

Application by Highways England for a Development Consent Order in relation to the A585 Windy Harbour to Skippool Improvement Scheme (TR010035)

Fylde Borough Council (our reference: 20021788)

17 May 2019

Deadline 2: Responses to the Examining Authority’s first written questions ExQ1 (FBC document reference 2.4)

The Examining Authority (ExA) presented a series of questions to the Applicant and other Interested Parties in its Rule 8 letter of 16 April 2019, in order to receive further information about matters it considers relevant to the application. The following schedule provides Fylde Borough Council’s (FBC) responses to each of the questions that are posed directly to the Council. For ease of reference, these responses are arranged in a table which follows the format presented by the ExA. For the avoidance of doubt, FBC does not have any specific comments to make in respect of the remaining questions.

Examining Authority Question Number	Examining Authority’s Question	Fylde Borough Council’s comments
1.0.	General and Cross-topic Questions	
1.0.2.	<p>Planning Policy On 28 February 2019 WC adopted the Wyre Local Plan 2011-2031. On 22 October 2018 the Fylde Local Plan to 2032 was adopted. The NPPF was also updated on 19 February 2019. Please provide an updated policy position. If there have been any other changes or additions to the policy and legal context, or if any changes are anticipated within a timescale that might be relevant to the consideration of this scheme, please provide details.</p>	<p>FBC is undertaking a partial revision of the Fylde Local Plan to 2032 (FLP) following the publication of the updated NPPF on 19 February 2019 and is presently carrying out a consultation on the scope of this partial revision. The consultation will run for six weeks between 25 April and 6 June 2019. A copy of the public consultation letter – which also sets out the reasons for undertaking the partial revision – is attached at Appendix A.</p> <p>Given that the partial revision scoping consultation period does not expire until 6 June 2019, it is not anticipated that any substantive material changes to the policy or legal context of the FLP will occur within a timescale that would be relevant to the consideration of this scheme (i.e. it is not anticipated that the revised version of the FLP will be adopted prior to the completion of the ExA’s examination on 9 October 2019).</p> <p>There have been no other changes or additions to the policy or legal context concerning the FLP since its adoption on 22 October 2018.</p>

1.4.	Cultural Heritage	
1.4.1.	<p>Archaeology</p> <p>Non-designated archaeological remains have been identified that would be affected by the scheme. There would be direct loss of potential archaeological remains related to the known Romano-British settlements to the west of the Main Dyke at Moorfield Park. This effect has been assessed within the ES as negative and significant [APP-043, ES Chapter 7, para 7.7.7]. It is aimed to cover this issue by investigation for approval by relevant authorities before development may commence. To what extent is that appropriate given that at this stage it is not known what any mitigation maybe? Does proposed requirement 9 in the dDCO adequately cover/address this issue?</p>	<p>The historic environment record for Lancashire is held and maintained by Lancashire County Council (LCC). LCC also provide a specialist archaeological advisory service as part of their Development Management function, which is shared across Local Authorities in Lancashire.</p> <p>Accordingly, FBC consider that LCC are the Interested Party best placed to comment on the relative significance of the identified archaeological remains for the purposes of footnote 63 to the NPPF, having particular regard to whether these remains comprise “non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments”.</p> <p>Notwithstanding that, FBC notes the requirement set out in paragraph 189 of the NPPF which indicates that, in addition to desk based assessments (such as that provided in Chapter 7 of ES), field evaluations may be necessary on development sites that include heritage assets with archaeological interest. It follows that field evaluations are more likely to be necessary for developments affecting non-designated heritage assets of archaeological interest where these hold the level of significance referred to in footnote 63 as this could, potentially, require their preservation in situ. Therefore, if LCC conclude that the archaeological remains identified as being affected by the development in Chapter 7 of the ES are likely to be “demonstrably of equivalent significance to scheduled monuments”, then FBC considers that the pre-commencement trigger for field evaluations set out in requirement 9(1) of the dDCO would not be sufficient to demonstrate compliance with paragraph 189 of the NPPF. That is because those evaluations should have been carried out before consent was granted in order to provide certainty as to the status of the archaeological remains and that the development’s impact on them can be appropriately mitigated (including preservation in situ) without the need to alter the route of the bypass.</p>

		<p>Alternatively, if LCC advise that the archaeological remains identified as being affected by the development in Chapter 7 of the ES are not likely to be “demonstrably of equivalent significance to scheduled monuments” and are satisfied with the approach set out in requirement 9 of the dDCO, then FBC would accept those provisions subject to clarification of what measures are to be put in place to allow any unidentified remains to be “retained in situ” as dDCO paragraphs (4) to (6) of requirement 9 do not appear to provide for that (they only provide for their “further investigation and recording” of previously unidentified remains).</p>
<p>1.4.2.</p>	<p>Heritage Assets FC suggests that the cluster of buildings at Singleton Hall (including the grade II listed ice house), North Lodge, The Manor and Barnfield Manor have significance as heritage assets (both designated and non-designated). The proximity of the bypass to this group of buildings would have an adverse impact on the setting of these heritage assets by urbanising their rural setting within open fields and separating North Lodge from the rest of the cluster by severing the original driveway link to Singleton Hall. These effects could, to some extent, be mitigated by the Applicant making a financial contribution to the Richard Dumbreck Trust for a “Heritage Improvement Scheme” involving the provision of pathways through the Singleton Park area to allow enhanced public views of the building cluster. Has this been considered by the Applicant and would it be a necessary/appropriate form of mitigation? Can FC explain more about the Trust?</p>	<p>The ‘Richard Dumbreck Singleton Trust’ (RDST) was established in 2003, following the death of Richard Dumbreck – a local landowner who left his estate (the extent of which is shown on the plans referenced below) in trust to the community of Singleton. The Trust owns and is responsible for the maintenance of the estate which extends to around 580 acres surrounding Singleton Village, including 30 homes, and is managed by a group of local trustees with the assistance of private land agent ‘Ingham and Yorke’.</p> <p>FBC’s suggestion that the Applicant makes a financial contribution towards footpath upgrading works around the Singleton Park area stemmed from the Council’s granting of planning permission 14/0158 on 25 July 2014. That application was submitted on behalf of the RDST and involved the introduction of a network of surfaced and unsurfaced footpaths through fields and woodlands which form part of the estate. The scheme also included the erection and replacement of boundary stock fencing, way marking and kissing gates. Copies of the approved plans for application 14/0158 (drawing nos. 018/L/P/01 – L/P/04) showing the ownership boundary of the RDST and the locations of the consented pathways, along with a copy of a design and access statement which describes the approved works, are attached at Appendix B. The key aim of the scheme was to facilitate enhanced public access around the estate, thus allowing a greater appreciation of</p>

		<p>its landscape (including the existing buildings surrounding Singleton Hall).</p> <p>Following the submission of its Relevant Representation, FBC has queried the progress of the footpath improvement works with the RDST. The Trust have subsequently confirmed that all the footpath works (including ancillary fencing, waymarking and gating improvements) consented by planning permission 14/0158 have been completed. Accordingly, FBC consider that a financial contribution towards these works is no longer necessary or appropriate to mitigate the development's impact on affected designated/non-designated heritage assets.</p>
1.4.3.	<p>Heritage Assets</p> <p>A 2m high noise barrier is proposed to the east of the Lodge Lane bridge, along the southern edge of the bypass where it flanks Barnfield Manor and The Manor. This noise barrier is shown as an acoustic fence backed by low-level planting on viewpoint 10 of document 6.9 to the ES. The LPA considers that it would be preferable for this fence to be replaced with an alternative boundary treatment (e.g. a red brick wall) to afford a more sympathetic relationship with the vernacular of neighbouring buildings. Can the Applicant give its views on this and if the road at this point is in a cutting, is a barrier needed for noise attenuation purposes?</p>	<p>The question includes an accurate summary of FBC's comments concerning the visual impact of the noise barrier in question on the significance of surrounding heritage assets as set out in its Relevant Representation.</p> <p>It appears, however, that this question is directed to the Applicant to provide a response and so FBC does not have any further comments to add beyond those contained in its Relevant Representation. It does, however, appear to FBC that the noise barrier is required in order to attenuate sound to the post-development levels identified in Chapter 11 (document reference 6.11) of the ES. Therefore, FBC maintains its position that a bespoke treatment for this barrier should be provided, rather than a 2m high close-boarded fence.</p>
1.6.	Transportation and Traffic	
1.6.1.	<p>Alternative Routes</p> <p>Several RRs have raised the issue of possible alternative routes and, related to the IP reps below (Socio-Economic effects – community consultation) the adequacy of local consultation leading to selection of the preferred route. Can the Applicant please provide a summary of the timeline and community consultation process, by reference to submitted application</p>	<p>The comments under the headings “principle of development” and “highways” in FBC's Relevant Representation refer to the scheme's benefits “in terms of its potential to alleviate traffic congestion and improve air quality”, but also to its limitations and potential to create a bottleneck due to the absence of any simultaneous improvements along the connecting single lane stretch of Fleetwood Road running south between the Windy Harbour junction and junction 3 of the M55.</p>

documents, that has led to the current proposal? It would be helpful if the answer could have regard to paragraph 4.27 of the NPS.

The case for and benefits of the scheme

The Government has a vision and strategic objectives for National Networks set out in Part 2 of the NPS. When weighing a proposal's adverse impacts against its benefits, the ExA and the SoS should take into account its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits. In this context can the Applicant please provide a summary, by reference to submitted application documents, that responds to this context for assessment? The response should cover:

- Concerns raised in RRs that the public benefits would be limited in terms of the travel time saved (travel time savings of between 2 and 4.5 minutes per journey are forecast) set against the cost of the scheme.
- How the scheme would support economic growth and housing development. The new Wyre Local Plan 2011-2031 and Fylde Local Plan to 2032 include provision for housing and economic growth. Has the scheme had regard to this context and can the Applicant please set out what are the economic benefits of the scheme? The response should have regard to two of the stated scheme's objectives which are to "support employment and residential/commercial development growth opportunities" and "support the removal of obstacles to economic growth potential in both Wyre and Fylde".
- How does the scheme fit into any planned improvements for the A585 corridor from the M55 to Fleetwood, including by a different department of Highways England (particularly the Norcross junction), LCC policies for highway improvements

It appears, however, that this question is directed to the Applicant to provide a response and so FBC does not have any further comments to add beyond those contained in its Relevant Representation.

	<p>in the area in the County Council's adopted Fylde Coast Highways and Transport Masterplan, the County Council's own proposal for the Blue Route between the M55 east of junction 4 and the A585 Mains Lane at Skippool, and any other highways improvements delivery documents?</p> <ul style="list-style-type: none"> • Can the Applicant explain how the scheme would “complement and realise the full benefits of the earlier pinch point scheme at the Windy Harbour junction” and “other Operations Directorate schemes in the region”? • The anticipated environmental improvements. <p>Scheme Benefits Particularly following completion of the scheme, several RRs have raised concerns that over the length of the bypass journey times may be shorter than the existing road arrangement, two lane dual carriageway traffic would have to funnel back into the existing single lane carriageways at the east and west ends of the new bypass and create new bottlenecks. Can the Applicant please respond to these concerns in the context of stated scheme aims which are “to improve journey time reliability by reducing congestion” and “deliver capacity enhancements to the Strategic Road Network (SRN) whilst supporting the use of sustainable modes”?</p>	
1.8.	Socio-Economic Effects	
1.8.4.	<p>Living Conditions The occupier of Bridge House, 183 Breck Road[RR-005] has raised various concerns about how the scheme will affect their living conditions. Can the Applicant please respond to these concerns? Furthermore, reference has been made by the occupier to a planning permission for a house in the garden of the existing property. Could details of that be provided and the position of the proposed house shown on a plan in relation to the alignment of the scheme?</p>	<p>The dwelling at “Bridge House, 183 Breck Road, Poulton-Le-Fylde, FY6 7LL” (and its surrounding curtilage) is located to the southwest of the Skippool junction and falls wholly within the administrative area of Wyre Council. As a result, FBC does not hold any records concerning the planning permission that is referred to in the question and, instead, considers that Wyre Council are best placed to respond to this point.</p>

<p>1.8.7. and possible crossover with 1.1.5.</p>	<p>Delivery of land for housing Eversheds on behalf of the Carrington Group [RR-008] have raised concerns, amongst other matters, that the scheme would affect a site with planning permission for 9 residential units; the scheme is preventing delivery of that scheme due to an inability to obtain approval for a drainage strategy which the Applicant has not withdrawn an objection to; and how the scheme may sterilise part of a larger site that could accommodate over 150 houses which would be important to the delivery of housing in Fylde. Against this background:</p> <ul style="list-style-type: none"> • Can details of the site with planning permission be provided and shown on a plan in relation to the alignment of the new road? • Has there been any progress regarding development of this site since the application was submitted? • Can the LPA and the Carrington Group provide details of the larger site in terms of a plan showing its extent in relation to the bypass, whether it is an allocated site and, if not, whether the land has been considered for allocation, and any constraints to development it may have and any other planning history which may be relevant to the site's potential for housing development? 	<p>Comments regarding 9 dwelling scheme with planning permission (first and second bullet points):</p> <p>Outline planning permission was granted (at appeal) for a residential development of 9 dwellings pursuant to application reference 16/1006 on 6 November 2017. That outline permission was followed by an application for approval of all remaining reserved matters (reference 18/0724) which was granted by FBC on 15 November 2018. Copies of the appeal decision for application 16/1006 (which includes a schedule of conditions) and the approved plan for application 18/0724 showing the development layout are attached at Appendix C. The Inspector's decision for outline planning permission 16/1006 established that the dwellings were capable of being constructed in conjunction with the bypass, without prejudicing its delivery. In particular, it should be noted that none of the approved dwellings would be located within the Order limits.</p> <p>An application to discharge conditions on outline permission 16/1006 was submitted to FBC on 13 September 2018 (application reference 18/0726). Amongst others, that application seeks to discharge conditions 11 and 12 of outline permission 16/1006 relating to drainage.</p> <p>Highways England objected to the applicant's initial drainage strategy by correspondence dated 7 November 2018. A copy of their objection and the accompanying plan contained therein (which shows the location of the approved development in relation to the Order limits of the bypass) is attached in Appendix C. Highways England's objection to condition 11 was, however, withdrawn on 8 April 2019 following the submission of a revised drainage strategy by the applicant. Copies of their correspondence confirming the same and of the revised plan upon which that response is based are attached at Appendix C.</p> <p>As identified in highways England's response of 8 April 2019, the only outstanding matters with application 18/0726 relate to conditions 7</p>
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		<p>(concerning the design of the access into the site from the trunk road of Mains Lane) and 12 (relating to the future maintenance of the drainage system which is to be approved by condition 11). Condition 7 is subject to a 'pre-commencement' trigger and so the permission cannot be lawfully implemented until that condition is discharged. Outstanding issues concerning condition 7 are, however, unrelated to the application for the bypass. Instead, the delay in discharging this condition stems from the absence of an agreement between the applicant and Highways England regarding the design of works to be undertaken within the adopted highway in order to create the site access (as controlled under S278 of the Highways Act). The outstanding issues concerning condition 12 are identified in Highways England's correspondence of 8 April 2019. It should, however, be noted that as the 'pre-occupation' trigger in condition 12 does not include a condition precedent, the applicant does not need to discharge this condition in order to allow a lawful implementation of the planning permission.</p> <p>FBC is not aware of any development having taken place on this site in connection with the implementation of the extant planning permission. Nevertheless, for the reasons set out above, FBC does not consider that Carrington Group's ability to implement the planning permission for its 9 dwelling scheme is being curtailed by the application for the bypass.</p> <p>Comments regarding the larger site (third bullet point):</p> <p>FBC ran a 'call for housing sites' between January and February 2015 during its preparation of the FLP. The larger site referred to in the question was not put forward as part of that exercise and so the land's suitability as a housing allocation was not subject to specific analysis as part of the Strategic Site Assessment process undertaken during the preparation of the FLP. Importantly, however, the Inspector appointed to examine the Local Plan was satisfied that the housing sites allocated in the plan provided sufficient land to meet the objectively assessed housing need for Fylde Borough in full, without the need to include any</p>
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		<p>further sites. Accordingly, the land in question is not allocated for housing in the plan and falls within the Countryside Area as identified on the FLP Policies Map.</p> <p>FBC is presently undertaking a partial revision of the FLP. However, as set out in the Council's letter at Appendix A, the scope of the Local Plan review will not include revisions to the existing housing allocations (either through the removal of current allocations or the introduction of new ones) in the plan. That is because the existing allocations in the FLP will continue provide sufficient land to meet the Borough's objectively assessed housing need up to the end of the plan period without the need to introduce additional sites. Accordingly, there are no proposals to include the land in question as a housing allocation in the revised FLP as it is not required, nor would the bypass' potential to sterilise that site (either in whole or in part) jeopardise the Council's ability to maintain the required supply of deliverable housing sites.</p> <p>FBC have not received any formal planning application for residential development on the land and has no records of any other planning applications having been submitted in relation to it. As a result, there is no relevant history of formal planning applications for this site. For the same reason, the Council is unable to provide a plan showing the extent of any potential development site in relation to the bypass and, instead, considers that the Carrington Group are best placed to provide this.</p> <p>Notwithstanding the constraints to development that would arise as a result of the bypass (including the loss of land and the potential barriers regarding the creation of a new development access onto the bypass itself), in FBC's view there are a number of technical and policy constraints associated with the land which limit its suitability for residential development. The main constraints include: (i) the land's designation as Countryside Area and the failure of a housing scheme of the size mentioned by the Carrington Group to meet any of the limitations in FLP policy GD4 where development would be permissible</p>
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		<p>within this designation as a matter of principle; (ii) the adverse effects that such a large scale and unnatural encroachment of development into open countryside would have on the character and appearance of the area; (iii) the fact that part of the site falls within flood zones 2 and 3 as identified on the Flood Map for Planning (including the potential need for the sequential test to be met).</p> <p>Given the above, FBC does not consider the land in question to be “important to the delivery of housing in Fylde”.</p>
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LIST OF APPENDICES (ATTACHED SEPARATELY)

APPENDIX A – Public consultation letter concerning the scope of partial revisions to the Fylde Local Plan to 2032.

APPENDIX B – Approved plans for application 14/0158.

APPENDIX C – Documents associated with Carrington Group’s 9 dwelling scheme.



ADDRESS LINE 1
ADDRESS LINE 2
ADDRESS LINE 3
ADDRESS LINE 4
ADDRESS LINE 5
ADDRESS LINE 6
ADDRESS LINE 7

Our Ref: PR Scoping

Your Ref:

Please Ask For: Julie Glaister

Telephone: 01253 658418

Email: planningpolicy@fylde.gov.uk

Date: 23 April 2019

Dear Sir/Madam

**Public Consultation
Regulation 18
The Town and Country Planning (Local Planning)(England)Regulations 2012 No 767 Part 6
Fylde Local Plan to 2032 Partial Revision Scoping Consultation**

I am writing to advise you that the Council is consulting on the scope of the partial revision of the Fylde Local Plan to 2032 for six weeks from 25 April to 5.00pm on 6th June 2019.

The Council considers that it is necessary to undertake a partial revision of the plan for two reasons:

The Fylde Local Plan to 2032 was adopted on 22nd October 2018. It was examined in accordance with the National Planning Policy Framework 2012 (NPPF12). NPPF19 which was published in February 2019, Annex 1: Implementation. Paragraph 212 states that Plans may need to be revised to reflect policy changes which the replacement framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan. Fylde Council is proposing to carry out a partial revision.

Secondly, Paragraph 1.27 of the Fylde Local Plan to 2032 states that Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively- assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Plan (whether partial or full) to examine this issue, working with other authorities adjoining Wyre under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area and/or in other appropriate locations, where consistent with the achievement of sustainable development.

The Wyre Local Plan 2011-2031 was adopted on 28th February 2019. The adopted Local Plan includes Policy LPR1 – Wyre Local Plan Review which requires the immediate partial review of the Wyre Local Plan to commence in 2019 with the objective of meeting the full objectively assessed housing needs

over the plan period. The Policy sets out the matters to be included in the partial review which includes an update of objectively assessed needs and review of transport and highway issues. It is likely that Wyre Council will also consider updating their plan where there are inconsistencies with NPPF19.

Accordingly, the scope of the partial revision of the Fylde Local Plan to 2032 will be defined by the NPPF19 and the Duty to Co-Operate. The Council is writing to invite comments on the scope of the partial revision. However, it should be noted that revisions to allocations for example will not fall within the scope of this partial revision and will not be taken forward as this would entail the production of a new Local Plan which is not necessary as the Local Plan is recently adopted.

This letter is available for inspection on the Council's website and at Fylde Council, Town Hall, St Annes Road West, Lytham St Annes, FY8 1LW and at libraries throughout the Borough. Please visit www.lancashire.gov.uk/libraries/ for library locations and opening times.

Comments should be made in writing, either by email to planningpolicy@fylde.gov.uk, or by post to Planning Policy, Planning Department, Fylde Council, Town Hall, St Annes Road West, Lytham St Annes, FY8 1LW, to be received by the deadline of 5.00pm on 6 June 2019. All comments will be published, but apart from the name of the sender no other personal information will be publicly available. Anonymous comments will not be accepted.

You are receiving this letter because your contact details are held on our Register of Consultees database. If you no longer wish to be consulted on Planning Policy matters, and/or the contact details are incorrect, please let us know either by phone 01253 658418 or email planningpolicy@fylde.gov.uk

Yours faithfully



Julie Glaister

Planning Policy Manager



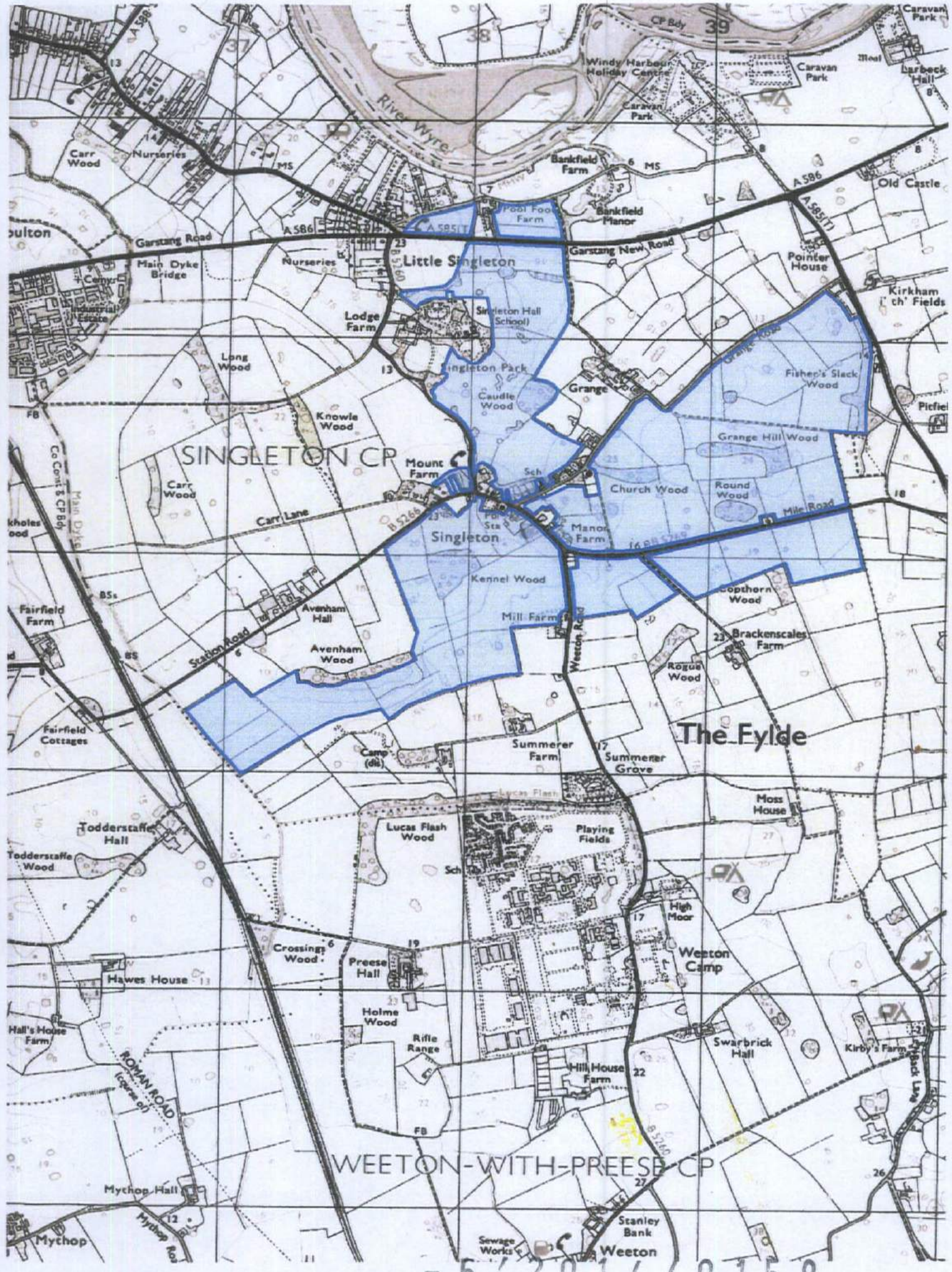
Key applies to north sheet and south sheet

- Boundary to Estate
- Public Rights of Way Footpaths
- Proposed Route F Field Walk
- Proposed Route C Church Wood Walk
- Proposed Route P Park Walk
- Roads and lanes linking proposed routes

Environmental Improvement Projects, Singleton, Lancashire Masterplan

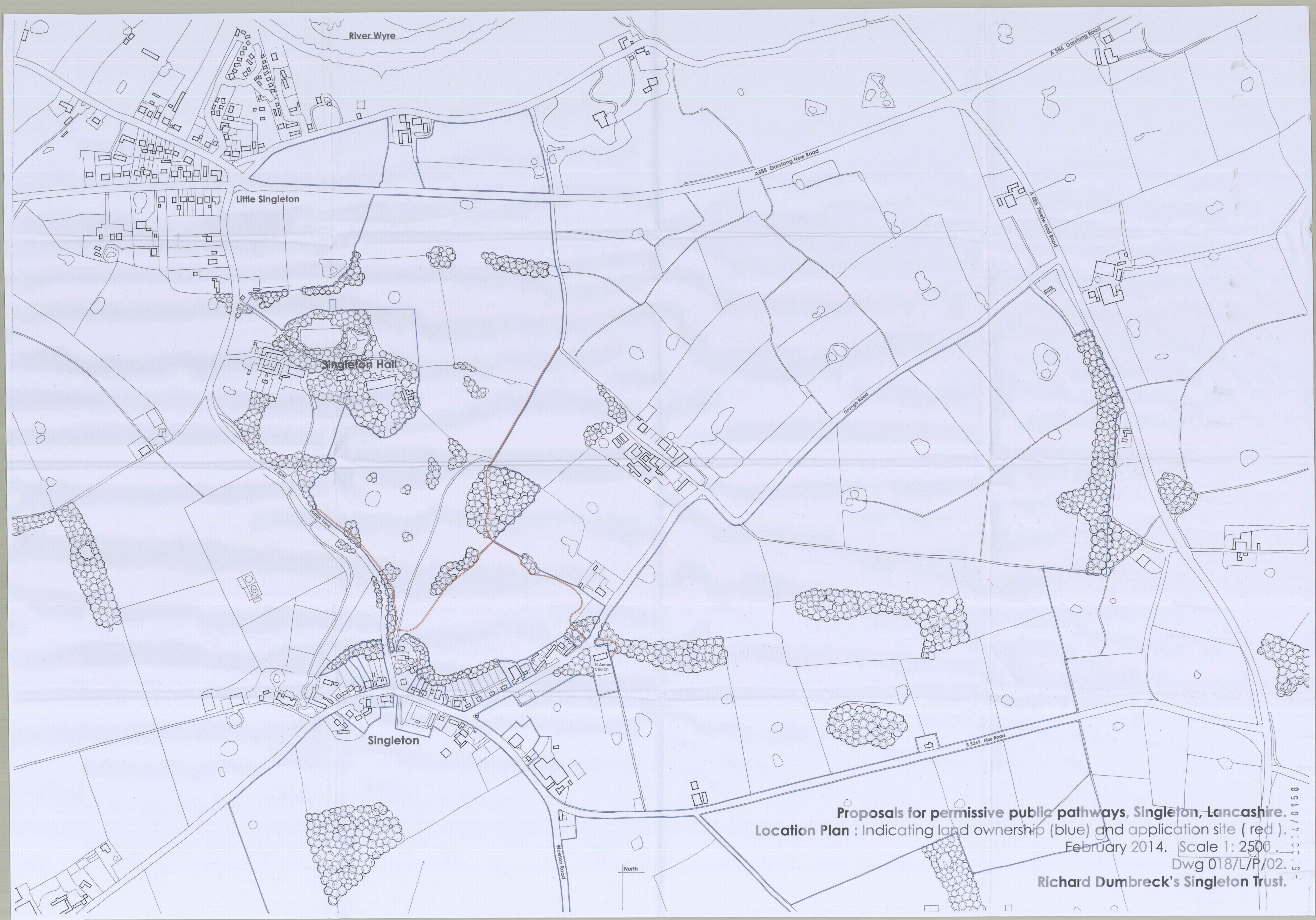
Indicating estate woodland with existing and suggested footpath routes. Sheet 1 of 2
 October 2013. Scale 1:2500 Dwg. 018/L/P/03
 Richard Dumbreck's Singleton Trust

-5.20.4/0158



Richard Dumbreck's Singleton Trust

Location of the Estate February 2014 Not to Scale Dwg 018/L/P/01



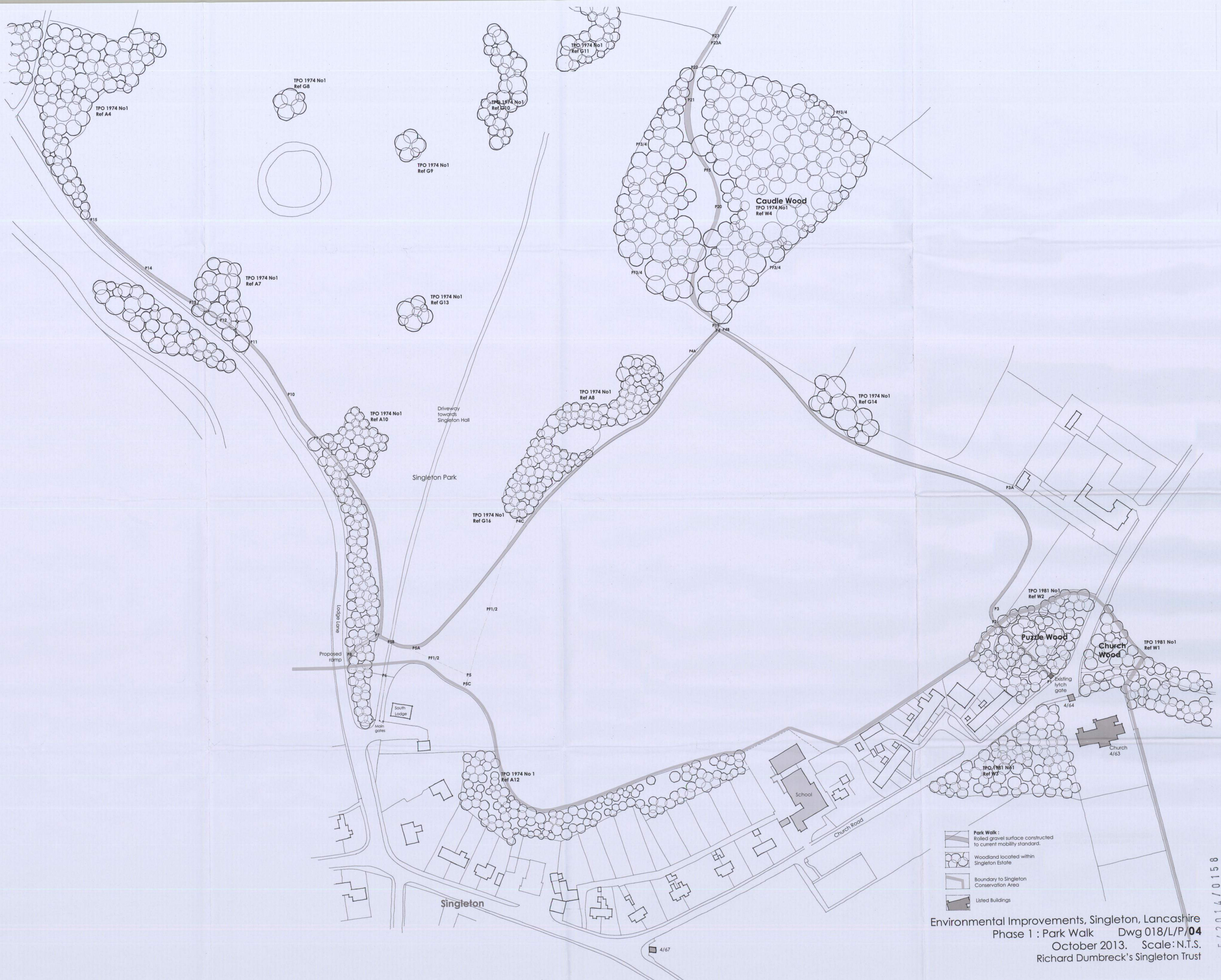
Proposals for permissive public pathways, Singleton, Lancashire.
Location Plan : Indicating land ownership (blue) and application site (red).

February 2014. Scale 1: 2500.

Dwg 018/L/P/02.

Richard Dumbreck's Singleton Trust.

5.10.14/0158



Environmental Improvements, Singleton, Lancashire
 Phase 1 : Park Walk Dwg 018/L/P/04
 October 2013. Scale: N.T.S.
 Richard Dumbreck's Singleton Trust

- 5 / 2014 / 0158

1.00 Context

1.01 The proposals developed by Richard Dumbreck's Singleton Trust involve the introduction of three new pathway routes, (Field Walk, Church Walk, Park Walk), providing permissive pedestrian access to areas of open landscape within the Singleton estate. These permissive pathways are intended to link with existing public rights of way and so extend pedestrian access through this attractive Fylde landscape.

2.00 Proposals

2.01 The landowner wishes to submit a planning application incorporating the following proposals Ref: Drawings 18/L/P/03, 04, 05, 06, 07, 08, 09, 10, 11.

- a: The introduction of surfaced, mobility standard permissive pathways within Singleton Park (Park Walk) using existing access points at Puzzle Wood, Pool Foot Lane and Lodge Lane.
- b: The introduction of stock fencing to demarcate new surfaced pathways from adjoining farmland within the Park Walk.
- c : The creation of a new pedestrian ramped access/exit onto Lodge Lane, close to South Lodge entrance to Singleton Park.
- d : The introduction of non surfaced permissive pathways within fields and woodlands to the south east of Grange Road (Field Walk, Church Walk).
- e: The installation of mobility standard kissing gates within the Park Walk pathway network and standard kissing gates along the Church Walk and Field walk path routes.
- f: The installation of waymarking along the new pathways and information points at three entrance points.
- g: The installation of metal estate pattern fencing within the Park Walk at locations where proximity to the Singleton Conservation Area is recognised.
- h: The provision of litter bins and occasional seating within the Park Walk path network.
- i: The introduction of native broadleaf woodland planting at a location within the Church Walk route.

3.00 Surfaced, all ability pathways : Park Walk.

3.01 In order to encourage as broad a range of public use as possible a 2m wide rolled gravel surface is proposed which will provide a suitably informal appearance within the rural setting. The specification for surfacing work accords with current Forestry Commission and Lancashire County Council standards and will accommodate all ability use.

3.02 Within woodland sections of the Park Walk, pathway routes will be carefully aligned to avoid contact adjacent trees. In terms of construction, following minor readjustment and strengthening of surface formation levels, the proposed, all ability surfacing will be placed on top of existing ground levels and so help to minimise the disturbance of tree roots as far as possible.

4.00 Stock fencing and estate pattern fencing : Park Walk.

4.01 The location and pattern of the two types of fencing has been discussed with both the local tenant farmer and Lancashire County Council Projects Officer. Along main lengths of the Park Walk a standard post/straining wire and wire mesh stock fence is proposed where dairy and arable farming continue to be the dominant activity within the landscape.

4.02 At locations closer to the northern edge of Singleton Conservation Area, metal estate pattern fences, field gates and kissing gates are proposed. The inclusion of estate pattern fencing is intended to acknowledge both the historic parkland setting and the gated South Lodge entrance into Singleton Park.

5.00 Ramp access onto Lodge Lane : Park Walk.

5.01 A new pedestrian access and exit, located away from the main South Lodge gates is preferred as a way of maintaining the tranquillity of the South Lodge setting.

5.02 The design of the lower section of ramp which connects with the County Highways pathway along Lodge Lane is of particular importance in terms of highway sightlines, means of pedestrian exit and provision of space to accommodate mobility use.

5.03 Following an on site assessment of existing tree positions within TPO compartment A10 (TPO 1974 No1) a route for the proposed ramp can be established without the need to remove mature trees, however removal of small size (max 70mm dia) self sown sycamore, privet and elder located irregularly along the proposed route will be required and it is suggested that this work could be undertaken as part of the Forestry Commission felling /thinning/restocking operations recently approved by Fylde Council (Refer to item 7.01, 7.02, 7.03).

6.00 Non surfaced pathways : Church Walk and Field Walk.

6.01 From the newly established pedestrian access into Church Wood the proposals are to establish non surfaced concessionary pathway routes heading east through Church Wood and out into open farmland with connections to established public rights of way .

6.02 A short link path between Church Wood and Church Walk (ref dwg 09) is to be created to provide direct pedestrian access to southern public rights of way.

6.03 Standard kissing gates are proposed where access through existing fencelines is required.

7.00 Trees and Woodland Management.

7.01 Following the thinning and selective felling work as detailed in the Woodland Management Plan (WMP) and TPO/Conservation Area consent approval, there will be no requirement to fell trees on any of the three pathway routes proposed within the planning application.

7.02 The WMP is approved by the Forestry Commission (FC) who have issued Felling Licences to authorise the tree felling associated with the thinning and selective felling in the short term work programme of the WMP. This includes restocking conditions were appropriate.

7.03 An application was made to Fylde Council seeking consent for this work within the woodlands where Tree Preservation Orders (TPO) and Conservation Area status is in effect. The proposed tree work was discussed at a site meeting with Diane Kirkpatrick (Urban Design Officer and Acting Tree Officer (Fylde Council) on 21 January 2014. Subsequently, Fylde Council approved these consents, referring to the FC approved WMP in the conditions of the consent (ref Fylde Council letters dated 3 February 2014).

8.00 Ecology and Access Management

8.01 The Richard Dumbreck's Singleton Trust continue to informally monitor wildlife activity within both estate farmland and woodland through contact with statutory and voluntary environmental organisations.

8.02 Currently, bat movements within the Singleton estate are monitored by local volunteers who confirm that currently, no bat roosts are present within estate woodlands. It is recognised however, that some areas of woodland are potential bat habitats and accordingly, the regular monitoring of bat movements will continue in order that protected species legislation is complied with. To this end woodland management operations should be timed to accommodate potential summer roosting sites.

8.03 There are no badger setts identified on or near the proposed pathways.

8.04 The Freshwater Habitats Trust have been consulted regarding the management of ponds within Singleton Estate.

8.05 The Richard Dumbreck's Singleton Trust are mindful of the possible consequences of providing the general public with permissive access onto estate property. Signage, highlighting permissive pathway routes, relevant legislation and guidelines regarding conduct whilst using the new permissive routes will be positioned at all access points onto estate land.

9.00 Waymarking

9.01 Timber waymark posts and where appropriate, waymark finger posts are proposed at locations along new pathways and are intended to link with the existing waymarking provided by Lancashire County Council (ref dwg 10).

10.00 Furniture

10.01 Waste bins are proposed for installation close to the most popular entrance/exit points along the new pathway routes.

10.02 A small number of timber benches and timber picnic benches are proposed along the Park Walk route to further support the use of this route by as wide a range of user groups and age groups as possible.

24.02.2014
Rev A 12.03.2014



Appeal Decision

Hearing Held on 17 October 2017

Site visit made on 17 October 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 6th November 2017

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Carrington Group Ltd., against the decision of Fylde Borough Council.
 - The application Ref 16/1006, dated 14 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is residential development of circa 9 dwellings with access from Mains Lane. All other matters reserved for a later date.
-

Decision

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

Procedural Matters

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

4. The emerging Fylde Local Plan¹ was submitted to the Secretary of State for examination in December 2016. Stage 1 and 2 Hearings have been held. The Council has carried out a further round of consultation on a range of matters including Objectively Assessed Need (OAN), the housing requirement figure, housing land supply (HLS) and settlement hierarchy. This consultation ended on 14 September 2017. At the Appeal Hearing, the Council advised that it anticipates a further Local Plan Hearing is likely to be necessary. Such a Hearing would be unlikely to commence until December 2017 at the earliest.
5. The parties submitted an agreed updated position of a 4.9 year HLS for the purposes of this appeal and consider that the Housing Supply Statement can only be afforded limited weight at the present time. The main parties agreed that, in the context of Paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up-to-date. Furthermore, in the Statement of Common Ground, the parties agreed that Paragraph 14 of the Framework is engaged due to the Fylde Borough Local Plan (As Altered) October 2005 (the FBLP) and its evidence base in respect of development needs being time-expired. From all I have seen, heard and read I see no reason to come to a different view.

Background and Main Issue

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

Reasons

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

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

² Section 38 of the Planning and Compulsory Purchase Act 2004

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

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

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

⁴ APP/M2325/W/17/3166394

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

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

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

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

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

23. The proposed dwellings would not front onto Mains Lane. Whilst the internal access remains to be determined at a later date it seems likely that the proposed dwellings would be arranged with some behind others around a road way. This would be out of character with many frontages on Mains Lane but it would not amount to back land development as all the proposed dwellings would have direct vehicular access to a road. As indicated in the Design and Access Statement the access would be designed to adoptable standard. There are examples along Mains Lane where dwellings, as well as ancillary buildings, are set behind others including at Nos 185 and 195 and as shown on the plan D10 which was submitted at the Hearing. Overall I consider that up to 9 dwellings could be satisfactorily accommodated by careful attention to spacing and arrangement of buildings at Reserved Matters stage even though the dwellings would not front onto Mains Lane.
24. The appeal site is part of a roughly rectangular grassed field. Land levels slope up gently from the shallow valley of Main Dyke to Mains Lane and further north before dropping away to the Wyre estuary. There are distant views of the buildings on Mains Lane between existing trees from Footpath 2-2 FP1 on the further side of Main Dyke and to a lesser extent from properties beyond. The proposed buildings would project further south than the existing buildings. Although a few more buildings would be evident they would be seen in the distance in a similar way to the existing ones from the Public Footpath along Main Dyke and the proposed planting would, in due course, provide a leafy setting. Moreover, the proposed Singleton Bypass, now the preferred improvement route, would interrupt any such views and its construction is currently expected to start on site by March 2020.
25. The proposed development would diminish the open gap between Ryecroft Farm and 195 Mains Lane resulting in coalescence between the two groups of buildings even if not between defined settlements. It would inevitably adversely affect the openness of the land between the existing buildings and, with the more formal junction, would result in moderate harm to the leafy character of this section of Mains Lane contrary to Saved Policies EP10 and EP11.
26. The proposed development would result in a modest erosion of landscape character mainly restricted to the area relatively close to the site but the defining landscape characteristics of the wider area would not be adversely affected. There would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of buildings if not settlements. Consequently, it would not comply with saved Policies HL2, EP10 and EP11, and emerging Policies ENV1 and GD7 which, amongst other things, seek to protect the distinct landscape character of the area.

Other matters

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

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

Planning Balance

32. The Framework is a material consideration of substantial weight. As set out above Paragraph 14 of the Framework is engaged. Moreover the Framework seeks to boost significantly the supply of housing.
33. The site is beyond any defined settlement boundary and is in the countryside for development plan purposes. The proposal would result in the loss of an open field; there would be a modest erosion of landscape character; and a modest visual harm due to the introduction of built development into an otherwise open gap between buildings. The site is in an accessible location and there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses. The proposal would provide a moderate contribution to much needed housing.
34. The balancing exercise in paragraph 14 of the Framework is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework taken as a whole. In this case, I conclude that the adverse impacts identified would not significantly and demonstrably outweigh the benefits. The site would not be an unsuitable location for residential development taking account of national and local planning policies including the effect of the proposed development on the character and appearance of the area.

Conditions

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

Conclusion

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



INSPECTOR

Schedule of Conditions

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

The approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- 7) No development shall commence until design and construction details of the proposed access improvements between the site and the A585 trunk

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

- a) Final details of how the scheme interfaces with the existing highway alignment.
 - b) Full signing and carriageway marking details.
 - c) Full construction details.
 - d) Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
 - e) An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.
 - f) Confirmation that the applicant is legally able to transfer ownership of any land, not within the ownership or control of the Highways England Company Limited and that is required for the said improvements, to the Highways England Company Limited.
- 8) None of the proposed dwellings shall be occupied until the access has been completed in accordance with the approved details referred to in Condition 7.
- 9) Prior to commencement of the development hereby permitted, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
- 10) Foul and surface water shall be drained on separate systems.
- 11) Prior to commencement of the development hereby permitted, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly.

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

- 12) None of the dwellings hereby permitted shall be occupied until details of a management and maintenance scheme for the surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme shall cover the full lifetime of the drainage system and shall include:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' or other Management Company.

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

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

- 13) There shall be no on site works, including no site set up or the removal of any trees or shrubs, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include:
 - 1. Construction vehicle routes to and from the site.
 - 2. Arrangements for the parking of vehicles for site operatives and visitors.
 - 3. Details of areas designated for the loading, unloading and storage of plant and materials.
 - 4. Wheel wash facilities.
 - 5. Measures for the control of noise, vibration and dust disturbance created during any on site works.

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

- 14) On site works and receipt of deliveries shall only take place between the hours of:
 - 08:00 - 18:00 Monday to Friday.
 - 09:00 - 13:00 Saturday.

There shall be no on site works on Sundays or Bank Holidays.

- 15) Prior to commencement of the development, a scheme to protect retained trees and hedgerows during the construction period shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate trees and hedgerows for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.
- 16) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

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

End of Schedule

APPEARANCES

FOR THE APPELLANT:

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

FOR THE LOCAL PLANNING AUTHORITY:

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

INTERESTED PERSONS:

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

DOCUMENTS Submitted at or after the Hearing

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

NOTES
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MASONRY CONSTRUCTION
 Refer to F30 specification (which includes SE input), together with SE drawings and specifications, for full details of wall ties, masonry supports, restrains and similar.

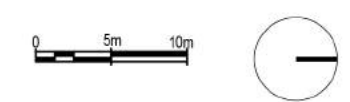
- Plots 1, 2, 8 & 9 - 2 bed bungalow
- Plots 4 & 5 - 3 bed 1.5 storey house
- Plots 3, 6 & 7 - 3 bed 1.5 storey house
- A - Block Paviments
- B - Asphalt
- C - Timber Deck
- D - Grass
- E - Shrubs/woodland Planting
- F - Grasscrete

1. 1.8m high close-boarded timber fence.
2. 900mm high metal railing, painted black (uprights at 100mm centres with cross bars 50mm from top and 100mm above ground) with 900mm high hedge/shrubs in front.
3. 215mm thick 1.8m high brick wall using the same brick used on plot 1.
4. Decorative metal gates. Double gate for vehicles and 2 no. single pedestrian gates. Refer to images in Design & Access Statement for design.
5. 1.8m high timber close boarded fence with hedge or low shrubs on plot side.

C	Boundary treatment key added	JG	DJ	08.11.18
B	Plots 1 and 2 relocated Plots 7 and 5 swapped	NW	DJ	02.11.18
A	Plots adjacent to Mains Lane re-located	JG	DJ	25.10.18
#	FIRST ISSUE	NW	DJ	24.08.18
REV	DESCRIPTION	DRAWN	APP	DATE



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PROJECT
 Residential Development
 Mains Lane, Poulton

DRAWING
 Proposed Site Plan

SCALE @A3 1:500 CHECKED

NUMBER
 4209-AL(0)100 C



Matthew Taylor

From: Hilton, Warren <Warren.Hilton@highwaysengland.co.uk>
Sent: 07 November 2018 16:31
To: Matthew Taylor
Cc: Hopkin, David; Malik, Hassan; 'Henderson, Nick'; 'paul.p.thomas@arcadis.com'
Subject: RE: 18/0726 Application to discharge conditions - at LAND BETWEEN 185 AND 195 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB
Attachments: Carrington 9 houses1.pdf

Dear Matthew,

Further to my email below about the site access (Condition 7) element of this discharge of conditions application, I now want to provide some comments regarding the drainage proposals (Condition 11).

As you know, the developer (Carrington Group) is proposing to treat foul waste on site and then discharge this water (together with surface drainage water) via a swale drain directly across the field behind the development (owned by the developer) to discharge directly into Main Dyke. The proposed route of the drainage channel conflicts with the path of the A585 Windy Harbour to Skippool Bypass ('the bypass').

It's important to note that route of the bypass was already protected at the time of the submission of the original planning application (2016) for this development by virtue of the Lancashire County Council Blue Route. The bypass utilises the existing envisaged route of the Blue Route between the A586 and Skippool. The entire bypass route was subject to formal Preferred Route Announcement in October 2017, which confers protected route status from development. This was in place one month before the developer here received planning approval on appeal for their development of 9 dwellings off Mains Lane. Consequently, Highways England is under no obligation to incorporate any matters relating to these development consent into the bypass scheme whatsoever.

This means that Highways England cannot agree to the developer's proposal to discharge Condition 11 of their original outline planning consent. The onus is now therefore upon the developer to produce an alternative solution that avoids the route of the bypass, and is entirely independent of the bypass itself and the highway drainage system to be installed within it (Section 50 of DfT Circular 02/2013 does not permit new private connections to highway drainage systems).

It is theoretically possible that a private sewer connection could be installed underneath the bypass itself to connect-in with existing United Utilities sewer to the west of the site. Our preference though would be for that connection to be adopted by United Utilities, and not for that to remain a private sewer. This is because, in years to come, it is typically difficult for individual property owners and / or any management company to fund the costs of maintaining the culvert itself, or to be held responsible for maintenance of the culvert or the nature of any substances / materials flowing through the structure that originate from within the development site itself (deliberately or through lack of maintenance). An adoption by the local water authority would satisfy Highways England in that respect, but that is something for the developer to pursue. Such a culvert would need to be perpendicular to the carriageway in order to shorten the length of the structure (a culvert along the original proposed alignment, diagonal to the carriageway, would be unfeasible and unduly long). It would also need to cross adjoining land not owned by the developer.

Notwithstanding the above, any design proposal to cross the path of the bypass would need to be subject to both strict design and legal agreement controls by Highways England, and our view is that the cost of concluding those processes would be prohibitive for the developer when offset against the size of the development. We also believe that, due to difficult ground conditions at this location, it may be difficult to install such a drainage channel as part of the highway, and we have reason to believe that carriageway settlement issues could occur.

To resolve matters, Highways England's preference would be for the developer to reach their own agreement with the adjoining landowner and install their swale drain beyond the eastern boundary of the bypass (though roughly parallel to it) to discharge into Main Dyke in the manner originally envisaged. This option (together with the route that could be acceptable if fully adopted by United Utilities) is shown on the attached drawing. Our Major Projects team responsible for the bypass (copied in) would be happy to discuss the issues in more detail with the developer and Fylde Council, and I have asked them to keep me informed of the outcome so that we can provide a final recommendation to the planning application itself.

However, the onus is now on Carrington Group to demonstrate a solution and that the solutions Highways England is suggesting are not feasible before this discharge of conditions application can be determined.

I hope that this is useful. If you would like to discuss anything about this email, please contact me.

Kind regards,

Warren Hilton, Assistant Asset Manager

Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

Tel: +44 (0) 300 470 5226

Web: www.highwaysengland.co.uk.

From: Hilton, Warren

Sent: 25 September 2018 12:28

To: matthew.taylor@fylde.gov.uk

Cc: Gee, Peter

Subject: 18/0726 Application to discharge conditions - at LAND BETWEEN 185 AND 195 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB

Dear Matthew,

Thank you for consulting Highways England on this discharge of conditions planning application relating to the creation of a small housing development on land between 185 and 195 Mains Lane, Little Singleton.

Some of these conditions to be discharged relate to the creation of a site access road from Mains Lane to serve the development. Although this is a planning consultation, the conditions to be discharged are highway matters that need to be fully agreed with Highways England under Section 278 of the Highways Act 1980 before we can agree to them being discharged.

Post-planning approval, all third party highway schemes have to be agreed with Highways England under the Section 278 process. As part of this, the developer is liable for reimbursing all of the costs we incur in the process of reviewing / refining / agreeing their detailed design proposals and dealing with all related legal and administration matters associated with the works. To begin this the process, and in the lead-up to the Section 278 agreement being signed, it is our policy to request a non-refundable deposit from the developer to begin funding this work. Until we receive this funding, we cannot review any of the design information, Road Safety Audit etc.

documentation that has been provided with this application. We have made the applicant aware of these requirements (see attached), but have so far not had a response from them.

With this in mind (and given that this process can take some time and is dependent on the co-operation of the developer) Highways England now requests that Fylde Council now places the determination of this discharge of condition application on hold until all matters relating to the creation of the site access road have been agreed between us and the developer and a Section 278 agreement is able to be signed. We would be grateful if you can confirm that this will now be done. Of course, we will write to you again as soon as the point has been reached when we are content for these conditions to be discharged so that the planning application can be determined.

If you would like to discuss anything about this email, please do let me know.

Kind regards,

Warren Hilton, Assistant Asset Manager

Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

Tel: +44 (0) 300 470 5226

Web: <http://www.highways.gov.uk>

From: planning@fylde.gov.uk [<mailto:planning@fylde.gov.uk>]

Sent: 19 September 2018 11:10

To: Planning NW

Subject: Planning Application 18/0726

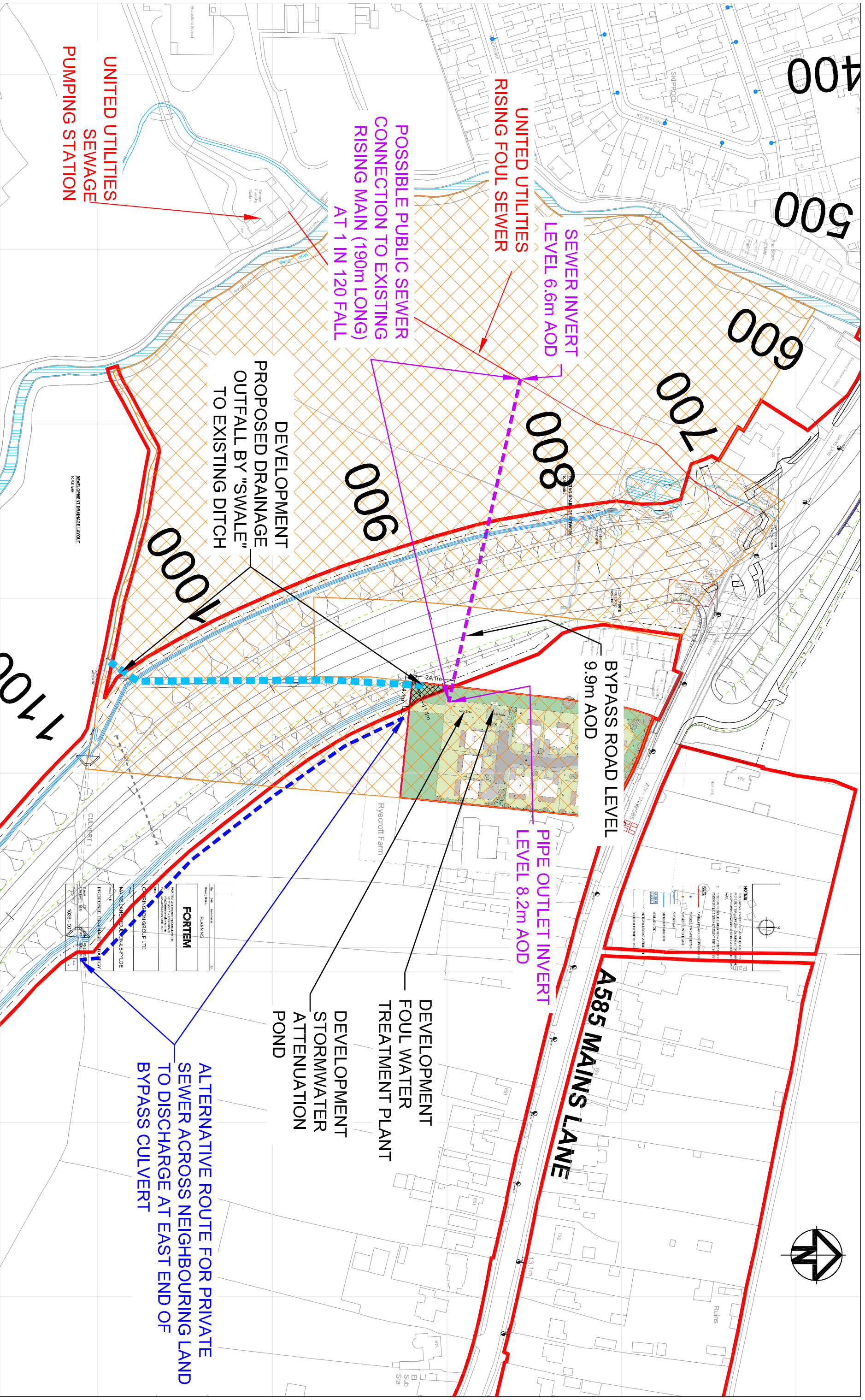
See attached correspondence regarding Planning Application 18/0726 at LAND BETWEEN 185 AND 195 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB

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**UNITED UTILITIES
SEWAGE
PUMPING STATION**

**SEWER INVERT
LEVEL 6.6m AOD**
**UNITED UTILITIES
RISING FOUL SEWER**

**POSSIBLE PUBLIC SEWER
CONNECTION TO EXISTING
RISING MAIN (190m LONG)
AT 1 IN 120 FALL**

**DEVELOPMENT
PROPOSED DRAINAGE
OUTFALL BY "SWALE"
TO EXISTING DITCH**

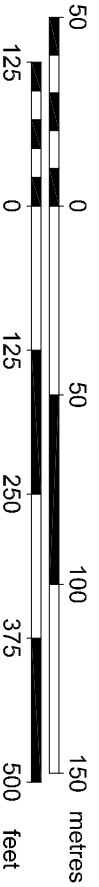
**BYPASS ROAD LEVEL
9.9m AOD**

**PIPE OUTLET INVERT
LEVEL 8.2m AOD**

**DEVELOPMENT
FOUL WATER
TREATMENT PLANT**
**DEVELOPMENT
STORMWATER
ATTENUATION
POND**

**ALTERNATIVE ROUTE FOR PRIVATE
SEWER ACROSS NEIGHBOURING LAND
TO DISCHARGE AT EAST END OF
BYPASS CULVERT**

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**A585 WINDY HARBOUR TO SKIPPOL IMPROVEMENT SCHEME
CARRINGTON DEVELOPMENT 185-195 MAINS LANE, FY6 7LB
POSSIBLE DRAINAGE OUTFALL
SCALE 1:2000 AT A3**



Matthew Taylor

From: Hilton, Warren <Warren.Hilton@highwaysengland.co.uk>
Sent: 08 April 2019 10:43
To: Matthew Taylor
Cc: Hopkin, David; Malik, Hassan; Doow-Powell, Amarjit; Mason, Stephen (SH)
Subject: 18/0726 Application to discharge conditions - at LAND BETWEEN 185 AND 195 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB - CARRINGTON GROUP
Attachments: 1036 - 001-A Proposed Drainage Strategy.pdf; 190218-1036-R001-V2 - COMBINED.PDF

Importance: High

Dear Matthew,

Further to my previous emails to you of 25/09/18 and 23/01/19, we are now able to formally notify Fylde Council of Highways England's position in relation to discharge of conditions application reference 18/0726 concerning Carrington Group and development on land to the south of the A585 between the existing properties of 185 and 195 Mains Lane, Little Singleton.

Please take this email as formal notification that that Highways England is content with the proposed scheme and does not object to the discharge of Condition 11 based upon the (attached) Fortem drawing reference 1036-001 dated August 2018 named 'Proposed Drainage Strategy' and the Fortem document reference 1036-R001-V2 named 'Mains Lane, Poulton-le-Fylde Surface and Foul Water Drainage Design Statement' dated 19th January 2019 subject to securing an appropriate management and maintenance regime which we note is the subject of Condition 12. Highways England also has an interest in this condition **which should not be discharged** until agreement on these issues is reached and any proposals legally secured in an appropriate agreement.

We therefore advise that the applicant should now liaise directly and at the earliest opportunity with my colleague David Hopkin (david.hopkin@highwaysengland.co.uk) to begin the process of concluding the necessary legal agreements to enable Condition 12 to be discharged.

With regard to Condition 7 (access), we will provide a further update when this condition is able to be discharged.

We would be grateful if you could notify the applicant of the above.

Kind regards,

Warren Hilton, Assistant Spatial Planner

Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

Tel: +44 (0) 300 470 5226

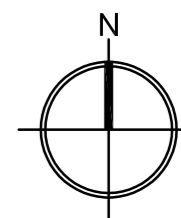
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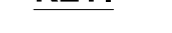





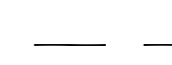
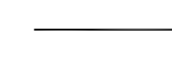
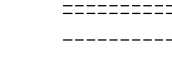
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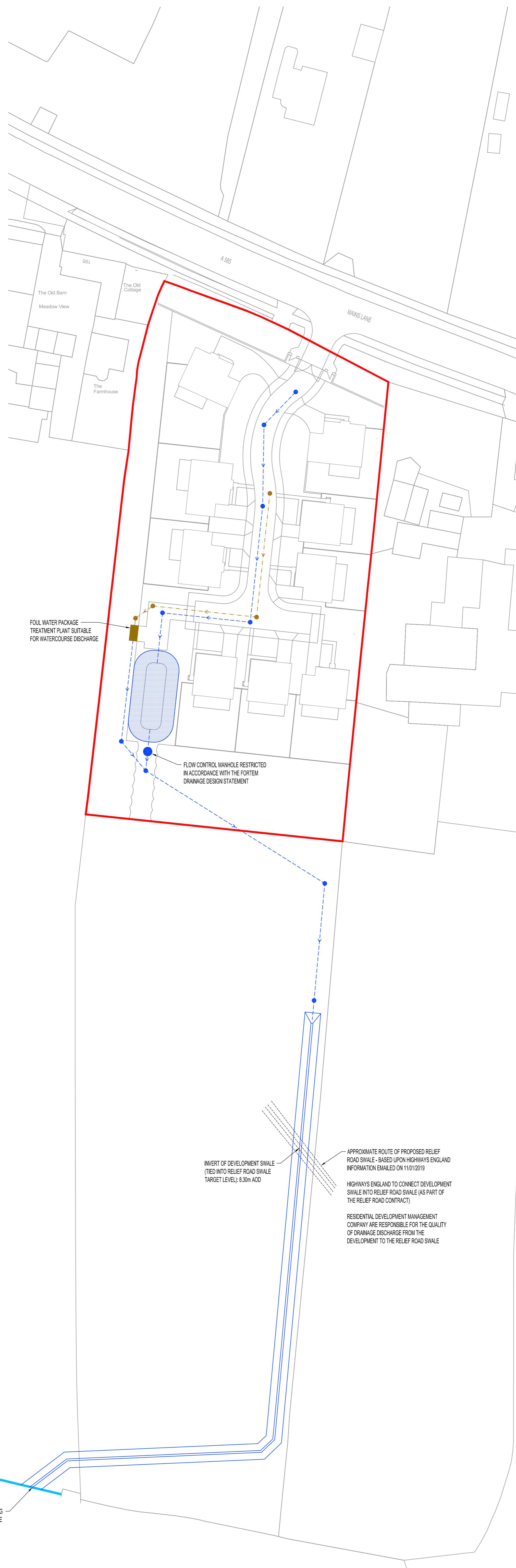
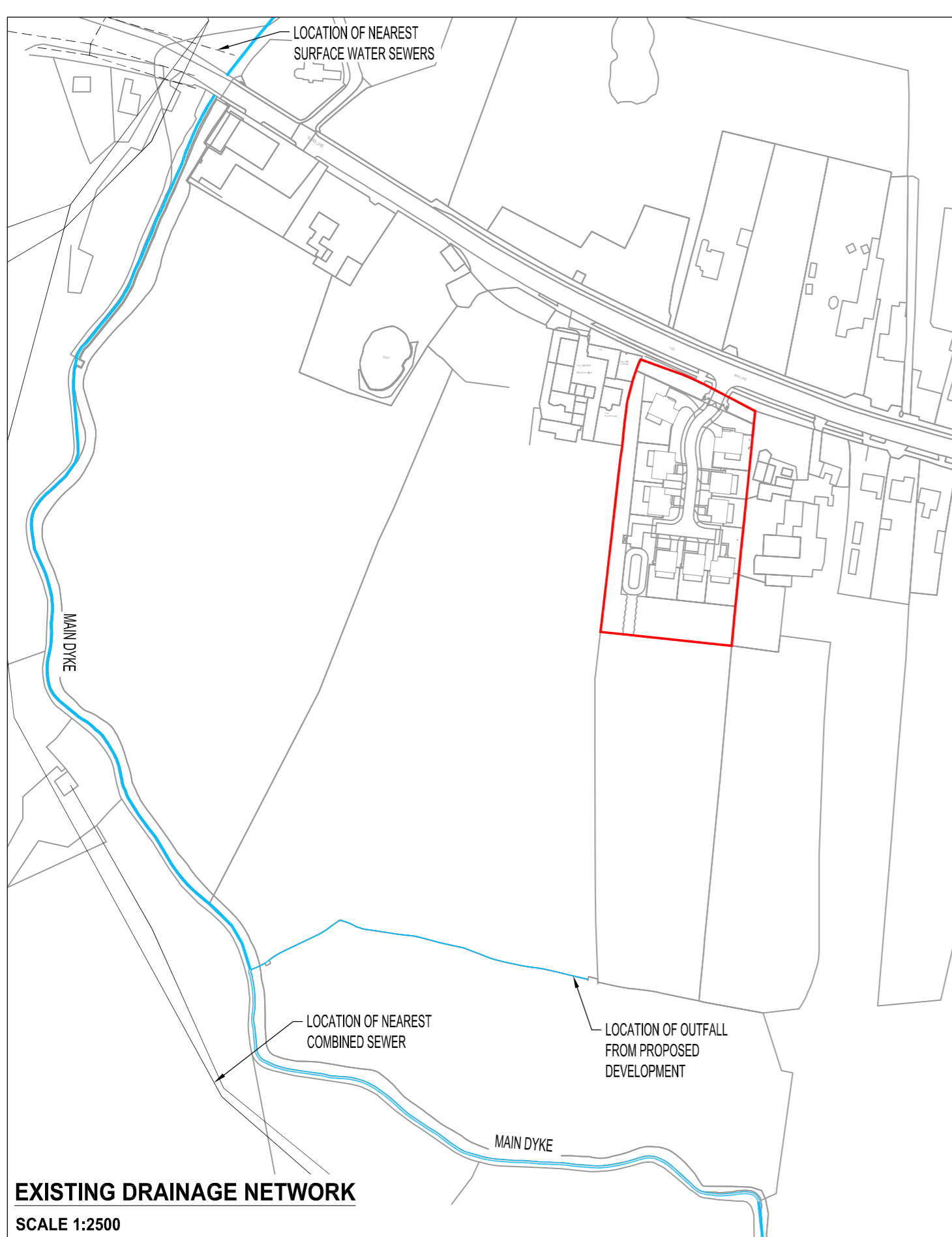


NOTES:

1. THIS DRAWING IS BASED ON HOLMES MILLER ARCHITECTS DRAWING 4209-AL(0)100 Rev C - PROPOSED SITE PLAN, RECEIVED 22/11/2018, LOY SURVEYS TOPOGRAPHICAL SURVEY DRAWING 33252 DATED DEC 2016 AND ORDINANCE SURVEY MAPS.
2. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH THE FORTM DRAINAGE DESIGN STATEMENT REF: 1036-R001-V1.

KEY:

-  PLANNING APPLICATION DEVELOPMENT BOUNDARY
-  PROPOSED SURFACE WATER NETWORK
-  PROPOSED FOUL WATER NETWORK
-  PROPOSED SWALE
-  EXISTING OPEN WATERCOURSE
-  ATTENUATION POND
-  EXISTING PUBLIC SURFACE WATER NETWORK
-  EXISTING PUBLIC COMBINED NETWORK
-  HIGHWAYS ENGLAND PROPOSED RELIEF ROAD SWALE



INVERT OF DEVELOPMENT SWALE (TIED INTO RELIEF ROAD SWALE TARGET LEVEL): 8.30m AOD

APPROXIMATE ROUTE OF PROPOSED RELIEF ROAD SWALE - BASED UPON HIGHWAYS ENGLAND INFORMATION EMAILED ON 11/01/2019

HIGHWAYS ENGLAND TO CONNECT DEVELOPMENT SWALE INTO RELIEF ROAD SWALE (AS PART OF THE RELIEF ROAD CONTRACT)

RESIDENTIAL DEVELOPMENT MANAGEMENT COMPANY ARE RESPONSIBLE FOR THE QUALITY OF DRAINAGE DISCHARGE FROM THE DEVELOPMENT TO THE RELIEF ROAD SWALE

A	14.01.19	AMENDMENTS TO OFF SITE DRAINAGE WORKS	ML
Rev	Date	Amendments	By

Drawing Status: **PLANNING**



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 E. info@fortemconsultants.co.uk
 W. www.fortemconsultants.co.uk

Client:
CARRINGTON GROUP LTD

Project:
MAINS LANE, POULTON-LE-FYLDE

Drawing Title:
PROPOSED DRAINAGE STRATEGY

Drawn: RD Scale: AS SHOWN @ A1
 Checked: ADC Date: AUG 2018

Drawing No. **1036 - 001** Rev. **A**

C:\Users\mcm\OneDrive\FORTM\B20\1036 - Mains Lane, Poulton Le Fylde\Drawings\1 - FORTM\B20\Drawings\1 - FORTM\B20\Drawings\14 Jan 2018 - 12:31pm