

Outline planning application for residential development with access from Wildings Lane and all other matters reserved

Land at Roseacre, Wildings Lane,  
Lytham St Anne's

## **Planning and Affordable Housing Statement**

**Rowland Homes Ltd**

**August 2021**

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**Smith & Love Planning Consultants Ltd**

Rational House  
32 Winckley Square  
Preston, PR1 3JJ  
Tel. 01772 831861

[www.smithlove.co.uk](http://www.smithlove.co.uk)

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## 1 Introduction

- 1.1 This Planning and Affordable Housing Statement has been prepared by Smith & Love Planning Consultants Ltd on behalf of Rowland Homes Ltd in support of its outline planning application for residential development on land at Roseacre, Wildings Lane, Lytham St Anne's, with access from Wildings Lane for approval and all other matters reserved.
- 1.2 It sets out the background and context of the application, providing a description of the site and surroundings, the proposed development scheme and a summary of the relevant policies of the statutory development plan. It assesses the merit of the proposals against the identified policies, national policy in the National Planning Policy Framework and all other material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant strategic growth, housing development and general technical and development management policies of the adopted Fylde Local Plan to 2032 and the Saint Anne's on the Sea Neighbourhood Development Plan viewed together as a whole, and Government policy aimed at boosting the supply and delivery of new housing and widening housing choice.
- 1.4 Consequently, having regard to the development plan and all material considerations, there is a compelling case for planning permission to be granted without delay, in accordance with the presumption in favour of sustainable development at Paragraph 11c of the National Planning Policy Framework.

### Supporting information

- 1.5 This Planning Statement should be read together with the following list of plans and supporting documents submitted with this application;
  - a) Application drawings:
    - Location plan
    - Development framework (drwg. ROW/SKL-237)
    - Preliminary site access option 1 (drwg. J32-5505-PS-001)
    - Preliminary site access option 2 (drwg. J32-5505-PS-002)
    - Interim combined highways works plan (drwg. J32-5505-PS-003)
  - b) Application documents:
    - Design and access statement
    - Arboricultural constraints plan and tree survey
    - Ecological appraisal
    - Flood risk assessment and drainage strategy
    - Phase I preliminary risk assessment
    - Transport statement

## 2 Site and surroundings

- 2.1 The 1.7 hectare application site comprises a private house and equestrian development including stable buildings, a yard, ménage (sand paddock) and grass grazing paddocks. It is located on the north east edge of Lytham St Anne's and immediately adjoins the residential area to the south. The site is shown on the aerial photograph at Figure 1 below.
- 2.2 The site is mostly open, flat land and does not contain any trees, hedgerows or other internal features. It is enclosed by hedgerows and fencing with a watercourse along the east boundary, and has direct frontage and access onto Wildings Lane. The southern boundary is formed by a dry ditch and the rear gardens of properties on Jubilee Way and Commonwealth Close, and there is open countryside to the east.
- 2.3 The land immediately north and further west behind the frontage development on Wildings Lane, is allocated for housing development in the Fylde Local Plan to 2032 (Site HSS1 / Policy SL1). This is also controlled by the applicant and is committed for development. A large care village (Class C2) is also under construction further north along Wildings Lane on the site of the former Valentines Kennels.
- 2.4 The site is served by public transport from bus stops on Heyhouses Lane (located within 300 metres) with connections to Lytham, Blackpool and Preston, and is accessible on foot and by cycle, to Booths supermarket and local shops, food and drink outlets, community services, schools, recreation and other amenities, as shown in the Transport Statement and Design and Access Statement.

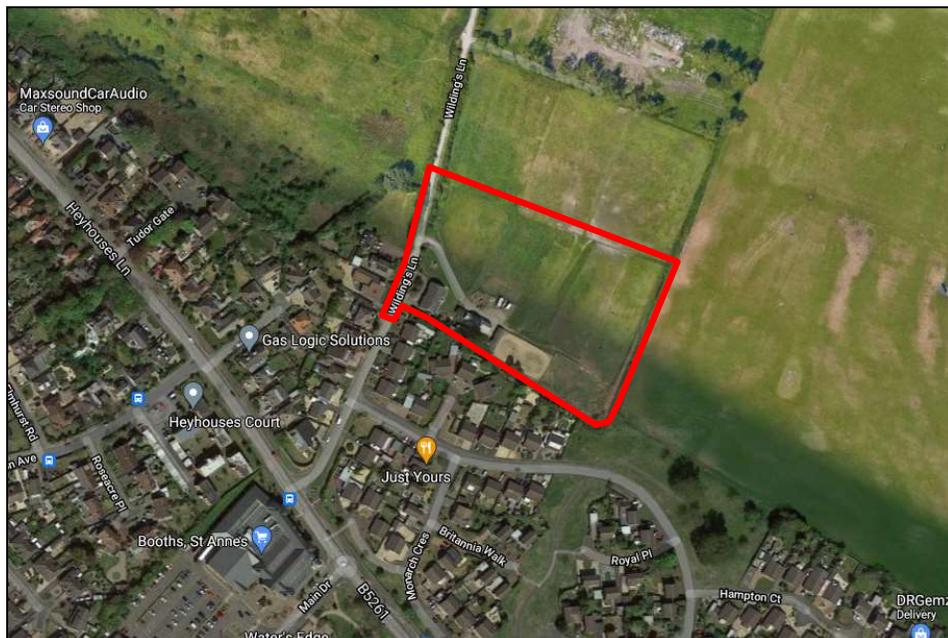


Figure 1: Site location (Google 2021)

## Relevant planning history

### a) Application site

2.5 The Council planning register contains a record of one previous planning application relating to the site. This is no. 16/0061 which was a detailed proposal submitted on 1<sup>st</sup> February 2016 and proposed;

- Erection of 45 no. dwelling houses and associated public open space, and enhancement to Wildings Lane, following demolition and removal of existing dwelling, stables, ménage and paddocks.

2.6 The approved layout of the development is shown in Figure 2 below. This shows a single point of vehicular access from Wildings Lane; created by realigning the carriageway and forming a priority junction to extend Wildings Lane into the site through a 90° turn, and downgrading its northern continuation to form a cycleway and footpath connection to adjacent development. The arrangement of housing comprises frontage development facing onto Wildings Lane with housing to the rear sited parallel to the site boundaries, and facing inwards so that rear gardens adjoin off-site properties, and enclosing a central area of public open space.



Figure 2: Approved housing layout - application 16/0061

2.7 The application was approved by planning committee members in accordance with the recommendation of the Director of Development Services, and full planning permission was granted subject to conditions and a Section 106 Agreement, on 2<sup>nd</sup> November 2016. The Agreement contains three planning obligations in connection with;

- 1) Provision and delivery of an affordable housing scheme for no less than 13 no. dwellings (30%) and to be made available as 60% rent and 40% shared ownership;
- 2) Provision and future maintenance of on-site public open space; and,
- 3) Payment of a commuted sum of £101,517.95 to Lancashire County Council for the provision of additional pupil places at St Bede's RC High School, Lytham.

2.8 It is understood that an application/s to discharge the pre-commencement conditions was not submitted and the period in which to do so and implement the permission (by 2<sup>nd</sup> November 2019) has lapsed. This planning permission has therefore expired.

#### **b) Adjacent land**

2.9 The land immediately to the north of the application site, and owned by the applicant, is part of the approved Richmond Point ("Queensway") development. This comprises outline planning permission no. 08/0058 for the erection of 1,150 dwellings, provision of a 1.1 ha school site and a 34 ha country park which was granted at appeal by the Secretary of State on 21<sup>st</sup> June 2012, together with approved reserved matters no. 13/0257 for a first phase of 110 no. dwellings granted on 2<sup>nd</sup> April 2015, and no. 15/0400 for 882 no. dwellings on the balance of the site granted on 12<sup>th</sup> October 2017. The relevant extract of the masterplan (Site K) is shown in Figure 3 below with the proposed application site in red (in part).



Figure 3: Extract of the approved Richmond Point masterplan showing Site K to the north of the application site in red (in part)

2.10 The land immediately to the east of the application site is subject to a current outline planning application no. 16/1025 which proposes a development of 550 no. dwellings, an associated local centre including Use Classes A1 to A5, public open space and landscaping, with all matters reserved. This was validated in May 2017 and is undetermined.

### 3 Proposed development

- 3.1 The application is made in outline and seeks planning permission for residential development with access from Wildings Lane for approval, and all other matters reserved. The proposal is described in more detail in the Design and Access Statement and Transport Statement and is summarised below.
- 3.2 At this stage, the only application drawings submitted for approval are the Location Plan which shows the extent of the application site area for which permission is sought, and the Preliminary Site Access Plan which shows the detailed design of the vehicular access to be formed into the site from Wildings Lane. This replicates the approved access layout from planning application 16/0061 and will be a new priority junction arrangement with Wildings Lane which requires a realignment of the carriageway and results in the northern section becoming the minor arm of the junction and downgraded to provide a footpath and cycleway link with the Richmond Point development. Off-site improvements are also needed to Wildings Lane to accommodate the development and will take the form of either Option 1 (drwg. J32-5505-PS-001) or Option 2 (drwg. J32-5505-PS-002) depending on the status of an unadopted section of Wildings Lane and whether it can be adopted as part of the future new road layout;
- Option 1 this assumes that the unadopted section of road can be adopted and proposes a simple continuation of Wildings Lane with a 5.5m carriageway and a 2m footway on both sides;
  - Option 2 this assumes that the unadopted section of road cannot be adopted and proposes a build-out with a give-way arrangement on Wildings Lane. This enables a continuous footway to be provided into the site from the proposed footway<sup>1</sup> on the west of Wildings Lane, crossing onto the build-out on the east, and then continuing on the proposed footway within the development.
- 3.3 The overall combined improvement and realignment works to Wildings Lane and the connection to Richmond Point are shown on the Interim Highway Works Plan (drwg. J32-5505-PS-003).
- 3.4 Whilst approval is not sought for the detailed design of development at this stage, in terms of the layout, scale, appearance and landscaping of a housing scheme, the application is supported by, and submitted with the benefit of, a Development Framework (drwg. ROW/SKL-237) see Figure 4 on the following page, to show how a housing scheme will most likely be accommodated on the site.
- 3.5 The expected development yield based on the Development Framework is approximately 52 no. dwellings. It broadly 'fixes' the developable area in terms of locating the footprint of the outermost proposed housing relative to the surrounding existing housing to the south and west, and the committed housing development to the north, to ensure an acceptable relationship and adequate protection of privacy and amenity in terms of rear garden depths and window to window separation distances.

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<sup>1</sup> see DOC application 20/0643 approved on 15<sup>th</sup> January 2021 - drwg. SCP-200225-0100-002-RevA for the discharge of Condition 3 of planning permission 19/0642

- 3.6 It similarly 'fixes' the general form of development with frontage housing accessed directly from Wildings Lane and the likely arrangement of internal blocks. There is no on-site public open space proposed as the amount required in accordance with Policy ENV4 of the Local Plan for approximately 52 no. dwellings, is below 0.2 ha. The development will also be in close proximity, and easily accessible by walking and cycling, to the 34 ha country park to be provided in connection with the Richmond Point development per outline planning permission 08/0058.
- 3.7 Whilst at this stage the Development Framework only shows general footprint locations / building zones, a detailed layout, to be proposed at reserved matters stage, will be capable of providing an acceptable housing mix including detached and/or semi-detached properties for market sale.



Figure 4: Development Framework (drwg. ROW/SKL-237)

### **Provisional planning obligation draft Heads of Terms**

- 3.8 It is expected that planning obligations will be required in the form of on-site provision and/or financial contributions made in connection with the following matters, and which will be provided by way of an agreement with the Council and Lancashire County Council under Section 106 of the Town and Country Planning Act 1990;
- Education (school place provision)
  - Public open space (to be confirmed)
- 3.9 The detailed Heads of Terms will be discussed with the Council and Lancashire County Council during the application determination period subject to satisfying the tests of the CIL Regulations 2010 and maintaining financial viability.

## 4 Planning policy

- 4.1 Relevant policy is provided in the statutory development plan for Fylde and in the national planning policy framework and the planning practice guidance which are important material considerations.

### Development Plan

- 4.2 So far as is relevant to the consideration of this outline planning application, this comprises the Fylde Local Plan covering the period 2011 - 2032 which was adopted in October 2018 and the Saint Anne's on the Sea Neighbourhood Development Plan which was made in May 2017.
- 4.3 An extract of the Proposals Map is shown below with the application site edged red. It shows that the site is allocated for non-strategic housing development (Site HS61 / Policy SL1) as part of the Lytham and St Anne's Strategic Location for Development and lies in a suitable and sustainable location enclosed by existing and proposed housing development within the settlement boundary of Lytham St Anne's.

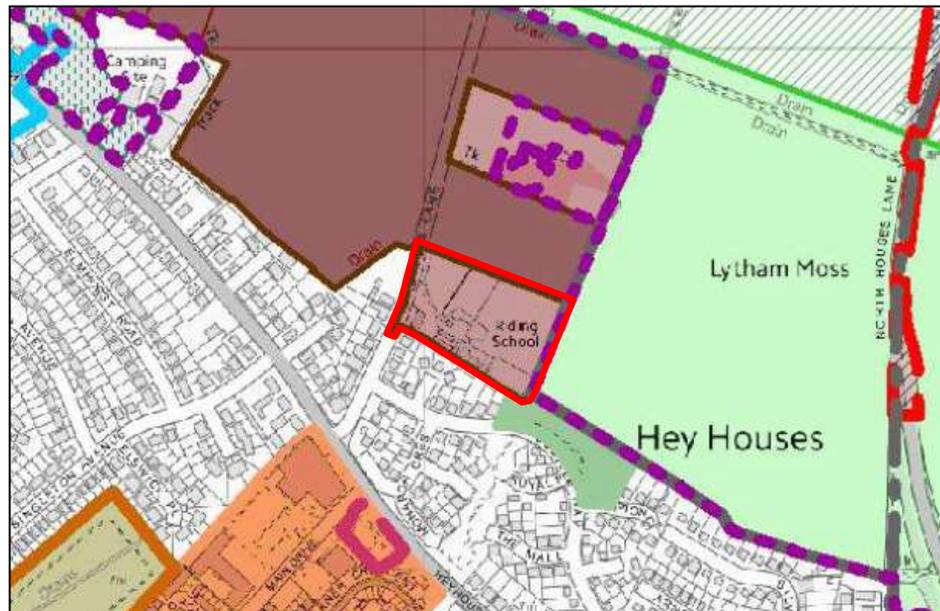


Figure 5: Fylde Local Plan Policies Map extract

- 4.4 The main policies to be applied to the planning application in this context are;

#### a) Fylde Local Plan to 2032

- Policy S1 The Proposed Settlement Hierarchy - this confirms that St Anne's is a Key Service Centre (the highest order of settlement), the role of which will be maintained over the life time of the Local Plan, and where a range of new housing opportunities will be promoted and delivered.

- Policy DLF1 Development Locations for Fylde - this confirms that Lytham St Anne's is one of four Strategic Locations for Development where the majority of future growth will be focused as the most sustainable locations with access to services, facilities and travel choices.
- Policy SL1 Lytham and St Anne's Strategic Location for Development - this confirms that the application site (HS61 - Roseacre, Wildings Lane) is allocated for non-strategic housing development (45 no. dwellings) and was expected to begin construction in 2018/19.
- Policy GD1 Settlement Boundaries - this confirms that development proposals on sites within settlement boundaries will be supported in principle and assessed against all relevant policies of the Local Plan.
- Policy H1 Housing Delivery and the Allocation of Housing Land - this explains that the Council will provide for and manage new housing delivery by: a) setting and applying a minimum housing requirement of 415 (net) homes per annum for 2011 to 2032...., and d) the delivery of the developable sites which are allocated for housing and mixed use to provide for a minimum of 8,715 homes between 2011 and 2032.
- Policy H4 Affordable Housing - this requires market housing schemes of 10 or more homes to provide 30% affordable housing unless robust viability testing has demonstrated that the cost of the affordable housing provision will prevent the development from being delivered.

4.5 Other relevant policies are;

- Policy GD7 Achieving good design in development
- Policy GD9 Contaminated land
- Policy INF1 Service accessibility and Infrastructure
- Policy INF2 Developer contributions
- Policy T4 Enhancing sustainable transport choice
- Policy T5 Parking standards
- Policy CL1 Flood alleviation, water quality and water efficiency
- Policy CL2 Surface water run-off and sustainable drainage
- Policy ENV2 Biodiversity
- Policy ENV4 Provision of new open space

**b) Saint Anne's on the Sea Neighbourhood Development Plan**

4.6 The decision to make the Neighbourhood Development Plan (NDA) has been subject to a long-running legal challenge<sup>2</sup> which was recently dismissed by the Supreme Court on 14<sup>th</sup> May 2021.

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<sup>2</sup> *R (on the application of Fylde Coast Farms Ltd (formerly Oyston Estates Ltd)) v Fylde Borough Council* [2021] UKSC 18

4.7 Whilst this confirms that the NDA therefore has full weight as part of the development plan, the fact that it pre-dates the adoption of the Fylde Local Plan to 2032 means that there is an elementary inconsistency and policy conflict between the two documents in relation to the application site. Whereas the Fylde Local Plan allocates the site for non-strategic housing development and includes it within the settlement boundary for St Anne's, the NDA Policies Map contains a different settlement boundary (Policy GP1 - Settlement Limit) which excludes the application site. The effect of, and remedy to, this conflict is considered in the planning assessment in Section 5 (Principle of Development) of this Planning Statement.

4.8 The following policies of the NDP are also relevant:

- Policy EN2: Green infrastructure
- Policy EN4: Urban trees supply
- Policy TR1: Accessibility for all
- Policy TR4: Getting around St Anne's
- Policy HOU4: Residential design
- Policy SU1: Incorporating SUDs into new development
- Policy DEL1: Developer contributions

### **Other material policy considerations**

#### **Supplementary Planning Documents**

4.9 The following SPDs are relevant, to varying degrees, to the planning application;

- Biodiversity SPD
- Healthy Living SPD

#### **Emerging Partial Review of the Fylde Local Plan to 2032 (FLP32)**

4.10 A partial review of the adopted Local Plan is currently in progress to ensure that its policies are up to date and consistent with the 2018 NPPF and subsequent versions. It has reached an advanced stage and consultation has recently begun on proposed draft Main Modifications following the Inspector's Post Hearing Letter of 30<sup>th</sup> April 2021.

4.11 The Partial Review principally relates to the proposed revised housing requirement for the residual plan period from 2019 to 2032, which is reduced from 415 (net) homes per annum to 305 (net) homes per annum and results from the up to date calculation of local housing need in accordance with the standard method. This and consequential alterations, and other incidental changes to other policies and the explanatory text of the Local Plan, do not fundamentally affect the consideration of the planning application and the status of the application site as land allocated for non-strategic housing development and with the settlement boundary of St Anne's.

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### **National Planning Policy Framework 2021**

4.12 This sets out the Government's planning policies for England and how they should be applied. It requires local planning authorities to apply a presumption in favour of sustainable development which means, as paragraph 11c explains, that development which accords with an up-to-date development plan should be approved without delay. Relevant sections of the NPPF include;

- Paragraph 7      The purpose of the planning system is to contribute to the achievement of sustainable development;
- Paragraph 11     The presumption in favour of sustainable development lies at the heart of the Framework. For decision-taking this means approving development where it accords with an up-to-date development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted.
- Paragraph 59     A key objective of the Framework is to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are met and that land with permission is developed without unnecessary delay;
- Paragraph 62     The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent and people wishing to commission or build their own homes).
- Paragraph 65     Where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development; a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- Paragraph 74     To maintain the supply and delivery of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

- Paragraph 82 This confirms the Government is committed to securing economic growth and that the planning system should positively and proactively encourage sustainable economic growth. This includes housing development which the Government recognises is a key component of economic growth;
- Paragraph 92 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.
- Paragraph 104 Transport issues should be considered from the earliest stages of development so the potential impacts of development on transport networks can be addressed and to encourage opportunities to promote walking, cycling and public transport use.
- Paragraph 105 Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- Paragraph 111 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;
- Paragraph 119 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 124 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places;
- Paragraph 126 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable.
- Paragraph 130 Planning decisions should ensure that developments: a) function well and add to the quality of areas; b) are visually attractive with good architecture, layout and effective landscaping; c) are sympathetic to local character and history, while not preventing innovation or change; d) establish strong sense of place, using streets, spaces, building types and materials to create attractive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and f) create safe, inclusive and accessible places and which promote health and well-being.

Paragraph 131 Planning decisions should ensure that new streets are tree-lined; opportunities are taken to incorporate trees elsewhere in developments; measures are in place for long-term maintenance and trees are retained where possible.

Paragraph 134 Development that is not well designed should be refused and where it fails to reflect local design policies and government guidance. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise design standards more generally so long as they fit in with the form and layout of their surroundings.

Paragraph 159 Inappropriate development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere;

Paragraph 169 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate;

Paragraph 180 When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity 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;

Paragraph 183 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination.

4.13 In determining planning applications, the 2019 Framework expects local planning authorities to;

Paragraph 38 Approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible;

Paragraph 55 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and;

Paragraph 57 Planning obligations must only be sought where they meet tests of being; a) being necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Paragraph 58 This explains that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.

### **Planning Practice Guidance**

4.14 The PPG was initially published in March 2014 and is a 'live document' which supplements the NPPF and provides detailed guidance on how to apply its policies with reference to relevant legislation and other guidance.

4.15 Viability - paragraph: 008 reference ID: 10-008-20190509;

In regards to viability, the PPG confirms that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment

### **National Design Guide**

4.16 Last updated on 30<sup>th</sup> January 2021, this sets out the ten characteristics of well-designed places and demonstrates what good design means in practice. Where local guidance does not currently exist, it is envisaged that this can form the basis for more specific guidance and codes which can be locally formulated to meet the priorities of local communities.

### **National Model Design Code**

4.17 The recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area. It expands on the ten characteristics of good design set out in the National Design Guide which reflects the Government's priorities and provides a common overarching framework for design.

## 5 Planning assessment

5.1 Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole, and states that 'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Section 39 of this Act also requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements are embodied in the 2021 NPPF which is a principal material consideration and should be given substantial weight.

5.2 The key issues to be considered in determining the planning application are;

- The principle of development;
- Affordable housing provision;
- Effect on local character and appearance;
- Effect on neighbouring residential amenity;
- Environmental and technical considerations;
  - Highways and accessibility
  - Trees and hedgerows
  - Biodiversity
  - Drainage and flood risk
  - Ground conditions

5.3 Each of these matters is considered below and after which, the overall planning balance is drawn.

### **The principle of development**

5.4 The Council is committed to delivering the proposed post-hearing<sup>3</sup> revised housing requirement of at least 305 (net) new dwellings per annum for the residual Local Plan period to 2032 and at least 7,275 (net) new dwellings in total between 2011 and 2032. Policies DLF1 and H1 of the Local Plan explain that this will be met by a combination of existing commitments (at adoption), a small sites allowance, a windfall allowance and planned strategic and non-strategic site allocations for new housing development.

5.5 The proposed revised housing requirement is expected to be met, in full and as a minimum, in accordance with the spatial development strategy. Policy S1 defines St Anne's as one of three 'Key Service Centres' in the Borough (highest order settlements) where a range of new housing opportunities will be promoted and delivered, and Policy GD1 confirms that appropriate new development on sites within its settlement boundary will be supported in principle.

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<sup>3</sup> Confirmed in the Inspector's Post Hearing Letter of 30<sup>th</sup> April 2021 and proposed in the Partial Review of the Fylde Local Plan to 2032: Draft Schedule of Proposed Main Modifications for Consultation of 29<sup>th</sup> July 2021.

- 5.6 Policy SL1 therefore supports new development on sites specifically allocated for development within the Lytham and St Anne's Strategic Location for Development, defined by Policy DLF1, where the majority of future growth will be focused as a most-sustainable location with access to services, facilities and travel choices. The application site is allocated (Site HS61- Roseacre, Wildings Lane) for non-strategic housing development (with an indicative yield of 45 dwellings) which demonstrates that it is suitable, available and achievable for residential development.
- 5.7 Additionally, and as set out previously, full planning permission (ref. 16/0061) was granted on 2<sup>nd</sup> November 2016 for a development of 45 no. dwellings on the application site. Although it has subsequently lapsed, this decision provides a clear precedent and, in the absence of any material change in planning circumstances in the intervening period, further establishes the principle of residential development at the application site, having been tested and considered acceptable.
- 5.8 Insofar as the proposed development is in conflict with the settlement boundary and countryside designation (Policy GP1) of the Saint Anne's on the Sea Neighbourhood Development Plan, and which results from its inconsistency with the adopted Fylde Local Plan to 2032 and proposed Partial Review, this cannot be given substantive weight in the determination of the planning application. The position is that Policy GP1 of the Neighbourhood Development Plan is out of date because it is not in conformity with the strategic policies of the more-recently adopted Fylde Local Plan to 2032.
- 5.9 The Planning Practice Guidance<sup>4</sup> is clear that while there is no requirement to review or update a neighbourhood plan, it may become out of date where a local plan covering the neighbourhood area is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.
- 5.10 On the basis of the above considerations, the proposed development is in full accordance with the strategic housing requirement, spatial development and site allocation policies of the adopted Fylde Local Plan to 2032 and its proposed Partial Review, and the associated objectives of the NPPF which advocate making effective use of land and boosting the supply and delivery of new homes. The planning application is therefore acceptable in principle and subject to the assessment of other material considerations as set out in this Planning and Affordable Housing Statement.

#### **Affordable Housing Statement**

- 5.11 It is well known that there are high abnormal costs associated with major new development in the Lytham St Anne's area due to adverse local ground conditions. The presence of peat deposits overlaying deep tidal alluvium means that closely-spaced, deep-pile foundations of approximately 20 metres are needed to reach competent strata, together with ground stabilisation and surcharging works to prevent future settlement. Materials and building costs in general have also increased significantly as a result of the on-going Covid-19 pandemic.

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<sup>4</sup> Paragraph: 084 Reference ID: 41-084-20190509

5.12 Consequently, whereas Policy H4 of the Fylde Local Plan to 2032 requires market housing schemes of 10 no. or more dwellings to ideally provide 30% affordable housing, financial viability appraisal has demonstrated that major housing development in St Anne's cannot support the cost of this scale of affordable housing and significant reductions of between 50% and 100% below the policy requirement have been approved. The two most relevant examples in close proximity to the application site, at Land south of Queensway (Richmond Point) and the redevelopment of the Former Government Offices at Heyhouses Lane, were approved with the following discounts applied as justified by viability appraisal evidence;

<b>Application no.</b>	<b>Development site</b>	<b>Affordable housing</b>
08/0058 Outline planning permission granted 21 <sup>st</sup> June 2012	Land south of Queensway, Lytham St Anne's (Richmond Point)	10%
Variation of s106 Agreement associated with 08/0058 approved 24 <sup>th</sup> December 2013	Land south of Queensway, Lytham St Anne's (Richmond Point)	0% (first 300 no. dwellings)
12/0465 Outline planning permission granted 2 <sup>nd</sup> October 2012	Phase 1 Former Government Offices site, Heyhouses Lane, Lytham St Anne's	10%
15/0787 Outline planning permission granted 26 <sup>th</sup> October 2016	Phase 2 Former Government Offices site, Heyhouses Lane, Lytham St Anne's	15%

5.13 Taking the significant abnormal ground conditions into account, the decisions and viability evidence produced in respect of adjacent development, and the increased building costs, uncertainty and inflation due to the ongoing Covid-19 pandemic, initial viability assessment demonstrates that providing any affordable housing in connection with the proposed development will generate a negative land value. This means that no (zero) affordable housing is proposed in this case in order to enable a viable housing development to be delivered.

5.14 Also, while the previous planning permission (16/0061) for the erection of 45 no. dwellings on the application site, was granted subject to a planning obligation to provide 30% affordable housing, there was no assessment carried out at that time to determine if this was financially viable, and in any event, the permission and planning obligation has lapsed and has no weight.

5.15 A detailed financial viability appraisal has therefore been completed (based on an indicative scheme of 52 no. dwellings) and will shortly be submitted during the consideration of the application. The application therefore complies with Policy H4 of the Local Plan on this basis.

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### **Effect on local character and appearance**

- 5.16 Policy GD7 of the Local Plan and Policy HOU4 of the St Anne's Neighbourhood Plan explain that development will be expected to be of a high standard of design, taking account of the character and appearance of the local area and a list of requirements that include ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- 5.17 Whilst this application is made in outline with all matters reserved other than access, the Development Framework is submitted to show and establish the principal development parameters for the application site, and to give an impression of the form, character and appearance of the housing scheme which may come forward as a result.
- 5.18 The Development Framework shows a layout which is broadly the same as that approved in the previous planning permission 16/0061. There is no proposed on-site public open space however as the amount required in accordance with Policy ENV4 of the Local Plan for approximately 52 no. dwellings, is below 0.2 ha. It may also not be necessary to provide a financial contribution (subject to viability appraisal) as the development will be in close proximity, and easily accessible by walking and cycling, to the 34 ha country park to be provided in connection with the Richmond Point development.
- 5.19 Vehicular access is shown from Wildings Lane and the estate road that follows on provides access to the majority of the dwellings, however some of the properties will be facing onto Wildings Lane and access to these properties will be taken via Wildings Lane. This is also common with the previous planning permission 16/0061 and replicates the approved access arrangements.
- 5.20 On this basis and subject to using sympathetic materials and designs, it is clear that housing in this location adjacent to and surrounded by existing and proposed development, will not be out of place with the character and appearance of the local area.

### **Effect on neighbouring residential amenity**

- 5.21 On the same basis that the application is made in outline with all matters reserved other than access, the effect of development on the amenities of neighbouring properties can only be given 'in principle' consideration at this stage in the absence of a detailed proposal. The Development Framework shows, nevertheless, how development can be accommodated on the application site and its relationship with neighbouring development such that it will not result in adverse impacts in terms of any loss of privacy, daylight / sunlight or have a detrimental outlook for adjoining residents.
- 5.22 For example, proposed dwellings and their rear gardens along the southern boundary of the application site can be positioned to ensure that there is no overlooking or overbearing impact onto the existing properties at Jubilee Way and Commonwealth Close to the south. And, likewise, dwellings and rear gardens on the north boundary of the site can be sited to ensure there are no overlooking issues in relation to the approved development to the north.

- 5.23 In amenity terms, the proposed development will not therefore adversely affect neighbouring properties and will also provide an acceptable standard of amenity for future occupiers. The proposal therefore accords with policy GD7 of the Local Plan in respect of residential amenity.

### **Environmental and technical considerations**

- 5.24 In considering the suitability and sustainability of the application site for the proposed housing development, the following environmental and technical matters have been considered;

- Highways and accessibility
- Trees and hedgerows
- Biodiversity
- Drainage and flood risk
- Ground conditions

- 5.25 Surveys and impact assessments have been commissioned in connection with these matters and are submitted with the application. A summary of the recommendations and conclusions of the reports is outlined below.

#### **a) Highways and accessibility**

- 5.26 The application is supported by a Transport Statement prepared by Mode Transport Planning. Its scope was agreed in discussions, and a pre-application meeting, with Lancashire County Council local highway authority on 6<sup>th</sup> May 2021. The LCC pre-application response of 20<sup>th</sup> May 2021 (Transport Statement - Appendix A) confirms that the highway authority has no objection in principle to the proposed development and access arrangements from Wildings Lane.
- 5.27 The Transport Statement demonstrates that the application site can be safely accessed by non-car modes of travel and lies in close walking and cycling proximity of local community services and facilities and public transport. It achieves an acceptable 'medium' LCC accessibility score.
- 5.28 It demonstrates that safe and suitable vehicular access can be provided to the site and that net traffic generated by the proposed development will equate to one additional trip every two minutes in the AM and PM peaks, which will not have an unacceptable impact on the safe and efficient operation of the local highway network. Car parking can be provided in accordance with relevant standards and will be considered as part of any future application for the approval of reserved matters.
- 5.29 The same design of vehicular access as that previously approved in connection with planning permission 16/0061 can be achieved, and two alternative options are available for the associated realignment and off-site improvement of Wildings Lane to the south of the site, and taking account of the area of unadopted highway.
- 5.30 The proposed development is acceptable on highway and transport grounds and therefore in accordance with Policies T4 and T5 of the Local Plan, Policies TR1 and TR4 of the St Anne's Neighbourhood Plan and the related highway and transport policies of the NPPF.

**b) Trees and hedgerows**

- 5.31 The submitted tree survey and arboricultural constraints plan show there are eleven individual trees, one group and a hedgerow within the application site. These are all located on of just within the southern boundary and the corner of the frontage onto Wildings Lane. The trees are all of poor quality (Category U) apart from three and group which are Category C.
- 5.32 On this basis, and at this stage, there is consequently no conflict with Policy ENV2 of the Local Plan and Policy EN4 of the Neighbourhood Plan, and the policies of the up to date NPPF 2021.

**c) Biodiversity**

- 5.33 A botanical survey and surveys to establish the presence of notable species at the site or in proximity which may be affected by the proposed development, was carried out in April 2021.
- 5.34 They confirm that the site is of low ecological value comprising mostly poor semi-improved grassland and only common plant species. There are no priority habitats and no notable or protected species however nesting birds are likely to utilise the existing buildings between March and September and as such, demolition should only be undertaken outside this period or following a check for nesting birds.
- 5.35 It is further recommended that;
- a future landscaping scheme should use plants which are native and wildlife friendly, including night-flowering species of benefit to bats. Wildflower seeded areas will also enhance ecological value and continuity between the site and wider area; and,
  - the watercourse on the east boundary should be retained to provide scope to maintain wildlife connectivity around the site, and prior to any development commencing, a survey should be undertaken for the presence of Water Voles. If water voles are found, a method statement will be needed giving details of protection measures to be taken to avoid any harm during construction, and for mitigation and enhancement.
- 5.36 In respect of Appropriate Assessment, due to the proximity of the site to the Ribble and Alt Estuaries Special Protection Area (SPA), a previous Habitat Regulation Assessment (HRA) was carried out in connection with the very similar planning application 16/0061 to assess the impacts of the residential development of the site on overwintering birds in the surrounding landscape. HRAs have also been carried out in connection with the committed developments at Richmond Point and Valentines Kennels and, very recently, for the current planning application 16/1025 adjacent to the site. The Council's ecological advisors, GMEU and Natural England, were satisfied that housing development at the application site will not have any harmful impacts on the special interest of the SPA.
- 5.37 The ecological assessment therefore demonstrates that the proposed residential development is feasible and acceptable in ecological terms and can deliver a bio-diversity net gain in

accordance with Policy ENV2 of the Local Plan and Policy EN2 of the Neighbourhood Plan, and the policies of the up to date NPPF 2021.

**d) Drainage and flood risk**

- 5.38 The application is supported by a joint Flood Risk Assessment and Drainage Strategy which describes the existing site conditions and proposed development, as well as assessing the potential impact of the proposals on flooding and foul and surface water drainage infrastructure.
- 5.39 It confirms that the site lies in Flood Zone 1 and therefore has an annual risk of flooding from rivers and watercourses of less than 1 in 100, and that the proposed development will not increase the risk of flooding elsewhere. The site is also at low to very low risk of surface water flooding and there are no recorded instances of historic flooding.
- 5.40 It is proposed to discharge surface water run-off from the development to the watercourse along the eastern boundary in accordance with the SUDS hierarchy. Ground levels can be raised to achieve a gravity-drained system and outfall sufficiently above the water level of the watercourse, and designed to accommodate a 1:100 plus 40% climate change event with attenuated discharge of 5 litres/second using underground storage crates. Foul water will discharge to the public sewer in Jubilee Way to the south of the site via a rising main along Wilding's Lane and, due to ground levels, will require a pumped system with an underground pumping station most likely positioned adjacent to the southern boundary of the site.
- 5.41 The proposed development is therefore compliant with Policy CL1, Policy CL2 and Policy INF1 of the Local Plan, Policy SU1 of the St Anne's Neighbourhood Plan and relevant NPPF policy.

**e) Ground conditions**

- 5.42 The application is supported by a Phase I Geo-Environmental Desk Study which was prepared in January 2020 to assess the potential risks to proposed housing development from the ground conditions below the application site and the presence of any contamination and ground gas.
- 5.43 The assessment shows that the ground conditions present a low to moderate risk but, due to potential environment and geotechnical constraints associated with the longstanding equestrian use of the site and the presence of deep peat deposits requiring a piled foundation solution and surcharging works to accelerate consolidation, a Phase II intrusive ground investigation and quantitative risk assessment will be required to determine geotechnical parameters and foundation design requirements, and the extent of potential contamination, before any development is carried out. The scope of the Phase II investigation can be agreed with the local planning authority, together with a remediation strategy, also to be agreed, implemented and verified. This can be controlled by an appropriate planning condition.
- 5.44 On this basis, the risk to human health of the future residents of the proposed housing development from adverse ground conditions and contamination in soils is considered to be

low, and any contamination can be adequately remediated. The development is therefore considered to be safe and acceptable in terms of geo-technical conditions and ground contamination, and is in accordance with Policy GD9 of the Local Plan and the relevant policies of the NPPF.

### **The planning balance**

- 5.45 This proposed planning application for residential development on land at Roseacre, Wildings Lane, Lytham St Anne's with access from Wildings Lane for approval and all other matters reserved, is in accordance with the relevant strategic growth, spatial development, housing allocation and general technical and development management policies of the Fylde Local Plan to 2032 and the Saint Anne's on the Sea Neighbourhood Development Plan.
- 5.46 Material considerations support this assessment and do not point to a contrary view, whereby;
- the proposed development is in full accordance with the relevant policies and objectives of the 2021 National Planning Policy Framework aimed at boosting the supply and delivery of new housing and widening housing choice;
  - the development will make a beneficial contribution to maintaining a five year housing supply and meeting needs in Fylde;
  - the development will make effective and beneficial use of land identified and allocated as being suitable for residential development;
  - technical matters including highway safety, tree protection, ecology, flood risk, drainage and ground conditions have been thoroughly investigated, and the accompanying surveys and reports demonstrate that there are no valid technical reasons to preclude development of the application site; and,
  - the proposed development will deliver a range of social, economic and environmental benefits to which substantial weight must be attached.
- 5.47 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the adopted development plan unless material considerations indicate otherwise, which they do not in this case.
- 5.48 On that basis and in accordance with the presumption in favour of sustainable development at paragraph 11c of the Framework, it is clear that planning permission should therefore be granted without delay.

## **6 Summary and conclusion**

- 6.1 This Planning and Affordable Housing Statement has been prepared by Smith & Love Planning Consultants Ltd in support of an outline planning application for residential development on land at Roseacre, Wildings Lane, Lytham St Anne's, with access from Wildings Lane for approval and all other matters reserved.
- 6.2 It assesses the merits of the application against the up-to-date policies of the development plan, the NPPF and all other relevant material considerations, and it demonstrates that the proposed development will create a high quality, well designed scheme which will deliver important social, economic and environmental benefits for the Borough and local area.
- 6.3 The Statement concludes that the proposed development is in full accordance with relevant policies of the adopted Fylde Local Plan to 2032 and the Saint Anne's on the Sea Neighbourhood Plan viewed as a whole, and Government policy aimed at boosting the supply and delivery of new housing and widening housing choice, and achieving sustainable development.
- 6.4 Consequently, and having regard to all relevant material considerations, there is a compelling case for planning permission to be granted without delay, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development at paragraph 11c of the Framework.

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**smith&love**  
PLANNING CONSULTANTS

Prepared by

Smith & Love Planning Consultants Ltd  
Rational House  
32 Winckley Square  
Preston  
PR1 3JJ

Tel: 01772 965376

[www.smithlove.co.uk](http://www.smithlove.co.uk)