a number of dwellings adjacent which could be affected by the proposals. Indeed amenity concerns have been raised with particular reference to residents on Woodlands Close from loss of light, overshadowing and overlooking from proposed dwellings. Reference is also made to car headlights/ brake lights shining directly into habitable room windows, noise and disturbance from increased vehicular movements, loss of open aspect and views and impact to property values.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, the relationship between dwellings proposed and neighbours cannot be considered at this time. Notwithstanding this, Policy HL2 is clear that amenity of existing residents must be safeguarded and it is expected that any subsequent reserved matters application is compliant with this Policy. The majority of dwellings on Woodlands Close are bungalows, to ensure transition between the existing built form and the application site, the development must ensure provision of bungalows adjacent to those existing. This requirement would also act to improve the amenity relationship between bungalows on Woodlands Close and dwellings proposed. A condition requiring bungalows on Plots 1, 2, 40 and 41 is suggested.

With regard to matters raised by residents, the proposal will intensify use of the site and increase the number of vehicles on access roads, including Woodlands Close and Bryning Lane. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. 3 and 5 Woodlands Close have a front facing aspect to the application site and proposed site access

arrangement. It is acknowledged that ground floor room windows may be affected by car headlights/ brake lights when entering or leaving the site. However it must also be acknowledged that impact from headlights would be restricted to certain parts of the day and that brake lights are only used temporarily when breaking. The frequency of impact is therefore considered to be low and in itself not sufficient to warrant refusal of the development. The reserved matters submission will safeguard the amenity of residents by ensuring appropriate separation distances between dwellings, though it must be recognised that the current open aspect and countryside views witnessed by residents adjacent to the application site will be eroded by the development. Impact to property values is not a consideration which can be used in assessment of planning applications.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and noise, vibration and dust controls are recommended. Damage to neighbouring dwellings resultant from the construction of development is a private matter and not something that can be taken into consideration when determining this application. For information purposes, a construction company or contractor must carry insurance to cover the unfortunate circumstances where damage does occur to neighbouring property. This insurance would be used to make good any damage. It is recommended that any neighbours concerned take private professional advice on this matter as the Council cannot be held accountable or liable for the actions of private building companies.

#### Highways:

The outline application refers to matters relating to access, it is therefore appropriate to assess the access arrangements and road network impact as a result of additional vehicles associated to the development.

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. PV Policy GD7 refers to similar highway safety matters.

Objection to the proposal has been received in relation to highway safety and existing congestion problems. Reference is made to additional pressure on junctions adjacent to the site, including Bryning Lane/ Blackpool Road and Bryning Lane/ Woodlands Close, including 3 serious accidents which have not been acknowledged in the Transport Assessment. The Woodlands Close/ Bryning Lane junction is stated to have poor visibility when egressing from Woodlands Close being obscured by trees and fences. Safety concerns for vehicles turning right onto Bryning Lane which would have to cross queuing traffic to go to shops/ services at peak times, increasing the potential for accidents. Woodlands Close is stated as being unsuitable to serve the needs of the development, on street parking reduces width of the road making passage difficult and increasing potential for dangerous reversing manoeuvres out on to Bryning Lane in the event of vehicles meeting head on. Current problems exiting to Bryning Lane during rush hour due to queuing traffic. There is no other access for emergency vehicles if Woodlands Close is blocked.

The submission indicates that the sole vehicular access to the development will be via a new access off Woodlands Close and the existing footpath network will be continued into the application site. The applicant has submitted a Transport Statement (TS) in support of the application. The TS confirms that the site has good accessibility, with the site having good pedestrian linkages to local amenities and cycle network and public transport infrastructure within walking distance providing sustainable travel options to larger settlements of Blackpool, Preston, Kirkham and Poulton. The trip generation assessment indicates that the proposal will generate 27 vehicle trips in the AM peak and 25 in the PM peak, concluding that the development is of an inconsequential level in terms of impact on the operation of the local highway network.

LCC Highways comment that the proposal, with an appropriate level of mitigation, will not have a severe impact on highway safety or capacity.

With regards to anticipated trip rates associated with the development, it should be noted that the TS is not truly representative being based on a edge of town survey as opposed to rural/ village location which if used would produce slightly higher rates. Overall vehicle numbers would not rise by more than 1 or 2 vehicles during the peak hours. The Highway Officer observed that queuing does occur and is resultant from old traffic controllers on the junction which do not clear each cycle. The development will add 20-22 vehicles to Bryning Lane in the AM peak, but this is unlikely to put more than 2 or 3 vehicles into the existing queue in any traffic signal time. Upgrading of the traffic controllers on this junction would improve efficiency. Reference is made to the Preston West Distributor Road (PWDR) which is predicted to reduce traffic levels on the A583, though even without this improvement it is unlikely that the A583/ Bryning Lane junction will be at or near capacity in peak hours in the short term.

In relation to highway safety, it is expected that the applicant analyses a 5 year period, as opposed to the 3 years provided. LCC Highways confirm that most recent accident data indicates 6 injury accidents on the A583 at or within 60m of the traffic signals, and a 7 injury accident within 220m. Only 2 of the 7 accidents resulted in severe injury, involved 2 or more cars and no pedestrians/ cyclists. LCC Highways comment, that whilst regrettable the accident rate is not untypical for a road with the level of traffic the A583 carries. Upgrading of traffic signs is likely address some highway safety concerns.

LCC Highways disagree with the TS accessibility rating of the site, but comment accessibility to bus/ cycle networks is improved through inclusion of footpath linkage to the north of the site. Members should note that revision has been received removing this linkage from the development since it was considered to increase visibility of proposed housing when viewed from Blackpool Road. This results in residents having to walk/ cycle via Woodlands Close/ Bryning Lane, though is not considered to be onerous on residents. The west and east bound bus stops on Blackpool Road lack a raised boarding area and upgrades are requested to improve accessibility. Pedestrian access to the east bound stop would also be improved by alteration to the traffic signals to the Blackpool Rd/ Bryning Lane junction.

With regards to the site entrance LCC Highways state that the proposed access arrangements are acceptable. They comment that whilst Woodlands Close is relatively narrow the levels of traffic that the development would generate would not lead to any significant safety issues. The general geometry of Woodlands Close would ensure low traffic speeds and thus the access would meet with the philosophy of Manual for Streets and Creating Civilised Street where residential road design should restrict vehicle speed to 20mph or below.

Whilst the highway concerns raised by residents is noted, in light of the LCC Highways assessment of

the proposal it is considered that the development provides for safe and suitable access and that impact on the network would not be severe, in accordance with Policy HL2 and the NPPF. Off site highway works are requested in the form of bus stop improvements and traffic signal upgrades at the junction of the A583 and Bryning Lane, and can be provided by condition.

*Parking:*

The planning application is made in outline form with detailed assessment of parking provision being reserved for subsequent application. Parking arrangements cannot be assessed at this time.

Notwithstanding this, Policy HL2 is clear that residential development provides for appropriate car parking and it is expected that any subsequent reserved matters application is compliant with this Policy.

Flood Risk and Drainage

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

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

Policy EP30 of FBLP indicates that development will not be permitted which would itself be subject to an unacceptable risk of flooding, create an unacceptable increase in the risk of flooding within the development site, or elsewhere, adversely affect the water environment as a result of an increase in surface water run-off, result in excessive culverting or prejudice essential access requirements to watercourses or flood defence. Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of emerging policy reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regards to existing poor waste water and drainage resultant from an aging system and that the Village is adjacent to a high flood risk area with current problems of surface water drainage water logging gardens.

The FRA refers to the site being located within Flood Zone 1 and has been assessed to be at very low or low risk from flooding. There is evidence of a pond and land drainage ditches to the western and southern boundaries, which are also considered to be of low flood risk. This positioned is evidenced through a lack of any evidence relating to historical flooding of the site. Based on ground conditions, infiltration is unlikely to provide a viable drainage solution for the development, use of existing watercourses is considered though these features are not known to connect to any formal surface water system. United Utilities has confirmed that they will not accept surface water into their own system until all other options in the hierarchical approach (including infiltration and watercourse) have been discounted. The alternative strategy would be to discharge into the public surface water sewer on Woodlands Close. Rate of run off should be restricted to the equivalent existing greenfield run off rate. The public open space area, including pond provide good opportunity for sustainable urban drainage such as holding ponds and basins. The on site water drainage system will need to prevent overland run off from storm events.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and

United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. Such conditions include submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water, detail of finished floor levels, provision of pond/ detention basin prior to main construction phase, and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. On this basis, whilst the concerns of residents is noted, it is considered that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

### Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, opportunities to incorporate biodiversity in and around developments should be encouraged.

The site has no specific nature conservation designation in the Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated to a SSSI south of the site. Policy EP15 indicates that development affecting the integrity of a designated European Site will not be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Emerging Policies ENV1 and ENV2 reflect this current policy position.

Residents have raised concern to the development impinging on the current ecological value of the site, including loss of habitat and foraging for barn owls, Sparrowhawk, bats, rabbits, and grazing of sheep and horses.

An ecology survey has been submitted in support of the application. The survey confirms that the site is of sufficient distance from the statutory designated SSSI, any impacts can therefore be reasonably discounted. Similarly, due to a separation distance of 80m, the proposals are not considered to have any impact on the Newton Crossroads BHS which is designated for the presence of a Black Poplar. On this basis the report concludes that the development would have no adverse impact on statutory or non-statutory designated sites of conservation. The survey also confirms that none of the habitats on the site are of significant interest, but trees, hedgerow and shrubs are of local value being suitable for breeding birds and foraging bats. Survey work has been undertaken at the site to discount the presence of badger, roosting bats, reptile species and water vole. The pond on site has been surveyed for Great Crested Newts in which none were found to be present. The survey recommends that existing habitat such as pond, hedgerow and trees be retained, enhanced and protected and reasonable avoidance measures are implemented during the construction, lighting of the development should be sensitive to bat foraging habitat, provision of bats and bird boxes within the development and no site clearance during the bird nesting season.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions, as recommended above. Indeed GMEU have no objection to the proposal subject to condition, and Natural England advise that the proposal is unlikely to affect any statutorily protected sites or landscapes. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

#### Trees

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Emerging Policy GD7 seeks to protect existing landscape features.

The submitted Tree Survey states that all trees on the site are generally in good condition, though a single Ash has been assessed to be in poor condition. 9 trees are classified as being Grade B of moderate value, and 7 with low value. The report states that the trees do not offer any constraints to the development, but acknowledges that the final site layout should take account of building proximity to root protection areas and canopies. Retained trees should be protected during the construction period.

The Tree Officer concurs with the submitted survey, seeking retention and construction protection of specific trees on the site including an Ash and Oak. Additional planting is expected which must pay strong regard to the rural location. Conditions are requested requiring tree protection during the construction period and replacement planting.

On this basis the proposal is considered to accord with Policy EP12, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

#### Heritage

There are three Grade II Listed buildings located to the south of the application site on Grange Lane, namely 8 Grange Lane, Dagger Cottage and Dixons Farmhouse. Given the presence of these listed structures, the planning authority are obliged to consider the impact of the proposal on the setting of these designated heritage assets.

Paragraphs 132 and 133 of the NPPF make clear that any development causing substantial harm or total loss to the significance of a designated heritage asset (including its setting) should be refused, other than in exceptional circumstances. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

The grade II heritage assets are located approximately 230m to the south. Buildings on Oak Lane and Grange Lane act to obscure a direct line of sight between the Assets and the application site. Given this separation and since there is no direct line of sight, it is not considered that the development would have any harmful impact, nor would it diminish significance on the setting of the listed heritage assets, in accordance with the development plan and NPPF.

#### Other issues

The Parish Council has objected on grounds that the application should be assessed against criteria

within Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan. This policy relates to the level of need and spatial distribution for the provision of minerals and waste within Lancashire and is not therefore relevant to assessment of this current proposal. The site has no specific minerals or waste designation within this Local Plan.

*Open space:*

Policy TREC 17 supports new residential development subject to the provision of amenity open space (including facilities for children's play where appropriate) in accordance with standards relevant to the number of bedrooms within each dwelling provided. The outline nature of the application means that there can be no clarity on this matter, however the illustrative layout shows areas of open space within the development. It is appropriate to require on-site provision of open space for a development of this size and the illustrative masterplan indicates provision. Accordingly, adequate open space is capable of being delivered on site in accordance with the requirements of TREC17.

*Affordable housing*

The Council's Strategic Housing team have commented on the application and support the development subject to provision of 30% affordable housing on the site stating that there is currently an under provision in the locality. If members are minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of 30% of the site as affordable dwellings.

The applicant has provided a Heads of Terms document which provides agreement to such requirements.

*Education*

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 is of relevance and places such a requirement on development through sealing of a section 106 Legal Agreement.

The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 8 secondary school places of £162, 478.72 and 19 primary school places equivalent to £256, 016.07

If members are minded to approve the scheme, the Applicant will have to enter into a Section 106 Legal Agreement to ensure provision of 30% affordable dwellings within the development.

The Legal Agreement will secure the contribution amount and any required phasing of the payment. Given the outline nature of development, the contribution will be reassessed once accurate bedroom information becomes available.

**Conclusions**

The development falls outside the settlement boundary of Newton, representing encroachment into the countryside and is therefore contrary to Policy SP2 which acts to restrict residential development within such areas. Notwithstanding this, the Council cannot demonstrate a five year supply of housing land and Policy SP2 is in conflict with the NPPF. Consequently Policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

Whilst the PV Local Plan is a material consideration, it is yet to be examined in public. Since the PV



has unresolved objections with specific reference to the Area of Separation and housing provision, relevant policies can only have very limited weight in the decision making process and should not be relied upon to either restrict or support housing development in Newton. Notwithstanding this, it is considered that the proposal would not result in the coalescence of Newton with Kirkham.

The proposed development, would result in an expansion of the village in the order of approximately 8% (25% when combined with proposed housing allocations) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Newton and existing shops, services, and public transport facilities available both within and outside the village. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse effects on landscape character and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development could result in the loss of a small proportion of the Borough's best and most versatile agricultural land, though this is not considered sufficient to warrant refusal of the proposal and there are no other landscape designations to restrict its development for housing.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver 30% affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of residential development on the site is supported.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration on completion of a Section 106 agreement that will secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a contribution towards addressing the shortfall of primary and secondary education capacity to serve the occupants of the development. This is expected to be £162,478.72 equivalent to 8 secondary places and £256, 016.07 equivalent to 19 primary school places, with the agreement also clarifying the phasing of its payment and the projects it is to be spent on.

And that the Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning &

Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
  - the expiration of three years from the date of this permission; or,
  - two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:
  - Layout.
  - Scale.
  - External appearance.
  - Landscaping.

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

3. This permission relates to the following plans:
  - a) Drawing number LOC 001 (Location Plan).
  - b) Amended drawing number 001 revision 03 received on 7th November 2016 (Indicative Layout Plan).
  - c) Drawing number SK21630-001 (Proposed Site Access General Arrangement).

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of dwellings.

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

4. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on amended drawing number 001 revision 03 received on 7th November 2016 and the submitted Design and Access Statement with respect to:
  - a) the developable areas of the site.
  - b) the areas to be laid out as open space and landscape buffer.
  - c) the scale of development being no greater than 2 storeys in height.
  - d) should the final layout reflect drawing number 001 revision 03 then provision shall be made for bungalows on Plots 1, 2, 40 and 41.

Reason: To ensure that any application for the approval of reserved matters accords with the parameters shown on the masterplan with respect to the developable and non-developable areas

of the site in the interests of ensuring a pattern and layout of development which is sympathetic to the character and setting of the site and to minimise the development's visual impact on the surrounding landscape, in accordance with Policies HL2 and EP11 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated the Indicative Layout Plan drawing number 001 revision 03 received on 7th November 2016. The scheme shall include, but not be limited to, the following details:
- a) retention of existing trees, hedgerows and other vegetation on/overhanging the site.
  - b) a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
  - c) Soft landscaped areas to provide an entrance to the development, linkages to the existing pond and countryside beyond.
  - d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
  - e) the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs. Reference should be made to paragraph 5.7 of the submitted Ecology Survey and Assessment (August 2016).
  - f) Enhancement measures of the pond as per 5.6.3 and 5.6.4 of the submitted Ecology Survey and Assessment (August 2016).

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

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development, in accordance with Policies HL2, EP10, EP12, EP14, EP18, EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk, in accordance with Policies HL2 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

7. As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the

public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Those details shall include, as a minimum:

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

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

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

8. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
  - a) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
  - b) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
    - a. on-going inspections relating to performance and asset condition assessments;
    - b. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
    - c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - c) means of access and easements for maintenance purposes;
  - d) A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to

minimise the risk of flooding and to limit the potential for surcharging of the sewer network, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

9. All detention basins and flow control devices/ structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: To ensure site drainage during the construction process does not enter the watercourse at un-attenuated rate and to prevent the risk of flooding during the construction period, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

10. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) arrangements for the parking of vehicles for site operatives and visitors.
- b) details of areas designated for the loading, unloading and storage of plant and materials.
- c) details of the siting, height and maintenance of any security hoarding.
- d) arrangements for the provision of wheel washing facilities for vehicles accessing the site.

Reason: In the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

11. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows on or overhanging the which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

12. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

13. Construction of the development hereby permitted shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

There shall be no on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, a scheme to safeguard the amenity of neighbouring residents from noise, dust and vibration during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.

Reason: To protect the amenity of neighbours of the development, in accordance with Policies HL2 and EP26 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

15. There shall be no on site works, including any site clearance, ground works or site up, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) 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).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP 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.

Reason: To ensure adequate protection of on site ecological features, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

16. Prior to occupation of the development hereby approved, a "lighting design strategy for biodiversity" for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
1. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard bat habitat on the site post construction, in accordance with Policies EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the

National Planning Policy Framework.

17. There shall be no on site works, including any site clearance, ground works or site set up, until a Reasonable Avoidance Method Statement (RAMS) for the protection of amphibians during works on the site is submitted to and approved in writing by the Local Planning Authority. The approved RAMS shall be implemented for duration of all works on the site associated to the approved development.

Reason: To ensure adequate protection of on site ecological features, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

18. Prior to commencement of the development hereby approved, a scheme for the provision of bat boxes and bird nesting opportunities within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to last occupation of the development and retained thereafter.

Reason: To ensure enhanced provision of bat and nesting bird habitat, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

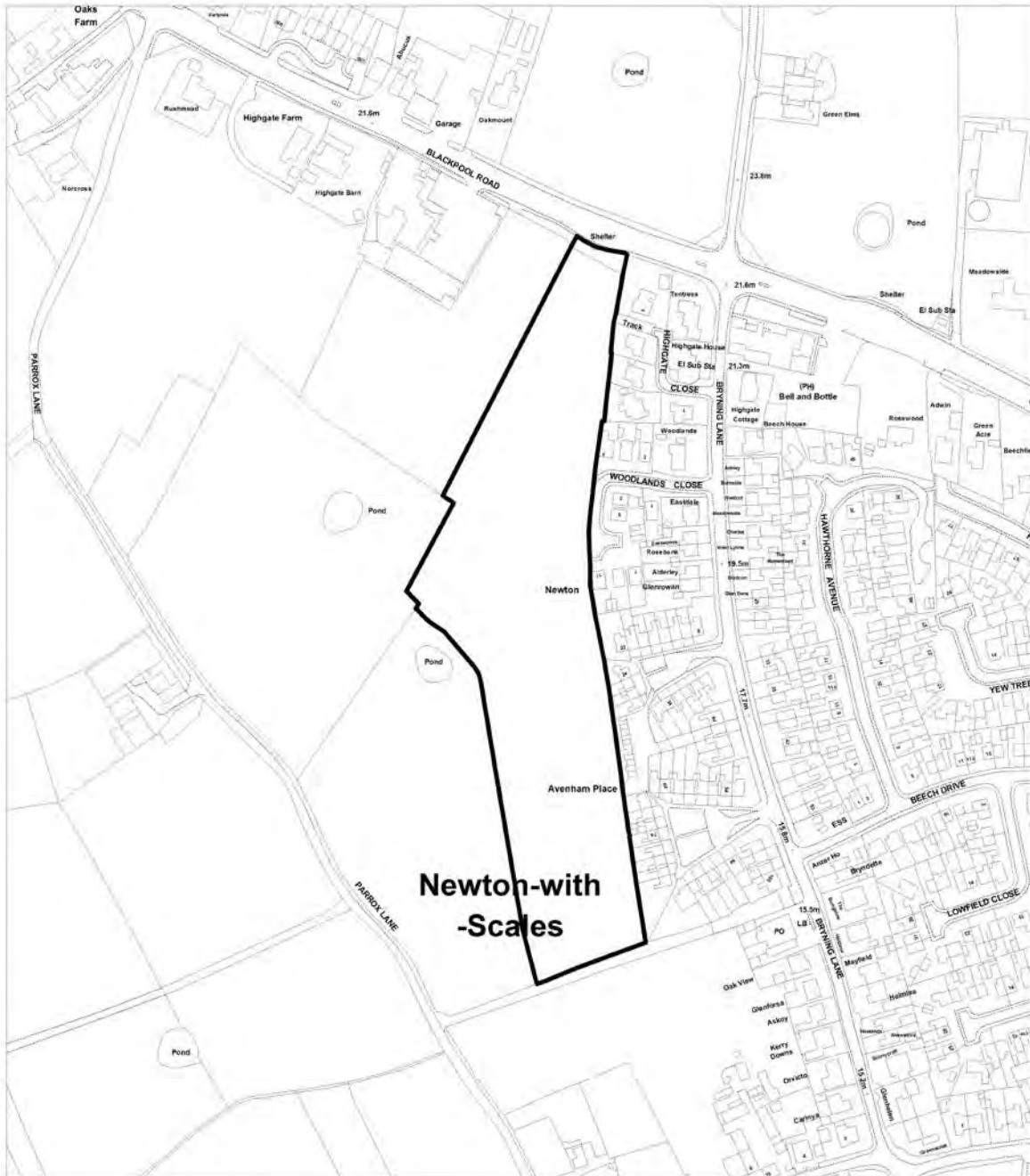
19. Prior to commencement of the development hereby approved, a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. The off site highway works shall provide for the following:

- a) upgrading of the east and west bound bus stops on the A583 adjacent to the junction of Bryning Lane and the A583.
- b) upgrading of traffic signals at the junction of Bryning Lane and the A583, to include but not limited to, upgrading the traffic controller, tactile paving and nearside red/ green man indicators.

The approved works shall be implemented prior to first occupation of the development and retained thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the site access visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction).

Reason: To ensure a satisfactory means of access and commensurate off site highway works relative to the impact of development, in accordance with Policy HL1 of the adopted Fylde Borough Local Plan as altered (October 2005) and the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0554	Address Land west of Woodlands Close, Newton	Grid Ref. E.3444 : N.4310	Scale 0 15 30 45 60 m



Item Number: 4

Committee Date: 07 December 2016

<b>Application Reference:</b>	16/0609	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Conlon Living Ltd.	<b>Agent :</b>	Croft Goode Limited
<b>Location:</b>	BUSH NURSERIES, LAND OFF RUSKIN ROAD, FRECKLETON, PRESTON, PR4 1DR		
<b>Proposal:</b>	ERECTION OF 11 DWELLINGS WITH ASSOCIATED PARKING		
<b>Parish:</b>	FRECKLETON WEST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7524329,-2.8709063,286m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application site is a former flower outlet and storage area in Freckleton. It currently benefits from an outline planning permission for the erection of 11 new dwellings and conversion/extension of the existing dwelling on site to form 3 dwellings to give a total of 14 properties (15/0088 refers). This application seeks full planning permission for the erection of 11 new dwellings, the layout of which differs slightly from that approved under 15/0088, without any works being proposed to the dwelling.

The site is located within the settlement where development is supported and is previously developed land that has residential properties on three sides and the health centre on the fourth. The principle of housing in such circumstances is acceptable and the design, scale, access and layout arrangements proposed are also acceptable. Accordingly the proposal is in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and is recommended for approval.

#### **Reason for Reporting to Committee**

The proposal involves major development, and as officers are in support of the proposal it must be determined at Committee.

#### **Site Description and Location**

The site is located within Freckleton village and just off the main village thoroughfare (Lytham Road), approximately half way between Derwent Drive and Clitheroes Lane junctions with Lytham Road. The site is a former floristry retail premises with a large customer car parking area and measures approximately 80m x 40m. The site has an existing access from Ruskin Avenue at the north, and the

southern end of the site is a large detached dwelling ('The Refuge'), which is accessed from Douglas Drive. To the west is Freckleton Health Centre and to the east are the back gardens of houses on Bramwell Road. Ruskin Road serves the application site and two dwellings: No's 1 & 3 Ruskin Road.

### **Details of Proposal**

This application seeks full planning permission for the clearance of the site and the construction of 11 dwellings. These would comprise of 2 x detached dwellings, 6 x semi-detached dwellings, and a small terrace of 3 dwellings. All would be two storeys in height. The two detached dwellings would have integral garages and the overall site would provide 20 off street parking spaces. The dwellings would be accessed from Lytham Road via an extension to Ruskin Avenue which is a formed into a cul-de-sac with turning head and the dwellings arranged around. The dwellings would be red brick constructions and be of typical modern housing stock design.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0088	PROPOSED VARIATION OF CONDITIONS 3 AND 16 ON PLANNING PERMISSION 13/0262. (CONDITION 3 CONFIRMS THE APPROVED PLANS AND CONDITION 16 RELATES TO PROVISION OF ACCESS TO LYTHAM ROAD)	Granted	07/04/2015
13/0262	OUTLINE APPLICATION FOR SUB-DIVISION OF EXISTING HOUSE (THE REFUGE) INTO 3 DWELLINGS, AND ERECTION OF 11 DWELLINGS TO REAR WITH ASSOCIATED GARAGING, PARKING AND LANDSCAPING. (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED.)	Granted	31/07/2013

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0262	OUTLINE APPLICATION FOR SUB-DIVISION OF EXISTING HOUSE (THE REFUGE) INTO 3 DWELLINGS, AND ERECTION OF 11 DWELLINGS TO REAR WITH ASSOCIATED GARAGING, PARKING AND LANDSCAPING. (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED.)	Allowed	05/12/2013

### **Parish/Town Council Observations**

**Freckleton Parish Council** notified on 15 September 2016 and comment "*The Parish Council Supports the application.*"

### **Statutory Consultees and Observations of Other Interested Parties**

#### **BAe Systems**

No objections

**Ministry of Defence - Safeguarding**

No safeguarding objections

**Lancashire County Council - Highway Authority**

They comment on the application as follows:

*“LCC as highway authority have no objections to this application on highways grounds.*

*An existing outline consent approved the number of dwellings in principle and the access, including visibility splays, however I would point out that the access shown in drawing 16-2161-PN001 extends beyond the red line boundary of the application. And as such would need to be done through a S278 agreement with LCC and this should be conditioned.*

*LCC's Section 38 expert has pointed out that the current layout, as submitted in drawing 16-2161-PN001, fails to reach adoptable standards under a Section 38 agreement, this includes (but is not exclusive to)*

- a) 500mm service strip required opposite 4 – 9 (or 800mm if street lighting is added)*
- b) 2m service strip fronting 12 – 14 and 10 – 11, this cannot be behind private parking bays*
- c) Access Gates to "The Refuge" are marked as outwards opening*
- d) The parking spaces in front of 01 – 03 should have a 45degree splay at the ends to allow vehicles to manoeuvre in and out of them.*

*Where the applicant wishes to offer the road for adoption this should be done under a section 38 agreement with Lancashire County Council. The current highway layout may not be suitable for adoption and guidelines regarding acceptable prescribed highway adoptable layouts can be found on the Lancashire County Council Residential Road Design Guide and the Lancashire County Council Specification for Estate Roads 2011 edition. Some minor variations to these documents may be considered on a case by case basis but the emphasis will be on highway safety and maintenance.*

*If you are minded to accept this planning application I would kindly request that the following notes and conditions are attached to the permission.”*

They then list standard notes and conditions associated with the legal requirements for working in the highway, to secure the details of the access and the ensure wheel washing is put in place.

**United Utilities - Water**

They confirm a lack of objection subject to the implementation of the site drainage in accordance with the submitted Flood Risk Assessment.

**Lancashire CC Flood Risk Management Team**

They raise no objections to the development subject to conditions including the provision of an appropriate surface water drainage scheme prior to development and mechanisms for its on-going maintenance.

**Regeneration Team (Trees)**

*“There are no trees of any merit here. Some isolated Leylandii, and one tree that has been recently felled, but that too appears to have been multi-stemmed and of no great amenity value. No objections.”*

**Strategic Housing**

They have provided the following comments on the application:

*“There will be a requirement for 30% affordable housing contribution on this site which equates to 3 units. The site is close to local facilities and amenities. Freckleton is in an area identified in the SHMA Analysis of Housing Need Addendum November 2014 determines that Kirkham/Wesham and Freckleton/Warton have the second highest levels of newly arising housing need at 89 new households per annum. The submission comments on adjoining sites and there will be an overall affordable housing contribution across the sites. The site has a mixture of housing types and the layout has smaller units at plots 7/8 and 10/14.”*

**Lancashire County Education Authority**

An education request for 1 primary school place totalling £20,303.59 and 2 secondary school places totalling £26,949.06 is made.

**Neighbour Observations**

**Neighbours notified:** 15 September 2016  
**Number of Responses** None

**Relevant Planning Policy****Fylde Borough Local Plan:**

SP01 Development within settlements  
 HL02 Development control criteria for new housing proposals

**Fylde Local Plan to 2032:**

GD7 Achieving Good Design in Development  
 H2 Density and Mix of New Residential Development  
 H4 Affordable Housing

**Other Relevant Policy:**

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

**Site Constraints**

None

**Environmental Impact Assessment**

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

**Comment and Analysis****Principle of Residential Development**

The principle of residential development on this site has already been established by the granting of outline planning permission for 11 dwellings on 07 April 2015 (15/0088 refers), which is extant and so could be implemented at any time.

#### Design and Layout

The proposed dwellings would be of typical modern design, with red brick construction that would not appear at odds with the general domestic vernacular of this area of Freckleton. The proposed layout generally replicates that previously approved under 15/0088 but in this instance replaces the three pairs of semi-detached properties on the eastern boundary with two pairs of semis and two detached dwellings. This substitution of dwellings does not adversely impact on the overall layout, which is considered acceptable.

#### Neighbour Relationships

The site is adjacent to the health centre on the eastern side and takes advantage of this by placing the gable end of dwellings in close proximity to the boundary. Elsewhere, the site is tight to residential properties to the north, east and south. These generally back onto the site, with a couple of side-on relationships. It is considered that all these relationships are acceptable, although as a reflection of the tight relationships it is appropriate to remove future permitted development rights so that the scale of any extensions can be properly assessed.

#### Access and Parking

Access to the development site would be via the existing access from Ruskin Road. The junction of Ruskin Road and Lytham Road provides good visibility in both directions and there are no issues from the highway authority in this respect. The proposal provides for on street parking for No.93 Lytham Road and No's 1 & 3 Ruskin Road, and one off street parking space for No.93 Lytham Road. Whilst these alterations to Ruskin Road would not accord with adoptable standards they reflect the access arrangements previously supported by LCC Highways and approved under planning permission ref.15/0088. Accordingly the use of this access, together with the proposed alterations, is acceptable.

With regard to the internal road layout and parking arrangements LCC Highways have raised no objection but advise that some aspects of the layout fail to accord with adoptable standards. Whilst it would be best practise for the road to be built to adoptable standards it is not uncommon for small cul-de-sacs to be built to lesser standards and this is not an issue of overriding concern. The matters raised relates to the size of some parking bays and other relatively minor matters and so are not of a fundamental nature such as would be the case were emergency access to be unachievable for example.

#### Affordable Housing

The scale of the development is such that it is over the threshold where policy H4 of the emerging Fylde Local Plan to 2032 requires the provision of affordable housing. The developer asserts that the provision of affordable housing would result in the scheme being financially unviable, and has submitted a simple viability appraisal in support of the application. This appraisal is lacking in detail and hence is not considered to support the developer's assertion. However, this notwithstanding the application site still benefits from the extant previous permission (ref. 15/0088) for 11 dwellings, and under which no affordable housing provision was required due to the then threshold of the IHP not being exceeded. This viable fall-back position would allow the developer to achieve a greatly similar development and hence it is not considered that a requirement for this application to provide affordable housing could be legitimately requested in this case.

#### Public Open Space (POS) & S106 Contributions

Both policy TREC17 of the adopted Fylde Borough Local Plan and policy ENV4 of the emerging Fylde Local Plan to 2032 require the provision of POS for residential schemes of this scale. Where the development site is considered unsuitable for the provision of on-site POS then a financial contribution towards the provision or improvement of nearby POS. However, given that no POS was required for the previous, and still extant, permission (15/0088) for 11 dwellings it is considered that, as discussed above under affordable housing, the requirement for POS contributions could not reasonably be requested for this proposal.

This application has also resulted in a request for a contribution towards education contributions from LCC. No such contributions were requested by LCC for the previous permission for 11 dwellings and given that this permission remains extant it is not believed that contributions could legitimately be requested for this application.

### **Conclusions**

The proposal involves the redevelopment of a vacant site in Freckleton that formerly in use for the retail of flowers. The site is located within the settlement where development is supported and is previously developed land that has residential properties on 3 sides and the health centre on the fourth. The principle of housing in such circumstances is acceptable and the design, scale, access and layout arrangements proposed are also acceptable. Accordingly the proposal is in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and is recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

#### Approved plans:

- Location Plan - Dwg no. 16-2161-PN004 Rev A
- Proposed Site Layout - Dwg no. 16-2161-PN001 Rev A
- Topographical Site Survey - Dwg no. 16-2161-PN005
- Proposed House Types - Dwg no. 16-2161-PN002 Rev A
- Proposed House Types Floor Plans Sheet 1 - Dwg no. 16-2161-PN006
- Proposed House Types Floor Plans Sheet 2 - Dwg no. 16-2161-PN007
- Proposed House Types Floor Plans Sheet 2 - Dwg no. 16-2161-PN008
- Proposed House Types Floor Plans Sheet 2 - Dwg no. 16-2161-PN009
- Proposed Elevations - Dwg no. 16-2161-PN010

#### Supporting Reports:

- Design and Access Statement produced by Croft Goode - ref. 16 2161 PN901
- Planning Statement produced by Shepherd Planning, dated August 2016
- Flood Risk Assessment & Drainage Strategy - Ref No. G2331-FRA-01, dated 13th September

2016 and prepared by PSA Design.

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

3. Prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

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

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

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

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

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

6. Prior to the commencement of construction on any dwelling hereby approved, a satisfactory programmed landscaping scheme for the area of residential development including hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

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

7. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The

development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future.

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

[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna]

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

9. Notwithstanding the provision of Classes A & B of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A	Gates, walls, fences
B	New access
C	Exterior treatment]

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

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

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

11. Prior to the commencement of development, a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with this plan, unless variations from it are previously agreed in writing by the Local Planning Authority.



To ensure the site is constructed in a manner that ensure a satisfactory relationship with neighbouring dwellings and the land is appropriately drained as required by Policy HL2 and EP30 of the Fylde Borough Local Plan

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (Ref No. G2331-FRA-01, Dated 13th September 2016) which was prepared by PSA Design. No surface water will be permitted to drain directly or indirectly into the public combined sewer. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing as applicable;
  - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - g) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, and that water quality is not detrimentally impacted by the development proposal

13. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- a. on-going inspections relating to performance and asset condition assessments
- b. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, and to reduce the flood risk to the development as a result of inadequate maintenance

14. All attenuation storage systems and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

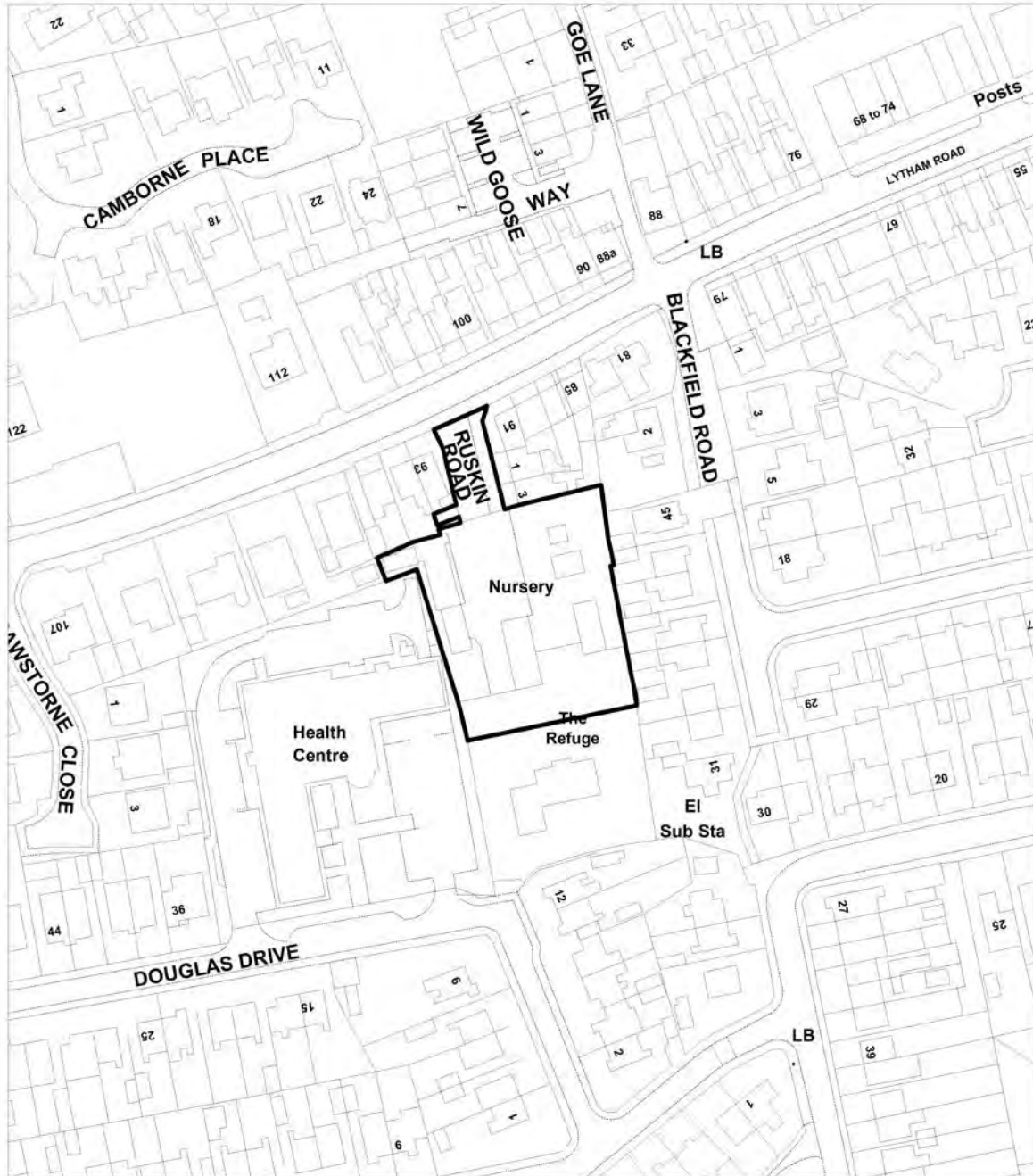
Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate, and to prevent a flood risk during the construction of the development

15. No part of the development hereby approved shall commence until a detailed scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority. This scheme shall be based on the details shown on the approved site layout plan defined in condition 3, and shall include the improved width of the access way, the construction of footways at both sides of this access way, and their connection to the existing footpath network on Lytham Road, the appropriate lighting of this access way, and the introduction of appropriate drainage. The scheme shall also include phasing arrangement for these works and shall be implemented in accordance with this agreed phasing.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

16. Prior to the commencement of any development hereby approved, a detailed scheme for the upgrading of the two bus stops closest to the site (on the north and south sides of Lytham Road) to Quality Bus Stop standard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the first occupation of any of the approved dwellings.

To secure appropriate improvements to the highway network around the site to encourage sustainable transport as required by Policy HL2 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0609	Address Bush Nurseries, Land off Ruskin Road, Freckleton	Grid Ref. E.3426 : N.4288	Scale 0 6 12 18 24 m 

**Appendix 3**

Appeal decision – 3166394



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## Appeal Decision

Hearing Held on 27 July 2017

Site visit made on 27 July 2017

**by Debbie Moore BSc (HONS) MCD MRTPI PGDip**

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

**Decision date: 18<sup>th</sup> August 2017.**

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

**Land Off Woodlands Close, Newton with Scales**

- 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 Hollins Strategic Land LLP against the decision of Fylde Borough Council.
  - The application Ref 16/0554, dated 22 July 2016, was refused by notice dated 12 December 2016.
  - The development proposed is described as: "Outline application for up to 50 No dwellings (all matters reserved other than access)".
- 

### Decision

1. The appeal is allowed and planning permission is granted for: "**Outline application for up to 50 No dwellings (all matters reserved other than access)**" at Land off Woodlands Close, Newton with Scales in accordance with the terms of the application, Ref 16/0554, dated 22 July 2016, subject to the conditions attached in the schedule to this Decision.

### Procedural Matters

2. The application was made in outline with all matters reserved for subsequent approval, except access. I have determined the appeal on this basis, treating the layout plan as indicative. However, I have taken account of the parameters and mitigation measures set out primarily in the appellant's **Design and Access Statement**, and shown on the indicative layout plan. These include the provision of open space, a landscape buffer and the retention of ecological features, as agreed by the main parties.
3. The emerging Fylde Local Plan<sup>1</sup> was submitted to the Secretary of State for examination in December 2016. Stage 1 and 2 Hearings have been held and the Council is in the process of a further round of consultation on a range of items. At the Appeal Hearing, the Council advised that it anticipates Stage 3 Plan Hearings will be necessary, and it is likely that the emerging Local Plan will not be adopted until 2018.
4. During the Local Plan Hearing sessions, the Council acknowledged that the 5-year housing land supply and housing trajectory would have to be amended in light of new evidence regarding delivery. The Council produced a Housing

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<sup>1</sup> Fylde Local Plan Publication Version (June 2016)

Supply Statement<sup>2</sup> which stated that it can demonstrate a housing land supply of 5.1 years. In response, the appellant produced a rebuttal statement, which argued that the Council can only demonstrate a supply of 4.1 years. In advance of the Appeal Hearing, the Council acknowledged that the housing land supply figure of 5.1 years is subject to further public consultation, and it should only be afforded moderate weight.

5. However, during the Appeal Hearing the parties submitted an agreed updated position that the Council can only demonstrate a supply of 4.8 years. In view of this, the Council accepted that the Housing Supply Statement can only be afforded limited weight at the present time. The main parties agreed that, in the context of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), that relevant policies for the supply of housing should not be considered up-to-date and the proposal should be determined in the context of the presumption in favour of sustainable development. Furthermore, in the Statement of Common Ground (SoCG), it was agreed that paragraph 14 is engaged due to the Local Plan and its evidence base in respect of development needs being time-expired.
6. A signed and executed planning obligation by way of unilateral undertaking<sup>3</sup> has been submitted to the satisfaction of the main parties. The unilateral undertaking, including proposed amendments in relation to highways matters, was discussed at the Appeal Hearing and interested parties had the opportunity to comment. The document was amended after the Hearing, by agreement. I am satisfied that interested parties would not be prejudiced by my consideration of the amended unilateral undertaking, as those amendments were discussed. I return to this matter below.

### **Main Issue**

7. From all that I have seen and read, I conclude that the main issue is the effect of the development on the character and appearance of the area, in particular the setting of Newton village and the separation between Newton with Scales and Kirkham.
8. In addition, there are a series of other considerations to be taken into account.

### **Reasons**

#### *The Development Plan*

9. The most relevant development plan policies are saved policies from the Fylde Borough Local Plan (as altered) dated October 2005. The appeal site is within the designated countryside area and the main parties agreed that the proposal would be contrary to Policy SP2, which seeks to restrict development in the countryside. It was also agreed that SP2 is a relevant policy for the supply of housing and cannot be considered up-to-date. The settlement boundaries were established several years before the Framework was published and the application of Policy SP2 is not achieving a five-year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework. Consequently, Policy SP2 carries limited weight.

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<sup>2</sup> Five Year Housing Supply Statement, base dated 31 March 2017, Examination in Public Edit July 2017

<sup>3</sup> Section 106 of the Town and Country Planning Act

10. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The appellant cited *Anita Colman v Secretary of State for Communities and Local Government* [2013] EWHC 1138 (Admin). This considered the consistency of the individual relevant development plan policies with the policies of the Framework for the purpose of deciding how much weight to give the policies. In the light of this case, the appellant argued that Policies HL2, EP10 and EP11 are not consistent with the Framework, as they do **not allow for a 'cost benefit' approach.**
11. Policy HL2 is partially concerned with the supply of housing, and in this respect it cannot be considered up-to-date. However, the policy also addresses the social and environment impacts of development and establishes a series of criteria against which proposals for new housing development will be assessed. It is expressed in restrictive terms and limits the ability of the decision maker to take the benefits of a particular development into account. However, the policy is consistent with the Framework insofar as it seeks to direct development towards sustainable locations, take account of the different roles and character of different areas, and ensure a good standard of amenity for existing residents. Overall, I find that Policy HL2 carries significant weight.
12. Policy EP10 seeks to protect the distinct character and important habitats of the Borough. The use of the word protected is restrictive and there is no scope to weigh any benefits against the harm. Similarly, Policy EP11 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. In that respect it is worded in such a way that leaves no room to accommodate harm without breaching the policy. However, the policy also seeks to secure development of a high quality design that reflects the local vernacular style, which is consistent with the design objectives of the Framework.
13. The Council argued that the spirit of Policies EP10 and EP11 is consistent with the Framework in seeking to recognise the intrinsic character and beauty of the countryside. Nevertheless, I consider that there is a degree of conflict with the Framework, due to the absence of any scope to weigh benefits against harm. This reduces the weight I attach to Policies EP10 and EP11.
14. In the decision notice, the Council also cites conflict with emerging Policies ENV1, GD7 and GD3. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
15. Policy ENV1 requires development to have regard to its visual impact within its landscape context and landscape type in which it is situated, and Policy GD7 seeks to achieve good design in development. Both policies are broadly consistent with the Framework. However, the Council advised that there are unresolved objections in relation to GD7. Although the text of all representations received in response to the emerging Local Plan consultation has been provided to me, the extent and significance of any objections to either policy is unclear and, consequently, I afford Policies ENV1 and GD7 limited weight.

16. The appeal site is within an Area of Separation (AoS), designated in the emerging Local Plan. Policy GD3 states that the AoS 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.
17. The Area of Separation Background Paper (November 2014) set criteria for the identification and assessment of land considered to be of landscape value and which contributes to the setting of settlements. It provided an assessment of 13 potential areas, of which two (including the land between Kirkham and Newton with Scales) were considered appropriate for inclusion within the AoS. The Council considered that the identification of the AoS between Kirkham and Newton with Scales attributed **'value' to the landscape** in which the appeal site is located. The Council indicated that, in the context of the emerging policy, development within the AoS would be unacceptable in principle.
18. The Council considered that Policy GD3 carries moderate weight as it has been considered during the Hearing sessions into the emerging Local Plan. The policy has been amended to allow for an assessment to be made against its aims and objectives, and further amendments are required to reflect that the AoS is lower in hierarchy than Green Belt land. The revised wording is not before me and, in any event, there are significant outstanding objections to the policy. In these circumstances, I can only afford limited weight to Policy GD3.

### ***Effects on Landscape Character***

19. The appeal site extends to approximately 2.8 hectares and is greenfield land, which has been used for grazing. The site is bounded with relatively high hedgerows to the north, south and west and there is a pond towards the northern half of the site. The topography falls southwest across the site, with a moderate change in levels. The site is located within the countryside area, as defined in the adopted Local Plan, but its eastern boundary adjoins the Newton with Scales limit of development boundary. The **site's** western boundary is approximately one kilometre from the Kirkham limit of development boundary.
20. The northern boundary of the site adjoins the A583 Blackpool Road, where there is a bus lay-by with a brick shelter. The eastern boundary adjoins residential development, including that off Avenham Place, Highgate Close and Woodlands Close. Two storey houses are the predominant form of development although the properties on Woodlands Close are dormer bungalows. There is commercial ribbon development along the A583.
21. The proposed residential development would be accessed via Woodlands Close. The proposal is made in outline and the layout plan only indicates how development could proceed on the site. **The appellant's Design and Access Statement** points to a development density of 18 dwellings per hectare, centrally located public open space, and the retention of boundary vegetation particularly along the western and southern boundaries. A field pond on site is also shown as being retained and enhanced.
22. There are no landscape designations attributable to the site. The site lies within **the 'Lancashire and Amounderness Plain (32)'<sup>4</sup>** and the **'Fylde 15d' Local Landscape Character Area<sup>5</sup>**. The landscape character is described as gently

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<sup>4</sup> National Landscape Character Area (NLCA, Natural England 2014)

<sup>5</sup> Lancashire Council Council's Landscape Character Assessment (December 2000)



- undulating farmland, predominately used as improved pasture. Field ponds are a characteristic feature, providing important habitats. Field sizes are generally large to medium with low clipped hawthorn hedgerows and blocks of woodland. The main parties agreed that the landscape is generally a small-scale landscape, where low-lying topography and intervening vegetation limit long views and provide enclosure. There are man-made elements in the vicinity, including the A583, air traffic from Warton airfield and pylons, masts and street lighting.
23. The Council considers the site to be a valued landscape, within the meaning of paragraph 109 of the Framework, primarily because it has been identified as AoS within the emerging Local Plan. Also, it is asserted that the local landscape character of the site, and the area immediately surrounding it, is not typical of either the national or regional assessments. In particular, it was explained that the ancient field enclosures result in small, irregular shaped fields with ponds and well-maintained, high hedgerows with occasional groups of mature trees. This provides a more tranquil and intimate landscape than that described in the assessments. The local residents explained that the site is distinctive as it is a small field with established hedgerows and is not intensively farmed. The area surrounding the site is characterised by equestrian activity, public rights of way and a working farm. Newton village is well-screened and the site contributes to the setting of the village. As such, the landscape is not considered typical of the Fylde and the site is highly valued by local people.
24. The appellant rejected the assertion that the site forms part of a valued **landscape and a 'box 5.1 assessment' has been submitted**.<sup>6</sup> The Framework does not define a valued landscape for the purposes of applying paragraph 109, and the box 5.1 assessment is not used expressly for this purpose. However, I accept that it is a useful tool in assessing landscape character. The **appellant's assessment** concludes that the landscape is not of high quality and does not have any features which place it out of the ordinary or above general countryside.
25. I appreciate that the landscape pattern south and west of Newton village remains largely intact. However, I **note that according to the County Council's Historic Landscape Characterisation Report for Lancashire**, ancient enclosure covers almost 20 percent of the County. The historic enclosure is not described in the national or local character assessments. Moreover, the appellant maintained that the significant elements of ancient enclosure landscape type have been lost and the remaining feature, the boundaries to the south and west that remain as hedgerow, would be retained. Overall, I do not find that there is sufficient evidence that the site should be considered a rare or highly significant example of an ancient enclosure.
26. The main parties agreed that, in order for a landscape to be considered as valued landscape in the context of paragraph 109, it must mean something more than the countryside in general. This is apparent from the wording of paragraph 109, and this interpretation is consistent with relevant planning appeal and High Court decisions. It is clear that the landscape around the village, including the appeal site, is valued by local residents but there is limited evidence that the site has distinguishing characteristics or that the surrounding landscape is not typical of the character assessments described

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<sup>6</sup> Box 5.1 on page 84 of the Guidelines for Landscape and Visual Impact Assessment (third edition) 2013 (GLVIA3)

above. I do not agree, therefore, that the landscape is valued in the context of the Framework.

27. Nevertheless, the site provides a pleasant outlook for local residents and it contributes to the setting of the village. The development would result in the loss of the greenfield site, it would have a permanent effect and would lead to a noticeable change to the local landscape. The mitigation measures would limit the adverse effects to a certain extent. The proposed development density, combined with the open space and landscape buffer would soften the appearance of the development and enable it to assimilate with the adjoining development. Moreover, due to the topography and intervening vegetation, the impact of the development on the landscape character would be restricted to the area relatively close to the site.
28. Overall, I find that the proposal would result in modest erosion to the landscape character, but the defining landscape characteristics of the wider area would not be adversely affected.

### ***Visual Effects***

29. The main parties have agreed the extent of the study area (the Zone of Visual Influence), to enable views towards the site to be assessed. The visual receptors (or people affected by the change in views) were agreed to be the residents of Newton with Scales located in properties immediately adjacent to the site and along the A583, residents of the more distant properties on the edge of Kirkham and Freckleton, users of public rights of way and users of local roads and lanes.
30. The residents of the properties on Woodlands Close, and the other properties adjacent to the site, would experience a significant degree of change to their outlook, especially those houses which directly face the site. Residents in more distant properties along Manor Drive and Lower Lane, to the north and south of the A583 respectively, would be less affected as they currently see the site either in the context of the existing development or across the A583. The views are limited due to the topography and intervening vegetation, and therefore, the change in view would be marginal.
31. Walkers and users of the public rights of way to the south and west only experience glimpsed and far reaching views of the site. Where visible, the site is viewed in the context of the intervening landscape, which is open but features man-made elements such as pylons and telegraph poles. The edge of the site is screened by the hedgerows. Overall, the development would be visible but its impact within the wider landscape would be low.
32. Users of the public right of way to the north view the site in the context of the A583 and the commercial development along the road. The built form of the village is evident. Whilst the view is relatively close range, the boundary vegetation restricts full views. Also, the site is long and narrow which would limit the extent of the built edge in views from the north. The change in view would be moderate, which would be offset to a degree by the proposed buffer strip.
33. Parrox Lane, to the south and west of the site, is a pleasant rural lane from which there are intermittent views of the site through breaks in the hedgerows. The development would be visible from Parrox Lane and there would be a

moderate change in view. The effect would be mitigated by the proposals to supplement the boundary hedgerows, but it is likely that the rooftops would be visible. This would result in a moderate change in view.

34. Further afield, users of Freckleton Road and Kirkham Lower Lane experience the site in longer distance views, and in the context of other built development and man-made features. The change in view would be marginal.
35. Overall, I find that the development would result in a moderate amount of visual harm.

### *Area of Separation*

36. The Council is particularly concerned about the visual impact of the development when viewed from the A583, and the perception of coalescence of the settlements. There is approximately one kilometre between the limits of development of Kirkham and Newton with Scales. However, the A583 connects the settlements and there is ribbon development along the main road, which adds to the perception that the settlements are joined.
37. During the site visit I walked some distance along the road, and found that views of the site are limited. Newton village is relatively well screened and, as local residents pointed out during the Hearing, it is not apparent that there is a village there when viewed from the A583. There are glimpses of houses from the main road, although deciduous foliage restricts views in the summer months.
38. I agree with the appellant that users of the road are likely to be transient and would therefore have a low sensitivity to development. Nonetheless, Newton village is currently distinct as a separate settlement, which is reinforced by the undeveloped nature of the site and the adjoining field. Also, the site is in a place where there is undeveloped green space on both sides of the road. The site essentially forms one of two fields between the edge of the village and the ribbon development. The AoS background **paper identifies that “..there is a risk of the settlements merging if the ribbon development between the two settlements is allowed to expand”**. The loss of the site to development would result in an expansion of the built form towards the start of the ribbon development, and an encroachment into the AoS.
39. My attention has been drawn to a previous appeal decision in Preston where the effect of development on the emerging plan AoS designation was considered.<sup>7</sup> In that case, the Inspector found that although the development would narrow the gap between settlements, there would be no risk of merger. However, the site-specific circumstances relating to the appeal before me appear to differ, particularly due to the A583 and the presence of ribbon development.
40. Whilst the mitigation would provide screening, the development would contribute to the coalescence of the settlements and would inevitably adversely affect the openness of the land between the settlements. It would result in moderate harm to the setting of Newton village, contrary to emerging Policy GD3.

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<sup>7</sup> APP/N2345/A/13/2208445 dated 12 June 2014

### *Conclusion on landscape matters*

41. The development would result in a modest erosion of landscape character restricted to the area relatively close to the site, but the defining landscape characteristics of the wider area would not be adversely affected. There would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of the settlements of Newton with Scales and Kirkham, and would result in a moderate amount of harm to the setting of Newton village. Consequently, it would not comply with saved Policies HL2, EP10 and EP11, and emerging Policies ENV1 and GD7 which, amongst other things, seek to protect the distinct landscape character of the area.

### **Other matters**

#### *Highway safety*

42. The local residents advanced a series of concerns in relation to highway safety. This included the width of the road and pavement along Woodlands Close and its ability to serve the development safely, the impact of parked cars on Woodlands Close, the visibility splay at the junction with Bryning Lane, access for emergency and refuse vehicles, queueing at the junction with the A583 and access for construction traffic. It was also contended that the A583 in this location is an accident hotspot and evidence from the Lancashire Police and Road Safety Partnership was submitted.
43. **The appellant's Transport Statement<sup>8</sup>** states that the site has good accessibility, with pedestrian and cycle linkages to local amenities, and access to public transport. The trip generation assessment indicates that the proposal will **generate 27 vehicle trips in the 'AM peak' and 25 in the 'PM peak', concluding** that the development would not have an impact on the operation of the surrounding highway network.
44. The Highways Authority was satisfied that the development would not have an adverse effect on highway safety or capacity. It was observed that queuing does occur at the junction of Bryning Lane with the A583, and the Highways Authority considered that upgrading the traffic controllers on this junction would improve efficiency. The Highways Authority also stated that the proposed access arrangements would be acceptable and in accordance with the **'Manual for Streets' (2007) and local design guidance contained within 'Creating Civilised Streets' (2010)**. Although there is an accident record in the vicinity of the site, the Highways Authority did not consider this atypical for a road with the level of traffic carried by the A583.
45. **The appellant's 'lines of visibility' indicate** that the full carriageway width of Bryning Lane is visible to the south of the junction with Woodlands Close. This is consistent with what I saw on site. To the north, the line of visibility is partially obscured from the view of a driver emerging from Woodlands Close. However, this is the section of the carriageway in which vehicles would normally be travelling away from the junction, and the area within which visibility is obscured is limited. Consequently, I am satisfied that the junction of Woodlands Close with Bryning Close would not pose an impediment to the development.

<sup>8</sup> 160721/SK21630/TS01(-00) July 2016 and Supplementary Note dated 7 February 2017

46. I appreciate the concerns about parking on Woodlands Close, but adequate parking within the development could be ensured at reserved matters stage. Despite existing parking levels, the road width is such that emergency vehicles and construction traffic could normally pass parked cars or vans.
47. In order to promote sustainable travel and alleviate queueing, the Highways Authority has requested off-site highway works. This includes the upgrading of the east and west bound bus stops on the A583, upgrading the traffic signals at the junction of the A583 with Bryning Lane to include a new signal controller, and pedestrian facilities. These measures would be secured via the Unilateral Undertaking.

### *Amenity*

48. The local residents set out their concerns about the effect of the development on their living conditions. In particular, the cul-de-sac would become an estate road leading to noise and disturbance from vehicles and car headlights. Concern was also expressed about the proximity of the houses to existing development, in relation to overshadowing and privacy.
49. The development would lead to an increase in vehicles using Woodlands Close, with associated noise and disturbance. However, the predicted number of trips is such that this would not have a material adverse effect on living conditions. I accept that car headlights and/or brake lights would have an impact on the ground floor rooms of houses facing the junctions of Woodlands Close and **Bryning Lane. However, I agree with the Council's assessment that this would** either be restricted to certain times of the day, or would not be a frequent occurrence due to the number of vehicles involved. Therefore, the impact on living conditions would be relatively minor.
50. Other concerns about noise and disturbance during construction could be addressed through appropriate conditions.
51. The planning application was made in outline and matters of appearance and layout are reserved for later approval. The relationship between proposed and existing development would be considered as part of an application for reserved matters.
52. I have considered the arguments made about the negative effect of the development on property values in the vicinity, but there is no evidence that this would be the case. In any event, the planning system does not protect the rights of one individual over another.

### *Habitats*

53. The local residents explained that the site is species rich. In particular a variety of bird species are regularly seen, including barn owls and pink footed geese. The residents argued that the retention of the hedgerows and other mitigation would not offset the loss of the site to development, and overall the environment would be degraded to the detriment of biodiversity.
54. **The Greater Manchester Ecology Unit advised that the appellant's ecological survey<sup>9</sup>** is sound. This found that the site supports agriculturally improved grassland. None of the habitats within the site were considered to be species

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<sup>9</sup> Ecological Survey and Assessment [ERAP Ltd ref: 2015\_316] dated August 2016

rich, indicative of semi-natural habitat or significant ecological value. There are a number of features of ecological value including the pond, which is part of a wider network, and hedgerows. The retention of these features was welcomed and conditions would be required to ensure the retention and protection of ecological features and species on the site. Natural England has advised that the proposal is unlikely to affect any statutorily protected sites and landscapes.

55. I have taken into account the information provided by the residents in relation to the ecological value of the site and the variety of species observed. However, the evidence from the ecologists is that the development would not **have a material adverse effect on the site's ecological value. The mitigation** measures could be secured by conditions and key ecological features would be retained. On this basis, I find that the proposal would minimise the impact on biodiversity.

### *Drainage*

56. The local residents expressed concerns about drainage, including that the village is adjacent to a high flood risk area and surface water drainage is an ongoing issue.
57. **The appellant's Flood Risk Assessment assessed the site to be at a low or very** low risk from flooding. The Council advised that the proposal has been considered by the Lancashire County Council Flood Risk Management Team, the Environment Agency and United Utilities and no objections have been raised to the development. Conditions would be required to ensure that the development would not increase the risk of flooding elsewhere and that appropriate plans and management are put in place for any sustainable drainage system. On this basis, I am satisfied that adequate measures could be put in place to ensure that the development would not pose an unacceptable risk to flooding.

### *Electricity*

58. The local residents stated that the existing electricity supply is unreliable and the addition of 50 houses would make the problem worse. The appellant referred to the Utility Study, <sup>10</sup> which provided an overview of statutory infrastructure in the vicinity of the site. The report is not wholly conclusive that there would be sufficient capacity in the network to supply the development. However, this would need to be addressed by the developer. There is very limited evidence that the existing supply would be adversely affected by the development.

### *Other Matters*

59. The site is considered to be Grade 2 agricultural land. The loss of the land to development would be contrary to Policy EP22 of the Local Plan, which seeks to protect the best and most versatile agricultural land. The Council stated that the Borough has significant amounts of Grade 2 land available and the loss of the site would not be detrimental to this provision. It was common ground that the conflict with Policy EP22 should be afforded limited weight.
60. I have considered the concerns of the Parish Council and others with respect to the impact of the development on local medical and dental facilities. However,

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<sup>10</sup> UCML Level 1 Report dated 15 January 2016

there is no evidence that existing services would not be able to accommodate the additional demand generated by the development.

61. There are three listed buildings on Grange Lane. These are some distance from the boundary of the site and the intervening development means that the setting of the listed buildings would be unaffected by the proposal. Overall, there would be no harm to the significance of the designated heritage assets.

## **Other Considerations**

### *Five Year Housing Land Supply*

62. The Framework is a material consideration of significant weight. It seeks to boost significantly the supply of housing and requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide **five years' worth of housing**.
63. As set out above, the Council accepted that it can only demonstrate a 4.8 year supply of deliverable housing sites at the present time and for the purposes of this appeal. It is common ground that the application should be determined in the context of the presumption in favour of sustainable development and paragraph 14 of the Framework is engaged.

### *Unilateral Undertaking*

64. A signed and executed planning obligation by way of unilateral undertaking<sup>11</sup> has been submitted to the satisfaction of the main parties. The deed secures contributions towards education facilities, the provision of affordable housing and highway improvements.
65. I am satisfied that, in respect of each planning obligation in the deed, it would meet the tests of the Framework and Regulation 122 of the Community Infrastructure (CIL) Regulations, namely: (i) it is necessary to make the development acceptable in planning terms; (ii) is directly related to the development and; (iii) fairly and reasonable related in scale and kind to the development. I have also received a Statement of Compliance with the Community Infrastructure Regulations 2010, and I am satisfied that the obligations would comply with the pooling restrictions in Regulation 123 of the CIL Regulations.
66. The main parties have agreed a condition in respect of public open space. On this basis, I find that the scheme would make adequate provision for affordable housing, public open space, education facilities and transport improvements. **Accordingly, I agree with the parties that the Council's third** reason for refusal has been addressed.

## **Planning Balance**

67. The development would fall outside the settlement boundary of Newton with Scales and would be in the countryside for development plan purposes. It would result in the loss of best and most versatile agricultural land, there would be a modest erosion of landscape character and there would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of the settlements of Newton with Scales and Kirkham, and have a moderate adverse effect on the setting of Newton village. Consequently, the

<sup>11</sup> Section 106 of the Town and Country Planning Act

development would be contrary to the development plan. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and housing supply Policy SP2 is considered out-of-date. The weight attached to the conflict with the policy is significantly reduced. Also, for the reasons set out above, Policies ENV10 and ENV11 have been found to be not entirely consistent with the Framework and their weight is reduced. I have also found that the policies of the emerging Local Plan carry limited weight.

68. There is a serious and significant shortfall in the housing supply. Whilst I appreciate that the emerging Local Plan is progressing, the Council anticipates Stage 3 Hearings will be required and the shortfall is likely to persist. The development would provide up to 50 additional homes, which are likely to come forward within the next five years. There is a clear need for affordable housing in the local area, and the development would secure up to 15 affordable homes. I find that the provision of housing would be a significant benefit.
69. The main parties agree that the site is in an accessible location and there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses.
70. **The balancing exercise in paragraph 14 of the Framework is a 'tilted balance'** because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, I find that the adverse impacts identified would not significantly and demonstrably outweigh the benefits.
71. My attention has been drawn to an appeal in Wrea Green,<sup>12</sup> where the Inspector reached a different conclusion having assessed similar issues. However, it appears that the site subject to that appeal differed in that it was open and highly prominent. Consequently, the Inspector found there would be serious harm to the setting and character of the village.

## Conclusion

72. Having regard to all that I have seen and read, and taking into account all matters raised, I conclude that the appeal should be allowed.

## Conditions

73. The conditions were discussed during the Hearing. I have made some minor revisions to the suggested conditions to take account of the discussions and to ensure the conditions meet the tests of the Framework.
74. I have not imposed the part of the **Council's suggested condition 4** that required bungalows on plots 1, 2, 40 and 41, as I consider this should be resolved at reserved matters stage when the layout would be finalised. The remainder of that condition duplicates the requirements of the agreed amended condition 5 in the SoCG, so is not necessary.

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<sup>12</sup> APP/M2325/A/13/2200215 dated 16 April 2014



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75. In addition to the standard time limit conditions and the requirement for the submission of reserved matters (1, 2, 3), I have imposed a condition specifying the approved plans as this provides certainty (4).
  76. I have imposed a condition restricting the scale of the development to two-storeys, as agreed at the Hearing, to limit the visual impact of the development (5).
  77. Conditions requiring the implementation of the landscaping strategy, tree and hedgerow retention and the provision of public open space are necessary to ensure the mitigation measures are secured (6, 7, 8, 14).
  78. Details of finished floor levels are required to ensure a satisfactory relationship with adjoining development and to minimise flood risk (9). I have imposed conditions to ensure the development is carried out in accordance with the Flood Risk Assessment and to control surface water drainage (10, 11, 12).
  79. A construction method statement is required to protect the amenity of neighbouring occupiers and the safety of highway users (13).
  80. Conditions to ensure the ecological features of the site are protected are necessary (15, 18, 19, 20, 21).
  81. I have imposed conditions to restrict the hours of construction and mitigate other disturbance to protect the amenity of neighbouring residents (16, 17).
  82. Finally, a condition is required to ensure the junction with Woodlands Drive is constructed in accordance with approved details and visibility splays are maintained (22).
  83. I have not imposed the suggested condition requiring off-site highway works, as this matter is now part of the unilateral undertaking.

*Debbie Moore*

Inspector

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**APPEARANCES**

## FOR THE APPELLANT:

Sarah Reid	Kings Chambers: Instructed by M Symons
Matthew Symons	Hollins Strategic Land
Sara Boland	Influence Environmental
John Thompson	SK Transport Planning Ltd

## FOR THE LOCAL PLANNING AUTHORITY:

Matthew Wyatt	JWPC Ltd
Eddie Graves	Fylde Borough Council
Kate Lythgoe	Fylde Borough Council

## INTERESTED PERSONS:

David Thompson	Local Resident
Peter Woods	Local Resident
Neil Fox	Local Resident
Annette Sharkey	Local Resident
Peter Sharkey	Local Resident
Cllr Liz Oades	Local Councillor and Resident

**DOCUMENTS SUBMITTED AT HEARING**

Statement of Common Ground signed and dated 26 July 2017

Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)

Anita Coleman v SSCLG [2013] EWHC 1138 (Admin)

Email from United Utilities (Developer Services and Planning) dated 16 May 2017

Email from Lancashire County Council (Highways) dated 26 June 2017

Email from Lancashire County Council (Legal) dated 20 July 2017

Extract from Lancashire Road Safety Partnership website dated 4 July 2017

Closing Submissions of behalf of the Appellant

**DOCUMENTS SUBMITTED AFTER THE HEARING BY AGREEMENT**

Section 106 Unilateral Undertaking

**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 takes place 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Local Plan Ref LOC002; Proposed Site Access General Arrangement: Ref SK21630-001.
- 5) The scale of the development shall be no greater than two-storeys in height.
- 6) Any application for approval of the reserved matter of landscaping shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on the Indicative Layout Plan: Ref 001 Rev 03. This scheme shall include, but not be limited to, the following details:
  - a. Retention of existing trees, hedgerows and other vegetation on or overhanging the site;
  - b. Public open space, with the provision of an equipped play area;
  - c. A compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development;
  - d. Soft landscaped areas to provide an entrance to the development, linkages to the existing pond and countryside beyond;
  - e. The introduction of additional planting within the site which forms part of the internal development layout and does not fall within (a) to (c);
  - f. The type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs. Reference should be made to paragraph 5.7 of the submitted Ecology Survey and Assessment (August 2016);
  - g. Enhancement measures of the pond as per 5.6.3 and 5.6.4 of the submitted Ecology Survey and Assessment (August 2016).
- 7) The approved landscaping scheme shall be carried out during the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, shrubs or plants which within a period of five 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.
- 8) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority of the on-going maintenance of the communal areas of public open space / amenity landscaping, and equipped play areas required by

condition 6. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 10) No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the Planning Practice Guidance with evidence of an assessment of the site conditions, has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly until all other options in the hierarchical approach have been discounted.

Those details shall include, as a minimum:

- a. Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels as required by condition 9 above.
- b. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development green field run-off rate.
- c. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- d. Flood water exceedance routes, both on and off site.
- e. A timetable for implementation, including phasing as applicable.
- f. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- g. Details of water quality controls, where applicable.

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

- 11) None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 10 of this permission has been submitted to and approved in writing by the local planning authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

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

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

- 12) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority to ensure that site drainage during the construction process does not enter the watercourse at an un-attenuated rate. The scheme shall be implemented in accordance with the approved details prior to the commencement of works on site and retained throughout construction.
- 13) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - a. loading and unloading of plant and materials;
  - b. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - c. wheel washing facilities;
  - d. the parking of vehicles of site operatives and visitors.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) All the trees and hedges to be retained in accordance with condition 6 shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

**[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]**

- 15) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.
- 16) Construction works shall take place only between 08:00 and 18:00 hours on Monday to Friday and 09:00 and 13:00 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 17) Prior to commencement of the development hereby approved, a scheme to safeguard the amenity of neighbouring residents from noise, dust and vibration during the period of construction shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be used throughout the construction process.
- 18) There shall be no on site works, including any site clearance, ground works or site set up, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must include:
  - a. Risk assessment of potentially damaging construction activities.
  - b. Identification of "biodiversity protection zones".
  - c. 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).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works or similarly competent person.
  - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 19) Prior to occupation of the development hereby approved, a 'lighting design strategy for **biodiversity**' for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall: (i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit

will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 20) There shall be no on site works, including any site clearance, ground works or site set up, until a Reasonable Avoidance Method Statement (RAMS) for the protection of amphibians during works on the site is submitted to and approved in writing by the local planning authority. The approved RAMS shall be implemented for the duration of all works on the site associated with the approved development.
- 21) Prior to commencement of the development hereby approved, a scheme for the provision of bat boxes and bird nesting opportunities within the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to last occupation of the development and retained thereafter.
- 22) Development shall not take place until details of the junction and visibility splay between the proposed site access and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained and the visibility splay kept free of any obstructions.

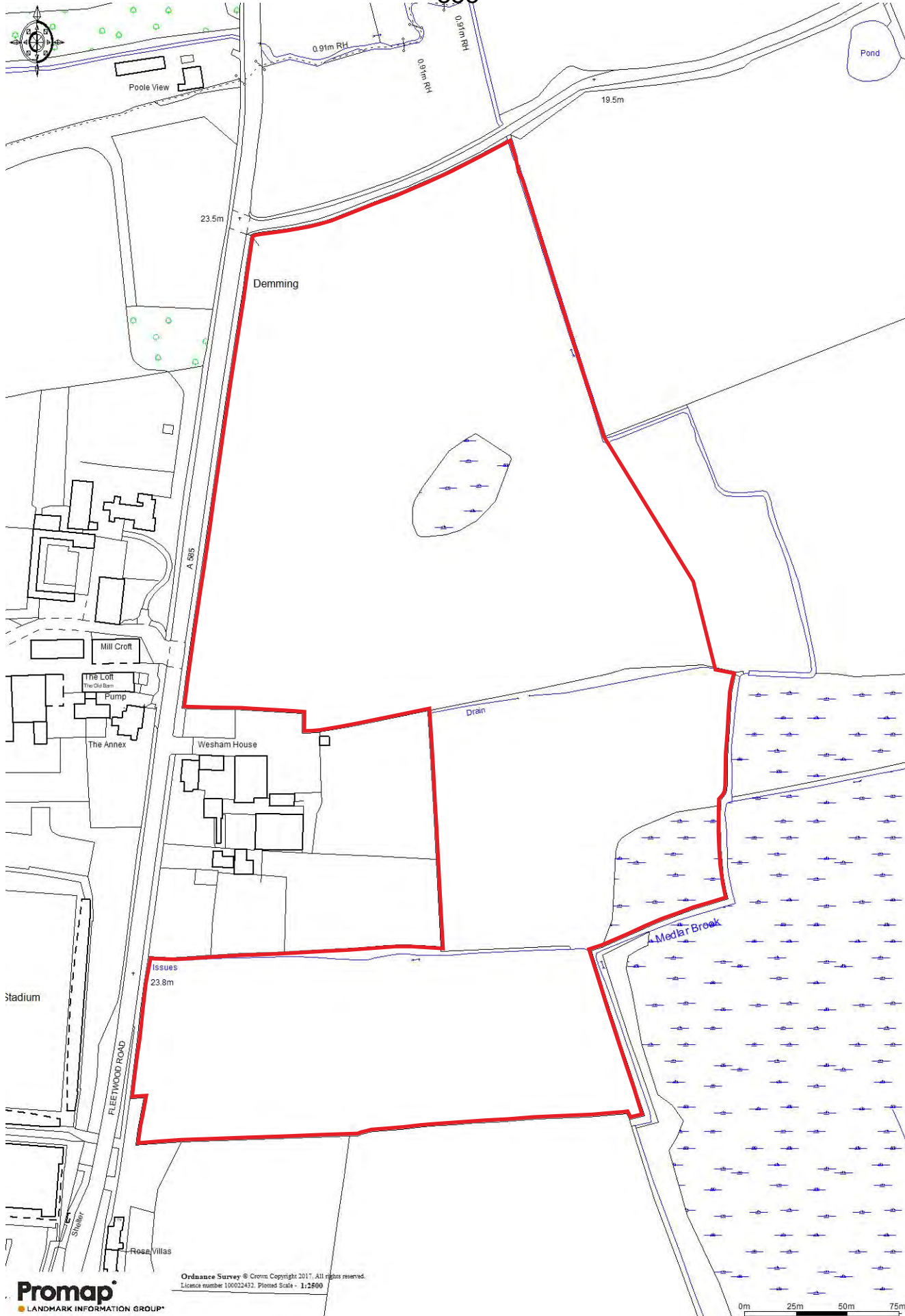
[end of conditions]

**Appendix 4**

Location Plan



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**Appendix 5**  
Context Plan



**Appendix 6**

Concept Plan

# Fleetwood Road, Wesham

## Concept Plan



**Appendix 7**

Committee Report – 16/1029

## Planning Committee Schedule 26 July 2017

Item Number: 1

Committee Date: 26 July 2017

<b>Application Reference:</b>	16/1029	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Metacre Ltd and Mr J. Bowdler	<b>Agent :</b>	De Pol Associates Ltd
<b>Location:</b>	LAND NORTH OF SANDERLING WAY OFF FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF UP TO 68 DWELLINGS AND ASSOCIATED OPEN SPACE AND INFRASTRUCTURE. (ALL MATTERS RESERVED)		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	29	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Replies to consultations awaited		

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

<https://www.google.co.uk/maps/@53.7962681,-2.8852051,681m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

### Summary of Officer Recommendation

The application is an outline proposal for the residential development of a greenfield area of agricultural land located to the north of the Mowbreck Lane development currently under construction and so between the Wesham Marsh BHS and properties that front Fleetwood Road in Wesham.

Looking at the positive aspects of the planning balance, the site is considered to be in a suitably accessible location and the 68 dwellings proposed will assist in the delivery of housing. The development has been found to not have a severe impact on the existing highways network and could be safely accessed. The biodiversity of the site and the adjacent BHS and pond has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site.

However there are negative factors also in that the visual impact of the development is unacceptable and would have significant harmful impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm.

Overall, the visual harm to the local area of the site and the setting of Wesham is such that it is considered to be substantial and demonstrable and so of a significance that outweighs any benefit experienced by way of housing supply.

### **Reason for Reporting to Committee**

The application is a Major application and whilst the recommendation is for refusal and so the application could be determined under delegated powers the Head of Planning and Regeneration has decided that the amount of recent development in this area and number of objections raised make it appropriate that the application be determined by Committee.

### **Site Description and Location**

The application site is a 2.92 ha of grassland to the east of Fleetwood Road, northeast of the settlement of Kirkham and Wesham. The land is currently used for grazing and is bounded by hedgerows and occasional trees. The site is generally flat with a gentle slope falling towards the eastern boundary from the west. There is currently no public access to the site. It is located 120m east of Fleetwood Road on the opposite side of which is the Mill Farm development. Immediately west of the site is a field located to the rear of residential dwellings fronting Fleetwood Road. To the north and east of the application site is open countryside and Wesham Marsh Biological Heritage Site. To the south of the site is the North of Mowbreck Lane residential development which constitutes 259 dwellings in total and is accessed off Fleetwood Road and Mowbreck Lane. The access to this site would be taken from the main spine road to this development which is called Sanderling Way

### **Details of Proposal**

The application has been made in outline with all matters reserved for future consideration for 68 dwellings and associated public open space and infrastructure. The application details within the submitted planning statement, design and access statement and indicative masterplan state that the development would comprise a mix of 2, 3, 4 and 5 bedroom mews, semi-detached and detached dwellings. 30% of these dwelling would be affordable dwellings. It is proposed that the site be accessed off Sanderling Way on the sites southern boundary and this would serve as a central spine road around which dwellings and access roads would be located. The masterplan indicates 0.58ha of amenity space, to include an open water feature, ecological mitigation and landscape buffers. It is proposed that the loss of amenity space created by the access is compensated for within the site. The layout is indicative only as all matters are reserved.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0590	DISCHARGE OF DETAILS ASSOCIATED WITH CONDITIONS 2 (DRAINAGE DETAILS), 4 (DRAINAGE MAINTENANCE), 5 (POLLUTION MANAGEMENT), 7 (HIGHWAY MAINTENANCE), 8 (HIGHWAY CONSTRUCTION), 9 (PEDESTRIAN ACCESS DETAILS), & 11 (HEDGEROW DETAILS) ON RESERVED MATTERS APPROVAL 15/0724	Advice Issued	10/02/2017
16/0195	ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED GARAGE, BOUNDARY FENCE/WALL AND PARKING AREA, AND CREATION OF A FOOTPATH LINK TO FLEETWOOD ROAD RECREATION GROUND	Granted	13/06/2016
16/0196	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION	Granted	13/06/2016



15/0782	14/0041 TO REPOSITION PLOTS 73 TO 81 AND ASSOCIATED CAR PARKING APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 14/0779	Withdrawn by Applicant	23/12/2015
15/0786	APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 11/0763	Withdrawn by Applicant	23/12/2015
15/0724	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 159 DWELLINGS ASSOCIATED OUTLINE PLANNING PERMISSION 14/0779	Granted	15/02/2016
14/0779	RESUBMISSION OF APPLICATION 13/0754 FOR OUTLINE PLANNING PERMISSION FOR ERECTION OF UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Approved with 106 Agreement	12/03/2015
14/0041	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 100 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 11/0763	Granted	09/07/2014
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	28/05/2014
12/0589	RESUBMISSION OF PLANNING APPLICATION FOR 11/0763 FOR OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Declined to Determine	10/01/2013
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	11/10/2012

08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	26/03/2010
08/0856	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Withdrawn by Applicant	11/12/2008

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	12/12/2014
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Allowed	01/08/2013
08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Dismiss	23/03/2011

### **Parish/Town Council Observations**

**Medlar with Wesham Town Council** notified on 09 January 2017 and comment:

*Medlar-with-Wesham Town Council (MWWTC) object to the development on BMV agricultural land north of Sanderling Way, Medlar-with-Wesham.*

*The application 16/1029 is in addition (although not by the same developer) to 14/0779 an application for 264 houses made in 2008 (08/1072), this application which was declined by Fylde Borough Council (FBC) Development Control Committee, then dismissed on appeal by the Secretary of State, a judgement which was then deemed lawful by the High Court.*

*MWWTC recognise there have been changes in the current situation regarding housing supply in recent years. In particular, the current 5 year supply figure has now been achieved (as at April 2017). These changes only strengthen the reasons to decline permission, based upon the following existing*

policies:

- 1 SP2 (Revised to GD4) of the Emerging Local Plan
- 2 EP22 (Revised to GD1) of the Emerging Local Plan
- 3 EP17 (Revised to ENV2) of the Emerging Local Plan
- 4 HL2 (Revised to GD7) of the Emerging Local Plan
- 5 NPPF policy 111 (Re-use of Brownfield Land)
- 6 NPPF policy 112 (BMV)

#### Environmental Sustainability

The application would negatively impact on the surrounding countryside of Wesham. To follow policy set out in the saved Local Plan, FBC need to seek to promote environmental sustainability and protect countryside areas. Granting permission of this application would be contrary to policy SP2 of the Local Plan and core planning principles as set out in the NPPF.

#### Disruption to Agricultural Industry

MWWTC actively support one of the main industries in Fylde. The Council recognises the economic importance of farming within the area as well as the valued custodianship of our countryside this role demands. To build on this land. FBC would be in direct contravention of Local Plan policy EP22, also NPPF policy 111 & 112, in that current housing supply has been positively affected by recent permissions on sites at Queensway, Warton, Wrea Green and Kirkham. These sites (or parts thereof), although classed as agricultural land were not in constant use as such, nor intrinsically necessary in crop/grazing rotation, nor were graded as Best Most Versatile agricultural land, as is needed in this Dairy Operation. To this end, the land should not be treated within the same minimal necessary use of agricultural land for housing supply.

#### Protection of Biological Heritage Site

The proposed site borders onto a Biological Heritage Site (BHS), Wesham Marsh, listed at page 225 of the ELP (Grid Reference SD419337). The aims of the Biological Heritage Sites Project are firstly to compile and maintain a definitive list of non-statutory sites which make a significant contribution to the bio-diversity of Lancashire and secondly to conserve and protect those sites through the planning system and by co-operation with site owners, occupiers and managers. Policy EP17 in FBC's Local Plan is designed to protect these important areas. Policy EP17 of FBC's Local Plan states "Development which is likely to impact significantly or fundamentally on the biological/geological resources of sites defined as biological heritage sites, will not be permitted". MWWTC are resolute in the opinion that due to the close proximity of the BHS to the application site and the proposed mitigation involving heavy landscaping directly adjacent to the boundary, would significantly impact on the BHS, both from the construction phase and in the future because of the lack of a sizable buffer between the urban boundary which farmland currently serves as. This will increase disturbance by people using the BHS as a rural recreation area due to the ease of access to what is currently a remote haven for wildlife. The inherent danger associated with marshland with such an ease of access to children is also a concern to MWWTC.

#### Scale of Development

MWWTC are concerned that an addition 68 built outside the settlement boundary on the edge of a Local Service Centre will result in the degradation and oversubscription of local services in Wesham. This will directly affect existing residents and residents of any homes built on this application site. Recent development within Wesham must also be taken into account. Redevelopment of land previously not used for housing over the past few years, has undeniably increased the population of this geographically small town exponentially. With Arundel Lodge (12), Stearns Nurseries (12) and Oak Wood, Derby Road (26) recently completed, along with the Pastures (264) due for completion

shortly shows that Wesham has already grown on a huge scale. Local Plan policy HL2 is in place to protect communities such as Wesham from the harmful effects of excessive development.

#### Emerging Fylde Local Plan to 2032

MWWTC are concerned that approval of this site on the basis of the area appearing in the Preferred Option Document Part 1, which is as yet unadopted and is not yet ratified as the Fylde Local Plan to 2030. An approval for this application would be seen as an acceptance of an incomplete document. The Local Plan to 2030 is still in the evaluation phase and approval would show disregard to the public consultation carried out in Fylde. MWWTC fear approval of this application would set a damaging and dangerous precedent, harmful to a democratic process. No weight should be given to any preferred options until ratified in the right and proper manner and the Fylde Local Plan to 2030 is actually produced.

#### Conclusion

1. There would be a loss of BMV agricultural land to the Fylde. (EP22).
2. The planned development is outside the settlement border and is not included in the emerging local plan (SP2).
3. The application is not environmentally sustainable
4. Highways – traffic will increase exponentially on A585, Fleetwood Road and Mowbreck Lane and throughout the towns of Wesham and Kirkham as this application does not take into consideration the Little Tarnbrick Farm , Mill Farm and the Pastures Developments. Nor do those developments take into account this application. In addition the increase in traffic related to the Fracking operations at Preston New Road utilizing the A583 and A585 roads will have an additional impact on the road network.
5. The roundabout at Fleetwood Road/A585 is totally unsuitable for the traffic entry from Sanderling Way and Mill Farm Development. The S278 works previously requested by Lancashire CC have not be actioned.
6. The Town Council are concerned about the impact on the Infrastructure of Wesham and Kirkham - schools, doctors, dentists etc. (HL12)
7. There is a potential flood risk.
8. The neighbouring Biological Heritage Site would be irreversibly damaged and protected species put in danger. (EP17)
9. The scale of development would degrade the community of Wesham. (SP2)
10. The Town Council is concerned about the loss of the countryside views and rural landscape. (SP2)

Medlar-with-Wesham Town Council object to this application and respectfully request Fylde Borough Council Development Management Committee carefully consider the concerns set out in this document. Please refuse permission for application 16/1029 Land North of Sanderling Way, off Fleetwood Road, Medlar with Wesham.

#### **Statutory Consultees and Observations of Other Interested Parties**

##### **Natural England**

Natural England has no comments to make on this application.

##### **Regeneration Team (Landscape and Urban Design)**

*The proposed scheme protrudes into open countryside and agricultural land to the north of Wesham. The form of the proposed development is disconnected from the existing settlement and is not contained by any obvious visible or physical barrier.*

*The landscape character of this area of Coastal Plain is agricultural, with large fields which are predominantly dairy farmed. The low clipped Hawthorn hedges which enclose the fields are often gappy in places and allow long views across the flat landscape.*

*The position of the site within this landscape results in it being visible from roads (particularly the A585), properties and footpaths to the north and from land which is slightly raised to the north east and north west. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views.*

*The layout of the proposed scheme does not demonstrate the principles of good design required by the Council nor respect the character of the local area. The scheme does not include sufficient green infrastructure between the dwellings, which is not private garden, to provide a sustainable drainage solution and allow the natural percolation of surface water. Areas set aside for open green space and landscaped drainage swales are to be expected in this low-lying and flood prone landscape.*

*In addition, it does not provide open spaces and linkages to the wider landscape as part of the Green Infrastructure network, enhancing the public realm and enabling the development to fit alongside the existing settlement and countryside.*

The plans were subsequently revised in order to overcome ecology and landscape objections with the comments being;

*In response to the revised scheme presented by the applicant, my view remains that the proposals in their current form would have a negative impact on the open countryside to the north of Wesham and the landscape and views of which it is a part.*

*The proposed scheme still protrudes into open countryside and agricultural land to the north of Wesham and remains disconnected from the existing settlement. The development does not fit with the local landscape character, its scale or pattern and it would have a negative impact upon the adjacent, unique open landscape of the Wesham Marshes Biological Heritage Site.*

*There are long views across the flat landscape of this area and the site would be very visible within those views. From several locations around the site the proposed development would appear as an extension to the urban area. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views, particularly at night.*

*The proposed layout is based on a tight cluster of residential development with a 'stand off' area doubling as amenity space around the periphery. There is no green infrastructure at its heart nor does it provide sufficient sustainable drainage solutions in an area which is susceptible to ground and surface water flooding. Areas set aside for landscaped drainage swales would be expected in this low-lying and flood prone landscape.*

*I am unable to support this scheme on landscape or visual grounds.*

#### **Electricity North West**

*We have considered the above planning application submitted on 09/01//2016 and find*

*it has no impact on our Electricity Distribution System infrastructure or other ENW assets.*

#### **LCC Education**

Shortfall of Primary school places, development would create 26 places and request this amount totalling £350,337.78. Development would create 10 Secondary School places and request this amount totalling £203,035.90.

#### **Strategic Housing**

There should be a requirement of 30% affordable units on this site but the illustrative site plan details 15 units or 20%.

A breakdown of the Choice Based Lettings Scheme MyHomeChoice Fylde Coast indicates 448 households registered as an area of preference for Kirkham or Wesham. In terms of housing need, of those: 5 households have priority Band A as they are homeless. 42 are in Band B, 4 in Band C and 82 in Band D which means they have a need for alternative accommodation with varying degrees of severity ie category 1 hazards, under-occupying their current home, urgent social, welfare, medical or disability needs, they are armed forces personnel, overcrowded, unintentionally overcrowded or have a notice to leave their current accommodation. 100 Households are in Band E which means they are working or contributing to the community with voluntary work and 215 are in band F which means they are adequately housed and in no urgent housing need.

The majority of households, 171 are current in a private sector tenancy, with 64 living with families or friends on a temporary basis and 4 are in accommodation that is tied to their employment. 39 households own their own home.

In conclusion there is sufficient housing need to justify the requirement of 30% affordable housing on this site. In terms of tenure we would be looking for a mix of affordable rent and low cost home ownership options, such as shared ownership or discounted market sale.

#### **Environment Agency**

It is not a type of application the Environment Agency comment on.

#### **United Utilities**

No objections. Request conditions that the development is carried out in accordance with the submitted FRA. They also request a condition in relation to the future management and maintenance of the surface water scheme.

#### **Lancashire County Council - Highway Authority**

LCC initially commented on the 31 March requesting further information, this was provided in the form of an Addendum to the TA. They summarise their response that they

have no highway objection to the principle of the development and would not object to this application subject to agreement on the proposed mitigation measures and planning contributions as set out above and detailed under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. They consider that these measures are necessary, directly related and reasonable in both scale and kind.

They note all matters are reserved including access. The TA assumes 100 dwellings and includes indicative access proposals, network assessment and consideration for

sustainable movements.

LCC have concerns in regard to capacity issues on the A585 corridor as the network beyond the site does suffer from a level of congestion, with queuing occurring at peak times on the A585, in particular on the approach to the M55 J3 roundabout. LCC's consultation comments for recent applications in this area have set out the local highway authorities concerns in regard to the number of major planning applications coming forward and the piecemeal nature of development in the area all of which will impact on the local highway network and in particular the A585 corridor.

LCC are currently developing a strategy of initiatives that would allow the LHA to support a level of further development with an impact in the A585 corridor, these include:

- Public Transport facilities (bus stops to QBS);
- Public Transport service improvements (frequency, destinations, times of day & week/weekend service improvement);
- Pedestrian and cycle improvements (in particular provision on A585) to support connectivity of developments and amenities;
- Speed Limit Review and necessary changes;
- Junction improvements;
- Crossing facilities;
- review of on street parking; and
- review of signing/signing declutter.

The delivery of these initiatives would be expected through a combination of s106 agreement and s278 works as deemed appropriate by the LPA and LHA. It will be expected that any major development proposal seeking to come forward in this area will support the developing strategy.

#### Indicative main access strategy

LCC consider that an access for the sale of development proposed can be delivered in the location shown on the indicative plan provided. The scale of development is 68 dwellings LCC consider that an access for the sale of development proposed can be delivered in the location shown on the indicative plan provided. The scale of development is 68 dwellings and that is what they have considered.

#### TA and Addendum

Scope of the TA and addendum is agreed and the committed development covered is a reasonable basis from which to assess the impact of the proposal. The additional junctions covered are appropriate and the estimated traffic from this proposal to/from A585/M55 Jct. 3 is 20 vehicles in the AM peak and 17 vehicles in the PM peak. While this impact on its own may not be considered severe, the cumulative impact of all piecemeal development remains a concern to LCC and is why A585 corridor sustainable transport improvements are considered necessary. They regard the trip rates and distribution presented as acceptable. This development proposal is on the edge of the built environment. However, it is acknowledged that some improvements are proposed as part of recently committed development. A s278/s106 funding contribution for improvements to pedestrian and cycle facilities and speed control measures along the A585 is appropriate, should the LPA be minded to approve this development proposal. Improvements to bus services (frequency/routeing) will be requested to support sustainable development. Any service improvement provided should seek to provide a frequent service throughout the day and also consider evenings and weekends to a

range of destinations

Site layout

This is an outline application and internal site layout would be dealt with at reserved matters.

278 works

Will be expected that appropriate s278 works will be required and controlled by condition as part of a subsequent application if the LPA were minded to approve this proposal. Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with highway improvements required by the development so that public funds are not used in the provision of these features).

Planning obligations

Should the LPA be minded to approve this application, it is considered appropriate to seek planning contributions to support improvements to sustainable transport links on the local highway network, in line with LCC's developing A585 Corridor Sustainable Transport Strategy. This funding will be used to implement changes to limit the negative impact of this large development on the existing, at times, congested network.

The trigger point for s106 sustainable transport planning contributions should be prior to commencement of development unless otherwise agreed with LCC and the LPA.

The mitigation measures requested by the LHA to be funded by the developer through s106 contributions, include the following:

- Public Transport service improvements - Requested contribution, £60,000
- Pedestrian and cycle improvements (provision on A585 to support connectivity of developments and amenities in line with the principles of the developing A585 Corridor, Sustainable Transport Strategy - Requested contribution, £100,000
- Travel Plan Support contribution - Requested contribution, £6,000

Summary

Would not object to this application subject to agreement on the proposed mitigation measures and planning contributions as set out above and detailed under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. I consider that these measures are necessary, directly related and reasonable in both scale and kind.

**Lancashire CC Flood Risk Management Team**

No objections to the proposed development subject to conditions including that the reserved matters application to include details of surface water drainage scheme. No occupation of development until completion of SuDS in accordance with agreed scheme and management plan.

**Greater Manchester Ecology Unit**

As you are aware the information submitted with the application includes an ecological survey and assessment together with an addendum report for the adjacent Biological Heritage Site (BHS).

Statutory Protected Sites

The application site lies within the SSSI Impact Risk Zone for a number of SSSIs. These



identify that there is a risk to Newton Marsh SSSI from “any residential development of 50 or more houses outside existing settlements/urban areas”. The site is for over 50 houses and lies outside the existing settlement but I note that Natural England have no comment on the application.

#### BHS

As you are aware the application site lies directly adjacent to a Wesham Marsh BHS. The Ecological Assessment states that the proposals will have no impact on the BHS due to the proposed design of the development and precautionary construction measures. However, I have several concerns relating to the potential impact of the proposals.

The report identifies post development impacts on the BHS to include such things as “as fly-tipping or garden encroachment”. However it does not identify increased disturbance to the BHS from the new residential properties such as increased recreational pressures and disturbance from domestic pets. There is also likely to be a cumulative impact from the other housing schemes in the area. The proposals include some short term management options for the BHS to add biodiversity gain as required by the National Planning Policy Framework. However these proposals are just that, short term and limited in their extent. To be true biodiversity gain and offset any impacts of the proposals on the BHS we would expect to see a comprehensive long term management plan for the BHS, including a mechanism for implementation. This matter requires addressing before the application can be determined.

In addition the Flood Risk Assessment shows the pumping station in a different location to the illustrative master plan in the Design and Access Statement. In the Flood Risk Assessment the pumping station is shown in the buffer area for the BHS and again this matter requires clarification.

#### Great Crested Newts

The survey work found a small population of great crested newts in a pond which on the OS base is approximately 20m from the site boundary and the possibility exists that newts may be present on the development site and/or harmed during the construction works. A great crested newt mitigation strategy has been proposed in Appendix 2 of the ecology assessment. However I do have several concerns about these measures and the overall design of the scheme.

The current proposal has been designed to allow connectivity around the northern, western and eastern boundaries of the site, albeit rather narrow in places. However, there is no direct connectivity in the south of the site where as far as I understand new amphibian ponds are being built as part of another housing scheme. Direct connectivity to these areas should be included in the design.

The ecology assessment states that the new pond in the north east of the site will be designed for great crested newts. However in the Flood Risk Assessment and the Design and Access Statement the pond is referred to as an attenuation pond. While the use of attenuation ponds by newts is possible, it requires careful design and management due to the often conflicting requirements of these two functions. This matter therefore requires clarification.

#### Other issues

Notwithstanding the above, there are a number of other ecological issues that could be

addressed through appropriate conditions, should permission be granted. These issues include:

- A Construction Environmental Management Plan to include measures such as protection of sensitive area, timing of vegetation clearance and construction lighting.
- Pre-commencement surveys for water voles.
- Occupation Phase lighting design.
- Biodiversity enhancement measures in the built areas (e.g. bird and bat boxes).

In conclusion there are a number of issues that require either clarification or addressing prior to the application being determined.

The plans were subsequently revised and GMEU consulted with their comments being;

*The commitment to prepare and implement a 10 year management plan of the adjacent Wesham Marsh Biological Heritage Site (BHS) is welcome. We would recommend that this be secured either through a planning condition or section 106 agreement, with full details to be submitted with any reserve matters application.*

*The amended scheme layout is also acceptable and, together with the measures outline, should ensure the favourable conservation status of great crested newts, and other wildlife, to be maintained. The mitigation strategy for great crested newts submitted originally (included in The Ecological Survey and Assessment) will need to be adjusted to reflect these changes. However as this is an outline application we would recommend that a condition be attached to any permission, requiring full details of a great crested newt mitigation strategy to be submitted with any reserved matters application. An appropriate Habitat and Landscape Creation and Management Plan for the areas within the housing site will also be required (Paragraph 3.1.4 of ERAP's letter) through a condition/section 106*

#### **NHS Fylde and Wyre CCG**

No comments received.

#### **Highways England**

*Having considered the application against the requirements of the governing Policy Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', our view is that these proposals would not, in isolation, result in a severe traffic impact upon the strategic road network that we operate at M55 Junction 3 that would necessitate Highways England to raise an objection or impose conditions calling for engineering mitigation measures at the junction. Consequently, we have no objection to these proposals. Highways England notes however that this site is not allocated for development within either the extant or emerging Fylde Local Plan. Highways England has worked with Fylde Council to understand the implications for Local Plan growth within the Kirkham area upon M55 Junction 3 with a view to seeking future improvement to accommodate this planned growth. Highways England is therefore concerned that a series of non-plan-compliant developments such as this has the potential to, cumulatively, add a significant amount of additional traffic at M55 Junction 3; something that is not anticipated by Highways England in managing the impacts of the emerging Local Plan growth upon the strategic road network based upon the assessments that it has already carried out. In effect, whilst this site in isolation would not be expected to have a substantial impact in isolation, further developments such as this will be*

*additional to the Local Plan growth and thus could have a significant impact once all Local Plan development sites have been built-out.*

#### **Lancashire Archaeological Advisory Service**

*The above application is for a further phase of residential development to the north of Wesham, and lies between the Fleetwood Road and the Wesham Marsh BHS, a lowerlying wetland site. The sites immediately to the south of the present proposal (the present Sanderling Way development and the 'phase 2' site north of Mowbreck Lane) were both subject to archaeological desk-based assessment, and the Mowbreck Lane site is subject to a planning condition requiring a further scheme of field investigation work. This new site has not come with a heritage statement or other archaeological report and has therefore been assessed using the Lancashire Historic Environment Record and the reports from the adjacent sites.*

*The proposed development site would appear, like the adjacent sites, to have significant but unquantified potential for early occupation, particularly for sites of the mid-later prehistoric and Romano-British periods. It would also appear to have been less disturbed by modern activities such as the construction of the Thirlmere Aqueduct than the adjacent sites. It is considered that a programme of archaeological field investigation should be undertaken prior to development, but that this work can be required by planning condition rather than being necessary prior to a planning decision being made. We would therefore suggest the following planning condition is applied to any consent granted to the application.*

#### **CPRE**

Our grounds for objection to this planning application are set out in detail below and cover:

1. Conflict with saved Local Plan policies
2. There is a 5-year supply of housing land in Fylde
3. The site is not proposed for housing in the new Local Plan
4. Loss of agricultural land (potentially high grade)
5. Potential disturbance to Wesham Marsh Biological Heritage Site

#### **Neighbour Observations**

<b>Neighbours notified:</b>	12 January 2017
<b>Site Notice Date:</b>	10 January 2017
<b>Press Notice Date:</b>	12 January 2017
<b>Number of Responses</b>	16
<b>Summary of Comments</b>	Object – summary of comments as follows;

- Increase in traffic. Access from Fleetwood road will be hazardous.
- Noise pollution in the area.
- Proximity of pumping station to my dwellings.
- Overall number of developments in area increasing traffic.
- Loss of POS from existing Sanderling Way Development.
- Loss of outlook from existing dwelling.
- Contrary to Local Plan.
- Impact on ecology.

- Drainage and sewage issues.
- Inadequate infrastructure and amenities.
- When buying house told land would not be built on.
- Impact from light pollution.
- Proximity to Biological Heritage Site
- Back development.
- Loss of agricultural land.
- Public safety issue from helicopters flying over.
- Growth of nearly 20% to Wesham if approved.
- Council has a 5 year supply of housing.
- Not part of the Councils allocated sites.
- Road is gridlocked on match days – not enough parking at Mill Farm.
- Don't need affordable housing.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

#### **Fylde Local Plan to 2032:**

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure

INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
ENV5	Historic Environment

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues when considering this application are;

The principle of the development  
 Does the proposal form sustainable development?  
 Visual impact on character of the area.  
 Highways  
 Flooding and drainage  
 Residential amenity  
 Ecology  
 Other issues

**The principle of the development**

The weight to be accorded to relevant policies

The application site was considered as part of the call for sites and was allocated as H16 in the Local Plan Preferred Option 2013, reference WS10 in the SHLA before being removed from the revised preferred option, because whilst the site was considered accessible with regard to the social infrastructure of Kirkham and Wesham there were other preferable sites that were allocated, and that too much development in this area would have negative impacts. Development should be well distributed throughout the Borough in line with the sustainability appraisal of the Issues and Options and Preferred Option of the Local Plan. The site was found in the high level landscape assessment undertaken to have a medium sensitivity to development and the northern and eastern boundary would have the greatest visual impact. It was also found to have a potential significant effect on the setting of the town and was constrained by the Biological Heritage Site which because of the buffer required meant the site could not be considered strategic. As such it was not included as an allocation within the Local Plan to 2032, and other sites such as the site at Kirkham Triangle were allocated as housing sites. The site is therefore allocated as countryside in both the Adopted Local

Plan and the Local Plan to 2032 and the proposed development of 69 dwellings does not comply with the countryside policy allocation. Although of moderate weight in the decision making process, policies in the Local Plan to 2032 are a material consideration. It identifies Kirkham and Wesham as a strategic location for development and states that within the settlement hierarchy Kirkham serves the role of a Key Service Centre, the same as St Annes and Lytham. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

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

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

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

#### Housing Need

The NPPF emphasises the importance of housing delivery and requires a five year supply for market and affordable housing to be maintained by Local Planning Authorities. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The most recent adopted 5 Year Housing Supply figure was a 4.8 year supply as of 31st March 2016. 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. Members should note 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.

Policy DLF1 of the SV sets out a targeted strategy for new residential development within Fylde, identifying Kirkham and Wesham as a strategic location for development, with SL4 allocating 1141

dwelling for this area over 12 sites. The nearest site to this application site being HSS8 Fleetwood Road Wesham which is adjacent to the application site and currently being constructed and provides 262 dwellings. Other sites such as 15/0547 at Brook Farm for 170 dwellings have also been approved in this strategic area, this was also a site taken out of the Revised Preferred options. The development of this site for 68 dwellings would take development beyond that anticipated for this area. However it is considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, as failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future.

#### Does the proposal form sustainable development?

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity. The application as proposed will provide up to 68 dwellings, of which 30% will be affordable dwellings. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the accessibility of the site to services, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

#### Accessibility of the site

Application 14/0779 was an outline application for up to 264 dwellings to the south of the application site; land east of Fleetwood Road and north of Mowbreck Lane. This was retained as an allocated housing site in the Plan to 2032 so the weight given the development site as a future allocation for housing was greater than when the previous application relating to this site was considered by committee. The site was originally refused for 100 dwelling and allowed at appeal. This site was found to be sustainable with regard to its location, with the development making £157,000 contribution to improve accessibility at the train station. The site is located in close proximity to the A585 which provides vehicular transport links to the wider area, it is 0.19 miles from St Joseph's Primary School and 1.35 miles from Carr Hill. The train station is approximately 1km walk along Fleetwood Road and there is a recreation ground near to the site, with Mill Farm Sports Village opposite Fleetwood Road which has retail and leisure facilities. It is considered that with the appropriate measures identified in the highway sections of this report that this site could be considered to be sustainably located. Kirkham and Wesham is also identified as a strategic location for development and a Key Service Centre in the emerging Local Plan, which in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions available in smaller settlement. Taking all the above it has to be considered that Kirkham and Wesham is an appropriate location for growth. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the sites sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

### Scale of development

As stated above Kirkham and Wesham is a key service centre and a significant settlement which serves both residents of the town and the surrounding rural area. The proposed development of upto 68 dwellings in a sustainable location adjacent to such a centre and strategic location for development is considered to be of an acceptable scale in terms of the number of dwellings proposed in relation to the size of the settlement. Policy HL2 of the Fylde Borough Local Plan, Development Control Criteria for New Housing Proposals, lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality in terms of scale, space around buildings, materials and design.

### **Impact on the character of the area**

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

The character of the site itself consists of a roughly square gently undulating field used for agriculture. The site is bounded by hedgerows and occasional trees. The site is generally flat with a gentle slope falling towards the eastern boundary from the west. There is currently no public access to the site. It is located east of Fleetwood Road on the opposite side of which is the Mill Farm development. Immediately west of the site is a field located to the rear of residential dwellings fronting Fleetwood Road. To the north and east of the application site is open countryside and Wesham Marsh Biological Heritage Site. To the south of the site is a residential development named Sanderling Way which constitutes 259 dwellings in total, this site is accessed off Fleetwood Road and Mowbreck Lane. It is considered that the site whilst possessing few landscape features of importance, which was the finding of the Inspector when allowing the development of the site to the south the site location is critical when considering the relationship between the settlement and the countryside.



The proposed development would bring residential development into this area. Whilst the applicants statement says that the development would form a logical extension to the settlement it is the Councils landscape officer's view is that the proposals would have a negative impact on the open countryside to the north of Wesham and the landscape and views of which it is a part. She states that the proposed scheme protrudes into open countryside and agricultural land to the north of Wesham and remains disconnected from the existing settlement. The development does not fit with the local landscape character, its scale or pattern and it would have a negative impact upon the adjacent, unique open landscape of the Wesham Marshes Biological Heritage Site. She states that there are long views across the flat landscape of this area and the site would be very visible within those views. Planting proposed around the periphery of the site would not be sufficient to mitigate the impact of this development on the landscape or views, particularly at night.

It is considered that due to the sites location to the north of the settlement village where the open countryside predominates the proposal would detract from the rural nature currently experienced. The sites projects north into the open countryside and because of the Biological Heritage site to the east is unable to project any further to the east, meaning that the northern projection of 170m would be restricted to the site itself and would appear almost linear in appearance being set back 1 field from Fleetwood Road to the west. This location is critical as a transition between the settlement and the open countryside and the proposed development would not be in character with the local landscape character, scale or pattern where open countryside predominates. The development if allowed would erode that character with a substantial urban extension into a sensitive part of the setting of Wesham, being out of character with the surrounding area and the general pattern of development and would result in an uncharacteristic depth and projection of dwellings to the north. This would conflict with criterion 2 of LP Policy HL2 as it would be out of keeping with the character of the area.

The main direct visual impacts would be from Fleetwood Road to the north and Mowbreck Lane to the east. Views from these locations are of open countryside adjacent to the heritage site and the introduction of built development into these views would have a detrimental landscape impact. The development will introduce an incongruous residential development into this area of countryside in the Fylde landscape character area that is currently undeveloped and open and which would have a significant visual impact due to its location and shape of the site Paragraph 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The development of the site in the open countryside could not be said to be in keeping with the character of the locality.

#### Impact on the settlement of Wesham

The application site is located adjacent to the proposed settlement boundary. The development site is considered to be rural in character, with views of the site from the north and east. In this agricultural landscape directly adjacent to a rural setting and a biological heritage site the extent of the residential development would be a prominent feature, exacerbated by the shape and size of the site projecting north; which would have an adverse impact on the immediate landscape context. There would be no credible relationship between the proposal and the established built form of Wesham. The landscape setting with the Biological Heritage Site adjacent means that the development would be seen as visually prominent and difficult to assimilate and upsets an otherwise natural balance of the rural character between fields and settlement. This incongruous form of development would be visually prominent due to the flat open nature of the surrounding area. The sheer scale of the development means the proposal cannot fail to have a visual impact and overall this is considered to be unacceptable. The site would still be visible from both short and wider views and would clearly be seen as a manmade intrusion into the rural landscape that would

be an alien and incongruous mass of dwellings out of character to the rural area. In this open, rural, agricultural landscape setting directly adjacent to the rural village the residential development would be a prominent feature which would have an unacceptable impact on the immediate landscape context. This appreciation of the landscape character of the locality renders the proposal's impact on the setting of the settlement unacceptable.

Paragraph 58 of the NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. Policy SP2 criterion 5 and Policy HL2 criterion 2 follow the aims of the NPPF in this regard. The site referred to in this appeal is not in compliance with these policies and the guidance in the NPPF for the reasons outlined above. It is the LPA's opinion that the scale of harm in this location is such that it would not be outweighed by the benefit of housing provision. This visual harm will be significant and will adversely affect the character of the area and the pleasant rural setting that it provide. This is contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan and to criteria a, c, g, h, j and l of Policy GD7 of the Fylde Local Plan to 2032.

#### Principle of the development – conclusions

The site is located directly adjacent to the proposed settlement boundary of Wesham, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent housing to the south. The site is located reasonable distance of local and community services in Kirkham and Wesham. The development is considered sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of housing numbers. The proposal would contribute to meeting the identified need for dwellings in the Local Plan to 2032 and the housing supply for the Borough as a whole which weights in the applications favour however this needs to be balanced against the visual impact of the development which officers have assessed as having substantial and demonstrable harm to the local landscape and the setting of Wesham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF

#### **Highways**

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

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

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

LCC Comments are reported in full in the consultee section. They have no objections to the proposal.

The application was submitted with a TA which was supplemented by an Addendum following discussions with LCC. This reassessed the impact of the development on the surrounding highway network. The revised assessment includes a number of additional committed developments in the Wesham and Kirkham areas, as requested by LCC. It also includes the most up-to-date Transport Assessment traffic flow counts from the Mill Farm Development. This Addendum has measured the impact of the development on the following junctions:

- Proposed development access/ Sanderling Way;
- Sanderling Way / B5192 Fleetwood Road;
- A585/ B5192 roundabout, including new arm from the Mill Farm Sports Village development; and
- Mowbreck Lane / Park Lane, including new arm from Phase Two access onto Mowbreck Lane.
- The southern approach to the M55 Junction 3;
- Weeton Road / Station Road / Garstang Road North mini-roundabout and nearby T-junction of Station Road/ Garstang Road South.

The analysis at each junction listed above has shown that the impact of the development proposals do not significantly impact upon their operational performance. Traffic flow estimates at the junctions were calculated based on the future scenario of the year 2021 + committed developments + development proposals. The traffic flows predicted are that the development will generate 15 AM arrivals, 58 departures, and 40 PM arrivals with 23 departures in the peak hour. The distribution routes has been calculated as being;

North via A585 39.0%

South via A585 32.7%

South via B5192 Fleetwood Road 28.3%

With these junctions above found to have the capacity to deal with this level of growth generated by the development. LCC have no objections to the presented trip rates and traffic distribution. They do however state that the cumulative impact of traffic on the A585 is a concern and as such it is appropriate that each scheme that comes forward in the area contributes towards the strategy of initiatives identified to support development on the A585 corridor. For this development they request a contribution of £60,000 towards public transport improvements, £100,000 towards pedestrian and cycle improvements in line with the principles of the developing A585 Corridor, Sustainable Transport Strategy; and £6000 towards Travel Plan Support. They request various conditions. It is considered that with these contributions and conditions in place there are no highways issues.

### **Flooding and drainage**

The submitted Flood Risk and Drainage Strategy confirms that the application site is located within Flood Zone 1 on the Environment Agency's flood maps and that the site is at low risk of flooding from various potential sources. The submitted drainage strategy confirms that drainage for the proposed development is achievable. As historical hydrological assessments confirm that infiltration is unlikely to be feasible as the primary source for surface water disposal, the strategy considers that an attenuation basin is the best available solution for collecting surface water and discharging it to the local environment, in accordance with the SuDS hierarchy. Surface water drainage systems will be designed to control and attenuate rainfall events up to and including 1 in 100 year + climate change scenarios without flooding, whilst controlling discharge to greenfield run-off rates. The submitted site plan shows an attenuation pond with storage of 1280 cubic metres and package

treatment plant for foul water.

None of the flooding consultees, LCC as Lead Local flood Authority, the Environment Agency or United Utilities raise any objections to the development. Both the EA and UU have requested conditions and that is that the development is carried out in accordance with the FRA and relating to the design of the surface water scheme to be submitted, that no development will be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and that a management and maintenance plan for the drainage system is submitted and approved. There are therefore no flooding or drainage issues with the application.

### **Residential Amenity**

Policy HL2 of the FBLP and GD7 of the SVFLP supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded. The proposed layout whilst indicative shows that dwellings can be appropriately located so as not to create any unacceptable overlooking or loss of light to neighbouring dwellings. Dwellings within the site are located to meet the Councils spacing standards and will not create any unacceptable overlooking or loss of privacy. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust controls are recommended.

### **Ecology**

The site is located directly adjacent to a Biological Heritage site and as such the impact on this needs to be carefully considered. The site itself lacks features of ecological importance but the heritage site to the east and the pond to the west are significant ecological landscape features for the area. The application has been submitted with an ecological survey and assessment for the site and BHS, including for newts and breeding birds. GMEU the Councils ecologist initially objected with regard to the sites relationship with the BHS because the report identifies post development impacts on the BHS to include such things as "as fly-tipping or garden encroachment". However it does not identify increased disturbance to the BHS from the new residential properties such as increased recreational pressures and disturbance from domestic pets. There is also likely to be a cumulative impact from the other housing schemes in the area. The proposals include some short term management options for the BHS to add biodiversity gain as required by the National Planning Policy Framework. However these proposals are just that, short term and limited in their extent. To be true biodiversity gain and offset any impacts of the proposals on the BHS we would expect to see a comprehensive long term management plan for the BHS, including a mechanism for implementation. This matter requires addressing before the application can be determined. And the Flood Risk Assessment shows the pumping station in a different location to the illustrative master plan in the Design and Access Statement. In the Flood Risk Assessment the pumping station is shown in the buffer area for the BHS and again this matter requires clarification. They also commented that as newts have been found on the pond near the boundary the possibility exists that newts may be presence on the development site and/or harmed during the construction works. There is no direct connectivity in the south of the site where as far as I understand new amphibian ponds are being built as part of another housing

scheme. Direct connectively to these areas should be included in the design. They state that issues around a Construction Environmental Management Plan to include measures such as protection of sensitive area, timing of vegetation clearance and construction lighting, Pre-commencement surveys for water voles, occupation Phase lighting design and Biodiversity enhancement measures in the built areas (e.g. bird and bat boxes) can be dealt with via a condition.

The proposed parameters plan was subsequently amended to address these issues and the applicants stated that they were committed to preparing and implementing a 10 year management plan of the adjacent BHS which is within the ownership of the applicants and part of the blue edge for the plan. GMEU comment this is welcomed and that this needs to be secured through condition or legal agreement with full details submitted with any RM application. They comment that the revised layout is acceptable and together with the measures outline, should ensure the favourable conservation status of great crested newts, and other wildlife, to be maintained. The mitigation strategy for great crested newts submitted originally (included in The Ecological Survey and Assessment) will need to be adjusted to reflect these changes. However as this is an outline application we would recommend that a condition be attached to any permission, requiring full details of a great crested newt mitigation strategy to be submitted with any reserved matters application. An appropriate Habitat and Landscape Creation and Management Plan for the areas within the housing site will also be required (Paragraph 3.1.4 of ERAP's letter) through a condition/section 106. Therefore with such conditions and legal agreement to manage the BHS the impact of the development with regard to ecology is acceptable.

### **Other issues**

#### Affordable housing

The provision of affordable housing is an accepted element of residential development and is underpinned by para 50 of the NPPF. The council's position on this is established by Policy H4 of the Fylde Local Plan to 2032 which confirms that all residential schemes of more than 10 dwellings should provide for 30% of the total dwellings for affordable purposes and secured through that policy and Policy INF2. With this scheme being for 68 dwellings that would amount to 20 dwellings. If members were minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications. At this moment there is no legal agreement so this can form a reason for refusal.

#### Agricultural Land

An agricultural land classification survey has been undertaken by DEFRA (previously MAFF) confirms that the site is categorised as subgrade 3b and does not therefore comprise Best and Most Versatile agricultural land.

#### Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of 26 primary school places in the area to accommodate the additional children that would result from the development and the applicant would have to make a contribution in the order of £350,337.78 towards this. There would be a shortfall of 10 secondary school places and the applicant would have to make a

contribution of £203,035.90 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted. A named school for both these contributions has not been identified but if members supported the application this would need to be established for the legal agreement.

#### Archaeology

The advisory service states that the proposed development site would appear, like the adjacent sites, to have significant but unquantified potential for early occupation, particularly for sites of the mid-later prehistoric and Romano-British periods. It would also appear to have been less disturbed by modern activities such as the construction of the Thirlmere Aqueduct than the adjacent sites. It is considered that a programme of archaeological field investigation should be undertaken prior to development, but that this work can be required by planning condition rather than being necessary prior to a planning decision being made. As such a condition requiring this work to be done would need to be placed on any approval.

#### Public Open Space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however because of the BHS and pond the illustrative layout shows POS to the periphery which would be provided as part of the development. The scheme also compensates for the POS lost to form the access if it is taken from Sanderling Way. It is considered that the proposal would provide the POS than required by Policy TREC17 and so no reason for refusal on this matter is justified.

#### Conclusions

The application is considered to be in a sustainable location and will assist in the delivery of housing. The development has been found to not have a severe impact on the existing highways network and could be safely accessed. The biodiversity of the site and the adjacent BHS and pond has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site. However it is considered that the visual impact of the development is unacceptable and would have an unacceptable impact on have significant impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm. Overall, the visual harm to be experienced has to be balanced against the gain of housing which should be afforded weight. However it is considered that the substantial and demonstrable harm and unacceptable visual impact to be experienced to the local landscape and the impact on the setting of Wesham is of great significance and its harm outweighs any benefit experienced by way of housing supply.

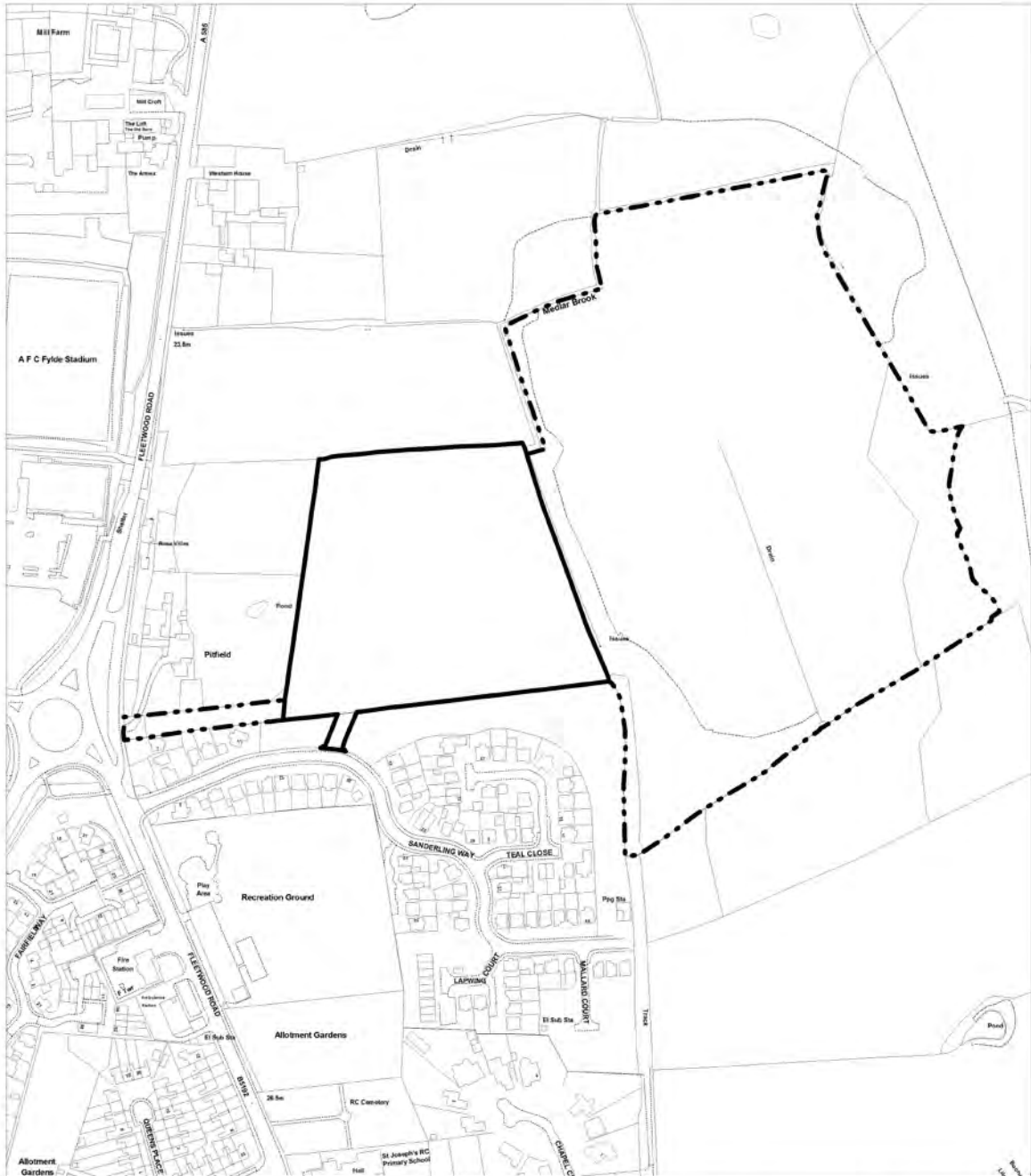
#### Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposed development is located at a critically sensitive transitional location on the northern edge of the settlement where the character of the open countryside predominates. The application site makes a positive contribution to the defined rural character of the area. Whilst the council accepts that the delivery of these dwellings will assist with the borough's housing supply, it is the case that this proposal will cause significant and demonstrable harm to the established character of the area that outweighs this benefit. The residential development proposed will detract from that rural character both by the nature of the land use and the loss of open countryside views from the north and east and the existing edge of settlement properties. The development by virtue of its siting, extent and projection to the north of the settlement in a location that is constrained from further development due to the sensitive habitat on adjoining land would have a significant detrimental visual impact on the landscape character of the area. As such it is considered that this would be a significant and demonstrably harmful consequence of this development that would ensure that it does not constitute sustainable development as required by the National Planning Policy Framework.

The residential development of the countryside is contrary to Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Submission Version of the Fylde Local Plan to 2032; and the harmful visual impact of the development is contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan, to criteria a, c, g, h, j and l of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and to the guidance in para 17 of the National Planning Policy Framework.

2. The proposed development would result in substantial harm to the setting of Wesham by virtue of the siting, scale and pattern of development adjacent to this rural settlement when viewed from points on the approaches to the settlement from the north. The development would lack any logical relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan and paragraphs 17, 58 and 109 of the National Planning Policy Framework. Accordingly, the proposal does not represent sustainable development and there is, therefore, no presumption in favour of the proposed development, notwithstanding the position relating to the supply of housing land within the borough.
3. The proposed development fails to deliver any certainty over the provision of affordable housing, education contributions or sustainable transport improvements as part of the development. In the absence of any on-site provision or of any legal agreement or other such mechanism being in place to secure the provision of affordable housing, education contributions and sustainable transport improvements there can be no certainty that the requirements of Fylde Borough Council's Housing and Infrastructure Policy and that of the local highway authority will be provided for. Accordingly the scheme is contrary to the provisions of Policy CF2 of the Fylde Borough Local Plan, and Policies H4, T4 and INF2 of the Fylde Local Plan to 2032 in that regard, and to guidance in Section 4 and paragraph 50 of National Planning Policy Framework.



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Application No. 5/16/1029	Address Land north of Sanderling Way, off Fleetwood Road, Wesham	Grid Ref. E.3417 : N.4336	Scale 0 15 30 45 60 m 