

The logo for Urban Roots, featuring the word "urban" in a dark blue sans-serif font and "roots" in a light blue script font. To the right of the text is a solid orange square.

urbanroots

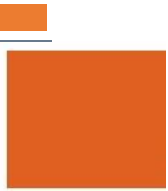
PLANNING | URBAN DESIGN | REGENERATION

Mains Lane, Singleton, Poulton, FY6 7LB

Planning Statement

On behalf of Carrington Group Mains Lane Ltd

October 2021



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1 Introduction

- 1.1 This Supporting Planning Statement ('Statement') has been prepared by Urban Roots (UR) on behalf of Carrington Group Mains Lane Ltd ('the Applicant'), in support of a planning application submitted to Fylde Borough Council for the removal of Condition No.5 associated with the Decision Notice for the approval of Reserved Matters application 18/0724 pursuant of to Outline Planning Permission 16/1006 granted on Appeal on 6th November 2017 (APP/M2325/W/17/3174723). This granted permission for:

"Residential development of up to 9 dwellings with access from Mains Lane on land between 185 and 195 Mains Lane, Singleton, Poulton-le-Fylde FY6 7LB in accordance with the terms of the application Ref 16/1006, dated 14 December 2016 and the attached Schedule of Conditions".

- 1.2 The development under construction at present comprises the provision of 9 residential units (falling within use class C3), with new vehicular and pedestrian accesses onto Main Lane and on-site landscaping. The details that were reserved were the subject of a Reserved Matters application 18/0724 for approval of reserved matters pursuant to outline planning permission 16/1006 for the scale, layout, appearance and landscaping of a residential development comprising nine detached dwellings with associated open space and woodland planting buffer. This was approved 15 November 2018.
- 1.3 This application is made under Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an extant planning permission.
- 1.4 The wording of Condition No.5 is as follows:

"Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), neither of the dwellings on plots 1 and 2 shall be altered or extended, and no buildings or structures shall be erected within their curtilages.

Reason: To restrict the extension and/or other alteration of the dwellings on the specified plots to safeguard the privacy and amenity of the future occupiers of dwellings adjoining those plots in order to ensure a good standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.)"

- 1.5 This Statement sets out the reasons, in planning terms, why condition no. 5 of the planning permission is no longer relevant or necessary and therefore does not satisfy the tests for the imposition of a planning condition as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 1.6 The following documents are submitted in support of the planning application:

Document	Author
Application Form and Certificates	Urban Roots
Location Plan	Urban Roots
Supporting Planning Statement	Urban Roots

2 Site and Surroundings

- 2.1 The site at Mains Lane, Poulton is owned by the Carrington Group Mains Lane Ltd and is shown on the site location plan submitted with this application and the extract below.



- 2.2 The total site is approximately 0.86 hectares in area and is bounded to the north by Mains Lane, to the east by 185 Mains Lane and Rycroft Farm, to the west the site is bounded by further residential development and to the south the site sits adjacent to open fields which are currently used for agricultural purposes. The site is now nearing completion.
- 2.3 Plots 1 and 2 are located at the entrance to the site with Plot 1 is orientated at an angle to ensure that the property has a direct relationship with Mains Lane although none of the properties would front on to Mains Lane. The design of all the plots aims to take into account the amenity interests of those who live adjacent to the site in question. In this case the development has been designed to ensure that there is no impact on the amenity of the occupiers of existing nearby houses, nor on the visual amenities of the street scene.
- 2.4 The northern boundary of the site abuts Mains Lane with residential development located on the opposite side of the road. To the east of the site is 185 Mains Lane and Rycroft Farm, fronting Mains Lane, and a number of associated farm buildings which are set back from the road. The built extent of Rycroft Farm extends along the length of the site's eastern boundary. To the west of the site are a number of existing residential properties both fronting Mains Lane and set back from the road. These properties include The Farmhouse and a number of other residential properties resulting from barn to dwellings conversions. Opposite the site is a plot currently being developed for 2 x bungalows (planning application 19/0623) (see Photograph on page 5).
- 2.5 Properties situated along Mains Lane are predominately large detached dwellings, set within private gardens. Whilst fronting Mains Lane, properties are set back within their plots providing private amenity space at to the front and sides. Whilst some properties have given this space over to

additional parking, the street scene remains green though boundary planting and grass verges. To the south west and south, the site abuts open fields, currently used for agricultural purposes.



Oblique aerial shot of the application site looking north across Mains Lane towards the site of the two new bungalows currently under construction.

3 Context

Background

- 3.1 The site has been carefully designed to respect the amenity of each plot and the adjoining residential developments at The Old Cottage, The Farm House, Meadow View Barn, 185 Mains Lane and Rycroft Farm. This was addressed by the local residents who expressed concern about the effect on their living conditions in particular loss of privacy, loss of view and the removal of trees. The Inspector concluded:

*"I appreciate the desire of local residents to retain their current outlook. However, whilst the view of the appeal site from neighbouring properties would change, should the proposed development take place, **the view from one dwelling towards another would not be unreasonable in planning policy terms.** Some vegetation would be removed to enable formation of the access and two trees have been identified as dangerous and to be felled in any case. However, **the proposals include retention of some existing trees and shrubs and additional screen planting.** Overall I see no reason to suppose that a scheme acceptable in planning terms in relation to the effect on living conditions of nearby residents could not be achieved. Therefore withholding permission on such grounds would not be justified."*



Plot 1 Looking Towards The Old Cottage, The Farm house and Meadow View Barn



Plot 2 Looking towards 185 Mains Lane and Ryecroft Farm

- 3.2 It is clear when visiting the site that the relationship between the new properties at Plot 1 and Plot 2 with the existing properties has been carefully designed to respect the amenity of each property. The photographs above show that the relationship between the properties will allow the safeguarding of the amenity of the existing properties even with modest alterations and extensions. The fact that the development is comprised solely of bungalows means there is no overlooking of gardens or habitable rooms. Indeed, over time the boundaries will soften and change with vegetation and trees.
- 3.3 The area is currently undergoing major change in respect of the building of the A585 which will irrevocably change the character of the area and have a far more intrusive effect on the amenity of the existing residents. The Inspector noted too that the ***“A585 (Mains Lane) is busy road corridor part of the hedge and the dense woodland group is shown as being retained with additional substantial areas of buffer zone planting. The open space and buffer zone together would enhance the visual amenity of the landscape; provide biodiversity opportunities and provide screening for future residents from the proposed Singleton Bypass. Overall, whilst acknowledging that landscaping can take time to mature I conclude that the proposed development would not have an unacceptable effect on trees and hedgerows or the leafy environment of Mains Lane.”***



- 3.4 The development opposite of the 2 x bungalows has led to yet more changes to the area changing the rural nature and affecting the outlook for all the immediate properties in the area.
- 3.5 The imposition of Condition 5 on only two of the properties is unnecessary and not effective and the intentions to control the future amenity of existing future residents of adjoining properties is undermined by the fact that all the other properties in the development will be entitled to do so under Permitted Development Rights or by submitting an appropriate householder planning application.

Planning Policy Review

- 3.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

The Outline Planning Permission

- 3.7 The planning permission was granted on Appeal APP/M2325/W/17/3174723. The Decision Notice is therefore the Appeal Decision and the attached Conditions and this is attached at Appendix1. The Appeal was considered in the context of the development Plan at the time and the Inspector concluded that in respect of the emerging Policy GD7 he gave ***“limited weight to Emerging Policies GD4 and GD7”***. This was the policy that has been referenced in the approval of the Reserved Matters and the new Condition 5, the subject of this application. **The Conditions do not make reference to Policy GD7.**

Fylde Local Plan to 2032

- 3.8 The Fylde Local Plan 2032 was adopted in October 2018 a year after planning permission was granted on Appeal on 6th November 2017 and therefore prepared at a time when the application was being submitted and dialogue at the pre-application and application stage and indeed at the Appeal would allow for the design to meet all the adopted and relevant emerging Local Plan policies. The now adopted Local Plan and the relevance to Condition 5 is set out above.

National Planning Policy Framework

- 3.9 The NPPF sets out in paragraph 206 that planning conditions should 'only be imposed where they are:

- **Test 1—Necessary**
- **Test 2—Relevant to planning**
- **Test 3—Relevant to the development to be permitted**
- **Test 4—Enforceable**
- **Test 5—Precise**
- **Test 6—Reasonable in all other respects**

- 3.10 These requirements, otherwise known as the six tests, must all be satisfied and in this case we believe that the planning condition fails at least three of these tests. As such, it is considered that the condition is not:

Necessary

- 3.11 The National Planning Policy Guidance (NPPG) states that there needs to be a definite planning reason for the imposition of conditions on a planning permission. The condition states that it is imposed in order to restrict the extension and/or other alteration of the dwellings on the plots 1 and 2 to safeguard the privacy and amenity of the future occupiers of dwellings adjoining those plots in order to ensure a good standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

- 3.12 The NPPG (Paragraph: 005 Reference ID: 21a-005-20190723) is clear the *“Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. **Conditions cannot be used to reserve these details for subsequent approval.** The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only”*.

- 3.13 The NPPF at paragraph 47 looking at determining applications solely and exclusively refers to **“planning applications”**. The glossary does not define “planning application” but in accordance with normal principles, namely that a policy is to be interpreted in accordance with the language used in its proper context, it is quite clear that no mention of a Reserved Matters application.

- 3.14 Planning law and the Town and Country Planning Act 1990 state that a planning application is an application made in accordance with Section 62 of the 1990 Act. A Reserved Matters (RM) application is **not** a planning application and an RM approval is **not** a planning permission. A planning permission is defined by Section 336 of the 1990 Act as permission granted under Part III

of the 1990 Act, while an Reserved Matters approval is granted under the GDPO (see *Encyclopaedia of Planning, P.62.20*).

3.15 The conditions set out in the Outline permission granted on appeal are the relevant permission. There is no planning reason or necessity for applying the restriction on alterations and extensions, as many will be to allow future residents to update and upgrade the dwellings to meet new standards and health and safety requirements. The NPPG is clear that:

- Conditions reserving outline application details:

Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only

3.16 Additional information was submitted with the outline planning application and this included a planting plan, planting details and specifications and design and access statement. All other matters were reserved, however, this did set the design parameters. As the development is 100% bungalows it is ultimately suitable for the elderly, disabled and mobility restricted residents. Many such residents will require specific alterations to be made to allow them to live in the properties.

Relevant to Planning and to the development to be permitted

3.17 Government guidance is clear that a planning condition must not be used to control matters that are subject to specific control elsewhere in planning legislation (including Building Regulations). Any planning condition relating to the alteration of the layout and technical standards for buildings is a repetition of Building Regulations' requirements and standards the Town and Planning Act 1990 (As amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015.

3.18 The now adopted policy GD7 similarly is engaged in respect of development requiring planning permission. Although the policy refers to "development", the "Explanation" refers to "development proposals" which require permission. No reference at all is made to Reserved Matters which actually obtain "approval" rather than "permission".

3.19 Again, in a planning law and policy context "development" is defined by Section 55 of the 1990 Act as operational development or a material change of use and such development requires planning permission by reason of Section 57. Again, it is clear from a full reading of GD7 that it is engaged when the LPA are determining a planning application, **not** when RM are being considered as by that stage the principle of development has been conceded. It is moreover quite clear that As a consequence, it would not be reasonable to insist on the retention of this condition as the controls it formerly provided are now covered by other controls. Moreover, the policy is not expressly referred to in the notice of planning permission granted on Appeal.

Enforceable

- 3.20 It is therefore not possible for the condition to be enforced, which fails another test of the condition as set out in the NPPF and NPPG. Many alterations may be cosmetic and necessary to upgrade and maintain the property in question. We also argue that the development is in accordance with the NPPF regardless of condition no.5 and is further supported by the legislation for prescribing separation distances and protecting the amenity of adjoining and future residents. There is also now a clear distinction between the planning system, which remains focused on the impact of new buildings on their surroundings and wider environment, and Building Regulations, which cover the technical side of construction (e.g. energy efficiency, insulation, water usage, etc.)
- 3.21 The application for Reserved Matters was pursuant to the outline planning permission 16/1006 (granted on Appeal) for the **scale, layout, appearance and landscaping** of a residential development comprising nine detached dwellings with associated open space and woodland planting buffer on land between 185 and 195, mains lane, singleton, FY6 7LB. The reserved matters concepts of "appearance", "layout" and "scale" are well established and strictly defined as:

"appearance' means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decorations, lighting, colour and texture."

"layout' means the way in which buildings routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development."

"scale' means the height, width and length of each building proposed within the development in relation to its surroundings."

- 3.22 The inclusion of Condition 5 does not relate to the Outline permission granted as policy GD7 was **not adopted at the time and afforded little weight by the Inspector.**

Reasonable in all other aspects

- 3.23 The approved development was discussed at length with the Local planning Authority throughout the application determination. This included the compliance with the policies with Fylde Local Plan and also to the emerging Policy GD7. To restrict the future potential alterations of just two of the 9 properties without allowing full consideration in the context of the remainder of the development and the surrounding area is not reasonable.
- 3.24 In this case, the outline permission incorporated a number of "approved" plans. To seek, therefore, to now severely restrict the future alteration and extension of two of the nine properties by use of RMs condition is inconsistent with the outline consent and in the applicants view impermissible, ie it is in conflict with the planning permission itself. Moreover, and as noted, a limitation on a planning permission can only be achieved by the use of an express condition. No condition restricting these two dwellings was imposed at the outline stage.

4 Removal of Condition No.5

- 4.1 As set out above the Condition fails 4 of the tests set out in the NPPF. It is therefore suggested that the existing Condition 5 is removed.
- 4.2 The NPPG is clear (Paragraph: 013 Reference ID: 21a-013-20140306) that express powers to issue split decisions are given to the Secretary of State and Inspectors in section 79 of the Town and Country Planning Act 1990. In the case of the outline at Appeal the Inspector did not consider this necessary.
- 4.3 The NPPG goes on to say that in cases where the local planning authority considers part of the development to be unacceptable, it will normally be best to seek amended details from the applicant prior to a decision being made. In exceptional circumstances it may be appropriate to use a condition to grant permission for only part of the development. Such conditions will only be appropriate where the acceptable and unacceptable parts of the proposal are clearly distinguishable. This was not applied at the granting of the Outline Permission at Appeal and therefore there is no legal justification to split the development.
- 4.4 The NPPG is also clear (Paragraph: 017 Reference ID: 21a-017-20190723) that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.
- 4.5 Removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning **permission are unlikely to meet the tests of reasonableness and necessity.**

5 Conclusions

- 5.1 This Statement has demonstrated that the removal of condition no.5 of the extant planning permission for the approval of Reserved Matters application 18/0724 pursuant of to Outline Planning Permission 16/1006 granted on Appeal on 6th November 2017 (APP/M2325/W/17/3174723) is not consistent with national policy and guidance on the use of planning conditions on planning permissions.
- 5.2 This Reserved Matters application sought to implement the Planning Permission and the conditions attached to it. The Planning permission makes no reference to policy GD7 and the principle for the application was established. The Reserved Matter application for scale, layout, appearance and landscaping seeks to make the existing permission consistent with National and local planning policies and legislation.
- 5.3 The approval of this application to remove condition no. 5 will allow the development of the site to proceed through the remaining reserved matters phases in accordance with Government guidance and legislation. The NPPF is clear that planning must not act as an impediment to growth and planning decisions should take account of the social and economic benefits of the expedient delivery of much needed housing.
- 5.4 As set out above the Condition fails 4 of the tests set out in the NPPF. It is therefore suggested that the existing Condition 5 is removed. Removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning **permission are unlikely to meet the tests of reasonableness and necessity.**
- 5.5 Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) we respectfully request that this application be approved and condition no. 5 be removed from the planning permission. This is in accordance with the NPPF and legislation.

6 Appendix

Appeal Decision and Conditions



Appeal Decision

Hearing Held on 17 October 2017

Site visit made on 17 October 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 6th November 2017

Appeal Ref: APP/M2325/W/17/3174723

Land to the south of Mains Lane, Poulton le Fylde. Situated between the existing properties of 185 Mains Lane and Rycroft Farm to the east and the cluster of properties including the Farmhouse, the Old Cottage, the Old Barn and Meadow View Barn which comprise 195 Mains Lane.

- 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 Carrington Group Ltd., against the decision of Fylde Borough Council.
 - The application Ref 16/1006, dated 14 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is residential development of circa 9 dwellings with access from Mains Lane. All other matters reserved for a later date.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 9 dwellings with access from Mains Lane on land between 185 and 195 Mains Lane, Singleton, Poulton-le-Fylde FY6 7LB in accordance with the terms of the application Ref 16/1006, dated 14 December 2016 and the attached Schedule of Conditions.

Procedural Matters

2. The location of the site and the description of development, as stated on the planning application form, are set out above. As discussed at the Hearing the address could more usefully be described as "Land between 185 and 195 Mains Lane, Singleton, Poulton-le-Fylde FY9 7LB" and the development would be more precisely described as "residential development of up to 9 dwellings with access from Mains Lane". The application is in outline with all matters reserved for future consideration except access onto Mains Lane. The internal road layout is for consideration at reserved matters stage. I have determined the appeal on the basis of the above treating the illustrative layouts as indicative of ways in which the development could take place.
3. The Design and Access Statement provides for an area of Public Open Space and a buffer zone to the east and south of the proposed properties. These areas are shown on the illustrative plans and I have taken account of them in reaching my decision.

4. The emerging Fylde Local Plan¹ was submitted to the Secretary of State for examination in December 2016. Stage 1 and 2 Hearings have been held. The Council has carried out a further round of consultation on a range of matters including Objectively Assessed Need (OAN), the housing requirement figure, housing land supply (HLS) and settlement hierarchy. This consultation ended on 14 September 2017. At the Appeal Hearing, the Council advised that it anticipates a further Local Plan Hearing is likely to be necessary. Such a Hearing would be unlikely to commence until December 2017 at the earliest.
5. The parties submitted an agreed updated position of a 4.9 year HLS for the purposes of this appeal and consider 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), relevant policies for the supply of housing should not be considered up-to-date. Furthermore, in the Statement of Common Ground, the parties agreed that Paragraph 14 of the Framework is engaged due to the Fylde Borough Local Plan (As Altered) October 2005 (the FBLP) and its evidence base in respect of development needs being time-expired. From all I have seen, heard and read I see no reason to come to a different view.

Background and Main Issue

6. The appeal site is a field near the market town of Poulton le Fylde between Skippool and Little Singleton. It is outside defined settlement boundaries. There are bus services along Mains Lane to nearby centres including Blackpool. There are services within Poulton, Singleton and Little Singleton and the parties agree that there would be appropriate access to services from the appeal site.
7. No objections have been raised in principle by statutory consultees in respect of ecology, trees, contamination, noise, air quality, flood risk or drainage. Highways England (HE) has accepted the principle of the proposed access onto Mains Lane subject to appropriate conditions regarding detailed design.
8. Taking the above into account and from all that I have seen, read and heard, I consider the main issue for this appeal to be whether or not the site is a suitable location for residential development taking account of national and local planning policy and guidance including the effect of the proposed development on the character and appearance of the area.

Reasons

9. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². However, the weight to be attached to policies in the development plan, whatever their chronological age, should be according to their degree of consistency with the Framework which sets out the Government's planning policies and is a material consideration.
10. The appeal site is within the designated countryside area. It does not adjoin any defined settlement boundary and the proposal would be contrary to Saved Policy SP2 which seeks to restrict development in the countryside. This Policy together with settlement boundaries were established several years before the Framework was published. The application of Saved Policy SP2 and that part of

¹Fylde Local Plan Publication Version June 2016 (the Emerging LP)

² Section 38 of the Planning and Compulsory Purchase Act 2004

Saved Policy HL2 concerned with the supply of housing are not achieving a five-year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework. Consequently these carry limited weight.

11. Saved Policy HL2 also establishes a series of criteria for assessing new housing development and Saved Policy HL6 seeks well designed schemes. These are consistent with the Framework insofar as they seek to direct development towards sustainable locations, take account of the different roles and character of different areas, ensure a good standard of amenity for existing residents and seek good design. They therefore carry substantial weight.
12. Saved Policies EP10 and EP11 seek to protect the distinct landscape character types identified in the Landscape Strategy for Lancashire. They are consistent with the Framework in seeking to recognise the intrinsic character and beauty of the countryside and to secure development of a high quality design that reflects the local vernacular style. There is a degree of conflict with the Framework, due to the absence of any scope to weigh benefits against harm and so I attach some weight to them.
13. In the decision notice, the Council also cites conflict with Emerging Policies ENV1 and GD7³. Emerging Policy ENV1 requires development to have regard to its visual impact within its landscape. The Council advised at the Hearing that there have been little or no objections to ENV1 and no modifications are expected. I consider this to be a more up to date position than at the time of the Newton with Scales Appeal Decision⁴ on 18 August 2017 due to the completion of the latest round of Consultations in respect of the Emerging LP. On this basis I give it some weight.
14. Emerging Policy GD7 seeks to achieve good design and Emerging Policy GD4 restricts development in the countryside. Both would accord with similar principles in the Framework. I am told there are unresolved objections in relation to Emerging Policy GD7 and the extent of countryside cannot be determined as the housing requirement and settlement boundaries are subject to further consideration and may be modified. Accordingly, I give limited weight to Emerging Policies GD4 and GD7.
15. The appeal site is a long, narrow field which forms part of an area of ancient field enclosure and is classified Grade 2 agricultural land. There are fields forming open countryside to part of the west and east boundaries and to the south. Land close to the western and southern boundaries of the appeal site is safeguarded under Emerging Policy T1 for the future provision of the A585 Skippool – Windy Harbour Improvements (Singleton Bypass).
16. There are no landscape designations that apply to the appeal site or the immediate surroundings. It is within the Lancashire and Amounderness Plain (NCA32)⁵ and 'The Fylde 15d' of the Coastal Plain Local Character Area⁶. The local area exhibits some of the characteristics of NCA32 and The Fylde including gently undulating medium-sized pasture, drainage ditches, field ponds and blocks of woodland. High hawthorn hedgerows lie along narrow lanes and tracks, and occasional groups of mature trees are interspersed within

³ At the Hearing it was confirmed that Policy NP1 (also cited on the decision notice) has been deleted from the Emerging LP

⁴ APP/M2325/W/17/3166394

⁵ National Landscape Character Area (NLCA, Natural England 2014)

⁶ Lancashire Council Council's Landscape Character Assessment (December 2000)

the field pattern and at the boundaries of development. There are many man-made elements such as pylons, communications masts and busy roads within The Fylde as well as buildings. The ancient field enclosures which lie beyond, and sometimes touch, the roadside are reminders of the agricultural heritage of this area.

17. The A585 (Mains Lane) is busy road corridor with street lighting which runs south of the River Wyre, following a gentle ridgeline. Development along Mains Lane is predominantly of a ribbon format with main buildings in each property directly fronting Mains Lane. Dwellings are generally setback on spacious plots with generous gardens. There are mature trees along the roadside and in private gardens resulting in a wide and leafy appearance to the corridor. The properties together do not form part of a coherent settlement and the leafy greenery and spaces between many of the buildings create a semi-rural quality distinct from the built up confines of a settlement. To the western end of Mains Lane are a petrol filling station, a caravan park, a site under development for offices and the outskirts of Skippool. Occasional field gaps allow views from the road towards the open countryside beyond.
18. The appeal site constitutes one of the gaps in development. However views of and across it from Mains Lane, other than at the gateway, are limited by the high boundary hedgerow with mature trees including two ash trees which are in poor health. Most views from passing vehicles would be momentary ones of the vegetation. The ash trees are likely to be removed for safety reasons whether or not the proposed development takes place.
19. A dense woodland group of native trees and scrub is located in the north-west corner of the site close to the hedgerow. The species mix would suggest that this woodland area has been associated with a small pond which has become overgrown. The trees/shrubs and hedges provide a degree of screening to the site and have some ecological value although many individual species are in relatively poor condition with no specimen trees of significant landscape value.
20. The proposed access would result in the loss of part of the hedgerow. However, part of the hedge and the dense woodland group is shown as being retained with additional substantial areas of buffer zone planting. The open space and buffer zone together would enhance the visual amenity of the landscape; provide biodiversity opportunities and provide screening for future residents from the proposed Singleton Bypass. Overall, whilst acknowledging that landscaping can take time to mature I conclude that the proposed development would not have an unacceptable effect on trees and hedgerows or the leafy environment of Mains Lane.
21. Much of Mains Lane is lined with a mixture of hedgerows and timber post and rail fences, with more formal walls and garden boundaries associated with some private dwellings including at properties near to the appeal site. There are a variety of styles and sizes of buildings and examples of more formalised boundary treatments. For example, directly opposite the appeal site are large dwellings at Normandy (178), Hillcrest (174) and Southolme and associated decorative railings/walls and more formal hedges which could equally be found in a suburban area. The piece of land between Normandy and Hillcrest has planning permission for a dwelling Ref 14/0804.
22. To the east the site is partly adjoined by No 185 Mains Lane and large agricultural buildings at Ryecroft Farm. To the west is No 195 Mains Lane which

is a cluster of former farm buildings now converted to dwellings arranged around a courtyard with a single point of access onto Mains Lane. Taking the above into account I consider that the immediate environs of the site could not be fully described as traditional open rural countryside.

23. The proposed dwellings would not front onto Mains Lane. Whilst the internal access remains to be determined at a later date it seems likely that the proposed dwellings would be arranged with some behind others around a road way. This would be out of character with many frontages on Mains Lane but it would not amount to back land development as all the proposed dwellings would have direct vehicular access to a road. As indicated in the Design and Access Statement the access would be designed to adoptable standard. There are examples along Mains Lane where dwellings, as well as ancillary buildings, are set behind others including at Nos 185 and 195 and as shown on the plan D10 which was submitted at the Hearing. Overall I consider that up to 9 dwellings could be satisfactorily accommodated by careful attention to spacing and arrangement of buildings at Reserved Matters stage even though the dwellings would not front onto Mains Lane.
24. The appeal site is part of a roughly rectangular grassed field. Land levels slope up gently from the shallow valley of Main Dyke to Mains Lane and further north before dropping away to the Wyre estuary. There are distant views of the buildings on Mains Lane between existing trees from Footpath 2-2 FP1 on the further side of Main Dyke and to a lesser extent from properties beyond. The proposed buildings would project further south than the existing buildings. Although a few more buildings would be evident they would be seen in the distance in a similar way to the existing ones from the Public Footpath along Main Dyke and the proposed planting would, in due course, provide a leafy setting. Moreover, the proposed Singleton Bypass, now the preferred improvement route, would interrupt any such views and its construction is currently expected to start on site by March 2020.
25. The proposed development would diminish the open gap between Ryecroft Farm and 195 Mains Lane resulting in coalescence between the two groups of buildings even if not between defined settlements. It would inevitably adversely affect the openness of the land between the existing buildings and, with the more formal junction, would result in moderate harm to the leafy character of this section of Mains Lane contrary to Saved Policies EP10 and EP11.
26. The proposed development would result in a modest erosion of landscape character mainly 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 buildings if not settlements. 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

27. Third parties and Wyre Borough Council have expressed concern about the effect of the proposed access on highway safety and convenience particularly in the light of the amount of vehicular traffic using Mains Lane and the speed of passing vehicles. As Mains Lane is a trunk road HE is the strategic highway authority.

28. Mains Lane is of single carriageway standard with a 40 mph speed limit. HE considers that the impact of the additional vehicles generated by the proposed development on the strategic highway network would not be severe. Although every additional access point presents another potential accident location it is considered that the proposed junction would be at one of the better locations along Mains Lane. A 'ghost island' right turn lane would be preferred by HE, but due to traffic flows the proposed access, with suitable radii, would not conflict with the appropriate Design Manual for Roads and Bridges standard for this type of development. Accordingly HE does not object subject to conditions regarding the detailed design and provided the final design satisfies an independent Road Safety Audit. In the absence of any detailed evidence to the contrary I see no reason to reach a different conclusion.
29. Local residents have expressed concern about the effect on their living conditions in particular loss of privacy, loss of view and the removal of trees which are considered to help screen moving traffic and associated traffic noise. The particular relationship of proposed dwellings with neighbouring properties would be considered as part of an application for reserved matters.
30. I appreciate the desire of local residents to retain their current outlook. However, whilst the view of the appeal site from neighbouring properties would change, should the proposed development take place, the view from one dwelling towards another would not be unreasonable in planning policy terms. Some vegetation would be removed to enable formation of the access and two trees have been identified as dangerous and to be felled in any case. However, the proposals include retention of some existing trees and shrubs and additional screen planting. Overall I see no reason to suppose that a scheme acceptable in planning terms in relation to the effect on living conditions of nearby residents could not be achieved. Therefore withholding permission on such grounds would not be justified.
31. There is currently no mains sewer on this part of Mains Lane. However, I am told that sewer improvements have taken place a little further along Mains Lane. In any event appropriate provision could be secured by conditions requiring approval and implementation of a drainage scheme.

Planning Balance

32. The Framework is a material consideration of substantial weight. As set out above Paragraph 14 of the Framework is engaged. Moreover the Framework seeks to boost significantly the supply of housing.
33. The site is beyond any defined settlement boundary and is in the countryside for development plan purposes. The proposal would result in the loss of an open field; there would be a modest erosion of landscape character; and a modest visual harm due to the introduction of built development into an otherwise open gap between buildings. 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. The proposal would provide a moderate contribution to much needed housing.
34. 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 conclude that the adverse impacts identified would not significantly and demonstrably outweigh the benefits. The site would not be an unsuitable location for residential development taking account of national and local planning policies including the effect of the proposed development on the character and appearance of the area.

Conditions

35. The conditions proposed by the Council were discussed during the Hearing and subsequently a revised schedule was submitted. I have made some minor revisions to take account of the discussions and to ensure the conditions meet the tests of the Framework and the Planning Practice Guidance. In addition to the standard time limits and the requirement for the submission of reserved matters, a condition specifying the approved plans is necessary as this provides certainty.
36. Conditions requiring the implementation of the landscaping strategy, tree and hedgerow protection/retention; the provision of public open space and future maintenance and management are necessary in the interests of the appearance of the area. Conditions to protect and enhance ecological interests on the site and to control lighting are necessary in the interests of biodiversity.
37. Details of the design and construction of the proposed access, implementation and retention are necessary in the interests of highway safety and as required by HE. Finished floor and ground levels are required to ensure a satisfactory relationship with adjoining development and to minimise flood risk. Details of drainage and the implementation of approved details are necessary in the interests of preventing flooding and public health and safety. A condition to address any potential contamination that may be present is required in the interests of the health of future occupiers of the proposed dwellings. A construction method statement, restrictions on the hours of construction, deliveries during the construction period and sound insulation are necessary to mitigate the effects of noise and disturbance on existing and future residents.

Conclusion

38. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should be allowed.

SHarley

INSPECTOR

Schedule of Conditions

- 1) Details of the access road(s) within the site, 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: 'ProMap' Location Plan; Proposed Access Arrangements (Optima, Drawing No. 16101/GA/01)
- 5) Any application which seeks approval for the reserved matter of layout pursuant to condition 1 of this permission shall be in general accordance with the illustrative layout drawing number SK01 in respect of:
 1. The developable areas of the site.
 2. Woodland buffer to the south and west of the site.
- 6) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall provide for a development which is in general accordance with the landscape strategy shown on drawing number SK01. Details of landscaping shall include, but not be limited to, the following:
 1. Retention of existing trees in accordance with the Arboricultural Report (13167/AJB) and hedgerows on the site.
 2. A compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
 3. The introduction of a woodland buffer and landscape buffer in general accordance with drawing number SK01.
 4. The introduction of additional tree and shrub planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
 5. The type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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.
- 7) No development shall commence until design and construction details of the proposed access improvements between the site and the A585 trunk

road have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:

- a) Final details of how the scheme interfaces with the existing highway alignment.
 - b) Full signing and carriageway marking details.
 - c) Full construction details.
 - d) Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
 - e) An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.
 - f) Confirmation that the applicant is legally able to transfer ownership of any land, not within the ownership or control of the Highways England Company Limited and that is required for the said improvements, to the Highways England Company Limited.
- 8) None of the proposed dwellings shall be occupied until the access has been completed in accordance with the approved details referred to in Condition 7.
- 9) Prior to commencement of the development hereby permitted, 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.
- 10) Foul and surface water shall be drained on separate systems.
- 11) Prior to commencement of the development hereby permitted, 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 no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be constructed in accordance with the approved details.

- 12) None of the dwellings hereby permitted shall be occupied until details of a management and maintenance scheme for the surface water drainage system 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 shall include:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' or other Management Company.

- b) Arrangements for inspection and ongoing maintenance of all elements of any sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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.

- 13) There shall be no on site works, including no site set up or 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:
 - 1. Construction vehicle routes to and from the site.
 - 2. Arrangements for the parking of vehicles for site operatives and visitors.
 - 3. Details of areas designated for the loading, unloading and storage of plant and materials.
 - 4. Wheel wash facilities.
 - 5. Measures for the control of noise, vibration and dust disturbance created during any on site works.

The development shall take place in accordance with the approved CMS.

- 14) On site works and receipt of deliveries 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.

- 15) Prior to commencement of the development, a scheme to protect retained trees and hedgerows during the construction period shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate trees and hedgerows 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.
- 16) 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.

- 17) The development shall be constructed in accordance with the RAMS Method Statement outlined in Section 5.0 of the Reasonable Avoidance Measures for Great Crested Newts Report (ref: CAG001, Haycock & Jay Associates Ltd, January 2017).
- 18) The felling of trees on the site shall be implemented in accordance with the Conclusions and Recommendations of the Aerial Inspection of Bat Roosting Survey (ref: CAG001, Haycock & Jay Associates Ltd, 23rd January 2017).
- 19) Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority of provision for the on-going maintenance of the communal areas of public open space and amenity landscaping. The development shall thereafter be maintained in accordance with the approved details.
- 20) Prior to the commencement of the development hereby permitted, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The EMP shall include:
 1. Provision for bat and bird boxes within the development.
 2. Lighting scheme.The approved EMP shall be implemented prior to occupation of the final house to be constructed and shall be retained on the site in perpetuity.
- 21) Prior to the commencement of the development hereby permitted, a scheme to safeguard the internal noise environment of occupants of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme.
- 22) Any contamination that is found during the course of construction of the permitted development that was not previously identified shall be reported to the local planning authority within 14 days of discovery. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Richard Mowat	Johnson Mowat
Nigel Rockcliff	DRaW (UK) Ltd
Ian Ponter	Kings Chambers
Jerome Roich	Carrington Group Ltd
Stephan Mouzrui	Carrington Group Ltd
Peter Leonard	Carrington Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Eddie Graves	Principal Planning Policy Officer
Robert Buffam	Senior Planning Officer
Kate Lythgoe	Landscape and Urban Design Officer

INTERESTED PERSONS:

Billy Grace	Resident
Rod Barnes	Resident
Mrs Barnes (attended site visit)	Resident

DOCUMENTS Submitted at or after the Hearing

- 1 Email from the Council dated 16 October 2017 with Statement of Common Ground and Summary of Appeals table
- 2 Drawing No D10 Existing and Proposed Land Use 'Building Clusters' and 'Gaps' on Mains Lane
- 3 Drawing No 01 Red and Blue lines showing land in the ownership or control of the appellant
- 4 Development Plan Policies SP2; S1; GD4; T1
- 5 Email from the Council dated 19 October 2017 with "Final Statement of Common Ground Version:18 October 2017"; Appeal Decision APP/M2325/W/16/3158103; Final Table of Appeals corrected with regard to APP/M2325/W/16/3158103
- 6 Annex E Suggested Conditions
- 7 Appeal Decision APP/X1355/W/16/3165490
- 8 Highways England "Preferred route announcement" October 2017

Urban Roots Consulting

24 Marlston Avenue
Chester
CH4 8HF

Murray Graham | Director

Tel: 07799 885 931