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<td>The Toppings Garstang Preston PR3 1QW</td>
<td>Outline application for residential development comprising of 64 dwellings with associated access</td>
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<td>13/00282/FUL</td>
<td>Willowfield Stables Lancaster Rd Out Rawcliffe PR3 6BN</td>
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<td>Land Off East Side Of Pinfold Lane Inskip With Sowerby PR4 0UA</td>
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|   |   |   | **Landskill Farm**  
Calder Vale Road  
Barnacre With Bonds  
PR3 1SS | **Conversion of 2 No. stone barns into 4 No. residential dwellings**  
(resubmission of 13/00059/FUL) | **REF** |
|---|---|---|---|---|---|
|   |   |   | **North Drive Park**  
North Drive  
Thornton Cleveleys  
FY5 2QD | **Replacement of existing metal mesh games wall with new sports court comprising of two sports wall ends at 2 to 3m high and additional tarmac surfacing** | **PER** |

arm/rg/pla/cr/13/0708lg2
REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – KIERAN BIRCH

SITE VISIT PROPOSED

1.0 INTRODUCTION

1.1 The application is before members for determination at the request of Councillor David Williams. A site visit is proposed as the application, by reason of the size of the site, is of a major category application and of strategic importance.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located within the main rural settlement of Garstang as shown on the Wyre Borough Local Plan Proposals Map. Surrounding the site to the east and south of the site is a residential development, to the north of the site is the River Wyre, which has a Public Right of Way adjacent, and to the west is the Lancaster Canal.

2.2 The site itself extends to 3.16 hectares and comprises grassland, with saplings and mature trees within the field. To the south of the site are two ponds, and there are significant hedgerows within the site to the south and west. The boundary to the residential properties to the east consists of a variety of fencing and some vegetation. To the north the boundary consists of an embankment with some trees above it. The Council Tree Officer has placed preservation orders on 8 individual trees within the site and on the group of woodlands to the north west of the site.

3.0 THE PROPOSAL

3.1 The application is an outline application for residential development on a site 3.16 hectares in size, with access being applied for as part of this application and all other matters reserved for subsequent approval. Access to the site is shown to be from The Toppings and Leathercote, with the applicant indicating that 64 dwellings could be accommodated on the site.
3.2 The detailed number of dwellings, layout, house type and design will be considered through a reserved matters planning application, should this outline planning application be granted approval. Notwithstanding this the applicant has indicated a mix of 2 and 2 and-a-half storey houses ranging from 1-4 bed units.

4.0 RELEVANT PLANNING HISTORY

4.1 None relevant to this application.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK

Achieving sustainable development

The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. As a social role it is necessary that the planning system supports strong, vibrant health communities by providing the supply of housing required to meet the needs of present and future generations that reflects the community's needs. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

In decision making there should be 12 principles which include support sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community should be taken into account. Plans should take into account land prices and housing affordability. Always seek to secure high quality design and a good standard of amenity.

Section 4 - Promoting sustainable transport

There should be a balance in favour of sustainable transport modes however government recognises between maximising sustainable transport solutions will vary between urban and rural areas. It is necessary to provide safe and suitable access to a site for all people.

Section 6 - Delivering a wide choice of high quality homes

To boost significantly the supply of housing local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of high quality homes for inclusive and mixed communities. A mix of housing based on current and future demographic trends, market trends and needs of different groups in the community. Planning Authorities should identify the size, type, tenure and range of housing that is required in particular locations reflecting demand and where they have identified that affordable housing is needed set policies for meeting this need on site.

Section 7 - Requiring good design

Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed with poor design being refused.
Section 8 - Promoting healthy communities
The planning system can play an important role in facilitating social interaction and creating healthy inclusive communities and involve sections of the community in planning decisions. Decisions should support community facilities such as shops, and services. Access to high quality open spaces can make an important contribution to communities. Existing open spaces should not be built on unless an assessment has been carried out showing land to be surplus to requirements, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.

Section 10 - Meeting the challenge of climate change, flooding and coastal change
Development in areas at high risk of flooding should be avoided. When determining planning applications there should not be increased flood risk elsewhere.

Section 11 - Conserving and enhancing the natural environment
There should be protection and enhancement of valued landscape and minimise the impact on biodiversity. Distinction should be made between the hierarchy of international, national and locally designated sites when assessing the impact on wildlife or geodiversity sites or landscape so the protection is commensurate with the status and gives appropriate weight to their importance. Promote the preservation, restoration and re-creation of priority habitats and recovery of priority species population. When determining planning applications Local Authorities should aim to conserve and enhance biodiversity and if significant harm results adequate mitigation or compensation should be made.

5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES):
Policy SP5 - Definition of the main rural settlements - For the purposes of the interpretation of local plan policies with particular reference to the acceptability of development the boundaries of Garstang is defined on the proposals map.
Policy SP14 - standards of design and amenity - the council will seek to apply consistent principles and high standards of design and amenity of all types of development. Proposals should be compatible with adjacent land uses, be acceptable in the local landscape in terms of its scale, mass and style, respect and accommodate important features of the site and have satisfactory access and parking spaces.
Policy ENV7 - Trees on development sites - Proposals affecting trees will only be approved where scheme retains trees which have a public amenity benefit, where appropriate new trees are planted, where the siting and character of trees is taken into account and where adequate spacing from existing trees to avoid damage.
Policy ENV13 - Development and Flood Risk - Development will only be permitted where it would not cause or exacerbate flooding in other areas and a satisfactory standard of flood protection already exists or mitigation measures will be included in a scheme.
Policy ENV15 - Surface Water Run - Development which increases rates of surface water run-off will not be permitted when it could lead to flooding. Mitigation to stop this should be proposed.
Policy H13 - Open space in new housing layouts - In new housing developments of 20 dwellings or more the Council will seek to impose conditions for the provision and adequate future maintenance of amenity space on the basis of: 0.004 hectares per dwelling, open space will be provided in not less than 0.1 hectares, roadside landscaping will not count as open space towards this requirement, where appropriate a satisfactory scheme for the provision of open space in an alternative location will be acceptable.
5.3 WYRE BOROUGH COUNCILS CORE STRATEGY/EMERGING LOCAL PLAN - PREFERRED OPTIONS

A Preferred Options version of the Wyre Core Strategy has undergone public consultation between 2 April and 21 May 2012. It therefore presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Core Strategy include:
- CS9 (Strategy for Garstang and Catterall) - residential development will be supported by ensuring that sufficient land be provided through a combination of planning permissions and the Site Allocations and Development Management DPD to enable the development of approximately 550 new dwellings by 2028.
- CS13 (Sustainable Development) - development should be sustainable
- CS14 (Quality of Design) - a high standard of design is required
- CS16 (Transport, Accessibility and Movement)
- CS19 (Biodiversity and Geodiversity) - biodiversity and geodiversity within the borough should be protected and enhanced.
- CS21 (Affordable Housing) - All proposals for new housing developments which comprise 15 or more dwellings will provide affordable housing at a rate of 30%. The delivery of appropriate, size, type, mix and tenure of affordable housing to meet the identified local demand. Comprehensive incorporation of affordable housing into new development. Affordable housing should be built to a high standard, as with other housing and integrate sensitively into the surroundings to ensure protection and enhancement of the landscape and townscape whilst encouraging community cohesion.

The weight to be attached to these policies will increase as the Core Strategy is progressed towards adoption. As indicated earlier at this stage, the policies can only be given limited weight.

5.4 STRATEGIC HOUSING MARKET ASSESSMENT 2008 (SHMA)

An assessment to provide a better understanding of housing markets across the functional housing markets in order to enable local authorities to understand where their relative priorities lie and to inform future research and policy.

5.5 WYRE AFFORDABLE HOUSING VIABILITY STUDY OCTOBER 2010

This identified that the level of viability for residential developments across the Borough could only sustain a maximum of 30% affordable dwellings, although in some areas it would be a lesser percentage.

6.0 CONSULTATION RESPONSES

6.1 UNITED UTILITIES - No objections to the proposal provided that conditions are placed on any approval relating to the disposal of foul and surface waters to ensure that surface water drains separately from the foul or combined sewers to prevent an increase in surface water run-off.

6.2 ENVIRONMENT AGENCY - No objections to the development. Request conditions relating to the development being carried out in accordance with the Flood Risk Assessment submitted including mitigation requiring surface water run-off generated to not exceed that generated from the undeveloped site and not increase the flooding off site and a surface water drainage scheme to be submitted for approval.
6.3 LCC HIGHWAYS - Application is outline with access as a detailed matter for consideration. The scale of the development is a reserved matter but the description of the application indicates the site could accommodate up to 64 dwellings. Their comments should be read on the basis of the development having a maximum of 64 dwellings. A Transport Statement (TS) has been produced in support of this application and whilst LCC have some comments on its contents they do not consider it necessary for any additional information to be provided for them to fully assess the application. The developer has carried out traffic counts to determine the existing traffic levels on the B6430 Bonds Lane at its junctions with Byerworth Lane and Dimples Lane. The figures provided appear reasonable and there is no reason to doubt their accuracy.

In order to determine the number of vehicle movements the developer has used the TRICS database. The trip rates produced in the TS are a little lower than LCC would expect to see for this site. The developer has carried out a junction capacity assessment using the observed traffic levels and the trips derived from the TRICS database. The assessment shows that there will be no capacity issues nor are there significant queuing issues. In order for there to be capacity issues the trip rates and the base traffic levels would need to be significantly higher than those used in the assessment and significantly higher than the trip rates that they had assumed reasonable for this site. Based on the work undertaken and a review of the baseline traffic levels and trip rates LCC are satisfied that the development will not lead to any highway capacity issues. The developer has reviewed the existing accident record for the area and has concluded that there is no significant accident problem and that the development traffic will not have a material impact on them. LCC Highways agree with this view.

LCC Highways do not consider that the development proposal will have a material impact on highway capacity or highway safety.

The developer has proposed two access points to the development. Both accesses are to roads with a 20mph speed limit and have had speed reducing features imposed on them. Manual for Streets recommends sightlines of 2.4m x 22m (with 2.4m added to compensate for the difference between driver position and front of vehicle) where the speed of vehicles is 20mph. They have no details of actual vehicle speeds here nor have any been produced by the developer, however, LCC’s observations are that vehicle speeds are not excessive and that sightlines of 2.4m x 31m, as proposed by the developer would be sufficient for the junctions to operate safely.

LCC are always concerned when an access is proposed close to a bend, as is here, with the access opposite 7 The Toppings, however, the sightlines for emerging vehicles and forward visibility along The Toppings are considered to be satisfactory. As such LCC Highways have no objections to the means of access.

LCC Highways have been made aware of the concerns of many local residents regarding this proposal and reference has been made to the County’s “opposition” to the development of this site a number of years ago. It should be noted that since that time there have been a number of changes made to how developments are assessed. For developments of this nature the current guidance documents are the Manual for Streets and Manual for Streets 2 (both national guidance) and Creating Civilised Streets (Lancashire County Council guidance).

Although Byerworth Lane is a through route, it's nature makes it unsuitable for two way traffic above a very low level beyond the development site, this in effect makes
the development site and existing residential road a large cul-de-sac. Under current guidance there is no maximum number of properties that can be accessed of a cul-de-sac. Previous guidance has suggested that a maximum of around 300 dwellings is a sensible limit for culs-de-sac. There are approximately 140 dwellings accessed (directly or indirectly) off Byerworth Lane and an additional 64 dwellings (as indicated) would keep the numbers well below the old threshold and as such LCC Highways conclude that there are no objections to the principle of the development here.

To address accessibility issues with this site the following are necessary to make the development acceptable:

- Upgrading of the two existing bus stops on Bonds Lane nearest to the development to Quality Bus Stop standards - to make them DDA compliant and to encourage public transport use to and from the development site.
- Improvements to the Public Footpath 100, including lighting, form the development site to Bonds Lane to encourage walking to Garstang and the primary school off Castle Lane.
- Improvements to Public Footpath 100 from the development site to the Lancaster Canal and the canal tow path from Public Footpath 100 to Kepple Lane to encourage walking to the Health Centre and the primary school off Kepple Lane.

LCC are satisfied that the above can be provided as off-site highway works under a Section 278 agreement and as such they do not see the need for a Section 106 to cover highway matters.

Overall LCC find the development proposals to be acceptable, subject to some mitigation to address accessibility, and as such no highway objections are raised. The internal layout of the development will be dealt with at reserved matters stage but they feel it necessary to make comment on issues with the indicative layout shown on the submitted plans.

6.4 GARSTANG TOWN COUNCIL - The Council note that the application is outside the Ward of Garstang. The Council express concern about the high number of dwellings being proposed, the associated increase of traffic and that the development is proposed to be built on a floodplain.

6.5 BARNACRE-WITH-BONDS PARISH COUNCIL - Wish to register an objection to this planning application. The reasons are detailed below: This site is unallocated within Wyre Borough Council's Local Plan as it was subject to review during the development of the Plan in 1999. This site together with adjacent open fields was originally to be included within the current Local Plan for housing provision with a provisional allocation of 186 properties. Prior to adoption the Local Plan was the subject of an independent inquiry and whilst the Inquiry Inspector endorsed Wyre Borough's view that a housing allocation for this site should be included within the Local Plan it was considered that due to access issues to the site the maximum number of properties that could be built on the site would need to be limited to 96. This decision was based on Department of Transport recommendations relating to the number of properties that can be reached from a cul-de-sac by emergency vehicles and in particular fire appliances. The only access to the site was via a cul-de-sac (Brooklands Drive) which was served by an estate road (Byerworth Lane North) from a local distributor road (Bonds Lane). The Inquiry Inspector advised that if a further access could be provided then there would be potential for the whole site to be developed to provide the 186 property allocation.
originally included within the original Local Plan. Wyre Borough accepted the Inquiry Inspector’s recommendation the Local Plan was amended with the site area reduced and a provisional allocation of 96 properties that could be developed was placed on the site. This site was subsequently developed by Redrow Homes in two phases between 1999 to 2001.

Since this time there have been no changes to the access to this site and as such the Parish Council considers that all of the original concerns in relation to the access to the site still exist.

The layout design states "Our primary objective is to place the need of people before the need of the car & create a development that encourages non-vehicular modes of transport & the use of public transport" It is inevitable that with the expected 64 dwellings there will be at least 64 cars, that will be used on a daily basis which will put further pressure on the local road network and pose a problem to the safety of pedestrians and cyclists using the estate road network. The access is a very serious concern. The additional traffic generated by this development would need to utilise estate roads Brooklands Drive / Byerworth Lane North to reach the local distributor road Bonds Lane. There are already significant problems with cars parking at the road side in these streets and the increase in additional traffic would just cause unnecessary safety issues to both existing residents & new residents. The volume of traffic would cause congestion & queues at peak times, making it impossible for police, fire & ambulance vehicles to access the estates in cases of emergency. Not only is it necessary to consider the number of additional vehicle movements, but the extra delivery vans, etc that these additional dwellings would bring. Any obstructions (road works for example) to the area would cause chaos with no alternative access route.

The junction of Byerworth Lane North and Bonds Lane is difficult to negotiate as it is within 50 metres of the mini roundabout that forms the junction with Dimples Lane. This especially a problem at peak times when the road network becomes congested resulting in significant traffic queues on all of the roads within the vicinity of this junction. The lower section of this site falls within the flood plain of the River Wyre and as such will be susceptible to flooding risk at time of heavy rainfall. Whilst no development is proposed for the section of the site that is within the flood risk area, climate change and changes in weather patterns may result in more extreme weather events which will put at risk all of the properties proposed for this development and those adjacent to the site. The proposed development is not sustainable as there are no significant employment opportunities within the Garstang area and therefore the majority of residents occupying these houses will need to travel out of the area to get to work. This will inevitably lead to the use of cars for these journeys thus increasing the region’s carbon footprint which is in contravention of Lancashire County Council’s environmental policies and carbon capture targets.

It has been proposed that the discharge of surface water run-off from the development into the River Wyre is controlled by the use of an attenuation pond. The Parish Council wishes to express its concern to this aspect of the site design, as it considers this feature could provide:

- An additional risk of flooding potential
- The risk of cross contamination with foul sewerage from the new properties on the site,
- Attract vermin from the River Wyre
- Pose a risk to the safety of young children.
Development on this land would mean the loss of the last open space within the Bonds area and will deprive the local community of this rural amenity which is in close proximity to their homes. The site has a well-established ecology with a diverse range of plants and several different species of wildlife and birds. The loss of this field will result in the local residents losing valuable open countryside. Existing essential services within the Garstang area such as schools, doctors, dentists are already stretched and do not have capacity for further requirements.

6.6 LCC ECOLOGY - Original response stated that the indicative masterplan layouts indicates that the features of the greatest biodiversity value will be retained and that if developed in accordance with that masterplan then some degree of biodiversity enhancement might even be possible. Further information was requested on the extent of the impacts on biodiversity (and therefore the need for mitigation and compensation) on amphibians, bats, hedgerows etc. This information was duly submitted and LCC Ecology's response was that the applicant has submitted enough information to enable determination of the application and that planning conditions will be required to secure mitigation and compensation of the site.

6.7 CANAL RIVER TRUST - After due consideration of the application details, the Canal & River Trust has no objections to the proposed development in principle. It is likely that the residents of the proposed dwellings will wish to use the canal towpath as a route for recreational walking and cycling, and access can be gained via a set of timber steps adjacent to Grade II Listed Garstang Aqueduct. The steps would benefit from improvement in order to accommodate the increased use, which is likely to consist of an appropriate like-for-like replacement of the steps. The Canal & River Trust therefore requests that the developer be required to carry out or fund the replacement of the timber steps, and is satisfied that this requirement meets the tests of the CIL Regulations 2010 for planning obligations to be necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The Canal & River Trust is concerned that the flood risk from the canal has not been fully assessed. The site lies below the level of the canal, which is raised on an embankment immediately adjacent to the site. The proposed development will therefore increase the residual risk to the Trust, due to the increased consequence of a failure of the embankment, an overtopping event or any leakage from the embankment. The Trust therefore requests that the FRA be amended to more fully assess the risk from the canal based on historic records. The FRA was duly amended and the Trust have confirmed that they have no objections to the development.

6.8 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - No objections. Request for appropriate conditions and informatives relating to contamination.

6.9 HEAD OF OPERATIONS (TREE OFFICER) - This site has some valuable natural features occurring as single trees, native woodlands and boundary hedges. While proposed development doesn't spread across the whole site, and ownership of the woodland area is ascribed to the Canals and Rivers Trust, concerns about proposed tree removals as shown at section 3.3 Layout Design in the accompanying Design and Access Statement. A mature oak within the Canals and Rivers Trust boundary hedge is shown for felling, as well as another oak behind a property on Leathercote. I have now issued Wyre Council tree preservation order 2 of 2013 that protects eight trees, including the two proposed removals, and the woodland area that is owned by the Canals and Rivers Trust. DAS Section3.6 Masterplan shows layout that sensibly avoid conflict with retained trees so direct impact does not seem
to be an issue at this stage. I would however expect all trees to be HERAS fenced at BS5837:2012 protective distances prior to any site activity commencing, as well as conditions attached to any planning permission to secure the presence of all the boundary hedges. Removal of scrub and self-set blackthorn behind properties on Waters Edge and Leathercote is acceptable but the line of the hawthorn hedge behind this should be retained by condition. Section 3.2 of the DAS mentions the creation of an "attenuation pond" and I feel we need an assurance that this will not be near or affect retained trees and hedges, since this will presumably involve large-scale earthworks.

7.0 REPRESENTATIONS

7.1 61 written objections received. Summary of comments received below:

* Flooding and drainage issues
  * Highways objections - only one access into the site from main road, congestion, access for emergency vehicles limited, highway safety, impact on pedestrians, lack of public transport and adequate infrastructure to north and south.
  * Contrary to NPPF
  * Contrary to local plan
  * loss of habitat and biodiversity
  * green space used for recreation
  * no need for houses in Garstang
  * strain on local facilities including schools and doctors
  * not the right sort of housing proposed.
  * not what Garstang is about
  * land contaminated
  * no need for social housing
  * not enough local jobs
  * ponds not safe for children
  * Loss of view

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Contact has been had with the applicant in order to provide further ecological information, and also an updated Flood Risk Assessment.

9.0 ISSUES

9.1 The main issues to consider when determining this application are:

- the principle of the development
- impact of development on character of the area
- highways issues
- flooding and drainage
- ecology and trees
- impact of development on residential amenity
- other issues
- determination, decision making and material considerations.

The principle of the development

9.2 When considering this planning application reference should be made to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states "...if regard is to be had to the Development Plan for the purposes of any determination to
be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”. The statutory development plan and material considerations in this case comprises the saved policies of the Wyre Borough Local Plan (1999), the National Planning Policy Framework and to a degree Wyre's emerging Local Development Framework Core Strategy.

9.3 The development lies on land not designated for any purpose in the Wyre Borough Local Plan (so called 'white land') but is within the main rural settlement of Garstang. Existing residential development lies immediately to the east and south of the development. In principle, therefore, and having regard to the Government's growth agenda, there is no Local Plan policy objection in principle to the development, although policies relating to flood risk must also be considered and the appropriate weight given to them, before the acceptability of the development can be determined.

9.4 The principle of the proposal would comply with the requirements of the National Planning Policy Framework (NPPF) which states that there is a need for the planning system to perform an economic, social and environmental role. In a social role, it is necessary that the planning system supports strong, vibrant healthy communities by providing the supply of housing required to meet the needs of present and future generations that reflects the community's needs. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and local planning authorities are urged to approve, without delay, development proposals that accord with the development plan. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

9.5 In section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development. It is considered that the site's location would comply with these requirements of the NPPF, the site is sustainably located within an existing settlement, with good transport connections to retail and leisure facilities and would provide a mix of homes appropriate to the area.

9.6 Although of limited weight in decision making, policies in the emerging Local Plan are a material consideration. Policy CS9 (Strategy for Garstang and Catterall) states that sufficient land for 550 dwellings will be provided for 550 dwellings through planning permissions and site allocations. The policy recognises that house prices in the area are high and that the Wyre Rural Housing Need assessment (2010) indicates a need for 94 affordable dwellings per annum between 2010 and 2015 in parishes in the area. In policy CS20 (Housing Mix) it advises that planning applications for housing development are required to accord with the requirement for the provision of appropriate size, type and mix of housing, including affordable housing to meet identified housing need and policy CS21 (Affordable Housing) states that all new housing developments which comprise 15 or more dwellings will provide affordable housing at a rate of 30%. The proposal therefore will contribute to meeting the identified need for 550 dwellings as well as the needed affordable housing that policy CS9 states is required and therefore complies with the policy requirements of the emerging Local Plan.
There are no saved housing policies relating to affordable housing in new housing developments in the adopted Local Plan. The previous requirement in the council’s Interim Housing Policy was to require 40% affordables on proposals of 15 or more residential units. However, the council's affordable housing viability study which forms the evidence base for the Core Strategy states that for developments to come forward a provision of 30% affordables is viable. As this is the most up to date evidence, 30% is now the appropriate starting point when requiring affordable units on residential developments in the Borough. In this case a provision of 30% will be sought and a condition is imposed to ensure that this provision is met. At the reserved matters stage the full details will be agreed.

Impact of development on character of the area

The site as existing is an undeveloped field, bounded by residential properties to the east and south, with physical barriers consisting of the River Wyre to the north and the Lancaster canal to the East; it is therefore effectively enclosed by existing features of the area. It is located within the settlement of Garstang, with the boundary formed by the Canal to the west. Clearly the development of an undeveloped field will have an impact on the character of the area, however given the site’s location it is not considered that its development would have an unacceptable impact on this character. The proposal is for a residential development which is the same as the adjacent land use to the east and south, and whilst the design of the dwellings is unknown at this stage, an acceptable design can be achieved at the site that would have an acceptable appearance in the street scene and not have a harmful impact on the character of the area. The indicative masterplan included with the application shows a mix of house types, the retention of the ponds, mature trees and an area of open space within the site. If 64 units were built on the application site this would amount to approximately 20 units per hectare, which is a low to medium density, the same as the surrounding residential developments. It is considered therefore that the proposal would be of the same character as the surrounding area.

Highways issues

LCC Highways have been consulted on the application and have confirmed that they have no objections to the development. They state that their comments are based on the development having a maximum of 64 dwellings. LCC Highways state that the figures within the transport statement are reasonable and that the junction capacity assessment shows that there will be neither capacity issues nor significant queuing issues. In order for there to be issues the trip rates and base traffic levels would have to be significantly higher than LCC state would be reasonable for the site and they are satisfied that the development will not lead to highway capacity issues. They also state that there is not a significant accident problem and the development traffic will not have a material impact on them, therefore LCC Highways do not consider that the development will have a material impact on highway capacity or safety. The exact number of dwellings will be determined at the reserved matters application stage and this issue can be addressed at this stage. This application seeks whether the principle of housing is acceptable in this location. As the highway authority have confirmed that 64 units, which is a reasonable amount for the size of the site, would be acceptable then with regards impact on the highway network the application is acceptable.

With regard to the proposed two accesses to the development site LCC state that the sightlines proposed would be sufficient for the junctions to operate safely and that they have no objections to the means of access to the development site. It is recognised that there is local concern about highway safety and congestion in the
locality, mainly because of the limited number of accesses to the site, and reference has been made to LCC's 'opposition' to the development of the site a number of years ago. In their response LCC make it clear that since that time a number of changes have been made to how developments are assessed, with the introduction of guidance documents such as Manual for Streets and that although Byerworth Lane is a through route its nature makes it unsuitable for two way traffic above a very low level beyond the development site, this in effect makes the development site and existing residential road a large cul-de-sac. Under current guidance there is no maximum number of properties that can be accessed of a cul-de-sac. Previous guidance has suggested that a maximum of around 300 dwellings is a sensible limit for cul-de-sac's. There are approximately 140 dwellings accessed (directly or indirectly) off Byerworth Lane and an additional 64 dwellings would keep the numbers well below the old threshold and as such LCC Highways conclude that there are no objections to the principle of the development here. Therefore the level of traffic likely to be generated by this development will have no detrimental impact on highway capacity or safety, has a satisfactory means of access and has not elicited an objection from LCC Highways. An appropriate level of parking will be provided, its location and type determined through a reserved matters application. There are therefore no highways issues with the application. LCC Highways have requested conditions relating to improvement of public footpaths and the two nearest bus stops to the site in order to address accessibility of the site.

Ecology and trees

9.11 The application has been submitted with an ecological appraisal of the site and a tree report with the application to ascertain the impact of the proposal on local wildlife and trees. Following a representation from LCC Ecology a further addendum report was submitted including a Great Newt survey. In their original response LCC Ecology stated that there are features of Biodiversity value within and adjacent to the site some of which are suitable to support protected and priority species and therefore the development could have the potential to adversely impact upon these species. They stated that from the submitted master plan the features of greatest biodiversity value would be retained and that habitat connectivity could be maintained, they also state that if the site were developed in accordance with this master plan then some degree of biodiversity enhancement might even be possible through a landscaping/habitat creation and management scheme. In order to achieve this there will be a need to mitigate and compensate for impacts on biodiversity and the development would need to be carefully designed and implemented to enhance biodiversity, some of this can be achieved through planning conditions and at the reserved matters stage. However prior to considering this LCC felt that the applicant needed to submit further clarification (on bats, amphibians, hedgerows) in order to demonstrate the proposals would be in accordance with guidance, and that once clarified full details of mitigation and compensation to avoid impacts and maintain biodiversity value can be dealt with at reserved matters. The applicants duly submitted this information and LCC states that it considers that the applicant has submitted sufficient information to enable determination of the application and that mitigation/enhancement can be dealt with through planning conditions. These conditions include submission of a construction environment management plan, a breeding bird survey, landscaping and amphibian friendly features.

9.12 Wyre Council's tree officer has been consulted and his response is outlined in paragraph 6.9 above. He has placed a tree preservation order (TPO) on eight individual trees T1 veteran ash, T2 ash, T3 oak, T4 oak, T5 oak, T6 oak, T7 oak and T8 ash. He has also placed an order on the Woodlands to the north west of the site namely W1 which is an area of deciduous trees mainly willow and ash. These
protected trees will have to be taken into account when any developer is designing a proposal for any subsequent reserved matters application. Any reserved matter application would detail the specific location of dwellings, and their impact on the trees on the site can then be assessed to ensure no future harm to these protected trees. There are therefore no issues with trees with this application to warrant a refusal as they are adequately protected from any future harm.

9.13 Clearly the proposal will result in the loss of some biodiversity, but not priority habitat. Indeed LCC Ecology have stated that in the indicative masterplan submitted that the features of greatest biodiversity value will be retained and that if developed in accordance with that plan and with the conditions for landscaping and environment management plan that they have requested that some degree of biodiversity enhancement will be possible in the development of the site. The applicants have demonstrated that there will not be any unacceptable effect on protected and priority species and conditions will be used to ensure this. Significant features within the site will be retained including woodland, trees within and on the periphery of the site and ponds, and public open space and tree lined green corridors will run throughout the site. The scheme results in a loss of biodiversity, as does any scheme in an undeveloped site such as this or the two relatively recent housing sites to the east and south of the application site, however this proposal retains the biodiversity of greatest value and a landscaping condition will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with the mitigation proposed the development of the site is acceptable and that the loss does not warrant justification for refusal of the application.

Flooding and drainage

9.14 A flood risk assessment (FRA) has been submitted with the application. A small part of the site to the north is located within Flood Zone 2, in indicative plans this area is shown as not being developed. The Environment Agency and United Utilities have been consulted and have no objections to the development subject to conditions relating to the mitigation proposed in the FRA being carried out, and details of details of discharge of foul and surface waters being submitted prior to the development of the site. The Canal and River trust originally submitted a representation stating that the FRA did not fully consider the flood risk from the Canal. The FRA was subsequently updated to incorporate this and the Canal and River Trust have responded and state they are satisfied that the revised FRA adequately addresses the issues raised in respect of Lancaster Canal. Therefore consultees are of the opinion that flooding and drainage issues at the site can be satisfied and there are therefore no flooding or drainage issues with the application on the basis that there are no objections from consultees, and that conditions are to be placed on any permission granted so that full details of this information will be submitted to the Local Planning Authority for approval to ensure that the development does not increase the burden on the existing drainage infrastructure.

Impact of development on residential amenity

9.15 The application is an outline application with all matters reserved. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity.
Other Issues

9.16 A number of representations received refer to the fact that the field has been used for recreational purposes for a number of years by the general public. The field is a private field, not owned by the Council or any other public body, there are no public rights of way over the field and whilst access has been permitted by the land owner over these years the field is not a community field and could in fact be closed to the public at any point. The land is not designated as recreational open space within the adopted Local Plan and it's use for informal recreation is not a consideration when determining this application. Local Plan policy H13 requires housing developments of 20 or more dwellings to provide 0.004 Hectares of amenity space per dwelling within the development, which should give due consideration to the incorporation of features of existing ecological interest. Public open space is shown on the indicative master plan but as this is an outline application the final number of dwellings is not known and this matter will therefore be dealt with in the reserved matters application.

Determination, decision making and material considerations.

9.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that: "...if regard is to be had to the Development Plan for the purposes of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise". The statutory development plan in this case comprises the saved policies of the Wyre Borough Local Plan (1999). In respect of the proposal, the development plan policies support the development and there are no material considerations of any significance leading to a contrary determination. The National Planning Policy Framework (NPPF) is a material consideration of weight. The development complies with the NPPF.

10.0 CONCLUSION

10.1 In respect of the proposal, the development plan policies support the development and there are no material considerations of any significance leading to a contrary determination. The National Planning Policy Framework (NPPF) is a material consideration of weight. Overall, the development complies with the NPPF. The proposal is therefore acceptable.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION : PERMIT

Conditions:-

1. In the case of any reserved matter, namely access, appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline
planning permission; and that the development to which the permission relates must 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 matter to be approved.

2. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

3. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

   i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
   ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing]; iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

4. The new estate roads and access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

5. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

6. Prior to the commencement of development, or to be agreed as part of any reserved matters application, a scheme for the construction of the site access and the following off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority:

   • Upgrade the 2 nearest bus stops on Bonds Lane to Quality Bus Stop standards
- Improvements to Public Footpath 100, including lighting, from the development of the site to Bonds Lane and Lancaster Canal, and the canal tow path from Public Footpath 100 to Kepple Lane.

- The agreed details shall be implemented in full prior to first occupation of any dwelling on the site and retained thereafter.

7. There are eight individual trees and one Group of trees that are subject of Tree Preservation Orders on the site. Any subsequent reserved matters applications should take account of these protected trees.

8. Prior to the commencement of works on site, a construction environment management plan shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full. The CEMP shall include full details of measures that will be implemented for the protection of features of biodiversity value, including but not limited to: the Lancaster Canal BHS, the River Wyre, retained woodland, trees, hedgerows and ponds; together with measures that will be implemented for the avoidance of impacts on protected and priority species including but not limited to bats, nesting birds, common toads, hedgehogs and orchid populations.

9. At the reserved matters stage, the results of a breeding bird survey shall be submitted to Wyre Borough Council for approval in writing. The results shall be used to inform the eventual site layout and landscaping scheme and deliver mitigation and compensation for impacts on breeding birds, with particular emphasis of species of conservation priority.

10. At the reserved matters stage, if any mature trees with potential to support roosting bats are required to be felled (and their loss cannot be avoided), then further assessments (bats) will be required in accordance with Bat Conservation Trust Bat Surveys Good Practice Guidelines.

11. At the reserved matters stage, and prior to any site clearance, site preparation or development work, a scheme of mitigation for the orchid populations on site shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full.

12. At the reserved matters stage, a scheme of landscaping shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full. The scheme shall demonstrate retention and enhancement of bat foraging and commuting habitat, retention and enhancement of existing hedgerows/ boundary vegetation (except where access is required), appropriate pond protection and management (if necessary), implementation of the approved orchid mitigation scheme, maintenance of habitat connectivity (gardens to be separated by hedgerows or, if fences are proposed, gaps in boundaries to be maintained at 10 x 10 cm or larger, if possible), and riparian woodland management. Landscaping proposals in areas of wildlife habitat will include locally appropriate native species only. Landscaping in amenity and garden space should ideally comprise species of known value to wildlife. The scheme shall also include details of the long-term management (for the benefit of biodiversity) of the wildlife habitat retained or created.

13. Further details of bat roosting and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full and maintenance thereafter.
14. At the reserved matters stage, details of measures that will be incorporated into the scheme to mitigate operational impacts on amphibians shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full as part of the scheme. Appropriate measures shall include amphibian-friendly road features such as dropped kerbs/ wildlife kerbs/ amphibian friendly gully pots.

15. Prior to the commencement of development a scheme of site lighting shall be submitted to Wyre Borough Council for approval in writing and subsequent implementation in full as part of the scheme, and shall demonstrate avoidance of light pollution/artificial illumination of wildlife habitat (including adjacent water courses, woodland, woodland edge, hedgerows, ponds).

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion.

18. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s or a rate equivalent to Qbar which is based on greenfield runoff rates. The development shall be completed, maintained and managed in accordance with the approved details.

19. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be erected within 3 metres of any existing public sewer.
20. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 21 May 2013, including the following plans:

Site location plan: 13-049 Drawing number OS01

Reasons:-

1. This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

3. To ensure the adequate provision and delivery of affordable housing.

4. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

6. To provide adequate upgrades to the local highway network to support the development of the site, in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. To ensure that any future developer is aware of the TPOs and that no protected trees are felled, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).


15. In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

16. To reduce the risk of flooding to the proposed development and future occupants.

17. To prevent the increased risk of flooding, both on and off site.

18. To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.

19. To protect existing service infrastructure.

20. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

Notes :-

1. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies SP5, SP14, ENV7, ENV13, ENV15 and H13 of the Adopted Wyre Borough Local Plan (July 1999), and to all other relevant material considerations.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate in the first instance to ascertain the details of such an agreement and the information to be provided.

3. Appropriate working methods will be adopted to eradicate/ prevent the spread of Japanese knotweed and Himalayan balsam.

4. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 “Investigation of Potentially Contaminated Sites - Code of Practice”.

5. All site investigations and assessments shall be in accordance with current Government and Environment Agency Guidance, and shall identify the type, nature and extent of any contamination present, the risk to receptor’s and the potential for migration within and beyond the site boundary.
6. Any laboratory used for the purposes of sample analysis shall be registered to the ISO17025:2000 quality standard.

7. A sampling analysis programme shall verify the adequacy of any decontamination works.

8. The responsibility for the safe development and secure occupancy rests with the developer. The Local Planning Authority may only determine the suitability of any scheme for investigation/remediation submitted, on the basis of the information submitted to it. Under no circumstances will the Local Planning Authority accept liability for inadequate remediation of the site.

9. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.

10. The submitted plans should show that the Finished floor levels are set no lower than 16.82 m above Ordnance Datum (AOD).

11. As the River Wyre lies to the northern boundary of the site, as part of the detailed design, there should be a least an 8 metre buffer between the top of bank of the River Wyre and any proposed development.
REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – KIERAN BIRCH

SITE VISIT PROPOSED

1.0 INTRODUCTION

1.1 This application is before members at the request of Cllr Sue Pimbley.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a field located within the open countryside on the eastern side of Lancaster Road in Out Rawcliffe. To the north is an access drive that serves two farms and a number of fields that are used for equestrian activities. The land surrounding the application site is open countryside. To the north of the application site is a structure that has planning permission for the stabling of horses. The land is already used and has planning permission for equestrian activities and the retail trading of horses.

3.0 THE PROPOSAL

3.1 The application is for the erection of a stable block with tack room and the formation of a sand paddock. The stables building measures 7.8m x 3.8m with an eaves height of 2.2m and ridge height of 2.8m. The building will be constructed in horizontal timber boarding, timber doors and a black profile sheet roof. The horse sand paddock measures 32m x 20m and will have a sand surface and be surrounded by timber post and rail fencing. The development utilises an existing access to the north of the site where an existing stable block exists, granted planning permission in 2007. The land subject to this application was part of the site granted planning permission for equestrian activities and the retail trading of horses.

4.0 RELEVANT PLANNING HISTORY
4.1 13/00021/FUL - Erection of stable block, new access to the highway and formation of sand paddock. Application withdrawn.


4.3 08/00890/FUL - Change of use of land for equestrian activities for private use and the retail trading of horses. Permitted at Committee.

4.4 07/00313/FUL - Retrospective application for change of use of land from agricultural to equestrian activities, erection of stables, provision of sand paddock and hardstanding to provide access, parking and servicing. Permitted.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK

Achieving sustainable development
The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. As a social role it is necessary that the planning system supports strong, vibrant health communities by providing the supply of housing required to meet the needs of present and future generations that reflects the community's needs. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

In decision making there should be 12 principles which include support sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community should be taken into account. Plans should take into account land prices and housing affordability. Always seek to secure high quality design and a good standard of amenity.

Section 7-- Requiring good design
Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed with poor design being refused.

Section 11 - Conserving and enhancing the natural environment
There should be protection and enhancement of valued landscape and minimise the impact on biodiversity. Distinction should be made between the hierarchy of international, national and locally designated sites when assessing the impact on wildlife or geodiversity sites or landscape so the protection is commensurate with the status and gives appropriate weight to their importance. Promote the preservation, restoration and re-creation of priority habitats and recovery of priority species population. When determining planning applications should aim to conserve and enhance biodiversity and if significant harm results adequate mitigation or compensation should be made.

5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES):
Policy SP14 - standards of design and amenity - the council will seek to apply consistent principles and high standards of design and amenity of all types of development.
Policy SP13 - Development in the countryside - allows for development essential to agriculture, forestry, suitable forms of tourism and related activities/uses appropriate to a rural area.

5.3 EMERGING WYRE LOCAL PLAN/CORE STRATEGY
A Preferred Options version of the Wyre Core Strategy has undergone a public consultation exercise. It therefore presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012). Relevant policies in the emerging Core Strategy include Policy CS14 (Quality of Design), CS8 (Strategy for Central Rural Plain), CS13 (Sustainable Development), CS14 (Quality of Design). The weight to be attached to these policies will increase as the Core Strategy is progresses towards adoption.

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS - No highways objection to the proposal.

6.2 OUT RAWCLIFFE PARISH COUNCIL - Object strongly to the application on the grounds of visual impact and nuisance on the local area. We have received a catalogue of complaints from local residents about this site including development in breach of permitted use, including the use of two caravans for residential occupation, noise nuisance, particularly vehicles and dogs at all hours. A detrimental visual impact on the countryside. We have received a number of complaints about congestion on and around the proposed access resulting from a large number of vehicles used in connection with the existing stables and caravans. It is considered that the proposal will exacerbate the problem. We consider that the size of plot is insufficient for the proposed horse breeding operation to be viable.

6.3 LANCASHIRE COUNTY COUNCIL LAND AGENT - The comments contained within my report for the original application (13/00221/FUL) remain largely the same in connection to this latest application other than on the matter of the design and scale of the building. The re-submitted design of a single stable and associated tack room/feed room in addition to the materials proposed to be used are far more proportionate to the scale and type of operations that can be supported on the parcel of land available at the application site and is therefore, in my opinion acceptable. In the previous response the LCC Land Agency commented that the proposal was too big for the site and that a timber construction of smaller scale would be more appropriate, he also stated that the design of the dry turn out area is of a standard design and in his opinion appropriate.

6.4 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - Note requested.

7.0 REPRESENTATIONS

7.1 One letter of objection received, summary of comments as follows:
- Land has already got stables and buildings for the amount of horses that the land can maintain. Any further would be unsustainable for the land.
- Access and congestion issues.
The site is an eye sore and this will worsen it.

8.0 APPLICANTS SUPPORTING STATEMENT

8.1 The applicant has submitted a statement in support of the application which outlines the submission and the relevant policies that needs to be considered.

9.0 CONTACT WITH APPLICANT/AGENT

9.1 The case officer has been in contact with the applicants' agent to establish the details of the sand paddock and to amend incorrect parts of the supporting statement.

10.0 ISSUES

10.1 The planning issues for consideration are:
- The principle of development.
- Impact on character and appearance of the area.
- Highways and Parking.

The principle of the development

10.2 The land subject to this application is already used for the purpose of retail trading and grazing of horses granted planning permission through application 08/00890/FUL. This granted permission for the change of use of the land to equestrian activities for private use and the retail trading of horses and included the land subject to this application and that to the north where the existing stables are. This application shows that land to be split with approximately half of the field to the south forming the site boundary for this application. The use of the land will continue to be for equestrian activities and retail trading of horses but will be run as a completely separate business to the existing business. This business basically involves the purchase of young horses, training them and selling them on for a profit and the development proposed is to facilitate that. The County Land Agent has been consulted and has advised that the proposal as submitted for stable and sand paddock is appropriate in size and design for its intended purpose and in relation to the amount of land available. SP13 - development in the countryside allows uses appropriate to the rural area of which the keeping of horses is such a use, and the NPPF supports economic growth in rural areas and promotes the development and diversification of agricultural and other land-based rural businesses of which this is one. Considering the size of the proposal and the relevant policies the principle of the development is considered to be acceptable.

Impact on character and appearance of the area

10.3 The proposal will have an acceptable impact on the character and appearance of the area. The stable and tack room are designed to be constructed in horizontal dark stained timber cladding, a black ondulite roof with the sand paddock to consist of sand to its surface (a permeable material), will be constructed to be the same level as the surrounding land and will be surrounded by post and rail timber fencing. The development is appropriate in size and design for its use, which is appropriate in principle in the open countryside where there are many examples of such buildings and sand paddocks. The visual impact of the development on the character of the open countryside is considered to be low and acceptable.
Highways

10.4 LCC Highways have been consulted and have no objections to the proposal. Whereas the withdrawn application 13/00021/FUL proposed a new access off Lancaster Road to which the highways officer objected this application utilises the existing access to the north of the field which currently serves the existing stables. The highways officer has no objections to this and does not require any highways related conditions to be placed on any permission granted. Whilst approving this development might result in an increase in traffic using this access, as there are no objections to this from LCC Highways it does not warrant a refusal of the application.

Other Issues

10.5 Potential enforcement and the 'housekeeping' of the stables site to the north of the application site are not issues that should be considered when determining this application. The proposal because of its location in relation to residential properties will not have any impact on the amenity of these dwellings.

11.0 CONCLUSION

11.1 The issues of the principle of the development, visual impact and highways and parking have been considered and found to be acceptable by Officers for this proposal.

12.0 HUMAN RIGHTS ACT IMPLICATIONS

12.1 Article 8 - Right to respect for private and family life has been considered in coming to the recommendation to the Committee.

12.2 Article 1 of the First Protocol - Protection of property has been considered in coming to the recommendation to the Committee.

13.0 RECOMMENDATION

13.1 Grant Planning Permission subject to conditions.

Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development shall be carried out using those materials specified on the approved plan.

3. The use of the site shall be for the private stabling and retail sales of horses only.

Reasons:-

1. This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

3. The use of the site for any other use may result in additional traffic at the site and would require further consideration by the Local Planning Authority in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

Notes :-

1. The decision to grant planning permission has been taken having regard to Policies SP13, and SP14 of the Adopted Wyre Borough Local Plan (July 1999), and to all other relevant material considerations.
REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – MANDY RAMSDEN

VIDEO AVAILABLE

1.0 INTRODUCTION

1.1 The application is before members at the request of Cllr. Catterall.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is within open countryside, approx. 600 metres north, north west of Fairfield Farm off Moss Lane, 1.4 km north of Catteralls Farm and Rawcliffe Road, 1.6 km northwest of Garstang Road (A586) and 1.55 km south of Skitham Lane. It would be 250 metres southeast of Cuckoo Wood and 265 metres west of Pancake Wood. The site lies within the Biological Heritage Site of Rawcliffe Moss.

3.0 THE PROPOSAL

3.1 The application is for the erection of an 80 metre high anemometer mast with guy wires at 15 metre intervals on the mast spreading to four anchor points at 25 metres and 50 metres in four directions. The thickness of the mast would be 220mm. Attached to the mast are a number of booms, 1.75m long and 720mm high with various gauges or sensors. There would be anemometers at heights of 10m, 40m, 60m, 70m and two at 80m, wind vanes at 48m and 78m, a pressure sensor and temperature sensor at 6m, a rain gauge and GSM modem antenna at 3m, a Datalogger and solar photovoltaic panels with power supply box at 2m and a tilt sensor at 50m. In addition there would be a lightning finial at 80 metres 3.8 metres high. The site would be enclosed with a 1 metre high post and wire fence with the top strand bar bed to keep cattle away.
4.0 RELEVANT PLANNING HISTORY

4.1 None.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK - Supportive of sustainable development. Para.17 states that core land-use planning principles should underpin both plan making and decision taking and support sustainable economic development to deliver amongst other, infrastructure. Section 10 - Meeting the challenge of climate change, flooding and coastal change. Section 11 - Conserving and enhancing the natural environment. Para.119 states the presumption in favour of development does not apply where development requiring appropriate assessment under the Birds or Habitat Directives is being considered, planned or determined.

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN - Policy SP13: Development in the countryside. Policy SP14: Standards of design and amenity

5.3 WYRE CORE STRATEGY/LOCAL PLAN

A Preferred Options version of the Wyre Core Strategy has undergone a public consultation exercise. Therefore, it presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Core Strategy include
CS8 (Strategy for Central Rural Plain),
CS24 (The Countryside).
The weight to be attached to these policies will increase as the Core Strategy progresses towards adoption.

6.0 CONSULTATION RESPONSES

6.1 Upper Rawcliffe Parish Council - No comments received.

6.2 Pilling Parish Council - No objection as consider the mast impact would be next to nothing. Concerns at future proposals.

6.3 Nateby Parish Council - No comments received.

6.4 L.C.C. Highways - No highway objections.

6.5 NATS - No safeguarding objection.

6.6 M.O.D - Outside MOD safeguarding areas. Therefore, no safeguarding objections. In the interests of air safety, request that the structure be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure. Request the a condition be applied to any planning permission requiring the developer to notify the Defence Geographic centre of the location, construction commencement and completion dates, height max extension height of any equipment, and details of aviation warning lights fitted.
6.7 CAA - Only advise on procedural matters, but the CAA requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic Centre including the location(s), height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction, to allow for the appropriate notification to the relevant aviation communities.

6.8 BLACKPOOL AIRPORT - No safeguarding objection providing a condition requiring the notification of the met mast to the Airport prior to commencement of any works.

6.9 NATURAL ENGLAND - Although Natural England would have serious concerns about a future wind development in this area, do not think the met mast, as a temporary and static structure would have a significant impact on the Special Protection Area (SPA) birds using this area for foraging or as a fly-over. We welcome the inclusion of bird deflector disks at 5m intervals along the guy wires, and would request that as continuing bird surveys are being carried out to support a subsequent wind energy application on the site, that monitoring of impacts of the temporary met mast be incorporated into this survey work, so that further mitigation can be implemented if required.

6.10 L.C.C. ECOLOGY - The main ecological issues arising from the proposal include potential impacts on European (e.g. Special Protection Areas) and non-statutory (e.g. Biological Heritage Sites) designated sites and their qualifying features (principally wintering wildfowl and waders). Proposals that affect such areas therefore have the potential to result in impacts not only in the local area, but also on the European designated site itself. Advise that Natural England be consulted.

Initial response - LCC are of the opinion the applicant has not submitted sufficient information to enable Wyre Borough Council to discharge their duty (as competent authority for the purposes of the Habitats Regulations) in the making of this planning decision.

If Wyre Borough Council is minded to approve this application, the permission should specify that no works associated with site preparation or installation are to occur during the wintering bird season (September to March, inclusive). This is necessary to avoid disturbance to the large numbers of wintering wildfowl that use this site. As decommissioning would be a similar operation to installation, works must take place outside of the wintering bird season.

Further response - As a result of additional information relating to survey data of birds found within the area, LCC have provided the following comments:

Whilst it is appreciated that Natural England has indicated that these proposals will not result in a likely significant effect on the SPA, the results of bird surveys do suggest that the proposed mast would be likely to result in an impact on the Biological Heritage Site (Local Site) and its qualifying features. Impacts may arise through collision (the area is overflown by a very large number of birds) and also loss of feeding habitat (the footprint of the mast, and area around the mast where geese would be unlikely to feed).

The applicant has proposed the use of bird deflectors on guy wires, and it is agreed that this will make the structure more visible to birds at least during periods of reasonable visibility. However, particularly during periods of poor visibility (e.g. dawn and dusk, overnight, misty conditions), the use of deflectors may not be sufficient to entirely remove the risk of collision.
The results of surveys also suggest that wildfowl and wading birds will use surrounding fields for feeding, and the impact of the mast (for a period of several consecutive wintering periods) may therefore be a reduction in the area of feeding habitat available to the birds. Since the use of bird deflectors will not mitigate the loss of available feeding habitat, and may not entirely remove the risk of collision, it would seem appropriate for the applicant to demonstrate that impacts on the Local Site would be offset. This could be achieved, for example, by the management of a suitable alternative area of land for the benefit of wintering wildfowl and/or through the cessation of shooting rights, if land in this area is currently shot over.

In response to the letter from the Agent (01/07/3) - the letter claims that it would not be reasonable to restrict installation of the mast to avoid the wintering bird period, because farmers will routinely disturb this area and mast installation would not result in any greater level of disturbance. LCC does not agree with this and remain of the opinion that it will be appropriate to restrict the timing of installation and decommissioning of the mast to avoid the main wintering bird season, in order that construction does not result in disturbance to wintering birds. The Agent must be aware that ordinary farming operations are not subject to planning consent, unlike the current proposals. If they were, and what was being applied for would be likely to result in disturbance to overwintering birds, I would similarly recommend a restriction on the timing of works. The wintering bird season generally runs from September through March.

Installation of the mast (over a period of several days) would undoubtedly result in a greater level of disturbance to birds in this area, if carried out during winter, than ordinary farming operations. It is common (and best) practice to minimise impacts on wildlife and it is therefore disappointing that the applicant finds it unreasonable that they should be required to minimise the impacts of their proposals, particularly considering the importance of this area to overwintering wildfowl.

6.11 Ramblers Association - No comments received.

6.12 RSPB - Object to the proposal on the basis that they do not believe that sufficient information has been provided to determine whether the proposed development has the potential to have a significant impact on the wintering of Pint-footed Geese and the Whooper Swan.

The proposed anemometry mast is located within the Fylde 'alert' area for Geese and Swans where there is a higher risk of impact on nationally important bird interests. These areas are described as being "functionally linked" to sites of European importance (in this instance the Morecambe Bay Special Protection Area (SPA) due to their importance as feeding grounds for the above species. The Rawcliffe Moss Biological Heritage Site is designated for its large flocks of wintering pink-footed geese found in arable and improved pasture areas feeding and roosting. Although there is no direct evidence of geese and swans using the proposed site to feed during the winter, have evidence which shows a peak count of 1200 Pink-footed Geese using the adjacent field (to the south-west) to feed, and information which shows peak counts of up to 500 Pink-footed Geese on neighbouring fields. Therefore, concerned that the proposal may lead to a reduction in foraging habitat from the adjacent fields.

Despite the statement within the "Potential impacts on birds" document accompanying the application; believe that anemometry masts which are usually tall and supported by a series of guy wires are potentially more injurious to birds than the wind farms with which they are usually associated. On a windy or foggy day even the "optional" deflectors which may be fitted are useless, this is particularly the case when the birds have impaired visibility and when they are disturbed and take flight in panic. The "Potential impacts on birds" document also lists Golden Plover and
Lapwing in addition to other species listed as SPA qualifying features which may be impacted as a result of this development. Notwithstanding these comments, should the application be granted, recommend that deflectors be placed at 5 m intervals on all of the guys for optimum visibility to the birds.

7.0 REPRESENTATIONS

7.1 A letter has been received from Ben Wallace MP States that he has been contacted by constituents who are concerned about the application and that this mast is a forerunner for development of a wind farm on the site. He is opposed to the ad hoc development of wind turbines across the constituency and does not believe the power they produce warrant the devastating impact the turbines can cause to the landscape. Urges refusal of the mast as it will be significantly taller than any structure in the area. Given the flat nature of the surrounding topography the mast will be seen over a long distance.

7.2 Four further letters received from residents objecting to the proposal. Concerns relate to:
- valid opposition from the RSBP and The MP,
- dismay at the requirement of aviation lighting to the mast which if necessary should be infra-red lighting as flashing red lights would destroy the beautiful dark countryside,
- obvious intention is to build further wind turbines which have proved to be dominant and intrusive in the flat open countryside,
- Moss Lane is single track and unsuitable for construction traffic,
- purpose of mast is to obtain data to support subsequent application for wind turbines for which there is no need therefore for an anemometer mast. Object to wind farm

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Pre-application advice was sought on constraints within the area in the form of scoping of the site. The agent has enquired on progress of the application and supplied additional information in support of the application and to answer queries raised by consultees.

8.2 The Agent in response to the L.C.C. Ecologists comments reiterates that the proposal will not have an unacceptable impact on birds, that bird deflectors are to be provided, and that the conditions suggested by LCC are disproportionate to the scale and temporary nature of the scheme. Would also reiterate that the footprint of the mast consists only of four guy anchor points and the mast base (for a 3 year temporary period), and it is difficult to see how this can be considered to constitute a loss of feeding habitat so substantial as to require mitigation by condition.

8.3 Similarly, the installation works are negligible in comparison to normal farm activities and in any event the works required (installation of anchor points and raising of the mast) over a period of no more than 6 days indicates a very low impact construction phase. It is difficult to see how any impact arising from this could be reasonably described as unacceptable and thus require control by condition.

9.0 ISSUES
9.1 The main issues relate to the visual appearance of the development in this countryside location and any impact on ecology matters as a result of the site being within the Biological Heritage Area of Rawcliffe Moss and impact on aviation.

Visual appearance and any impact on the countryside location

9.2 The mast itself would be a single pole 220mm in thickness, which is considered to be narrow. The maximum height is 83.8 metres taking into account the 3.8 m lightning finial. The pole would be affixed by four sets of 5no guy wires, 4 of the sets at 90 degrees, a total of 20 guy wires. The guy wires are spread out as far as 50 metres radius from the pole base, at four points. As described at para. 3.1 there would be numerous booms with various meters, gauges and sensors at various intervals up the mast. The mast would be over 1 km from surrounding roads; the nearest farm would be 600 metres away.

9.3 Whilst the mast would be visible in the locality, the pole and wires will not be visually intrusive and little visual harm would be caused in the locality relatively minor due to its thin proportions, and particularly as a result of the temporary nature of the proposal for a 3 year period. The anemometry equipment is required to assess readings of wind speed to inform the applicants as to whether the site is suitable for wind turbines in the future. This would of course be the subject of a later, separate application (should the information collected by this equipment mean that the applicant wishes to apply for turbine(s)).

Ecology matters -

9.4 There are two areas relating to ecology matters. One relates to any impact on Sites of Protection Area (SPA), the other a Biological Heritage Site (BHS) of Rawcliffe Moss which the application site is within.

9.5 With regard to the SPA's, Natural England are of the opinion that the proposed met mast, as a temporary and static structure, would not have a significant impact on the Special Protection Area (SPA) with regards birds using this area for foraging or as a fly-over. However, they do request that the proposed continuation of the survey/monitoring of birds includes any of impact of the temporary met mast to be incorporated into this survey work, so that further mitigation can be implemented if required. Additionally Natural England considers bird deflector discs at 5 metre intervals along the proposed guy ropes as acceptable.

9.4 With regard to the BHS, the results within the submitted bird surveys identify a variety of birds that fly over the area and at various times of the year in large numbers. This would lead to suggest that the proposed mast could have an impact on the BHS. Such an impact may arise through collision and also loss of feeding habitat due to the footprint of the mast, the area around the mast where geese in particular would be unlikely to feed.

9.5 The proposal is for a static mast and the use of bird deflectors would make the mast visible at most times, dusk, dawn, night and mist excepted. The loss of feeding habitat due to the area required to support the mast of 100 metres in diameter, would be a small proportion of the overall area of the BHS, and its loss would be temporary for a limited period of 3 years. Whilst acknowledging there may be a temporary impact on the feeding ground it is considered that the scale of impact in terms of area and the proposed timescale is not severe or likely to be significantly detrimental to the overall purpose of the BHS and is therefore considered acceptable in this
respect. However, the timing of the installation of the mast (over a period of several days), and indeed its decommissioning, could result in a greater level of disturbance to birds in this area. If this was to be carried out during winter, particularly during the periods when the birds (including Pink Footed Geese) have been known to use the area for feeding or resting, the installation works would be considered to be more intense or disruptive than ordinary farming operations and as advised it is common and best practice to minimise impacts on wildlife. The survey report submitted identified for the survey period 2011-12, that mid-October to end of January contained the highest counts, though it is acknowledged that the over-flying is greater that the setting down count. Therefore it could be considered reasonable to require works to be carried outside the bird ‘wintering season’ for this area. Overall it is considered that the loss of any feeding grounds for birds is minimal due to the small area of land the mast will be on and its temporary nature. With regards the potential for bird collision it is proposed that bird deflectors are fitted which in this case will be adequate mitigation.

9.6 Impact on aviation - All of the statutory consultees have no objections but do require mitigation measures to ensure aerodromes are safeguarded in the area. These can all be satisfied by conditions.

9.7 Highways - No issues

9.8 Flood risk - No issues

9.9 Other matters - There are objections (including one from the local M.P.) which mention the issue of wind turbines. This application is not for a wind turbine and concerns over the provision of wind turbines are not relevant to this application. If a further application for wind turbines is made in the future, then this would be the appropriate time to comment on turbines and any impacts that may have.

10.0 CONCLUSION

10.1 The application is for a temporary period of up to 3 years. There will be some visual intrusion in the landscape as a result of this proposal, but these are considered to be minor due to the nature of the proposal. The proposed site is within a larger area designated as a BHS which supports the SPA to the north of the Borough and along the River Wyre as a feeding ground along the flight path to the SPA. The proposal could act as an obstruction to birds over flying the area. As a warning to birds of its presence it is proposed to install deflectors to the guy wires at 5 metre intervals. These deflectors would make the mast more visible but there may be periods when they might not be totally effective such as in misty conditions. The proposed siting would have a limited but not significant impact on the purpose of the BHS as a feeding ground in the winter periods due to the area of ground taken up for a temporary time period of three years, and this is considered acceptable. The timing of operations to install or remove the mast should be outside the main wintering period for the birds as identified in the supporting surveys to prevent any disturbance to the birds using the area during this period.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.
12.0 RECOMMENDATION

Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. No works relating to the installation or subsequent removal of the development hereby granted shall take place during the wintering bird season of October - February inclusive in any year.

3. Concurrent with the installation of the development hereby approved the structure at its highest practicable height shall be fitted with an infra-red light with a minimum intensity of 25 candela.

4. Prior to commencement of the development hereby approved the developer shall notify UK DVOF & Powerlines at the Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH of the following information:
   a. Precise location of the development,
   b. Date of commencement of construction,
   c. Date of completion,
   d. The height above ground level of the tallest structure,
   e. The maximum extension height of any construction equipment,
   f. Details of aviation warning lighting fitted to the structure.

5. At least 21 days before commencement of the development, the developer must contact the Operations Team, Blackpool International Airport, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472509 or by email to Airfield.Ops@blackpoolairport.com) if any equipment to be used during construction will exceed the maximum height of the finished development (eg tower cranes, piling rigs). Notification of the equipment shall be made in writing and include:
   o its position (OSBG grid coordinates to 6 figures each of Eastings and Northing);
   o height above ordnance datum;
   o anticipated dates on site;
   o emergency contact numbers for the crane operator and site manager
   The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 ‘Cranes & Other Construction Issues’.

6. The development hereby approved shall include the installation of bird deflectors (as detailed in the application) to be installed on the supporting guy wires positioned at 5 metre intervals and retained for the lifetime of the development.

7. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 3 May 2013, including the following plans:
   YOR.1932.005,
   YOR.1932.003.B,
   YOR.1932.002.B,
   YOR.1932.004.A,
   and YOR.1932.001.F.
8. The development hereby approved shall be removed from the land three years from the date that it is fully erected on the site, of which the developer shall notify the Local Planning Authority of in writing. Once removed from the site the land shall be reinstated to grass.

Reasons:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. To avoid unnecessary disturbance to the wintering wildfowl that use the designated Biological Heritage Site within which the application site is within.

3. In the interests of aviation safety.

4. In the interests of aviation safety.

5. In the interest of aerodrome safeguarding.

6. To aid safety to birds using the area.

7. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

8. In the interests of visual amenity and ecology.

Notes :-

1. The decision to grant planning permission has been taken having regard to Policies SP13 and SP14 of the adopted Wyre Borough Local Plan 1999 and Policies CS8, CS14 and CS24 of the Preferred Options version of the Wyre Core Strategy and to all other relevant material considerations.
Committee Report  

Date: 07.08.2013

Item Number 04

Application Number 13/00349/FUL

Proposal Proposed improved accesses and creation of internal access roads for the Blackpool & District Canine Society 3 x day annual dog show

Location Land Off East Side Of Pinfold Lane Inskip With Sowerby Lancashire PR4 0UA

Applicant BCS Estates Ltd

Correspondence Address c/o Graham Anthony Associates FAO: Mr Avnish Panchal 2 Croston Villa High Street Garstang PR3 1EA

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – MANDY RAMSDEN

VIDEO AVAILABLE

1.0 INTRODUCTION

1.1 The application is before members at the request of Cllr Pimbley and Cllr Balmain.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application sites relates to existing field accesses to a field situated on the east side of Pinfold Lane. One is opposite Moss Lane, and the other is the repositioning of the access currently at the junction of the access to Knowle Pad Farm and opposite Chesham Hill Farm.

3.0 THE PROPOSAL

3.1 The proposal is for the widening of the existing access opposite Moss Lane to 8 metres at the carriageway edge and 6 metres wide for a distance of 15 metres. A further access is to be created 40 metres north to replace an existing access at the junction of an access to Knowle Pad Farm. This access would be the same dimensions as the other access.

3.2 The proposal also includes the provision of internal access roads linking to the two access points.

3.3 The application does not relate to the use of the field. The use of any land for any purpose for not more than 28 days in total in any calendar year, except for the purposes of holding a market or motor car or motor cycle racing, and the provision on
the land of any removable structure for the purpose of the permitted use does not require a planning permission. Therefore the use of the field does not form part of this application for consideration.

4.0 RELEVANT PLANNING HISTORY

4.1 None.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK - Supportive of sustainable development.

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN - Policy SP13: Development in the countryside. Policy SP14: Standards of design and amenity

5.3 WYRE CORE STRATEGY/LOCAL PLAN

A Preferred Options version of the Wyre Core Strategy has undergone a public consultation exercise. Therefore, it presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Core Strategy include: CS8 (Strategy for Central Rural Plain), CS24 (The Countryside). The weight to be attached to these policies will increase as the Core Strategy progresses towards adoption.

6.0 CONSULTATION RESPONSES

6.1 PARISH COUNCIL - The following comments and observations are made about this application:

1. This proposal estimates that on the 3 days of the show an additional 2,000 vehicle movements per day are expected through the parish. These additional vehicle movement combined with traders, vendors and contractors vehicles that will service the show have the potential to create significant congestion and disruption to the residents of the parish. Neither the applicant nor Wyre Council have consulted with the residents of the parish about this proposal and no notices about this planning application have been displayed by Wyre Council in Pinfold Lane adjacent to the site and therefore, the Parish Council requests that a decision about this application is deferred for a further 28 days from the 13 June to allow the Parish Council to make the residents aware of this application.

2. Pinfold Lane is a narrow unclassified road bounded largely by trees and hedges with two ninety degree bends either side of the proposed entrances/exports. There are no pavements for the whole of its length and the tarmac surface gives way onto soft verges and in places very deep ditches two meters deep. Pinfold Lane is used by walkers, cyclists and is the preferred route from the village to Myerscough, Bilsborrow, St Michaels and Garstang. Pinfold Lane provides the only access/egress route for properties adjacent to this road and for The Shippon, The Cottage and Knowle Pad Farm at the west end of the track leading from Pinfold Lane and immediately to the north of Pad End Nook. An additional 2,000 vehicle movements a
day along this road will cause significant congestion and inconvenience to the residents wishing to use this road. In addition, in the event of an emergency requiring a blue light response, that response is likely to be significantly delayed along this road due to the volume of traffic which will have to queue in both directions at busy times.

3. The plan shows that a new entrance/exit to the field is to be created to the north of the track/road junction opposite Chesham Hill Farm and not at the existing gateway. This new entrance/exit will necessitate the removal of trees and hedges which I understand will require a separate planning application to be submitted as this has not been included in this application. The creation of a new entrance/exit to the field as shown on the plan appears to have been included because the current sight lines to the present gateway are poor due to a bend in the road not shown on the plan itself.

4. We note that at 4.2 of the Abstract the applicant states that the proposed gravel roads are to allow the show to take place regardless of weather conditions. Due to the rough and often muddy nature of the ground within the field, the Parish Council does not believe that this field is suitable for the parking of 1,000 domestic vehicles per day. Despite the relatively dry conditions that have been experienced recently this field still remains wet and muddy and, there is significant ponding on site - please see the attached photographs. The proposed gravel roads will assist in the movement of vehicles around the site however, all vehicles will have to park off of these roads and due to the nature of the ground vehicles will experience difficulty in moving to and from the parking areas on the field especially in wet weather. Also, there is a considerable incline from the field onto the road which will be difficult for vehicles to negotiate especially when damp or wet field conditions exist, traffic leaving the show ground will transfer significant volumes of mud from the field onto Pinfold Lane creating an additional hazard on the highway.

5. At 7.0 of the Abstract we note that the applicant intends to use a Traffic Management Agency for the management of show traffic of some 2,000 vehicle movement per day and that this is the same level as they currently experience at their current show ground. As mentioned previously, the Parish Council are very concerned that 2,000 vehicle movements per day, is in fact, a very significant increase in traffic along this narrow section of road in a rural parish which does not usually experience anything close to these traffic volumes. Currently, this show takes place near Little Plumpton, approximately SD 383 - 324, some 3.5 Km from junction 4 of the M55. The proposed show ground is at least 10 Km from junction 3 of the M55 along A and B class roads with the final approach into the proposed show ground along 1Km of narrow unclassified highway. Approaches from the north and the south are further from the M6 motorway exits and involve greater lengths of unclassified approach roads. At weekends during the summer significant congestion occurs in St Michaels Road at its junction with the A6 at Bilsborrow. We expect that a proportion of the traffic leaving the proposed show ground would use this junction adding to the congestion. It is clear that the vehicular access/egress and transport routes and links are poor and are significantly less desirable than those at Little Plumpton. In addition the applicant does not say if the Traffic Management Company will be employed manage traffic on the highway. If they do intend to manage the traffic on the highway then the Parish Council would be pleased to receive details of the traffic management plan at the earliest opportunity. I have copied in Lancashire County Councils Public Realm Manager for this area so that he may respond to the matters concerning the highway and traffic matters connected with this application.
6. At item 8 Planning Policy, the application does not promote, add to or enhance the rural economy within the parish as alluded to by the applicant. Vendors, traders’ visitors and businesses connected with this show will not come from or benefit the local rural community.

7. At 4.2 of the Abstract the applicant states that the gravel roads are to allow the show to take place regardless of the weather conditions however, at 6.1 of the Flood Risk Assessment (FRA) they suggest that the show will not take place unless there is good weather, the Parish Council would appreciate Wyre Council clarifying the position with the applicant. The Parish Council view the creation of roads on the field as excessive engineering that is in line with creating a permanent commercial venture as opposed to a diversification of the fields current use. Also within the FRA Appendix A the Evacuation Plan and Appendix B Anchor Details front covers are attached but without the plans.

8. At item 10 of the online application form all responses in relation to the number of parking spaces are recorded as zero is this correct? Clearly there are going to be in excess of 1,000 temporary parking spaces created.

In conclusion, the Parish Council object to the proposal for the reasons stated above and because it appears that the land engineering that is proposed to take place in providing the gravel roads will in effect create a permanent show ground facility that could be used by others in addition to the current applicant in the future in an area with poor transport links and poor access and egress for vehicles. The proposal if approved, would subject the residents of the parish to disruption and congestion for at least a week without gaining any benefit. Therefore, the Parish Council feels that this is a very important matter and requests that this application be fully considered by Wyre Councils planning committee and that the decision is not delegated to Council Officers.

6.2 L.C.C. HIGHWAYS - Confirms that a pre-application site meeting took place with the applicant to discuss revised access arrangements to a field. Whilst the applicant stated their intentions to hold the Blackpool Dog Show on the field, the understanding is that the dog show is permitted development and could take place without the need for a specific planning permission or any improved access arrangements taking place.

The applicant proposes to improve one access and re-locate a second access. In both cases there are no objections to this as the revised access arrangements are acceptable.

Suggests that conditions be imposed should planning permission be granted relating to the minimum width of the accesses, position of gate posts, surface to entrance and closure of existing access that is being replaced.

6.3 ENVIRONMENT AGENCY - No objection to the proposal as submitted. The Design & Access statement indicates that the access tracks will be constructed from a porous substrate to facilitate drainage and we would advise that any significant increase in ground levels should be avoided.

6.4 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION) - Request that a note be added to any consent regarding possible contamination matters.

6.5 LANCASHIRE CONSTABULARY (Traffic Management Facilitator) - Has been contacted by Inskip P.C. regarding their concerns on road safety associated with the application. Understands that the application is for improving the access to the lane and the creation of crushed stone internal roads. Has concerns over road safety. Pinfold Lane is narrow with a number of sharp bends where forward visibility is
limited. Difficult for cars travelling in opposite directions to pass along this lane and the proposed improvements to the land will result in an enormous amount of extra traffic using this lane. Currently Pinfold Lane has a good safety record.

6.6 Head of Operations (Tree Officer) - Does not consider the trees pose an obstacle to this development owing to their being of only moderate (at best) amenity value. One in particular has some major deadwood that indicates a lack of vigour/tree health problem, and the presence of extensive ivy growth detracts from their appearance. Species diversity of the boundary hedge, a section of which would need to be removed to widen the access point, suggests this isn't an ancient hedge even though the field it defines may be ancient, so I don't feel this is sufficient reason to object either. In summary - no objections.

7.0 REPRESENTATIONS

7.1 There have been 50 responses receive of which 48 are objections and 2 are supporting letters.

7.2 Objections to the proposal relate to:
A 3 day event cannot deliver a boost to the rural economy;
2000 cars would cause traffic disruption and impact on road safety on narrow roads with sharp bends and deep ditches to the sides;
Unsuitable for large vehicles providing facilities such as marquees, porta loos etc;
No passing places;
Impact on village life due to noise disruption;
The site/field is low lying and prone to flooding. Except for dry seasons there would be a risk of vehicles becoming stuck;
Removal of hedgerow/trees to provide access;
Impact on wildlife and birds as field adjacent woodland;
Watercourses may have newts;
Private water supply crosses field;
May prevent access to property;
Security of existing property;
Precedent for further development;
Do not need another car boot venue;
No other facilities for volume of people;
No public transport to mitigate problems;
Dog show is urban event not a rural event;
Danger to cyclists and walkers in the area;
Other sites better suited;
Larger number of visitors than stated.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 The Agent has clarified points relating to information with the application. The applicant has enquired on progress.

9.0 ISSUES

9.1 The main issue relates to whether the proposed improvements to the two access points in to the field are acceptable in highway safety terms.

9.2 The proposed resultant use of the field for the facilitating of an annual dog show does not require a planning permission as the uses is 'permitted development' under Class B, Part 4 in Schedule 2 of the Town and Country Planning (Permitted
Development) Order 1995 - as amended. The use is permitted for up to 28 days in total in any calendar year.

9.3 The proposal relates to improvements of vehicle accesses into a field on the east side of Pinfold Lane, and the provision of internal access roads therein. Advice on this aspect is taken from the L.C.C. Highway engineer. Advice relates to the safety of the accesses themselves and does not include advice on a change of use of the field as it does not form part of the application due to the permitted nature of uses allowed on open land. The advice is that the improvement of one access and re-location of a second access result in revised access arrangements that are acceptable. It is recommended that conditions should be imposed should planning permission be granted relating to the minimum width of the accesses, position of gate posts, surface to entrance and closure of existing access that is being replaced.

9.4 Concerns are raised by residents of the area and the Lancashire Constabulary Traffic Management Facilitator about the suitability of the surrounding road network to hold events. Whilst this is acknowledged, it is not a matter to be considered as part of this application for the reason mentioned in para. 9.2 above. Other matters raised relating to wildlife that could be affected due to disruption, brought about through the use of the field and any drainage works, that may be carried out would be dealt with through separate relevant legislation.

9.5 Other issues raised in the publicity of the application include the use of the site for other uses including car boots. The application is for accesses and not the use of the land. Therefore other uses could go ahead. It is considered that although the improvements to the accesses will facilitate the use of the land and these require planning consent, that even without these works the land could be used provided it is within the permitted development rights (28 day or 14 day use in any calendar year). The alterations to the accesses will improve the use of the land and make it safer as without these works the use could still go ahead. As the use of the land is not being considered the impact on amenity from noise from the use is not considered. The issue of mud on the highway is one for the owners to address and for the highway authority to manage.

Other matters

9.6 Removal of hedgerow and trees - The moving of the southernmost access will involve the removal of a section of hedgerow 13 metres in length and a tree which has been severely pruned and is wrapped in ivy to facilitate the access. Similarly the widening of the northern access will involve the removal of approx. 9 metres of hedge, 4.5 metres either side of the existing gate. The quality of the trees and hedgerow are not considered 'ancient' to warrant protection and consequently there is no objection to the removal of the small sections of hedgerow including tree. These two accesses would be viewed within the length of hedgerow that characterises Pinfold lane and would be insignificant in respect of the overall stretch of the lane.

9.7 Internal track - The proposal includes the provision of an internal track dimensioned at 3.75 metres wide. Whilst the track would be approx. 1000 metres long it would occupy a small amount of 12.28 hectare field and would therefore have little visual impact. The surface material would be a porous substrate to facilitate drainage.

9.8 Notification's - The Parish Council has expressed concern that residents were not notified and that site notices were not displayed. Local residents in close proximity to the site were notified at the same time as the Parish Council. Comments
were received from both the Parish Council and neighbours before site notices were placed at the site. Two site notices were placed, one at the north access and one opposite the proposed access.

9.9 Information given with the application - The Parish Council has queried information provided within the supporting statement and the flood risk assessment with regard to operations when the weather is poor. To clarify, the DAS refers to the service roads to facilitate the movement of traffic on the site, i.e. if the site was a little wet due to rain etc then the stone paved service roads would reduce the damage caused to the land / fields and allow the show to go ahead. Whereas in the flood risk assessment refers to heavy rainfall / risk of flooding in which case the show would be called off. However, this is information given in excess of the needs of the application. The FRA has been amended as the referred to appendices A & B are not applicable. The application relate to the access improvements & internal service roads. No parking is proposed under this application. For clarification purposes parking for all vehicles associated with the show is to be provided within the application site which Road Safety Ltd of Blackpool will manage as part of their traffic management service. The show / event will take place under permitted development rights (Part 4, Class B of the GPDO Temporary Buildings and Uses) and hence parking is not identified on the submitted plan.

10.0 CONCLUSION

10.1 It is acknowledged that there are concerns about the future use of the field to which this application for access improvements relates. However, the proposal relates solely to the improvement of access and internal access provision, and there are no highway objections to the access proposals, and the internal access track would have little visual impact. Therefore the proposal is acceptable.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. Any gateposts erected at the access shall be positioned 15m behind the nearside edge of the carriageway. The gates shall open away from the highway

3. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

4. The proposed accesses from the site to Pinfold Lane shall be constructed to a (minimum) width of 6m and this width shall be maintained for a minimum distance of 15m measured back from the nearside edge of the carriageway.
5. Prior to first use of the new access hereby approved, the existing access (at the southerly end of the site) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

6. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 8 May 2013, including the following plans: Site Plan GA1864-SP-02.

Reasons:--

1. This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users

4. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

5. To limit the number of access points to, and to maintain the proper construction of the highway.

6. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

Notes:--

1. The decision to grant planning permission has been taken having regard to Policies SP13 and SP14 of the adopted Wyre Borough Local Plan 1999 and Policies CS8, CS14 and CS24 of the Preferred Options version of the Wyre Core Strategy and to all other relevant material considerations.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate in the first instance to ascertain the details of such an agreement and the information to be provided.

3. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – ROB CLEWES

VIDEO AVAILABLE

1.0 INTRODUCTION

1.1 This application has been brought before the planning committee at the request of Cllr Williams.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The two stone built, disused agricultural buildings that form the basis of this application form part of a complex of agricultural buildings associated with Landskill Farm and the former farmhouse, which is a Grade II listed building. There are other disused agricultural buildings which are attached and adjacent to the stone barns. The buildings are sited in a remote area in open countryside within the AONB. Immediately to the east of Landskill Farm there is a working farm (Higher Landskill Farm) with a small holiday cottage attached. The access serving both these sites is a long rough track running south from the narrow road which serves Calder Vale School and a limited number of dwellings. There is another access which runs east from Calder Vale which is some 0.5km to the west, however this access is in very poor condition. Public footpaths run along these tracks.

3.0 THE PROPOSAL

3.1 The proposal is to convert the two stone barns to 4 dwellings and to remove all the other agricultural buildings. The larger of the barns, which is to the rear of the farmhouse, would be sub-divided to from 2 dwellings. The attached rendered lean-to’s to the north and south of the barn would serve as garages. Some minor rebuilding to the lean to and to the small rear extension would be required.
3.2 The smaller barn immediately to the east of the farmhouse would be converted to 2 dwellings. The existing 4m deep rear lean to, which is constructed of concrete dwarf wall and timber boarding, would be replaced by a stone built single storey rear extension 2.5m deep to accommodate extra living space. This building is attached to buildings serving the adjacent farm which are used for housing cattle.

3.3 It is proposed to run a new 70m long access track from the existing access track, immediately to the north of the buildings to serve the 4 new dwellings and running across fields. The listed building would remain to be served by the existing access arrangements.

4.0 RELEVANT PLANNING HISTORY

4.1 00/00888 - Conversion of barn to 2 dwellings and new access. Refused on unsuitable access and remote location.

4.2 00/00889 - Conversion of barn to dwelling. Refused on unsuitable access and remote location.

4.3 13/00059/FUL - Conversion of 2 No. stone barns into 4 No. residential dwellings. Refused on unsuitable access, remote location and impact on future residential amenity.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK

Achieving sustainable development
The planning system should play an active role in guiding development to sustainable solutions. There is a need for the planning system to perform an economic, social and environmental role. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

Core Planning Principles
Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin decision-taking. These 12 principles include:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions

- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

Section 6 - Delivering a wide choice of high quality homes
Para 55 - To promote sustainable development in rural areas, housing should be sited where it will enhance/maintain vitality of rural communities. LPA should avoid new isolated homes unless there are special circumstances - these include the reuse of redundant/disused buildings where this will lead to an enhancement of the immediate setting

Section 7 - Requiring good design
Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed.

Section 12 - Conserving and enhancing the historic environment

5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

Policy SP13 - development in the countryside limited to specific criteria including barn conversions in line with H6 and EMP13

Policy H6 - Changes to residential use - only acceptable if no potential or demand/not suitable for commercial, industrial or tourist uses. Must meet specific criteria including no conflict with adjacent uses, structurally sound without substantial rebuilding required; must not detract from character of the building and no detrimental impact on character of surrounding buildings; capable of conversion and all accommodation within the existing fabric; services can be provided and there is easy access to a metalled road.

Policy EMP13 - change of use of rural buildings - conversion allowed for employment generating uses subject to similar criteria as Policy H6

5.3 EMERGING WYRE LOCAL PLAN/CORE STRATEGY

A Preferred Options version of the Wyre Core Strategy has undergone a public consultation exercise. Therefore, it presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Core Strategy include:
CS10 (Strategy for Rural East and Uplands),
CS13 (Sustainable Development),
CS14 (Quality of Design),
CS24 (The Countryside) - development limited to what is essential and justified in the countryside; conversion for economic or residential purposes only acceptable under limited circumstances.
The weight to be attached to these policies will increase as the Core Strategy progresses towards adoption.

6.0 CONSULTATION RESPONSES

6.1 LCC (HIGHWAYS) - Site set in isolated rural location with limited services/transport and reliant on cars. Nearest maintained highway is 0.6km from the site with the intervening track being unmade, privately owned and carrying public rights of way. Given that there are few facilities in the area, concern about residential use of the site, although principle of other alternative use of agricultural buildings might be acceptable. Additional use of the track/public rights of way would impact on structural condition of the access. Therefore object on highway safety and stability of the rights of way.

6.2 BARNACRE PARISH COUNCIL - Raise objection. Object to proposal - access road- popular footpath, bridleway and forms part of trampers trail. Increased traffic would be impact on public safety. Semi-detached barn adjoins building used for livestock by adjoining farm. Both contrary to local policy. New access will have detrimental impact on landscape in the AONB.

6.3 LCC (ECOLOGY) - Further information is required in order to adequately assess the impact of the proposal on bats and owls.

6.4 LCC (ARCHAEOLOGY) - Buildings are likely to date from late 18th or early 19th Century and may have some historical interest.

6.5 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - No objections, conditions suggested.

6.6 HEAD OF BUILT ENVIRONMENT (BUILDING CONTROL) - No objections

7.0 REPRESENTATIONS

7.1 4 letters of objections received raising concern over:

- Impact to the character of the AONB
- Impact on adjacent public rights of way
- Increase in residential development not appropriate in the area
- New access road and parking areas will impact on character of the area
- Impact to the adjacent listed building
- Proposed road adjoins a private road which has limited passing places
- Negative impact to existing poor track/road
- Site is too remote for 4 new dwellings
- Calder Vale not served by public transport or shops
- Adjacent farm has no intention of ceasing use of its barns
- Applicants only have right of access on private road
- No guarantee that funds raised will be for the Listed building
- Barns can be used for agricultural purposes
- Proposal not comparable to Calder House Barn especially in respect of location and access; emergency access problems.
- Proposed design of conversion is poor.
8.0 CONTACT WITH APPLICANT/AGENT

8.1 Agent contacted to request a detailed bat and owl survey to establish if there is any presence of the species and if so what impact there is.

9.0 ISSUES

The main issues regarding this application are:

The sustainability of the proposal and access
The principle of conversion to residential use;
Impact to the AONB;
Impact to the adjacent listed building;
Viability of other uses and compliance with policy H6

The sustainability of the proposal

9.1 The National Planning Policy Framework requires development to be sustainable. Proposals are to be considered against an economic, social and environmental role in this regard. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

9.2 The isolated location and inadequate access to the site are contrary to this thrust for sustainable development. Calder Vale, which is the nearest settlement, has no shops and limited community facilities. The village does not benefit from a bus service in the area and very limited employment opportunities. Whilst there is a primary school and Church in the vicinity, to the north of the site, there is no secondary school or shops or services. The single track access track does not provide an adequate access for the potential increase in traffic with additional conflict with other users, including pedestrians using the Public Rights of Way and horse riders.

The principle of conversion to residential use

9.3 Local Plan policies H6 and EMP13 require any barn conversion scheme to have easy access to a metalled road without creating hazards or involving road improvements incompatible with the character of the area. In this case, as above, the access is inadequate for the proposed extra traffic generated and the proposed new access track running off the existing track would be in a prominent position and would have a detrimental impact on the overall character of the AONB.

9.4 In relation to these barn conversion policies, the proposed use should not conflict with adjacent land uses. Given the adjoining farming enterprise and the use of adjoining buildings for housing cattle and the slurry store, it is considered that the creation of domestic properties would be harmful to the amenity of any future residents. It is not considered appropriate that the neighbouring farm should change its operations to accommodate the new domestic uses, as suggested in the D&A statement.

9.5 Any scheme is also expected to maintain and not detract from the original character of the building. In respect of the large barn, little rebuilding is proposed. However, the semi-detached barn would require the western elevation to be rebuilt
and possibly works to be carried out to the eastern party wall. The existing rear lean-to is to be removed and replaced by a smaller stone building. Overall the proposed works are acceptable in relation to this criterion of the L the policy.

Impact to the AONB

9.6 The curtilages proposed for the large barn would be within the footprint of the adjoining buildings, which are to be demolished. However, those to serve the semi-detached barns would extend beyond the footprint of buildings to the north, into the open countryside. This together with the usual domestic paraphernalia would be intrusive in this landscape and detrimental to the rural character of the AONB.

Impact to the adjacent listed building;

9.7 Landskill Farmhouse is a Grade II Listed farmhouse located to the east of the rural settlement of Calder Vale. The proposed conversion of the barns are in close proximity (directly to the north and east) to the Grade II listed Farmhouse and will therefore have an impact on it setting. However this impact would not be so detrimental that it would be considered unacceptable. The applicant has stated in their viability study that the funds acquired from the sale of the barns would be put towards the upkeep and maintenance of the Farmhouse. The submitted documentation provides some photographic evidence of damage to internal walls and other areas which need attention. Whilst these photographs do provide some evidence of work required there has been no evidence submitted as to the costs of the works required nor any evidence of other means of acquiring the necessary funds to carry out these works. The general upkeep of listed buildings itself does not fall within the parameters of enabling development and more evidence/justification is required before it can be considered as such. Additionally enabling development should only be considered as a last resort for acquiring funds to repair listed buildings as enabling development by definition is unacceptable in planning terms but the public benefits provide sufficient justification for approval (English Heritage 2009). Part of English Heritage’s enabling development policy (2009) states:

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:
- it will not materially harm the heritage values of the place or its setting
- it avoids detrimental fragmentation of management of the place
- it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- sufficient subsidy is not available from any other source
- it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

The application has not provided any information that satisfies the above criteria therefore the council considers this application should not be considered as enabling development.
Viability of other uses

9.8 The viability report suggests that the buildings are unsuitable for any commercial use, particularly because of the remote location and of the inadequate access. These issues are just as relevant to the proposed conversion to 4 dwellings. These issues are against any proposal for commercial uses and it is considered they would similarly not be in favour of proposed domestic uses too. Some evidence has been submitted with the design and access statement of commercial lets available in the wider area. Whilst this does show some evidence of lack of need for conversion to commercial it is not considered conclusive enough nor does it out-weigh the issues of an isolated location.

Ecology

9.9 The additional ecology report submitted provided sufficient information to consider, using standing advice, that the proposal would not detrimentally impact on protected species and that adequate mitigation measures could be used to ensure no detrimental impact could potentially occur.

10.0 CONCLUSION

10.1 Notwithstanding the comments of the applicants that the proposal would enable the upkeep of the listed building, the issues of sustainability, impact to the highway and character of the AONB are such as to outweigh any potential gain in respect of the listed building and therefore consider the development unacceptable.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Refuse planning permission

Reasons:-

1. The proposed development is in an isolated position within the countryside, and not in close proximity to accessible local services. This would result in an unsustainable development contrary to the thrust of the National Planning Framework for sustainable development.

2. The proposed conversion of the semi-detached barn would be contrary to Criterion B of Policy H6 and Criterion A of Policy SP14 of the Wyre Borough Local Plan due to the close proximity of the proposed dwelling to a working farm. The amenity of future residents would be detrimentally affected by living adjacent to such a building, with issues of potential noise and disturbance likely to affect their amenity.

3. The proposed development would conflict with provisions of Policy H6 of the Wyre Borough Local Plan which indicates that the change of use of buildings to residential use must satisfy a number of criteria, including Criterion G - easy access to a metalled road, and also Criterion D of Policy SP14 which seeks to ensure
satisfactory access to developments. In this case, the access to the metalled road is a sloping, single track unmade road, with public footpaths running along it. This, together with the increased use of Longhouse Lane, which is narrow and single track, would increase the safety issues for users of the road and tracks/Public Rights of Way.

4. The provision of the new track and the creation of domestic curtilages, particularly for the semi-detached barn would project beyond the footprint of existing development and would, together with the domestic paraphernalia associated with domestic gardens, be detrimental to the overall character of this rural site which lies within the Area of Outstanding Natural Beauty contrary to Local Plan policy SP14.
REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER – LUCY LOWCOCK

VIDEO AVAILABLE

1.0 INTRODUCTION

1.1 This application is brought to the Planning Committee as the applicant is Wyre Council.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is an area of land that is part of a wider piece of land that is designated as recreational open space. The site is currently a tarmaced area of the open space, with a metal games wall (basketball hoop etc.) at one end. There are other recreational facilities on the open space, including a football pitch, playground equipment and a bowling green. These are visible from North Drive.

2.2 Residential properties bound the north, west and southern sides of the recreational open space. There is vegetation along the boundary with the closest residential properties on Northumberland Avenue.

3.0 THE PROPOSAL

3.1 It is proposed to replace the existing tarmac and metal sports wall with a new sports court, comprising two sports wall ends and additional tarmac surfacing. The court will measure 18m by 8.2m. The sports wall ends will be 3m high, with basketball hoop structures 4m high. Other fencing is proposed to the sides of the sports wall, which will be 1m high. The sports wall and fencing will be metal mesh panels powder coated in green (RAL 6005) and the supporting posts powder coated in black (RAL 9005).
4.0 RELEVANT PLANNING HISTORY

4.1 None

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK
Achieving sustainable development
Para. 17 always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Promoting healthy communities
Para 73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Para 74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:…the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Meeting the challenges of climate change, flooding and coastal change
Para 100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Technical Guidance to National Planning Framework
Additional guidance is given regarding flood risk. Requires the sequential assessment and exception tests to be undertaken and adequate flood risk assessments submitted.

5.2 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)
Policy SP14 Standards of design and amenity - the council will seek to apply consistent principles and high standards of design and amenity of all types of development. Proposals should be compatible with existing land uses.
Policy ENV13 Development and flood risk - development in areas at risk from flooding will only be permitted provided mitigation measures are carried out/included in the scheme and flood risk assessment carried out.
TREC14 Protection of recreational open space - proposals for development in urban and rural areas on land, either public or private, which contributes towards meeting open space and recreational need, will be resisted, except where: a) an over-riding and proven community need for development is demonstrated, and b) the applicant ensures the alternative provision of equivalent community benefit in the form of conveniently located recreation or amenity space.

5.3 WYRE CORE STRATEGY/LOCAL PLAN
A Preferred Options version of the Wyre Core Strategy has undergone public consultation exercise. Therefore, it presently forms a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Core Strategy include CS5 Strategy for Cleveleys, CS14 Quality of Design, CS18 Green Infrastructure and CS25 Flood risk and water resources.
The weight to be attached to these policies will increase as the Core Strategy is progressed towards adoption.

6.0 CONSULTATION RESPONSES

6.1 HIGHWAYS (LANCASHIRE COUNTY COUNCIL) - no objections.

6.2 THE ENVIRONMENT AGENCY - directed to the Environment Agency's Flood Risk Standing Advice for this application (matrix cell E5).

7.0 REPRESENTATIONS

7.1 None received

8.0 CONTACT WITH APPLICANT/AGENT


9.0 ISSUES

9.1 The main planning issues are:
   - The principle of the development on designated recreational open space
   - Visual amenity
   - Neighbouring amenity
   - Flood risk
   - Highway safety

The principle of the development on designated recreational open space

9.2 The site falls within a wider area of land designated under the Adopted Wyre Local Plan as recreational open space. National and local planning policies protect this open space from development, preventing a loss of recreational open space. The proposal under consideration as part of this planning application, will not result in any loss of open space, as it will involve upgrading existing sports facilities. Specifically, it will involve replacing an existing sports wall with improved facilities. The proposal is therefore considered to be acceptable in principle.

Visual amenity

9.3 There are presently a variety of recreational facilities visible on the open space, which can be seen from North Drive. The proposal will be set well within the open space. It will comprise two sports walls, with basketball hoops and some fencing. The maximum height of the walls will be 3m, the hoops will be on structures 4m high. It is not considered that the scale of facility proposed is visually inappropriate. The wall and fencing will be painted a moss green shade (RAL 6005), which it is considered will be an acceptable colour. A condition can be added that the materials used are as these agreed. Overall, it is considered that the proposed sports facility will be in keeping with the existing facilities and will likely be a visual improvement forming upgraded facilities.
Neighbouring amenity

9.4 The nearest residential properties to the proposal will be at least 30m away. This is considered sufficient distance for there not to be an unacceptable impact on the neighbours’ light or for overlooking to be caused. Noise and disturbance are also matters that have to be addressed in relation to neighbouring amenity. There is already a sports court in place, and it is not considered that the improvements to this will result in additional noise/disturbance over the existing situation to warrant the refusal of the application.

Flood Risk

9.5 The site falls within Flood Zone 2. The proposal for outdoor sports facilities is water compatible development (no accommodation) and is up to 1ha in size. Planning applications of this type must be accompanied by a Flood Risk Assessment. In their Flood Risk Assessment, the applicant has provided assurance that they have considered their development in relation to the 1 in 100 annual probability river flood or 1 in 200 annual probability sea flood. The applicant states that ‘there would be no long term impact to the development’ from either of these types of flood. Porous tarmac will be used to limit surface water run-off. The applicant has referred to the Strategic Flood Risk Assessment. The site has been sequentially tested, and being an upgrade to an existing facility it is not possible for the proposal to be located in a zone with a lower probability of flooding. Overall, it is considered that the Flood Risk Assessment is satisfactory and the development will not be inappropriate in this area of flood risk.

Highways

9.6 Lancashire County Council highways have been consulted on the planning application and have no objections, it is therefore accepted that there will not be highway safety concerns from the proposal.

10.0 CONCLUSION

10.1 The proposal has been assessed to be acceptable in principle. It will be visually acceptable and will not cause unacceptable harm to neighbouring amenity. The site falls in Flood Zone 2, however, a satisfactory Flood Risk Assessment has been submitted and the development is not inappropriate. There are no highway safety concerns.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions.
Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development shall be carried out using those materials specified on the approved plan.

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5 June 2013, including the following plans: Drawing Number Q-04364-Y6W2-C and 269/02.

Reasons:-

1. This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

3. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

Notes :-

1. The decision to grant planning permission has been taken having regard to NPPF, Policies SP14, ENV13 and TREC14 of the Adopted Wyre Borough Local Plan (July 1999), and to all other relevant material considerations.