



## Meeting Agenda

**Development Control Committee**  
**Lowther Pavilion, Lytham**  
**Wednesday 17 March 2010, 1:00p.m.**

# Membership

## Development Control Committee

CHAIRMAN - John Bennett  
VICE-CHAIRMAN - Ben Aitken

Councillors	George Caldwell	Councillors	Barbara Pagett
	Michael Cornah		Barbara Douglas
	Richard Fulford-Brown		Kevin Eastham
	Trevor Fiddler		Peter Hardy
	Howard Henshaw		Linda Nulty
	Kiran Mulholland		Albert Pounder
	Paul Rigby		Heather Speak

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## **Our Vision**

*To establish Fylde Borough Council as a high performing local authority*

## **Our Corporate Objectives**

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement of the natural built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

## **We will achieve this by:**

Focusing on customer requirements  
Clear community and organisational leadership  
Delivering high quality, cost-effective services  
Partnership working



## AGENDA

### PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the minutes of the Development Control Committee meeting held on 10 February 2010 (previously circulated).</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>4. DEVELOPMENT CONTROL MATTERS</b>	AS NUMBERED

**Personal interests**

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

**Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

**Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# Development Control Committee Index

## 17 March 2010

<b>Item No:</b>	<b>Application No:</b>	<b>Location/Proposal</b>	<b>Recomm.</b>	<b>Page No.</b>
1	08/1072	LAND NORTH OF MOWBRECK LANE / REAR OF ELTON & ASH BEND FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3HA DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Minded to approve Subject to Sn 106	2

# Development Control Committee Schedule 17 March 2010

**Item Number:** 1      **Committee Date:** 17 March 2010

<b>Application Reference:</b> 08/1072	<b>Type of Application:</b> Outline Planning Permission
<b>Applicant:</b> Metacre Ltd	<b>Agent :</b> De Pol Associates Ltd
<b>Location:</b>	LAND NORTH OF MOWBRECK LANE / REAR OF ELTON & ASH BEND FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3HA
<b>Proposal:</b>	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.
<b>Parish:</b>	Medlar with Wesham <b>Area Team:</b> Area Team 2
<b>Weeks on Hand:</b> 62	<b>Case Officer:</b> Andrew Stell
<b>Reason for Delay:</b>	In order to resolve the complex issues raised by this application.

**Summary of Recommended Decision:** Minded to approve Subject to referral to Secretary of State, completion of a Section 106 agreement and resolution of outstanding hydrological issues.

### Summary of Officer Recommendation

The application is for outline planning permission for residential development on a greenfield site that is located within the Countryside as defined in the Fylde Borough Local Plan. The proposal has raised a large volume of objections which centre around the need for residential development, the ability to secure a safe access to the site, the loss of the agricultural land and the potential for damage to be done to the adjacent Biological Heritage Site at Wesham Marsh, amongst other issues.

The officer view is that the council's current shortfall in housing land availability is such an important material consideration that it outweighs the Local Plan Policy objections and other concerns and so committee are recommended to support the application. However, there are outstanding concerns with the hydrological and ecological mitigations and over some of the highway details so the recommendation is to be minded to approve the application subject to satisfactory details on these matters being resolved.

### Reason for Reporting to Committee

The application comprises major development that is subject to significant public opposition.

### Site Description and Location

The application site is a 14.7 hectare area of land that is to the north and east of the settlement boundary of Wesham. It is of an irregular shape and has frontages to Fleetwood Road to the west and Mowbreck Lane to the south. The land is predominantly agricultural land with the exception of two

properties and their gardens on Fleetwood Road that are indicated for demolition to achieve an access to the site. The land is undulating and comprises of several fields that are mainly separated by hedge and ditch boundaries with occasional trees. The Hodder Aqueduct which supplies the Fylde Coast with water from the Forest of Bowland crosses the site and so has a protective easement.

Fleetwood Road is one of the main routes connecting Wesham to the M55 junction and towns to the north. Mowbreck Lane is a narrower rural type lane that serves residential properties, a caravan park and becomes a track as it connects to Treales to the east.

Surrounding land uses are mixed, with agricultural land and Wesham Marsh Biological Heritage Site to the north, further agricultural land to the east, residential properties and Wesham Park Hospital across Mowbreck Lane to the south. To the west of the site are residential properties off Mowbreck Lane, St Joseph's Church and Primary School and Cemetery off Fleetwood Road along with an allotment site and the Recreation Ground. The Fire Station, Ambulance Station and recent residential development are also to the west on the opposite side of Fleetwood Road.

### **Details of Proposal**

The application seeks outline planning permission for residential development of the site. Access forms part of the application but all other matters are reserved for future consideration.

The access proposals have been revised from the original submission and three access points to the site are proposed. One is a priority junction to Fleetwood Road in the current location of Ash Bend and Elton which are two residential dwellings that are to be demolished to facilitate the access point. The proposed access is a 7m wide road located around 50m south of the roundabout junction of Fleetwood Road and Kirkham / Wesham Bypass. The other access points are priority junctions to Mowbreck Lane. One is located around 20m to the east of Medlar House and the other is located opposite its junction with Park Lane.

Whilst the application site extends to 14.7 Ha, the element proposed for residential development is restricted to around 8.7 Ha with the remaining area providing a biodiversity area that also provides some of the public open space that is intended to protect the adjacent Biological Heritage Site, and an area that is protected from development by the easement at either side of the Hodder Aqueduct that crosses the site. The PPS3 target minimum residential development density of 30 dwellings per hectare gives a capacity of 264 dwellings for the site but as all matters other than access are reserved there is no further detail of this beyond an illustrative layout.

The application was supported by significant level of supporting detail including a Design & Access Statement, a Planning Statement, a Transport Assessment, a Landscape and Visual Assessment, a Sustainability Appraisal and a Flood Risk Assessment. Various ecological surveys and mitigation programmes were submitted and have been amended and added to during the consideration of the application.

The conclusion of the Planning Statement is as follows:

*"The application site comprises greenfield land located outside the defined 'limits of development' within the Local Plan. It is considered however that the RSS, PPS1 & PPS3 objectives of ensuring an adequate supply of development and a continuous 5 year housing land supply represent material considerations which can outweigh those policy restrictions relating to development outside the 'limits of development'. This is particularly the case in this instance as the Borough is some way off having a 5 year housing land supply, whilst the current 'limits of development' are out of date in so far as they were only intended to provide for the needs of the Borough to 2006. In light of this, and given the infancy of the emerging LDF, it is considered justified to approve residential schemes on appropriate greenfield land outside settlement boundaries when this would have a positive contribution in terms of addressing the Borough's housing needs.*

*On this basis Kirkham / Wesham is an urban area where development ought to be directed and is a settlement which is appropriate for expanding the current 'limits of development'. Furthermore the application site and development proposals represent a suitable location for residential development. In this regard the site is well located in terms of helping to create sustainable socially inclusive communities being accessible to a range of shops, services, employment opportunities and public transport etc. whilst a residential development would be compatible with neighbouring land uses and could be well integrated with the existing urban area. Appropriate access can be provided to the site without having an unacceptable impact on the surrounding road network or requiring significant infrastructure requirements. Based on the proposed design drivers the development of the application site would bring a range of broad benefits in terms of creating sustainable self inclusive communities and biodiversity improvements, including the enhancement and extension of the adjacent BHS. The extension of the urban area onto the application site would also have limited impact on the character of the surrounding landscape and would not require the loss of high quality agricultural land or land with current recreational value. The site is also not within a flood risk area. Furthermore the site has relatively low ecological value and there are no ecological constraints preventing the site from being developed. In fact the proposed development will result in a net gain in biodiversity. The Local Plan Inspector considering the previous Local Plan inquiry also concluded that the site would have been appropriate for a residential allocation had there been a need for further greenfield housing land at the time the current Local Plan was adopted.*

*The proposed development parameters would be conducive to an acceptable scheme which complies with general development control requirements and relevant Development Plan Policies.*

*Furthermore the application site compares favourably against other potential sites in terms of being a suitable, available and deliverable location for an urban housing extension which would contribute to the Borough's 5 year land supply.*

*In light of the above, and after considering the Development Plan and other material planning considerations, it is contended that the application proposals represent appropriate development which would contribute in a positive manner to the Borough's current housing supply shortage. Accordingly it is contended that planning permission ought to be granted. "*

**Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
08/0856	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Withdrawn by Applicant	11/12/2008

**Relevant Planning Appeals History**

None.

**Parish Council Observations**

**Medlar-with-Wesham Town Council** have submitted a detailed objection to the proposal. This is presented in an 18 page document which was prepared with reference to public meetings that the Town Council arranged in November 2008 and January 2009 and reference to the Wesham Action

Group (WAG) objection report which is covered in more detail later in this report under the 'Neighbour Observation' section. As most of the issues raised are also covered by the WAG report, the following is a brief summary of the points raised by the Town Council.

- That the application involves the development of greenfield land when there is potentially adequate brownfield sites to meet the borough councils housing requirements. The Parish Plan reports that 61% of residents feel that Wesham has seen too much new housing over the past 10 years
- The application site is allocated as Countryside in the Fylde Borough Local Plan and should be protected as such in perpetuity. In addition it is good quality farming land and so a resource to be protected
- The landscape of Mowbreck Lane has historically been the divide between the rural Medlar and more urban Wesham and this landscape should be retained
- The site is close to the Wesham Marsh Biological Heritage Site and the development and construction of it creates a grave risk that this will be damaged forever
- Wesham has made more than its fair share contribution towards housing in the borough in recent years
- The Town Council is concerned that the provision of further affordable housing within this scheme. They understand that some of the affordable properties on the Derby Road and Weeton Road scheme are being offered to occupiers from St Annes or Lytham which have provided little affordable housing in recent years. They see no need for any further affordable housing provision in the borough
- They believe that the Flood Risk Assessment is flawed as it makes inaccurate assumptions on the direction of drainage. This means that their proposals to attenuate the increased run off will not work and will lead to flooding around the site
- As the development is so close to the Biological Heritage Site, there will inevitably be greater public access to it which will in time destroy its ecological habitat contrary to Policy EP17 of the Fylde Borough Local Plan
- The Town Council believe that the development will seriously damage the open aspect of the site, its appearance and the tranquillity it offers to residents
- The road junction to Fleetwood Road is much too close to the existing roundabout junction and will present a significant hazard to traffic. This access point goes against the views of Lancashire Highways in resisting an access point in this location to the Crossing Gates development
- New residential accesses to Mowbreck Lane itself are proposed and have also been previously resisted by the highway officers.
- They raise concerns over sewer capacity
- They refer to the proximity of the railway station being of little benefit to the development given its almost total lack of parking or level access to the platforms and a lack of interest to improve it by Network Rail
- Accessibility to local amenities is not as presented in the application
- There is inadequate capacity in the local primary and secondary schools for additional pupils
- The land is better quality agricultural land than the application claims and so should be protected

**Singleton Parish Council** have written to support Wesham Town Council's objection. They feel that the development would urbanise the area and free Wesham of its village identity. Alternative brownfield land should be obtained to build this development to ensure that the Wesham village boundary is maintained.

### **Statutory Consultees**

Due to the volume and length of consultee responses, these are summarised in the following section.

### **Planning Policy**

They have provided guidance on the relevant national, regional and local plan policies,

before making an evaluation of how the proposal complies with those requirements. This is incorporated into the analysis section of this report.

### **Environmental Protection**

Raise no objection in principle, but due to the scale of the site they request that a contaminated land risk assessment is undertaken as there may be former ponds that have been filled with unknown material. They also highlight the benefits that air quality and noise impact assessments would make to progressing the layout of the development.

### **Regeneration**

No comments have been received

### **Strategic Housing**

They confirm that there was a waiting list of around 3,000 potential affordable housing occupants as at January 2009 with the most recent Housing Need Survey from 2007 indicating an affordable housing need of 600 units per annum across the borough.

It is usual for the legal agreement that controls occupation of affordable housing to require occupants to demonstrate a connection to the borough with social rented properties being the most in-demand type of ownership. The council's Interim Housing Policy target of 30% affordability would amount to 79 units on this site. The RSL partnership have requested that these be split in various small pockets of development of up to 20 units each across the site and be family homes rather than units designed for singles or couples. It is likely that they will be delivered by a partnerships of RSLs throughout the life of the development.

### **Streetscene Management Refuse**

No comments have been received

### **Parks**

No comments have been received

### **Building Control**

Given the outline nature of the application they are unable to provide any meaningful comments at this stage, other than highlighting the existence of a large diameter water main across the site which will impact on the layout of development.

### **County Highway Authority**

They have assessed the submitted highway drawings, the Transport Assessment and attended site meetings with the applicant and his transport consultant, and with local councillors, residents and the planning officer. They do not raise objection to the application on highway grounds with their main points being:

- The anticipated trip rates are found to be acceptable indicating that there is adequate capacity in the highway network to accommodate the travel movements that would be generated by the development.
- The junction to Fleetwood Road is found to be acceptable to the highway authority in principle subject to amendments to the roundabout as shown on the latest drawing being undertaken and further engineering design works on the kerbing. This acceptance is also on the understanding that the proximity to the proposed pedestrian crossing points for this site and the previously agreed one for the Crossing Gates development are resolved. Further investigations are underway into this.
- The development is to be designed with an internal spine road that will allow traffic to link through the site and so access the highway network at the most relevant location. Traffic calming may be required on Mowbreck Lane between the site and the junction with Fleetwood Road to discourage use of this road (featuring the school, church, etc) on pedestrian and highway safety grounds.

- The westerly Mowbreck Lane access is in an acceptable location and design. Further design details are required to ensure that it provides proper connectivity to the existing footpath network on that side of Mowbreck Lane to serve the school, church, etc, and to secure the provision of appropriate crossing points.
- The easterly Mowbreck Lane access is also of an appropriate location and design with adequate separation from the existing Mowbreck Lane / Park Lane junction and suitable pedestrian crossing points.
- A series of conditions are required to ensure that the accesses are properly constructed
- A series of works are essential in enabling this view to be reached and so are to be implemented at full cost of the developer as part of the s278 agreement associated with the highway construction. These works are: extension of the 30mph speed limit across the entrance, modification of the Fleetwood Road roundabout to improve traffic deflections, provision of a ghost island on Fleetwood road to assist pedestrian crossing, alterations to the Park Lane / Mowbreck Lane junction, improvements to visibility at the Mowbreck Lane / Fleetwood Road junction, improvements to the Park Lane / Derby Road junction and relocation and improvement of Fleetwood Road bus stops
- Various off-site works are required to integrate the development into the highway network. These are to be funded by the developer and will include: a cycle route to connect the site to the high schools, potential improvement of the bridleway part of Mowbreck Lane, provide a through route across Wesham Park estate to improve connections to primary school / railway station / town centre, upgrading bus stops on Mowbreck Lane, and traffic calming on Mowbreck Lane. Contributions towards a travel plan for the occupiers of the site and improvements to Kirkham & Wesham Railway Station is also appropriate. These are to be funded by the developers highway contribution.

### **County Planning Officer**

Highlight the requirements of Policy L7 of the RSS for Fylde borough to provide 5,500 dwellings between 2003-2021 which averages 306 dwellings per annum. They estimate (in January 2009) that the council is only able to demonstrate a 2.5 year supply of housing against this figure and so conclude that the development of the number of dwellings proposed in this application is acceptable against Policy L7. They advise that Fylde Council must assess whether a development of this scale in this location is appropriate for the scale of Wesham.

Reference is also made to the need for local authorities to manage the release of housing land sequentially with priority given to brownfield development. This is difficult to assess until the SHLAA work has been completed or the Growth Point / M55 Hub assessed. He believes that the Queensway development could account for the 35% greenfield allowance.

He also highlights the need to consider the natural environment given the proximity to a Biological Heritage Site and the regional target for developments to be provided with at least 10% of their energy requirements from renewable sources.

### **Lancashire County Council Contributions**

Lancashire County Council have submitted a request for contributions from the development based on the 'Planning Obligations in Lancashire' Paper. The paper provides a methodology for calculating contributions that are intended to be used to mitigate the impact of the proposal. These are sub-divided by category as follows:

#### Transport

This element of the construction is to fund the works such as bus stop improvements and

cycle routes and is in addition to the funding for the essential highway works such as works to the Fleetwood Road roundabout. The contribution is calculated on the basis of an approved amount that is variable depending on the sizes of properties with £1,430 payable for each 1-2 bedroomed dwelling rising to £3,580 for a 5 bedroomed dwelling. As the scheme is an outline proposal it is not possible to give an accurate figure and any s106 agreement should be worded to relate to the different amounts payable for different dwelling sizes. As an indication, if all 264 dwellings were to be built as 3 bedroomed properties this would equate to a contribution of £567,600.

#### Young Peoples Service

No contribution is requested, although they request that public transport contribution is used to improve access between the site and the services which are available in Kirkham

#### Education

The County's Education staff note that there are currently 183 places in the local primary schools (February 2010). Whilst the number of available places is falling they anticipate that there will still be around 150 spaces in 5 years time and so this is an adequate capacity to accommodate the anticipated pupil numbers from this development and the others in the vicinity. Therefore no contribution is requested for primary school provision. They have also confirmed that there is adequate capacity in Secondary schools and so no request for an education contribution is made.

#### Waste Management

To enable the County Council to make investments in waste management infrastructure to improve environmental protected and sustainability. They calculate that this development requires a contribution of £126,000.

### **County Ecology Officer**

The County Ecologist has been consulted on the original application and the subsequent details that have been submitted throughout the determination of the application by both the applicant and WAG. Their initial concerns were over the potential impact on the Biological Heritage Site, bats, nesting birds, water voles and hedgerows.

Their final position in respect of the various issues is:

**Bats:** They are satisfied with the findings of the bat surveys that have been undertaken in the dwellings and across the site subject to the recommendations in those reports being implemented by condition.

**Great Crested Newts:** Additional surveys have been undertaken of ponds by the applicant and by WAG that were excluded from the submission reports. These have identified a single GCN and so they requested that compensation / mitigation measures were submitted. These have been assessed and they confirm that this is acceptable subject to the imposition of a condition to secure the implementation of this.

**Water Voles:** Surveys for the presence of these has been undertaken by the applicant and by WAG. The applicant's failed to find any evidence of the presence, whilst WAG found evidence in the form of droppings, latrine, grazed lawns and burrows at a series of locations, with this explained by their more detailed search and reduced vegetation cover due to the survey being undertaken earlier in the year. The County Ecologist advise that a precautionary approach should be taken on this matter. A ditch runs along the western edge of the BHS that provides a suitable habitat for Water Voles and so any development should be designed to avoid disturbance in this area. It is also important that the potential for an overall impact on the hydrology of the area is considered in respect of this species.

**Birds:** As birds have been found breeding on the application site and are very likely to breed in other locations across it, they request that tree felling, vegetation clearance and demolition be undertaken outside of March to July so as to minimise the potential disturbance to breeding birds.

**Hedges:** There are several significant lengths of hedgerow across the site which provide wildlife habitat. As the layout is not for consideration at this stage the extent of their potential loss cannot be quantified, but as the retention of fragmented lengths is of little ecological benefit a condition is appropriate to ensure that the wildlife habitat they offer is properly mitigated within any future layout.

**Hedgehogs:** Habitat for hedgehogs will be retained and provided under the proposals. It is important that the detailed design permits the free movement of this species

**Amphibians:** No significant loss of habitat is envisaged

**Spider:** No significant loss of habitat for the species identified in the survey is envisaged

**Reptiles:** The Survey does not identify any and the site does not offer suitable habitat. County Ecology highlight the statutory protection afforded to reptiles under the Wildlife and Countryside Act

**BHS Management:** As this is outside of the applicants ownership the County Ecologist queries how the applicant is to manage this area as suggested in the Ecology report

**Landscaping:** The establishment, after care and long term management of habitat within the site is crucial. This must be the subject of a detailed submission to the council that is secured by a planning condition.

### **Natural England**

They are the statutory agency charged with preserving, conserving, enhancing and managing the natural environment. They refer to the site not having any nationally designated landscapes or statutorily designated areas of nature conservation importance (the BHS is a local designation). They refer to the land being within an area under Environmental Stewardship Entry Level Stewardship agreement which provides funding to landowners and farmers to manage the land effectively.

They raise queries over the adequacy of the initial surveys that were undertaken in that there was a discrepancy about whether buildings were to be removed and the presence of Water Voles.

They state that the application may impact upon Wesham Marsh BHS but advise that they do not comment on such features but direct the council to the advise on this by the ecology staff at Lancashire County Council.

### **Environment Agency**

Several consultations have been undertaken as matters have progressed with the ecology and water environment aspects of the development which are both of interest to this consultee.

Initially the Environment Agency objected to the application on the basis that the ecology surveys were inadequate, that the screening bund proposed to separate the Marsh from the dwellings could have an adverse hydrological impact and over general hydrology concerns.

These matters were progressed and the EA withdrew their objection to the bund in March 2009 subject to it being suitably designed as part of a reserved matters application to ensure that its design does not impact on the hydrology of the BHS.

Further protected species surveys were submitted of Water Voles, Great Crested Newts and Bats. The Water Vole survey allowed them to withdraw their objection on that matter, but other concerns remain. There is an outstanding Environment Agency objection to the application on the basis that they feel a number of the matters raised need to be properly resolved now rather than at any future reserved matters stage given the importance of Wesham Marsh as one of the few damp semi-natural grasslands on the Fylde. Their specific objections refer to:

- The design details of the proposed reedbed and lake are inadequate
- Reference is made in the mitigation reports to enhancement of ditches but no details are provided
- details of how access to the woodland area to the north east is to be restricted are required
- the conflict between designing a water feature to allow people to enjoy the wildlife it attracts and protecting that wildlife needs to be more fully explored
- there is a need to avoid the spread of Phragmites (Reeds) from the proposed reedbed into the BHS. This was to be a bund, but no firm details are provided and such a feature could obstruct the movement of frogs and toads
- there is no management plan to ensure that the plants to be introduced to the lake do not dominate the existing species
- as a Great Crested Newt has been identified on the site they would look for some mitigation of this.

#### **United Utilities**

Initially raised objection due to capacity issues in the public sewer network.

Following discussions with the applicant this objection was raised on the understanding that the site is drained on a separate system with all foul to the public sewer only, that details of surface water drainage is agreed and that land drainage and highway drainage do not enter the foul sewer system.

#### **Blackpool Borough Council**

Confirm that they have no comments to make on the application.

#### **4NW**

They highlight the importance of the assessment of the scheme against Policy DP4 of the RSS which requires an assessment of the need for the residential development, and that it cannot be accommodated on brownfield sites in the borough. They highlight that Wesham is not a priority settlement for growth under Policy RDF1 but would be considered to be a key service centre under RDF2 which means that the council must be satisfied that the level of growth involved in the scheme is appropriate for such a location.

They refer to the site not being a housing allocation, and highlight the council's annual requirement for 306 dwellings and the need to ensure that the development of this site will not affect the potential development of more sustainably located sites or the target of achieving 65% of development on brownfield sites. Finally they refer for the need to ensure that normal planning matters with residential development scheme such as the provision of affordable housing, public open space, drainage, etc are properly dealt with.

## **Observations of Other Interested Parties**

### **CPRE**

Object to the application on the following grounds:

- The site is outside the settlement boundary in land designated as Countryside and so is protected from development by Policy SP1 and SP2 of the Fylde Borough Local Plan and the Interim Housing Policy
- The granting of planning permission for residential development in advance of the LDF process is premature and justifies refusal at this time until all aspects are properly considered
- The recent rates of house building have slowed so there may not be a need for any additional housing in Wesham at this time, and if there is previously considered brownfield sites (Derby Road council offices, Wesham hospital) should be used first
- The land is in active agricultural use and is of high quality. It is therefore protected from development by PPS7 and Policy EP22 of the Fylde Borough Local Plan
- The site is near to Wesham Marsh Biological Heritage Site which should be protected and enhanced. This development places a great risk on that site
- The proposed access point to Fleetwood Road is too close to the roundabout and a planned pedestrian crossing and so creates unacceptable highway safety concerns. The removal of this junction would put all traffic onto Mowbreck Lane which could not cope with that level of traffic either.
- A supplementary 'Landscape Character Assessment' has been submitted along with a letter from Michael Jack MP which supports its acknowledgement of the importance of local land being retained for farming purposes. This assessment describes the area and its importance to the local community, its landscape characteristics, its historical development and the importance of Wesham Marsh. The document concludes that these qualities mean that it should be preserved in perpetuity.

### **National Farmers Union**

Refer to the Agricultural Land Classification system and that as this data is displayed at a small scale on the published maps it is difficult to ascertain whether the site is Grade 2 or Grade 3. They refer to the local field survey that the tenant farmer has commissioned and request that this is given due consideration. The letter highlights the contribution that this site makes to the working of that farm unit and the agricultural economy of the area.

### **Fylde Bird Club**

Request that the application be refused on the basis that it will be seriously detrimental to the adjacent Wesham Marsh Biological Heritage Site. They believe that the development will require aggressive drainage to safeguard the dwellings from flooding which may lead to the area drying out. They suspect that the ponds that are to be provided may encourage landowners to construct ditches to drain into them and so drain the land further which will degrade its wildlife benefits.

They are also concerned that the proximity of these dwellings will lead to the site being used as a dog walking and children's play area. This level of activity will lead to it losing its ornithological interest. The loss of the farmland and hedges will also remove feeding or nesting grounds for various bird species.

### **Sustrans**

They encourage the council to secure improvements to the walking and cycling environment through the scheme including direct and convenient links to the town centre, railway station and local schools.

### **Lancashire County Archaeology**

They have assessed the application. The 1st edition OS map from 1844-5 appears to indicate an unnamed farm to the west of the junction of Park Lane and Mowbreck Lane. The date of construction and demolition of this and the existence of any remains is unknown and they request that a condition is imposed to require that this area is the subject of an archaeological investigation.

### **Neighbour Observations**

**Neighbours notified:** Letters were sent to 140 neighbouring properties on 06 January 2009 with 5 site notices at that time.

**No. Of Responses Received:** 133 letters have been received along with a report by Wesham Action Group (WAG), a series of letters from the tenant farmer and a petition opposed to the development with 657 signatories which are predominantly from Wesham addresses with some from Kirkham, Wrea Green and Treales.

### **Summary of Letters**

All the letters were individually written and raise objection. The main issues raised are sub-divided and summarised as follows:

#### **Scale of Development**

- Wesham is too small a place to accommodate development of the scale proposed without it dominating the town. The development would increase the population of Wesham by around 25% and with a similar increase created by the Crossing Gates and Derby Road developments this will overwhelm the town
- The built development will change the character of the place from a charming rural village to virtually identical urban sprawl
- The town does not have the infrastructure to cope with the additional traffic proposed
- There are existing developments in the town that are not being built due to market conditions so there is no need for additional development
- There are a shortage of dentists and doctors with long waiting times for appointments at both
- There is inadequate primary and secondary school provision in the area. Wesham C of E School is operating with temporary classrooms due to an existing lack of space and adding more children to the area will compromise the education offered to them and the existing pupils due to over-crowding of the schools
- The police services will be further stretched by an increased population
- The drainage system in the area is unable to cope with the additional demands placed on it by this number of dwellings and so will lead to flooding
- The development of this green belt / green field site will set a precedent for other such land around Wesham to be developed
- The land is outside of the settlement boundary and so should be protected from development as it is contrary to the Interim Housing Policy, and other national and local planning policies that direct development to more suitable locations
- Over the past 40 years Wesham has changed from a village with a thriving shopping street to one large housing estate with no services to support it - this application continues that and must be resisted
- New houses should be built where there are houses, schools, shops and amenities and that is clearly not Wesham
- The development of 264 houses on the site would be too great a density for the character of the area
- A smaller development site of the land fronting Mowbreck Lane only would be appropriate
- The development does not make a sensible rounding off of the town as the application claims, but extends it into the countryside
- The development will change a semi-rural town into an urban sprawl

- As Fylde needs 300 houses per year, why should almost that number be permitted in Wesham in one application

#### Highway Safety & Transport Issues

- The existing road network cannot handle the additional traffic proposed by this development
- The proposed access point to Fleetwood Road is too near the existing roundabout junction and so will increase the risk of accidents and congestion. It is also near to the Ambulance station and Fire Station and could affect their safe operation
- Mowbreck Lane is already very busy due to the school traffic and its junction with Fleetwood Road where visibility is restricted. It is a narrow and rural lane well used by farm traffic and so it will be dangerous for the additional pedestrian use
- Leaving the junction of Mowbreck Lane and Fleetwood Road is already difficult due to the poor visibility, parked cars and school traffic. This development will make it impossible
- The submitted transport statement is very vague in its conclusions
- The development will lead to further congestion on the busy commuter route through the town to the M55 which is already very busy
- Construction work will cause further damage to the already poor standards of roads in the area and will cause unacceptable congestion
- There are limited employment places in the town so all the new residents will work elsewhere which puts pressure on the surrounding roads through their commuting
- The traffic will not only affect Mowbreck Lane and Fleetwood Road, but will also be unacceptable on Park Road, Derby Road and others
- Mowbreck Lane floods in times of heavy rain and this will be made worse by development
- The transport statement is flawed as it used out of date information
- The road through the site will become a rat run between Fleetwood Road roundabout and the Park Road area so making it dangerous for the new residents
- Access to Fleetwood Road near the Fire Station was prevented in the Crossing gates development, so why can it be acceptable now?
- The Wesham Park Hospital development was prevented from having direct access to Mowbreck Lane and so how can it now be acceptable to have several access points to that road
- The proposed use of the railway link is unviable as it is too remote from the site to be used without driving to it and as there is no parking facility it is not accessible
- The rail station does not have access to wheelchair users
- Mowbreck Lane provides the only access to a 200 plot caravan and a residential park which has a significant number of vehicle movements and frequent large HGV deliveries. The development will restrict this access through congestion
- Mowbreck Lane becomes a bridlepath to the east and so increased traffic would present safety issues for horses and riders
- Fleetwood Road is difficult to cross for pedestrians and the increased traffic using it will exacerbate this issue
- The lack of footpaths or crossing points on Mowbreck Lane will make it dangerous for residents especially children
- There have been several fatalities on Fleetwood Road which highlights its dangerous levels of traffic
- Existing traffic volumes on Fleetwood Road mean that it is always congested at rush hours and so it cannot handle additional traffic

#### Condition of Development Site

- The site is a greenfield site in productive agricultural use so should not be developed when there must be brownfield sites available
- The application site is grade 2 farmland and so should be protected. The applicant's claims that it is Grade 3b are incorrect as this is a dated assessment and the land has been improved considerably since that was made

- The development seems to involve alterations to the land drainage to push this to the north rather than the south. This will cause flooding of farm land in that direction
- A previous application on the site in 1998 was refused due to it having inadequate infrastructure – what has changed?
- The site is part of the rural hinterland of the Fylde and should be protected from development to retain that open aspect and the views beyond which it allows

### Ecology

- Wesham Marsh is a protected nature reserve and the development of land adjacent to it will damage that forever.
- Such development is contrary to PPS9 and Fylde Borough Local Plan Policy EP17
- The development of these fields will inevitably adversely affect wildlife habitat
- The scheme will develop an area which offers pleasing views and attractive scenery for the existing residents to enjoy through views and walking the footpaths and should not be lost for unnecessary development
- The applicant's own report highlights that there may be a hydrological change in Wesham Marsh and this cannot be accepted a protected Biological Heritage Site
- The supporting statement refers to the development 'protecting the Marsh'. This would best be done by not developing the land alongside.
- The application site is a breeding ground for Lapwings which are in decline and so should be protected
- The ecology reports that were initially submitted were of poor quality as the surveys were not done correctly and were done at the wrong time of year
- The mitigation proposals are flawed as the marshes has developed as a result of its soil chemistry that has established over time to attract the various plants it cannot be readily replicated
- The numerous access points to Mowbreck Lane in the initial proposal will damage the wildlife habitat provided by the hedge
- The submitted bat, newt and water vole surveys are inadequate
- The site has developed as a marsh due to its poor drainage and being at the divide between land draining to the River Wyre to the north and the Ribble to the south. This has created a rare and valuable ecosystem that should not be damaged.
- The supporting ecological surveys are fundamentally flawed and so the council can have no confidence that the proposed mitigation will achieve its intentions.
- It is inevitable that the construction will affect the subtle hydrology in the area causing wet areas to dry out and other areas to flood

### Other Comments

- The developer's consultation exercise was flawed and the council has not undertaken adequate neighbour notifications.
- The application is premature as the development of sites such as this should only be assessed through the proper development plan system and with the current economic slowdown, the demand for new dwellings is not as great as the RSS requires
- This application is only being considered due to undemocratically imposed government targets and Fylde should stand up to them and say Wesham has had enough
- As the drainage, sewerage and electricity connections are inadequate, the whole of Kirkham and Wesham will have to suffer congestion and disturbance whilst these are being brought up to standards to serve this development
- The council's failure to have a list of identified housing sites has let the community of Wesham down by creating an opportunity for speculative developments such as this
- The whole of Wesham is opposed to this development with only the landowners and builders benefiting with their profits
- The development will adversely affect the view from and value of properties on that edge of Wesham

- The loss of this agricultural land will reduce the country's ability to provide food for itself which means more imports will be required which is unsustainable
- The development will cause disturbance and stress to the elderly residents of Wesham Hospital and Derby House
- The houses will bring extra children and as there is no school capacity or facilities available for them after school this will lead to nuisance
- Whilst the new population would encourage some spending locally, the site is remote from the main shopping areas of Kirkham and so this benefit could be limited.
- There is unanimous local opposition to this proposal
- The loss of this land from the farm will significantly reduce its viability
- The development will adversely affect the setting of the Mowbreck Caravan Park and so reduce its attractiveness as a tourist destination
- Should the development lead to flooding of existing properties in the area then the legal liability for these claims could rest with Fylde Council
- The sustainability appraisal under-estimates the distance to various services such as banks and leisure facilities to promote the site's sustainable credentials
- The application contains inadequate information about the foul water and surface water drainage of the development given that this is a key issue with the scheme
- The development will bring in new a population who will live in the town but not use its shops and services or make any contribution to the community
- The spatial planning process requires an assessment of all sites in an area and then a release of only the most suitable for residential development. That process has not occurred so this application is premature.
- There could be sites of archaeological interest on the land
- It is likely that dwellings will be located in close proximity to existing neighbours so causing problems of loss of light and privacy to them
- That the refusal of this scheme would encourage developers to look at recycling brownfield sites in the area such as the council offices or Sunnybank Mill rather than destroying the countryside
- PPS3 requires that 60% of housing is on brownfield sites and that greenfield sites should not be used until all brownfield options have been exhausted. The assessment of brownfield availability in the application is flawed.
- The council has consistently refused residential development schemes in the Countryside and so should also refuse this application
- The housing market in Wesham is stagnant with houses not selling and construction on the two new sites virtually halted. There is no need for additional planning permissions to be granted
- The site will inevitably provide social housing which could bring more troublesome residents and anti-social behaviour to the town

### **Tenant Farmer**

The land of the application site is farmed by DE Pickervance of Mowbreck Hall Farm. They are tenants and have written several letters of opposition to the development, which are summarised below. Their opposition to the loss of highly graded agricultural land is supported by a petition signed by the operators of 10 other farms in the area.

- They have a three generation tenancy on the land that is currently in its first tenancy
- They use the land to provide a successful dairy herd and high-yield agricultural crops
- The land is not grade 3b as the application states, as this dates from 1966. Since then the land has been substantially improved and is now grade 2 and borderline grade 1 in parts according to a survey that they have commissioned
- The land is outside the settlement boundary and in current agricultural use. As such the development is contrary to RSS Policy RF2 and Fylde Borough Local Plan Policy SP2 and EP22
- The crops and animals from this land help support various food processing and dairy based businesses in the area which would suffer if this development was to remove this farmland from

production.

- The country needs to retain its best agricultural land in food production to minimise reliance on imported food and this development would involve the loss of a such land
- The land involved in the application accounts for around 10% of the farm and so would have a serious impact on its viability
- Housing development adjacent to farm land brings a threat of theft of machinery and vandalism to buildings and crops. The development of this site would create such concerns for the remaining farm holding
- The submitted flood risk assessment is incorrect in some of the drainage directions quoted and in the view that the land is effectively drained as there are regular waterlogging problems. He believes that the proposed surface water treatment will cause for his remaining farmland and that of neighbouring farms
- He comments that the views of United Utilities and Environment Agency concerning drainage are misinformed due to them not having any active involvement in drainage issues on the site, whereas he has to maintain the ditches regularly as a requirement of farming the land
- Medlar Brook is unable to handle the existing water it takes. Whilst the supporting document refers to methods being introduced to limit flows from the site to greenfield rates, this does not account for the water that is used by the hedges, trees and crops that are to be removed as part of the development and additional use from car washing, watering plant, etc in addition to the rainfall
- The efficient operation of the farm utilises a track from Mowbreck Lane alongside Medlar House across the site. If this track is not maintained, access to the retained land will require use of an access off the Fleetwood road roundabout which will be unviable for the farm and dangerous to all road users by the volume of agricultural vehicles that will use it.
- How will access to the Marsh be restricted to reserve its wildlife benefits and safety of children and animals?
- The farm provides employment for 2 full time and 5 part time staff in summer
- The land currently provides a peaceful recreation route for many local residents along the public footpaths and this would be lost in any development

### **Wesham Action Group (WAG)**

This is a group of local residents that was established to oppose this development. The action group have submitted a detailed objection report to the application that runs to 57 pages and is supported with further objections related to the highways and ecological issues raised by the application. The Executive Summary from the objection report is enclosed here with the full report available as a background document to the application on the council's website at:  
<http://www2.fylde.gov.uk/1/00/04/08/00040859.pdf>.

### *"Introduction*

*Wesham Action Group wishes to submit this objection to the planning application for a 264 housing development North of Mowbreck Lane (App No 08/1072). Wesham Action Group believes that this outline application breaches several planning policies and should therefore be refused. The grounds for which we believe it should be refused are based on the following areas:*

- *Housing*
  - *Housing Availability*
  - *Sustainability*
  - *Affordable Housing*
  - *Current Market and Demand*
- *Ecology*
  - *Ecological Survey*
  - *Mitigation and Landscaping Proposals*
  - *Planning Statement*

- Infrastructure
  - Shopping Leisure and Local Services
  - Health Service
  - Transport
  - Amenities
- Agricultural

#### Housing Supply Allocation

*Metacre's Planning Statement concludes that their proposal should be approved based on the lack of available development land in Fylde Borough. This is flawed as there is currently a demonstrable potential 6.7yr availability of Brownfield sites awaiting planning approval in the Borough of which only 47% of these outstanding applications would need approval to meet the 5 year minimum requirement. These Brownfield sites should be developed before reclassifying and approving Greenfield land for housing. The House of Commons Select Committee on Environmental Audit (Twelfth Report) supports this approach by stating that the Government "should introduce a clear sequential test in favour of Brownfield development":*

#### Sustainability

*Within PPS 7 Sustainability all developments in rural areas should be well designed and inclusive, in keeping and scale with it's location, and sensitive to the character of the countryside and local distinctiveness. Wesham has approximately 1400 dwellings prior to the 2 recent developments at Derby Road (201 dwellings) and Weeton Road (109 dwellings). If the Mowbreck Lane site (264 dwellings) is granted permission this would mean that Wesham has increased in dwelling size by 41%. This does not meet the requirements in terms of scale. In addition, any building on Greenfield Sites affect the sustainability of Brownfield Sites. For example Derby Road has been 'mothballed' due to the economic downturn, if this proposal was granted this would affect the ability of the current builder to complete the Derby Road Site, thereby making this Brownfield Site development unsustainable. By making Brownfield Sites unsustainable this will create pockets of wasteland within the community, reducing the quality of the community environment and working against the potential for cohesion.*

#### Affordable Housing

*PPS 3 states that the provision of affordable housing of the right numbers and type in the right location and within mixed developments is a main driver in meeting housing needs. Fylde Borough Council commissioned Fordham Research to prepare a Housing Needs Survey – updated in 2004. The figures for Kirkham and Wesham show a need for 155 units over a 5 year period or 31 units per annum. The developments that are approved or are awaiting planning permission in this sub area will meet this requirement. However, the needs of the other sub areas have hardly been addressed, especially in Lytham and St Annes. At present, it is clear that current levels of affordable housing provision are meeting the needs of the area, with some units now offered to those living elsewhere in the Borough. Creating more affordable homes in Wesham will simply force people to commute to work in other parts of the borough further undermining the already weak sustainability of this location. Further evidence that there is no need for Affordable Housing in Wesham can be found in section 2.3*

#### Current Market and Demand

*Approval of this application would contravene PPS3 Para 54, which states that to be considered the development must be able to achieve delivery of housing within 5 years. Under the current Market conditions it is highly unlikely that developers will deliver 264 houses on the proposed site within the next 5 years. It would also contravene the recent recommendations of the House of Commons Select Committee on Environmental Audit (Twelfth Report), which state that in the current market downturn the Government should:*

- ensure that an excess of land is not made available to developers

- *urgently reintroduce a clear sequential test in favour of Brownfield development into planning policy.*

*The Government's target of 3 million homes by 2020 is now unsustainable in view of the latest economic growth projections. The committee goes on to recommend "that the Government urgently reviews the assumptions on which the 3 million homes target was based and whether it is still justified on the basis of the latest economic growth projections, fundamental changes in the mortgage market and house prices which are falling anyway".*

*This trend has been demonstrated on a Local level in Wesham where there are many unsold properties and 104 incomplete homes on the Willow Fields development. At a National level there is a decline in new homes being started. Figures from the National House-Building Council (NHBC) reveal:*

- *applications to start building new homes declined by 51% year-on-year in the three month period June to August 2008;*
- *the number of new developments beginning construction was down 65% in the same period*

#### *Ecological Assessment*

*We are firmly of the opinion that the parts of the planning application concerned with the Ecology aspects are seriously flawed our main concerns are:*

- *The parts of the planning application concerned with wildlife conservation and ecology lacked sufficient detail to evaluate the site.*
- *The field survey has not included most of the open water bodies in and around the wetland areas and so has not given adequate consideration to the presence of protected species.*
- *The reports put forward within the mitigation and landscape proposals many of which could be potentially damaging to the Wesham Marsh Biological Heritage Site and surrounding areas.*

#### *The Ecological Survey*

*The information supplied in the report appears to imply that a comprehensive survey was carried out to include all life stages of all species of amphibian likely to be encountered on the site. The survey carried out on only 3 days in May and June would not include a representative indication of the number of frogs, common toads or spawn of either species. Regular observers of the site reported in 2007 Toads and Frogs as spawning as early as February through to mid March. Outside of the mating and spawning period there is no reason for adults to be in fresh water. Whilst neither of these species benefit from the level of legal protection as that of the Great Crested Newt, Common Toad is a Biological Action Plan (BAP) target species. Both common toad and frogs breed and spawn in parts of all water bodies surveyed and are particularly abundant in at least one open water area within the BHS. There are serious concerns about the extent of which the ecological assessment was carried out. The number of ponds and ditches actually surveyed appears to be less than half of those that are within 500m of the site boundaries. The combined physical area of water bodies not surveyed is greater than those which were surveyed. Previous experience, proves that there is a high likelihood of encountering Great Crested Newt in Fylde ponds and habitats. This also gives rise to a serious concern regarding the mention of the 'distinctive plop' possibly attributed to a water vole (3.2.6). The surveyor's methods (2.1.3) only involved looking for the animals and listening. There was no mention of other widely used methods such as looking for burrows, droppings, footprints or grazed areas.*

#### *Mitigation and Landscaping Proposals*

*The ecological survey presents insufficient information to appreciate the BHS, the subsequent interpretation of this limited data is questionable and the proposal could well have a negative impact on the BHS. The Ecology report makes suggestions that the mitigation proposals will benefit the biodiversity and possible enhance the BHS. We believe the major hydrological changes will in fact cause damage to the BHS. We are extremely concerned in respect to the proposals to create a lake*

*and reedbed area next to the BHS site. None of the reports and documents submitted in relation to this application give a satisfactory assurance that the drainage in or out of the BHS and surrounding associated wetland habitat will not be detrimentally affected by the development.*

*The proposed maintenance work on Pond 5 will result in a change more likely for the worse than improve it. Pond 5 is a pond which is in an advanced stage of its lifecycle, it will still provide several years of fresh water and a good marshland habitat. It is connected in terms of distance to other aquatic features. There may seem to be little difference in habitat value between the hostile environments of an intensively farmed field vs. a housing estate but the impacts of farming practices can be lessened and reversed whereas a housing development will permanently destroy the pond. Clearing the pond would destroy a late succession habitat. New ponds (early succession) can easily be created whereas late successional ponds may take centuries or decades to develop.*

*Ponds are a Habitat Action Plan priority feature, and a currently used best practice approach is to create new ponds rather than manage existing ones, allowing older ponds to remain.*

#### *The Planning Statement*

*Several sections of the Planning Statement (De Pol 2008) relating to biodiversity, enhancements and landscapes are incorrect or misleading and should not be considered as part of this planning application. We have listed the relevant sections in section 1.3. We have shown that the Ecological Survey and report (Gemmell 2008) has failed to include surveys of most of the open water bodies within the site and survey target area. The survey has not followed relevant guidance relating to methods and timing of surveys. The survey and report have not considered the hydrology of the BHS and surrounding area or the impacts of development. The report has made recommendations which neither 'protect nor enhance' the biodiversity of the development site or the BHS. We firmly believe the proposal would be likely to damage the landscape character of the area and the wildlife and habitats of the site and surroundings. Therefore, without a more comprehensive survey the ecological importance of the locality of the site has not been totally assessed and therefore the true impact of the proposed development on both the BHS and surrounding area remains unknown.*

#### *Infrastructure*

##### *Shopping Leisure and Local Services*

*PPS 6 section 1.3 states that when improving and developing Town Centre Provisions, Councils should seek to enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups. Based upon Wesham's current facilities it is clear that the Government's objective for a range of shopping, leisure and local services is not met. There are no public leisure facilities (sports centre), the range of shops in Wesham centre is very limited, with current residents relying heavily on the infrastructure in Kirkham, Blackpool, Preston and the general Fylde area.*

*An additional 264 homes, which could introduce an additional population of between 264-1,056 to the community, will place an unacceptable burden on the Town's services, especially when one accounts for the additional population brought to Wesham by the Willow Fields, (201-218 homes), and Crossing Gates developments, (101-107 homes) which are not yet complete. These combined developments could add a further 2,350 residents to the Town. Wesham faces a possible population growth of up to 72% when one accounts for all recent (stalled) developments and the proposed site on Mowbreck Lane, assuming a majority of these households are families having 1.9 children (in line with recently published statistics regarding current (2007) fertility rates (which are now at 1980s levels)*

*Wesham town centre does not mirror this section of the PPS6. There has been little or no investment in the community in terms of industry nor any obvious initiatives/incentives to encourage growth of a retail, service nor manufacturing provision within Wesham.*

#### *Health Services*

Dental facilities are not available for NHS patients in Kirkham and there is no Dentist currently located in Wesham. Medical facilities in Kirkham are potentially at their limit now with no additional capacity for the new developments already being built.

The nearest Police station is only open to the public on a part-time basis – and this is located in Kirkham. The Police Authority were also not consulted and again, an increase in population impacts their strategic service planning. The Fire Brigade served on a part-time basis is located closest to Fyldes’ high risk area. An increased number of houses could be expected to place additional pressure on this (part time) service, and again, this service were not part of the consultation process. The Fire Brigade Integrated Risk Management report (IRM) issued yearly takes no account of the current developments and the impact this will have on the ability of the Fire Brigade to provide a safe service for Wesham.

### Transport

Within Wesham there is limited transport provision with the frequency of buses to surrounding areas running at only one per hour in off-peak times and there are limited travel options for journeys to work and weekend travel. The railway station has only 8 designated parking spaces other than in surrounding streets and no disabled access other than a taxi service provided by Network Rail which is not available after 5pm.

With completion of the two developments at Derby Road, Weeton Road and this proposed new development Wesham traffic could increase by 566 vehicles assuming 1 vehicle per household. Wesham roads are not designed to take this increase in traffic. The proposed Development’s access to Fleetwood Road indicates a high potential for accidents and the recent development at Weeton Road was prevented from having an access point onto Fleetwood Road, during early planning stages. Increased traffic along Fleetwood Road will also hinder access for the closely located Fire and Ambulance stations. The Mowbreck Lane access on to Fleetwood Road will present a high accident risk due to parked cars providing poor sight lines.

### Amenities

Wesham does not have any of the essential amenities such as secondary school, banks and medical facilities. The nearest amenities are in Kirkham. Getting to Kirkham as a pedestrian is possible (1.9km walking distance) although access for prams and buggies down Fleetwood Road is difficult due to cars, parking on the pavement. We would also like to draw your attention to some of the details within the Metacre Sustainability Statement and Comparison Study the distances quoted are incorrect the table overleaf illustrates the Metacre distances and the true distances.

<b>Metacre Sustainability Statement Reference</b>	<b>Service Facility</b>	<b>Institution of Highways Transportation (IHT) Preferred Maximum Distance</b>	<b>Metacre Distance from Site</b>	<b>True Distance</b>	<b>% Variation From IHT Preferred Maximum distance</b>
5.1.15	Bank	800M	1200M	1900 M	137%
5.1.7	Secondary School	2000M	1300 M	2600 M	30%
5.1.9	Doctor	1000M	1100M	1750M	75%
5.1.9	Dentist	1000M	1200M	1700M	70%
5.1.9	Pharmacy	1000M	600M	1750M	75%

Source: www.multimap.com (using the walking option)

As can be seen from the above table the key facilities are well outside the Institute of Highways Transportation (IHT) Guidelines maximum recommended distances and the site is not well served for the key facilities unless transport is available.

### General Infrastructure Comments

*The full impact of the two partly finished developments in the Town have not yet been experienced with respect to demand upon Wesham Town infrastructure. The lack of an industrial infrastructure means occupants of the proposed development will likely work outside the town – causing continued reliance on cars. The Metacre submitted Traffic Census was not comprehensive, nor reflective of reality. A more complete understanding of the traffic flow for the area is required.*

### Agricultural Land

*The Metacre Planning Statement (6.11.v) quotes that “the land is predominately classified as grade 3b”. Wesham Action Group also notes that recent documentation from Metacre points to a letter from FCRA in 1998. There is no evidence from this report which mentions that a soil analysis was conducted. A recent independent soil assessment (initiated by the farmer) classifies the soil as predominately Grade 1 & 2, based on the Agricultural Land Classification. Wesham Action Group has not provided further evidence of this as it believes that has been extensively covered in a previously submitted objection from Pickervance Farm. However Wesham Action Group does consider that this should be a key point for consideration by the planning officers and the Development Control Committee (DCC) as it clearly breaches PPS7. Use of this land for building is therefore against Fylde Borough Councils Policy (EP22) and Government Policy (PPS7), which state “development will not be permitted, which will involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 & 3a)”.*

### Conclusion

*Wesham Action Group has provided demonstrable evidence as to the reasons why this Outline Planning Application should be rejected. We firmly believe that this Mowbreck Lane site, on prime agricultural land should not be considered for development as; the proposed application breaches several key Planning Policy rules; and as our evidence on housing availability proves there is ‘no need’ to consider this site.*

*Should future conditions change such that there is evidence of an overwhelming need to consider this agricultural site then we would expect that; all the available Brownfield Land has been exhausted; and any application will be able to comply with the prevailing Planning Policy rules."*

Since the submission of their original objection report, WAG have added additional comments on the following grounds:

- A detailed assessment of the County Council’s highway comments has been made which supports those aspects which criticise the development, and argues that those which don’t are flawed.
- WAG conclude that the highway implications create significant concerns on the basis that the junctions are poorly designed, there is inadequate road capacity, the pedestrian and cycle connections are poor, the connections to the rail station are difficult especially for wheelchair / pram users and that the survey work submitted by the applicant requires a more through independent verification
- They argue that the Flood Risk Assessment has not been correctly undertaken as it does not incorporate investigations of the type promoted by the ‘Surface Water Management Plan’ which is a government report produced in response to the summer floods of 2007. Their report makes no reference to surface water run off affecting neighbouring dwellings or the potential impacts that Climate Change could have on the development
- National food security has become increasingly recognised in recent years. The loss of any high grade agricultural land that is capable of growing high yields of a range of crops should be resisted
- The applicant has rejected the tenant farmers research that the land has an agricultural classification as grade 2 and emphasises the older and aerial only survey from 1998 that records it

as class 3b. In these circumstances WAG request that the council appoints its own experts to determine the actual classification of the land

- The standard of ecological survey work undertaken is said to be sub-standard in respect of Great Crested Newts and pond and amphibian surveys. If that is the case then the populations and population sized of various species could well be underestimated which will in turn impact on the adequacy of mitigation proposals
- The mitigation proposals involve conflicting landscape design proposals with the general landscape design plans conflicting with the reed and small lake proposals in the ecological mitigations. The same area of land cannot provide both public open space and ecological mitigation as human use will damage its ecological benefits
- Some of the ecological surveys are time limited (bats, water voles) so WAG request a condition is imposed that prevents any development until new surveys are undertaken to update these
- The views of Natural England have not been sought on the latest survey information which is an omission as these are a statutory consultee on ecological issues
- Given the precautionary approach that planning authorities must take to development that has potential ecological impacts, WAG recommend that the council refuses the application until Natural England have provided detailed guidance on the surveys that they require, these surveys are undertaken, submitted, assessed and mitigation implemented
- WAG have supplied a list of suggested conditions, operating restrictions and potential compensation claims that they would like the council to impose on the development if planning permission is granted

### **Relevant Planning Policy**

#### **Regional Spatial Strategy:**

DP01	Spatial Principles
DP02	Promote Sustainable Communities
DP04	Make the best use of existing resources and infrastructure
DP06	Marry opportunity and need
DP07	Promote environmental quality
DP08	Mainstreaming rural issues
RDF01	Spatial Priorities
RDF02	Rural areas
CLCR01	Central Lancashire city region priorities
RT01	Integrated transport networks
L02	Understanding Housing markets
L04	Regional housing provision
L05	Affordable housing
RT03	Public transport framework
RT04	Management of the highway network
RT09	Walking and Cycling
EM18	Recentralising Energy Supply

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

SP01	Development within settlements
SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building Design and Landscape Character
EP13	Planting of Trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural Features
EP19	Protected species

EP21	Archaeology
EP30	Development within floodplains
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments
CF01	Provision of Community Facilities

**Other Relevant Policy:**

PPS1:	Delivering Sustainable Development
IHP	Interim Housing Policy
PPS9:	Biodiversity and Geological Conservation
PPS25:	Development and Flood Risk
PPG17:	Planning for Open Space, Sport and Recreation

**Site Constraints**

The site is allocated as Countryside and is adjacent to Wesham Marsh Biological Heritage Site

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

**Comment and Analysis**

**Development Plan Allocation**

Local Planning Authorities are required to determine planning applications in line with the development plan in force in their area unless there are material considerations that dictate otherwise. The development plan comprises the Regional Spatial Strategy for the North West (RSS) and the saved policies of the Fylde Borough Local Plan (as amended) 2005 (FBLP). The RSS does not include specific land allocations but does identify settlements where development is to be directed in Policy CLDC2 for the central Lancashire area with these key centres being Preston, Blackburn, Burnley and Blackpool. Policy RDF2 directs development outside of these centres to 'Key Service Centres' or 'Local Service Centres' which are to be identified by local planning authorities through the Local Development Framework process. As Fylde is somewhat away from publication of this document no centres are currently identified, but it is anticipated that Kirkham and Wesham will be one of these and so suitable for development providing it is of an appropriate scale.

Policy L4 of the RSS is crucial in that it requires that local authorities should meet the housing requirements of their area and sets the amount of new housing that each borough within the region is expected to provide during the life of the RSS. PPS3 requires that local authorities are able to demonstrate a supply equivalent to 5 years of the figure expressed in the RSS. This matter is considered further in the following section of this report.

The Fylde Borough Local Plan does contain land allocations. The whole of this application site is outside of the settlement boundary of Wesham which runs to the southern side of Mowbreck Lane and the western side of Fleetwood Road but also includes the dwellings and other buildings around the junction of those roads. The land is allocated as Countryside under Policy SP2. This Policy restricts

the majority of development to preserve its rural character. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection.

The RSS and FBLP contain numerous other policies which are relevant to specific aspects of the development and these are referred to throughout the remaining part of this report. The only other land use allocation in the area concerns the Wesham Marsh Biological Heritage Site. This is identified on the Local Plan under Policy EP17 which states that "*Development which is likely to impact significantly or fundamentally on the Biological / Geological resources of sites identified as BHS / GHS will not be permitted.*" The implications of this policy and the drainage / ecological implications of development in proximity to the BHS are assessed in the Ecology section of this report.

### **Housing Need**

Government guidance on housing is explained in Planning Policy Statement 3. This requires that all local authorities maintain a 5 year supply of housing land against the targets established by the Regional Spatial Strategy. If this 5 year supply of housing land is not available, the statement advises at Paragraph 71: "*Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.*" (Paragraph 69 directs local planning authorities to ensure that new schemes are well designed, provide a mix of housing types, are environmentally sustainable, make an effective and efficient use of land, and do not impact on broader housing market allocations.)

In order to establish the council's position in respect of demonstrating the supply of housing land, Fylde is preparing a Strategic Housing Land Availability Assessment (SHLAA) which is currently out to consultation. This examines the sites that have the benefit of planning permission that are likely to be developed during the 5 year period and the capacity of other sites, both brownfield and greenfield, that could come forward for development during this period. Whilst this document is currently only a consultation version, it does give an interim position of housing need and supply for the Borough as follows:

### **Total Housing Requirement**

Housing Requirement (RSS) 2003 – 2021	5,500
Housing Completions 2003/04 – 2008/09	1,424
Housing Requirement (at 2008/9) is 5,500 – 1,443	<b>4,076 units</b>

### **Five Year Housing Requirement**

4,076 / 12 years of RSS = 340 dwellings per annum so 340 x 5 years gives a 5 year supply requirement of 1,700 dwellings

### **Five Year Housing Supply**

An interim assessment of the suitable & available sites (SHLAA 6 units +)	=	428 units
Conversions Annual Allowance at 21 units per year x 5 years	=	107 units
Small Sites Allowance (new build) (less than 5 units) at 15 per year x 5 years	=	75 units

## **Total Housing Supply is therefore**

**610 units**

If the current 5 year availability of 610 units is divided into the 5 year requirement of 1,700 units the current availability is assessed at being equivalent to only a 1.8 years supply at the RSS rate. This is obviously well short of the target and so creates an argument that the council should look favourably on residential housing applications under para 71 of PPS3. All other relevant policy criteria, the content of para 69 of PPS3 and other material considerations also need to be weighed up in reaching this decision.

One of the crucial considerations is that PPS3 and other elements of government guidance promote the development of brownfield sites in preference to greenfield sites. The target for the sub-region of Fylde, Wyre and Blackpool borough's being that at least 65% of residential development in the joint area is to be provided on brownfield sites. The argument in favour of such brownfield development is that the re-use of previously developed land is more sustainable. However, the 1.8 year supply availability demonstrates that the council has a severe shortage of housing land and it is therefore inevitable that some greenfield development will be necessary. Indeed, a target of 65% of development on brownfield sites indicates that up to 35 % could be on greenfield sites. To assess whether this particular site should be released for housing development, the applicant was advised at pre-application stage to produce a sustainability appraisal to compare the Mowbreck Lane site against other potential greenfield development sites in the borough.

This has been submitted and assessed by your Policy officers. They have concluded that the site is in a sustainable location given that it is on the edge of the urban area formed by the existing towns of Kirkham and Wesham. If considered together these have a substantial range of services that would be within a reasonable distance of the development. These include transport services (rail, bus and cycle links), retail services (supermarket, range of high street shops, market), social facilities (community centre, schools, library, swimming pool, etc). The applicant's conclusion that this site is more sustainably located than the other sites investigated is accepted.

Residents and the Town Council have referred to the development being out of scale for a small town such as Wesham. In planning policy terms, Wesham and Kirkham are considered together as they are a single area of built development surrounded by countryside on the Local Plan proposals map. Whilst it is important that each has its own identity, it is unrealistic to consider development proposals of this scale as being related to Wesham alone. There are current housing developments under construction at Crossing Gates to the west and Derby Road to the south of this site and objectors have commented that Wesham has had its share of the borough's development in recent years. However, as one of the major settlements within Fylde Borough it is anticipated that it will be one of the general locations for such development. The nature of the surrounding housing pattern means that the site is capable of accommodating development at the recognised minimum density of 30 dwellings per hectare without causing undue conflict with the surrounding form of development. This also allows the site to be considered as a logical extension of the built area of the town with the BHS to the north providing a buffer to constrict further development pressures in that direction.

At the time of writing this report the council is awaiting the Secretary of State's decision on the planning application for development of a greenfield site at Queensway. This development would amount to 1,150 residential units and so would make a considerable contribution towards both the overall 5 year supply and the greenfield proportion of that supply. Notwithstanding that, the figures produced in the previous section indicate that the shortfall of dwellings to meet a current five year supply is such that both sites could be accommodated without conflicting with this guidance. This is due to the scale of the Queensway development meaning that it would be constructed over a greater period than 5 years and that the 65% previously developed land (brownfield) figure is a target across the Fylde Peninsula. The work done to date on the SHLAA has identified that Fylde has a limited amount of previously developed land compared to its neighbours in Blackpool and Wyre which means that it is likely a greater proportion of greenfield development will have to be accommodated in Fylde.

The argument has also been made that the consideration of this application is premature at this stage due to the council not having progressed its site selection exercise as part of the Local Development Framework or completed the SHLAA which would inform this. PPS 3 is clear on this matter in paragraph 72 which advises that: "*Local Planning Authorities should not refuse applications solely on the grounds of prematurity.*"

### **Access and Highway Matters**

This is a significant issue with the development of the site. The current agricultural use of the site is predominantly accessed from a farm track running alongside Medlar House on Mowbreck Lane with other access points from the fields to the east or from a track from Fleetwood Road near the roundabout and outside this site. The proposed development will have significant highway implications and so it is necessary to consider: the capacity for this traffic to be accommodated on the surrounding road network; the safety and design of the various access points; impact on pedestrian routes and farm traffic; and off site works and highway contributions.

The initially submitted highway details and transport assessment have been the subject of challenge by Lancashire County Highway Authority and the residents group which has resulted in some modifications to the proposal. Lancashire County Council do not raise objection to the application on the basis of the additional traffic volume as they are satisfied that there is capacity in the surrounding road network to accommodate the trips that would be generated by this development.

The junction to Fleetwood Road (B5192) is located around 50m to the south of the roundabout junction of that road with the A585. The access point is indicated as being a priority junction that leads to an internal spine road through the development which would be built to a 7m width and provided with footways on both sides of the carriageway to enable pedestrian and cyclist use. The current speed limit changes from the 30mph urban limit to the 50mph limit to the north at the point where the new access is proposed. The County Highway Authority initially expressed the view that this junction was unacceptable due to the proximity to the roundabout and concerns over the speed of vehicles leaving the roundabout passed this point. Residents have referred to the proximity of this access to the roundabout and the difficulties that this may cause in times of congestion such as the morning peak when queuing traffic at the roundabout may make right turns out of the site into that flow difficult.

Discussions between the applicant's highways consultants and The County Highway Authority have reached a general agreement over this access point subject to alterations to the carriageway and an extension of the 30mph speed limit northwards. Visibility splays of 2.4m x 43m to the left and 2.4m x 103m to the right are proposed and run across the existing footway and verge. The carriageway on Fleetwood Road is to be widened to enable a right turn lane into the site to be provided with other works to widen the carriageway to the immediate north of the roundabout to two lanes, to reduce the size of the island on exit from the roundabout and to introduce textured road markings to enforce the reduced speed limit on the roundabout and to the access point. There is a requirement for the Crossing Gates development on the opposite side of Fleetwood Road to introduce a pedestrian crossing of Fleetwood Road which has yet to be implemented and the location of this will need to be relocated to the south to ensure satisfactory separation from the new access point.

County Highways have confirmed that they are now satisfied that these works allow the access to be safely operated subject to confirming the detailed location of pedestrian crossing locations and alterations to the kerbings. Given the lack of objection to this access point from County Highway officers it is concluded that the access point is acceptable in principle. As this access has a better connection to the main highway network than those to Mowbreck Lane all construction traffic should be routed solely through this access in the interests of highway safety and residential amenity with a Grampian style condition appropriate to ensure that the speed limit extensions and carriageway modifications are undertaken prior to the commencement of any construction on the site itself.

The illustrative plan submitted initially with the application indicated a series of cul-de-sacs being built off Mowbreck Lane. Given that Mowbreck Lane has no footway on the application site side and a hedge running close to the carriageway it would have been necessary to remove much of this hedgerow to provide adequate visibility, which is obviously undesirable on grounds of ecology and local character. As a consequence the Mowbreck Lane access points were reduced in number to two with a westerly point near to Medlar House and an easterly point near to the existing junction with Park Lane.

The existing farm access track runs immediately to the side of Medlar House and the westerly access point to the development is now proposed for a point that is around 20m to the east of this track. The new access is provided with 2.4m x 43m visibility splays in both directions with a 7m wide carriageway into the development that has footways on both sides and pedestrian crossing points to the existing footway on the southern side of Mowbreck Lane. This access point allows good visibility in both directions with minimal loss of hedgerow and is considered to be acceptable. Given the position of the site to the north of the town it is likely that this access point will be well used by pedestrians and cyclists and so it is essential that these are properly catered for. The existing footway on the northern side of Mowbreck Lane only runs up to Chapel Close before becoming a highway verge and the extension of this footway for the 100m to the new access point should be required by condition to enhance pedestrian access to the primary school, church and other facilities in that area. The farm access will be retained at its current location and a condition is appropriate to ensure that its use is controlled in some manner to prevent it becoming a third access point to Mowbreck Lane from the development.

The other access point to Mowbreck Lane has also been amended since submission of the application to improve its segregation from the existing junction of Mowbreck Lane and Park Lane. The access point also provides a 7m wide carriageway into the development with 2.4m x 43m visibility splays in both directions and pedestrian crossing points at both sides of the junction to allow access to the existing footway on the southern side of Park Lane and the access to the town centre beyond. The existing public footpath that runs north from Mowbreck Lane along the eastern boundary of the application site to Wesham Marsh is unaffected by these works and the junction has been designed to avoid it being opposite residential properties and so cause disturbance from vehicle lights. The County Highway Authority has confirmed that this access point is also acceptable subject to the minor narrowing works to the existing junction that are indicated on the detail plan and will ease pedestrian crossing of this junction and improve its legibility to drivers.

Residents have referred to the restricted visibility and congestion around the existing junction of Mowbreck Lane and Fleetwood Road and with the spine road through the site providing a more suitable route it is anticipated that traffic calming measures will be introduced along Mowbreck Lane to discourage its use and to control speeds given the location of the primary school at this junction. The details of this are yet to be finalised but this should form part of the s106 agreement as these works will be funded by the developer. A series of other works to improve the connectivity of the site have been suggested and discussed with County Highways but have yet to be finally agreed. These works include the provision of repositioned and improved bus shelter on Fleetwood Road, potential diversion of the existing circulatory town bus route through the site (Route 77), cycle route upgrades to the east along Mowbreck Lane, public footpath improvements to the school through the allotment site from the development, cycle connections to the town centre and improvements to the rail station. These would also form part of a s106 agreement as they would be undertaken at the developers expense.

With the lack of any objection to the development impacting on the capacity of surrounding roads and general acceptance of the various junction location and designs by The County Highway Authority it is considered that the proposal meets the requirements of Policy TR5 concerning access to large scale residential development proposals and Policy HL2 concerning the location and access to residential development. However, this is subject to the developer being able to comply with a series of conditions that are imposed at the request of the Highway Authority, and if that is not the case and

such details are not be satisfactorily resolved then the scheme would be contrary to the requirements of these policies.

### **Drainage of Site**

As the statutory service provider for water supply and drainage, United Utilities raised an initial objection to the proposal. Following the provision of further information by the applicant and consideration of the proposal they have removed this objection subject to the imposition of conditions.

The method of dealing with surface water drainage is important in any residential development site, but is particularly important at this site given that it shares a boundary with the Wesham Marsh BHS which is protected for the wetland marsh habitat that it provides and the species which this habitat supports. The application was submitted with a Flood Risk Assessment which concludes that the land is in Flood Zone 1 and so has a low risk of river or sea flooding and that there is no known evidence of flooding due to overland flow, sewer or groundwater flooding. It is proposed that the new site will be drained with on site storage used to attenuate runoff from the site to the existing greenfield rate. However the report does not recommend how this can be undertaken and highlights that further work would be required to investigate existing ground water levels in the area and to design the drainage system for the development proposed, which could include infiltration SUDS.

The Environment Agency are the statutory consultee for surface water drainage and initially raised an objection on the basis that the ecological survey work was inadequate and they had concerns regarding the potential impact on the hydrological system of the BHS. This is connected to the wet grassland within the site and they believe that a raised planted bank that was to be constructed within the site to separate the dwellings from the BHS would have drainage implications that could compromise the hydrology of the BHS. During the consideration of the application they indicated that the later objection would be withdrawn providing details of the land levels of this feature and the impact on surface water runoff were received.

As these details have not been received they are sustaining this objection and have embellished it as later ecology surveys submitted by the applicant and WAG have revealed a potential Water Vole and Great Crested Newt presence. In effect the Environment Agency remain to be convinced that the raised bank and other compensatory wildlife habitat mitigation in the form of ponds and reed beds, along with the proposed surface water drainage system for the development site have been drawn up in sufficient detail to enable them to confirm that they are satisfied with them. Whilst there has been an on-going dialogue between the applicant, his ecological consultant and the Environment Agency, the latest position (January 2010) is that the Environment Agency are objecting as they believe that the hydrological and ecological impacts and ongoing management of the proposed biodiversity area are not yet known with sufficient clarity for them to be confident that the development will not adversely impact on surface water drainage and so ecological habitat in the area.

This issue creates sufficient uncertainty for your officers to believe that a recommendation for approval of the application is premature at this stage, but could be resolved with further submissions and so then comply with Policy EP17 concerning the protection of the BHS and Policy EP30 relating to drainage of developments.

### **Ecology**

The site is immediately to the south of Wesham Marsh Biological Heritage Site. These BHS sites are designated by Lancashire County Council as the sites within the County that are the most important for their ecological habitat but are not covered by statutory designations such as Sites of Special Scientific Interest (SSSI). Wesham Marsh BHS is important for its wetland habitat and associated ground nesting and other birdlife including wintering and other visiting birds.

Policy EP17 of the Fylde Borough Local Plan assesses development that is likely to impact significantly on these designations and as the application site shares a boundary with the BHS it is important that the ecological implications are properly considered. The application was submitted

with an ecological survey of the various protected species that the applicant anticipated could be affected by the proposals along with steps to minimise those impacts and mitigation for any impact that does occur. These surveys have been developed during the consideration of the application in an attempt to address issues raised by the County Ecologist, Environment Agency and local residents group. Alongside the ecological implications, the development will have hydrological implications as the drainage patterns on the site will be affected by the development and as the BHS a marsh area it is crucial that this is not affected as the ecological aspects rely on it.

The latest position in respect of the various protected species is:

**Bats:** The proposal requires the demolition of the dwellings at Ash Bend and Elton on Fleetwood Road. These have been surveyed for the likely presence of bats and found that it is unlikely that there are any nesting or significant roosting sites within them. Conditions are appropriate to ensure that these buildings are carefully demolished to ensure any bats that may be found within them are identified and appropriately relocated and that the landscaping within the development is designed to offer compensatory habitats.

**Great Crested Newts:** Following concerns raised with the adequacy of the initial survey and mitigation, further survey work and mitigation statements were submitted late in 2009. Following extensive survey work a single Great Crested Newt has been recorded at the site and its presence has been attributed to a transitory specimen rather than demonstrating a breeding colony. However, as newts have been found it is necessary for the applicant to introduce protection and mitigation for them during construction. This will involve erecting newt fencing around the site in an agreed location prior to the start of works to prevent newts from entering the site and then trapping and relocating and newts which are within the fenced off area. In addition replacement terrestrial newt habitat is to be provided within the wider ecological management area. Whilst the Environment Agency are sustaining their objection on the basis of the details of the newt survey and mitigation, the County Ecologist is satisfied that the necessary amendments to the mitigation can be secured by condition.

**Water Voles:** The initially submitted survey was inconclusive as to the presence of, and so potential impact on, Water Voles which are a protected species. As a result the applicant was required to undertake further survey work which found no evidence of Water Voles but concluded that the habitat was favourable for their presence. However, ecologist members of WAG have identified signs of Water Vole habitation within the site and so a precautionary approach is required to development, particularly in the area along the western edge of the BHS where a ditch provides the most suitable habitat. It is also necessary to ensure that the general works around the site do not impact on the hydrology of the area which create the wetlands for the BHS and that the ecological enhancement area provides suitable habitat for Water Voles. The Environment Agency are satisfied with this approach, whilst the County Ecologist is seeking further details of the mitigation at this stage.

**Birds:** As farmland, the site has limited value for birdlife, but the adjacent BHS and various hedges and trees in the area create obvious feeding and nesting opportunities for a variety of birdlife. As there is a need to protect these, a condition is appropriate to ensure that the hedges and trees within them are retained wherever possible as useful lengths of hedge and to avoid their removal in any location during the nesting season.

Residential development on a greenfield site that lies adjacent to a BHS is inevitably going to have some impact on wildlife and its habitats. The application recognises this and includes a Development Framework Plan which devotes around one third of the site to a Biodiversity Area which is intended to provide a buffer between the residential development and the BHS, and a series of ecological surveys that identify specific mitigation strategies.

As the BHS is a wetland, the hydrological implications of the development will have a powerful bearing on the survival of the species which rely on this wetland habitat. The Environment Agency have identified concerns with the maintenance of this habitat that are sufficient for them to sustain an

objection to the application. The County Ecologist shares some of these concerns but believes that the implications for protected species can be successfully mitigated by condition subject to details on Water Vole habitat mitigation being provided.

Policy EP19 of the Fylde Borough Local Plan requires that development does not have an adverse impact on protected species or their habitats. There is a conflict between the objection raised by the Environment Agency on hydrological and ecological grounds and the lack of ecological objection from the County Ecologist. As the County Ecologist is the paid consultant on such matters it is considered that their views should take precedence and so officers do not recommend refusal on ecological grounds. However, the uncertainty over certain ecological matters prevents officers having sufficient confidence that the scheme complies with Policy EP19 and a recommendation for approval of the application would be inappropriate at this stage. Having discussed this with consultees and the applicant, there is a reasonable possibility that further ecological and hydrological information will be submitted which would address their concerns and so remove any objections to the application. In such circumstances, where there is a reasonable prospect of resolving the outstanding issues, it is appropriate for the council to give the developers the opportunity to resolve the concerns.

As the development may impact upon Great Crested Newts and Water Voles which are both European protected Species the council must consider the three 'derogation tests' of the Conservation (Natural habitats, etc) Regulations 1994 which are applied by Natural England when they are considering whether to grant the licence which will be essential if the newt mitigation is to be required. These tests are that the activity to be licensed must be for imperative reasons of overriding public interest, that there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained.

The contribution that the development would make to the council's shortfall in housing, and especially affordable housing, provision is considered to satisfy the first test. The lack of both a resident population of the species in the site and of alternative sites that are allocated or available to meet this 5 year supply would indicate that the second test is met. The lack of agreement between ecology consultees about the mitigation strategy would imply that the third test is not adequately met at present, but if these matters can be agreed, it would be. This requirement gives further justification for deferring the acceptance of these matters at this stage, rather than dealing with the outstanding matter by the imposition of planning conditions.

### **Agricultural Land**

The application site is greenfield land that is in current agricultural use. Policy EP22 of the FBLP is relevant to this issue. It states that "*Development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land.*" This is supported by current guidance in PPS7 which requires that local planning authorities take into account the presence of the best and most versatile land alongside other sustainability considerations.

The Agricultural Land Classification system is intended to indicate the potential of a particular area of land to support a range of crops. It is determined with reference to the climate in an area (such its average temperature, rainfall levels, and susceptibility to frost), the gradient and flood risk of the site, and the quality of the soil (texture, structure, depth, chemical properties, etc).

To clarify how the proposal relates to this Policy the applicant was asked to indicate the agricultural land classification of the application site and produced a survey from MAFF that dates from 1998 when the site was being considered as part of the Local Plan review. That indicates that the majority of the site is Grade 3b, with a central element of Grade 3a and a pocket of Grade 4 on the boundary with Wesham Marsh. This has been disputed by the tenant farmer who believes that his farming of the land in the intervening period has lead to its classification being improved. He has commissioned his own survey which is supported by soil analysis that concludes that "*both fields are certainly*

*Grade 2 and in parts may well be described as borderline Grade 1 capable of growing a full range of crops with a sustainable yield”.*

Policy EP22 seeks to protect the best and most versatile land which is defined as Grades 1-3a. Both sides agree that some of the site is Grade 3a or better but differ on the extent of the site that would be covered by this designation. Certainty at all officer site visits to the site the land has been utilised for growing crops rather than grazing which would indicate a higher quality. The council does not have any in-house specialists who would be able to ascertain which is correct and has not commissioned any evaluation of this, but as the MAFF data provided by the applicant clearly identifies a substantial minority of the site being grade 3a it has to be concluded that the development of the site will conflict with Policy EP22. However, this is only one of the material considerations to be examined when reaching a decision on the application and it may well be that the ability of the site to provide a reasonable contribution towards the council’s current housing land shortfall will be an important factor in the overall recommendation.

The tenant farmer has also referred to the site forming an important part of his farmholding and that its loss would impact on the viability of the farm and so impact on the contribution it can make to local employment and the country’s food production capacity. Previous government guidance in Annex B of PPG7 made reference to this aspect, but that has now been dropped from current guidance and so is not an issue to be considered with this application.

### **Affordable Housing**

The planning system is vital to the provision of affordable housing and this is at the centre of national and local planning policies. Paragraph 10 of PPS3 directs local authorities to help deliver “*a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural*”. Paragraph 29 encourages local authorities to set percentage targets for the provision of affordable housing in residential developments. Fylde Borough Council’s Interim Housing Policy interprets that paragraph at a local level and requires that all developments make a contribution towards affordable housing.

A residential scheme of this scale and location is to comply with the urban option of the Interim Housing Policy requiring that up to 30% of the properties on the site are provided as affordable dwellings, with the majority being made available as socially rented. Whilst the Policy enables a lower provision where a developer is able to demonstrate that provision at the full percentage would make the whole scheme unviable no such arguments have been raised in this case and so it would be appropriate for this application to make its full contribution towards affordable housing provision in the borough with 30% of the properties being made available as affordable dwellings.

There has been recent affordable housing provision at both the Crossing Gates and Derby Road developments in the vicinity of the site, and some residents have queried the need for additional affordable housing. This perception is not supported by evidence from the council’s most recent Housing Needs Survey from 2007 which highlights that there is a real shortage of affordable properties across the borough. This survey indicated a need for 63 affordable dwellings in Kirkham / Wesham and whilst some of this need will have been met by the other developments in the town, there is an on-going demand and so the 79 units which this development would provide will be beneficial in meeting the identified demand for affordable family housing in the area and the borough as a whole in the timescale of its development.

Given the scale of the site, the affordable housing would need to be delivered by a partnership of RSLs and provided in ‘pockets’ across the development. As the application is in outline without any details of the prospective layout or mix of dwelling types it is appropriate for this matter to be secured by condition, with the necessary legal agreement to secure the provision, retention and occupation controls over the affordable housing dealt with at reserved matters stage.

### **Public Open Space**

Whilst the application site extends to 14.7 hectares, only 9.1 hectares of this is proposed for the

residential development area. The remainder is indicated on the submitted plan as a New Biodiversity Area. In effect this is intended to provide a buffer between the residential development area and the BHS to the north as well as providing some mitigating wildlife habitat and areas of open space. This creates a potential conflict as public open space areas are obviously intended to attract people to use them for recreation, dog walking, children's play, etc and this will have adverse implications for their wildlife habitat potential with the habitat being damaged by widespread public access and the disturbance of these species.

Policy TREC 17 of the Fylde Borough Local Plan, supported by the Interim Housing Policy, requires that residential developments make a contribution towards improving the supply of public open space in an area. This is expressed as an area per dwelling with the area required established on the size of the dwellings proposed with this requirement doubled for developments of over 100 units such as this. There is also a funding requirement from all developers to provide for the effective future maintenance of the open space areas. As this outline application does not include the layout, scale or appearance of the development there is no indication of the amount of open space that is required.

The illustrative layout does include an equipped play area within the site and given the scale of the development it is considered that some form of on site facility will be necessary. With the scale of development involved this could be a Neighbourhood Equipped Area for Play (NEAP), but as the site shares a boundary with the Recreation Ground off Fleetwood Road which already has some level of equipment it would be more appropriate to construct a smaller Locally Equipped Area for Play (LEAP) facility on the site and improve the range of facilities at the Recreation Ground. A LEAP is at least 5 items of equipment suitable for younger children and surrounded by a dog-proof fence, whereas a NEAP includes more equipment and is targeted at older children. The new LEAP should be placed centrally within the development where it can be easily accessed by the majority of dwellings and as the Hodder Aqueduct runs through the centre of the site and so sterilises an area from house building there is clear opportunity to provide this.

The design and operation of the ecological mitigation areas is an outstanding issue that must be resolved before this application can be approved. That further design work should clarify the opportunities for public access to be made into this area and will then influence the likelihood of it making an effective contribution towards the public open space requirements of the site. Notwithstanding this uncertainty, it is considered that there is adequate opportunity with the proposed development for it to make its reasonable contribution towards enhancing public open space in the area and so the scheme can comply with the Fylde Borough Local Plan in this regard subject to a condition requiring public open space to be provided and maintained at a level consistent with the requirements of Policy TREC 17 of the Fylde Borough Local Plan.

### **Other Contributions**

Both Policy EP1 of the Fylde Borough Local Plan and the Interim Housing Policy place a requirement on developers of sites such as this to make a contribution towards enhancing the public realm in the area. These improvements are usually secured as a sum of money equivalent to 2.5% of the open market value of each dwelling on the site which is then spent on approved schemes in the locality. The submitted illustrative layout suggest an area of public art could be incorporated into the scheme, but with the outline nature of the application there is no certainty to this.

It would be appropriate for these contributions towards public realm improvements to be included as a clause within the s106 agreement for this development. The funds raised would provide a useful sum that could be spent on public realm improvements to Wesham town centre, the Kirkham Renaissance project or other schemes which are adopted through the council's emerging Regeneration Framework which would have a direct or indirect benefit to the site.

Due to the scale of the proposal Lancashire County Council have considered the application against their 'Planning Obligations in Lancashire' paper. They have concluded that there is no requirement for education contributions as there is adequate capacity in local primary and secondary schools to

serve the development. However, they have made a request in respect of waste management of £126,000 and it would be appropriate to include this within the terms of a s106 agreement.

There will also be a request for contributions towards enhancing connectivity of the site to services through improvements to the bus, cycle and potentially rail links that go beyond those which are required to enable safe access to the site. Unfortunately, these works have not been quantified by the County Council at the time of writing this report and so the s106 agreement should include a clause that requires a contribution based on the general figure per plot. As this is dependant on the number of bedrooms and this is not known with this outline application the wording of the clause will need to reflect that.

### **Control of Development**

As this is an outline application with only access applied for, the submitted plans that form the basis for any decision are the red edge plan that defines the area of the application site, the three junction drawings for the access points and the submitted Development Framework Plan. This defines the area that would be used for residential development, the area that would be set aside for biodiversity and ecological mitigation and the indicative main road route through the site. Any approval will need to condition that this plan is used as the basis for a reserved matters submission. Conditions would also be appropriate to impose controls over the phasing of development to control access and provision of open space, to control the locations for construction access, the hours of delivery / construction, that development is restricted to no more than three storeys to reflect the character of an edge of settlement location and other aspects as described in this report.

### **Conclusions**

The determination of this application is a balanced judgement.

On one hand the proposal involves the development of a greenfield site that is allocated as countryside and is mid to high grade farmland that is in active production. It also requires the formation of access points that are close to a roundabout and onto a lane with a limited width, and has the potential to disturb the hydrology and ecology of a locally designated site.

On the other hand it offers a sizeable contribution towards the council's requirement to provide a 5 year supply of housing land as required by central government through PPS3. It involves development in a sustainable location that is within reasonable proximity to the shops and services available within Wesham and Kirkham and can be considered as an effective rounding off of the development to the north of Wesham. The development will also provide its full share of affordable housing and enable enhancements to be made to the public open space and public realm in the area.

At the present time there are a series of outstanding issues with the application in that the hydrological solutions for draining the surface water on the site without causing potential damage to the BHS are not finalised, there are queries about elements of the ecological mitigation proposed, the interaction of public open space and the biodiversity area are not resolved, and the full range of highway works at Fleetwood Road have not been agreed. As a consequence, it is not appropriate for the application to be recommended for approval at this time. However, officers believe that there is a reasonable prospect that these matters are capable of satisfactory resolution and so the application is brought to committee at this time for a decision on the principle of the development.

The need to provide housing land to meet the targets outlined in PPS3 and the RSS is a significant material consideration in the determination of planning applications such as this. Your officers are of the view that the need to provide housing land within the borough is a material consideration of such weight that it should override the policy objections listed above and so the application should be supported as the development of the site will reduce the council's shortfall on housing land.

As an outline application, the proposal is seeking to establish the principle of residential development

of this land and its points of access. If Members believe that this site is an appropriate location for residential development then they are invited to support the officer recommendation which is to be minded to approve the application subject to a satisfactory resolution of the ecological / hydrological issue and further highways details. Only when these details be provided to the satisfaction of the council (in consultation with these key consultees) could the council be satisfied that there are no adverse implications from the development proposed.

This approach allows the applicant to take comfort that they can invest the time and resources in the undertaking the work necessary to address these outstanding concerns, whilst allowing the council to retain an appropriate level of control over them as it will not have granted any planning permission for the development until the issues are resolved.

Assuming these matters are satisfactorily resolved, which should be confirmed by officers and the Chairman of the Development Control Committee, it will also be necessary to complete a s106 agreement to deal with the issues relating to affordable housing provision, highways works, public realm improvements, etc.

Finally, as the development involves the erection of over 150 houses on a site that is not allocated as residential land the Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 applies. This means that the Council would need to seek the views of the Secretary of State through the regional government office, prior to issuing any decision.

### **Recommendation**

That the council be MINDED TO GRANT planning permission subject to further details being agreed on the hydrological and ecological mitigation implications of the development of a site in proximity to Wesham Marsh Biological Heritage Site; the completion of a Section 106 agreement to secure the provision of highway works, other transport improvements, control over affordable housing, public realm improvements, LCC waste contribution; referring the application to the Secretary of State as a departure from the approved development plan and the imposition of the following conditions:

### **Time limit**

1. In the case of any 'Reserved Matter', application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason:* In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any works are commenced on site, details of the reserved matters, namely appearance, landscaping, layout and scale, shall be submitted to and approved by the local planning authority and the development thereafter carried out in accordance with such approval.

*Reason:* The application was submitted in outline in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

### **Scope of Development**

3. The details submitted in accordance with condition 2 above shall include details of all existing and proposed levels across the site and finished ground floor levels of all buildings. The development shall be carried out in accordance with the approved details.

*Reason:* In order to ensure that the development is undertaken in a satisfactory manner.

4. That the extent of residential development hereby permitted shall be restricted to that area identified as proposed residential area on De Pol Development Framework Plan 1028.20

*Reason:* In order to provide an appropriate control over the extent of residential development permitted

5. The residential development hereby permitted shall be implemented at a density of not less than 30 dwellings per hectare.

*Reason:* To ensure an appropriate density of development in order to satisfy the requirements of PPS3 and to justify the exception to the normal policy of restricting development in areas identified as Countryside in the Fylde Borough Local Plan.

6. That the reserved matters shall include a dwellings in a range of scales and designs with no dwellings or residential buildings exceeding 3 storeys in height.

*Reason:* To ensure that the development hereby approved is of an appropriate scale for the surrounding area as required by PPS3 and Policy HL2 of the Fylde Borough Local Plan

7. The reserved matters required above shall include the provision on-site of 30% of the dwelling units as affordable social rented housing in accordance with the Council's adopted Interim Housing Policy. The mix of housing types, sizes and tenures shall reflect local housing requirements consistent with the findings of the Fylde Housing Needs and Demand Study of January 2008 and the Fylde Coast Strategic Housing Market Assessment. The affordable units themselves should meet the Housing Corporation's 'Design and Quality Standards' and should be mixed in with other homes on the site for open market sale.

*Reason:* To ensure the provision of an appropriate level of affordable housing as required by Policy L5 of RSS and PPS3

8. The affordable housing required by condition 7 shall be offered to qualifying persons on a sequential basis in the following order:
  - a. is permanently employed in Medlar-with-Wesham Town; or has been offered permanent employment in Medlar-with-Wesham Town and intends to take up that offer; or has his main home in Medlar-with-Wesham Town; or has some other sufficiently long-standing connection in Medlar-with-Wesham Town;
  - b. is permanently employed in Kirkham Town, Greenhalgh with Thistleton Parish, Treales, Rossacre and Wharles Parish, Weeton-with-Preese Parish, or Westby-with-Plumptions Parish, or has been offered permanent employment in those areas and intends to take up that offer; or has his main home in those areas; or has some other sufficiently long-standing connection in those areas;
  - c. is permanently employed within Fylde Borough or has been offered permanent employment in Fylde Borough and intends to take up that offer; or has his main home in Fylde Borough; or has some other sufficiently long-standing connection in Fylde Borough.

*Reason:* To ensure that the affordable housing that is provided within the development is made available for local people.

9. Once provided, the affordable housing units shall be retained as such in perpetuity, including the form of their tenure, unless in the meantime a separate planning permission has been granted.

*Reason:* To ensure that the affordable housing that is provided within the development is retained as affordable housing.

10. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the local planning authority.

*Reason:* To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site and to comply with saved Policy EP21 of the Fylde Borough Local Plan.

11. Prior to the commencement of construction on any dwelling hereby approved, a satisfactory programmed landscaping scheme **for the area of residential development** including hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

*Reason:* To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

### **Ecology Issues**

12. The reserved matters application shall retain all existing lengths of hedgerow within the proposed residential development area except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length or hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and July inclusive in any one year unless otherwise agreed in writing by the local planning authority.

*Reason:* In order to protect habitats which have the potential to support breeding birds.

13. Prior to the commencement of development, full detailed habitat creation and management plans including details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes shall be submitted to and approved in writing by the local planning authority. The development shall be phased, implemented and monitored in accordance with the approved details.

*Reason:* In order to secure adequate compensatory and mitigation habitat and species in the proposed Biodiversity Area to address potential impacts on protected species or the adjacent Biological Heritage Site.

14. That the development hereby approved shall be implemented in full accordance with the bat mitigation steps outlined in section 5 of the ERAP Bat Survey ref 2008\_089 dated July 2009 (or any replacement survey that is undertaken and subsequently approved by the Local Planning Authority should the development not be implemented within 12 months of the date of the existing survey).

*Reason:* To safeguard the population of bats during development as they are a protected species in accordance with Policy EP19 of the Fylde Borough Local Plan

15. That the development hereby approved shall be implemented in full accordance with the Great Crested Newt protection and mitigation steps outlined in section E of the ERAP Ecological Survey and Assessment ref 2008\_089 dated November 2009 or any alternative habitat mitigation as agreed as part of the details submitted under condition 13.

*Reason:* To safeguard the population of Great Crested Newts during development as they are a protected species in accordance with Policy EP19 of the Fylde Borough Local Plan

16. Prior to the commencement of development or site clearance works a further water vole survey shall be carried out in accordance with a methodology that shall previously have been approved in writing by the local planning authority. If water voles are found to be present on the site, details of appropriate measures for mitigation and compensation, including appropriate timetables for implementation, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable.

*Reason:* In order to protect important water vole habitat as initial water vole surveys demonstrated the presence of suitable habitat but were inconclusive in regard to the presence of water voles.

#### **Flood Risk & Drainage**

17. No development approved by this permission shall be commenced until a surface water drainage strategy (Including attenuating surface discharges from the development to existing 'greenfield rates' and the protection of integrity of the wetland habitat of the Wesham Marsh BHS) has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

*Reason:* To ensure that the development is properly drained without leading to any damage to the neighbouring wetland habitat and its ecological value as required by Policy EP17 and EP23 of the Fylde Borough Local Plan.

18. Prior to the commencement of any development hereby approved, full details of the means of surface water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This system shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The approved works shall thereafter be implemented, fully commissioned and maintained on site during the development.

*Reason:* To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site.

19. Prior to the commencement of any development hereby approved, full details of the means of foul water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul sewer.

*Reason:* To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

## Highways

20. No site preparation (which includes demolition) or construction to commence until a scheme that secures all necessary highway measures for the development has been agreed with the highway authority and local planning authority and secured with the highway authority. Measures include those works associated with the extension of the 30mph speed limit to Fleetwood Road, alterations to the carriageway and roundabout junction on Fleetwood Road, provision of the new access points to Fleetwood Road and Mowbreck Lane with associated pedestrian crossing points, extension of the footway on the northern side of Mowbreck Lane to the westerly access point to the development on that road, traffic calming measures for Mowbreck Lane, and the alterations to the Mowbreck Lane / Park Lane junction.

*Reason:* To ensure that the all required highway works can be provided.

21. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan to be implemented and adhered to during the construction of the development.

*Reason:* To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties and a Primary School.

22. No part of the development hereby approved shall commence, including site preparation, until the access point to Fleetwood Road and associated works such as roundabout re-engineering, speed limit extension, visibility splay provision (being 2.4m x 43m to left on exit and 2.4m x 103m to right on exit), pedestrian island construction and road marking amendments as indicated on WSP drawing 0858/SK/03 Rev E (or any amendment to this drawing that is subsequently agreed in writing by the Local Planning Authority) has been constructed to adoptable standards in full accordance with the details shown.

*Reason:* In the interest of highway safety and to maintain flow of traffic on local roads during site preparation and construction and thereafter.

23. Prior to occupation of 120 dwellings the two access points to Mowbreck Lane as shown on WSP drawing 0858/SK/05 Rev A (or any amendment to this drawing that is subsequently agreed in writing by the Local Planning Authority) shall be completed to adoptable standards and operational in full accordance with the approved schemes including the provision of the specified visibility splays, footways and pedestrian crossing points.

*Reason:* To ensure the development provides an appropriate choice of access points in the interests of the safe operation of the highway network within and around the site.

24. Prior to the first occupation of any dwelling hereby approved, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This Travel Plan shall include objectives, targets, mechanism, links to the continuously monitored traffic data and measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator and links to site management. The approved plan will be audited and updated at intervals as approved and the approved plan be carried out. The plan will include sufficient annual funds for an initial 5 year period that will permit for the promotion, marketing, implementation and maintenance of web site/ travel coordinator role.

*Reason:* In order to promote the use of sustainable modes of transport by future residents of the development.

25. The details submitted for approval of reserved matters shall include a mechanism by which the farm access track that is immediately to the east of Medlar House on Mowbreck Lane shall be retained as a farm access to the fields to the north of the site without this access point being utilised by non-farm traffic.

*Reason:* To ensure that the development maintains a safe and convenient access to these fields that avoids the need for farm traffic to make regular use of Mowbreck Lane and Fleetwood Road as such use would have an adverse impact on the safe movement of traffic and be detrimental to highway safety.

### **Public Open Space**

26. The details submitted for approval of reserved matters shall include for the provision and maintenance of public open space in accordance with the standards set out in policy TREC 17 of the Fylde Borough Local Plan, as altered October 2005. The on-site provision of public open space shall include a Locally Equipped Area for Play which shall be constructed and made available for use no later than the occupation of the 100<sup>th</sup> dwelling and retained thereafter.

*Reason:* In order to secure the provision of public open space in accordance with development plan policy.

### **Sustainability/Contamination**

27. Prior to the commencement of development, details of a scheme of on site renewable energy production shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme prior to each respective property first becoming occupied.

*Reason:* In order to secure on site renewable energy in accordance with Policy EM18 of the Regional Spatial Strategy for the North West of England.

28. Prior to the commencement of development or site clearance works, a construction methodology identifying measures to prevent the pollution of local ground and surface water and air pollution during construction shall be submitted to and approved in writing by the local planning authority. All construction works shall be carried out in accordance with the approved scheme.

*Reason:* In order to prevent pollution of ground and surface water.

29. Prior to the commencement of development, details of a scheme setting out the use of secondary and recycled aggregates shall be submitted and approved in writing by the local planning authority. The development shall, thereafter, be carried out in accordance with the approved scheme.

*Reason:* In order to maximise the role played by secondary and recycled aggregates in accordance with Policy EM9 of the Regional Spatial Strategy.

30. No part of the development hereby approved shall be commenced on site unless and until:

- a. A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual

Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

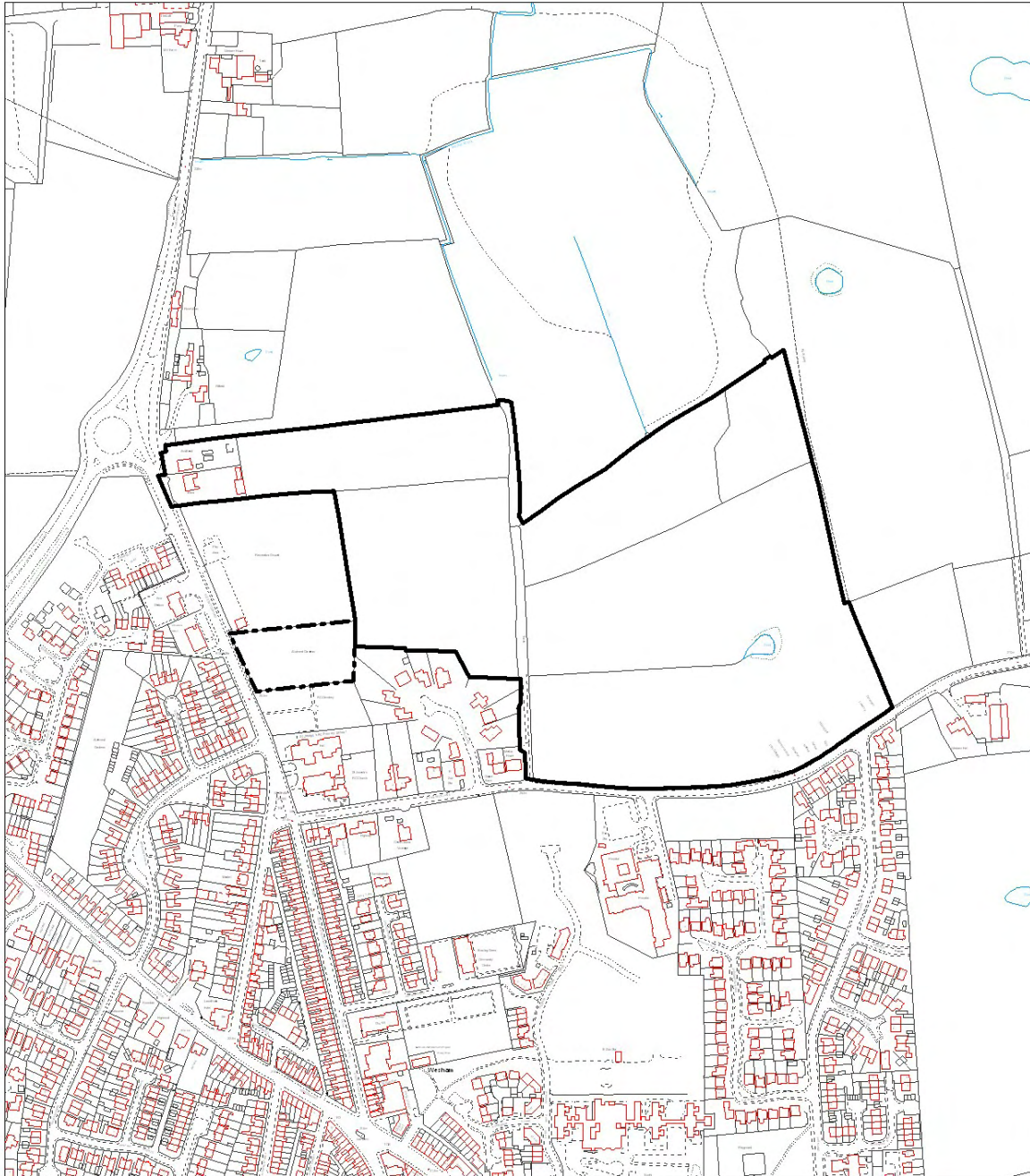
- b. A site investigation has been designed for the site using the information obtained from 'a' above. This should be submitted to and approved in writing by the local planning authority prior to the investigation being carried out on the site.
- c. The site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the local planning authority.
- d. A method statement and remediation strategy, based on the information obtained from 'c' above, including a programme of works, have been submitted to and approved in writing by the local planning authority.

The development shall only then proceed and in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in 'd' above, and to the agreed timescale, unless otherwise agreed in writing by the local planning authority.

If, during development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for an addendum or addenda to the method statement and remediation strategy. This addendum/addenda to the method statement must detail how this unsuspected contamination is to be dealt with.

Upon completion of the remediation detailed in the method statement and remediation strategy a report shall be submitted to the local planning authority providing verification that the required works regarding contamination have been carried out in accordance with the approved method statement and remediation strategy. Post remediation sampling and monitoring results should be included in the report to demonstrate that the required remediation has been fully met. Future monitoring, sampling and reporting should also be detailed in the report.

*Reason:* To provide an appropriate level of protection against the potential for future occupiers of the dwellings to be affected by pollution or contamination.



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Application No. 5/08/1072	Address Land Nth of Mowbreck Lane Wesham	Grid Ref. E.3419 : N.4334	Scale N.T.S.	Item No.

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