



Department for
Communities and
Local Government

Sebastian Tibenham
Pegasus Group
Barnett House
53 Fountain Street
Manchester
M2 2AN

Our ref: APP/M2325/A/14/2217060

Your ref: 13/0674

24 September 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY HALLAM LAND MANAGEMENT LTD
LAND AT BLACKFIELD END FARM, CHURCH ROAD, WARTON
APPLICATION REF: 13/0674**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry which opened on 21 October 2014 and sat for 7 days, with site visits on 14 and 26 November, into your client's application to Fylde Borough Council ("the Council") for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674.
2. The appeal was recovered for the Secretary of State's determination on 1 May 2014, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or on sites of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State has noted the agreed change to the description of the appeal site as "land at Blackfield End Farm, Church Road, Warton" (IR2); the

various changes to access arrangements described at IR3-IR6; and the agreement of the parties that all options should be treated as illustrative (IR7). He is satisfied that no interests have been prejudiced by these minor changes.

Matters arising after the close of the inquiry

5. The Secretary of State has had regard to the correspondence which was submitted after the close of the inquiry, as listed in Annex 1 to this letter. This includes the responses to his letter of 16 June 2015, and the completed S106 Undertaking dated 31 July 2015 (and received from the appellants on 4 August) which is dealt with in paragraphs 18 and 21 below. The Secretary of State has carefully considered the representations received, and is satisfied that they do not raise matters which would require him to refer back to parties again prior to reaching his decision. Copies of these representations can be made available on written request to the address at the foot of the previous page.

Policy and Statutory Considerations

6. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the *Fylde Borough Local Plan as altered – October 2005* (LP) as described at IR18-19. The Secretary of State has also taken account of the emerging Local Plan (ELP) (IR20-21); and he agrees with the Inspector and the main parties to the appeal (IR21) that, as it is at a relatively early stage in its preparation, it carries only limited weight. Similarly, the Secretary of State also agrees with the Inspector (IR22) that the provisions of the emerging Neighbourhood Plan (ENP) can carry only limited weight at this stage.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”) along with the associated planning guidance published in March 2014; the Community Infrastructure (CIL) Regulations 2010 as amended; and the documents referred to by the Inspector at IR23-24.

Main issues

8. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR98.

Character and appearance

9. For the reasons given at IR 99-105, the Secretary of State agrees with the Inspector that the proposed development would have a minor effect on the surrounding landscape, but that moderate harm would be caused in respect of the site itself and from nearby viewpoints. The Secretary of State agrees that, as a consequence, there would be conflict with Policies HL2, HL6 and EP11 of the Local Plan, to which he gives moderate weight in the overall balance.

Highway safety and traffic movement

10. Having carefully considered the Inspector's discussion on the Lytham Road/Church Road/Highgate Lane junction at IR107-121, the Lytham Road/Mill Lane/Ribble View Close junction at IR122, the Lytham Road/GEC junction at IR123, and the site accesses and Church Road at IR124, the Secretary of State agrees with his conclusions within those paragraphs and at IR125 that there would be significant adverse effects for traffic movements at the Lytham Road/Church

Road/Highgate Lane junction, a limited adverse effect on highway safety and, as a consequence, conflict with criterion 9 in Policy HL2 of the Local Plan. However, the Secretary of State also agrees with the Inspector at IR125 that, taking account of the overall implications of the appeal proposal on the local highway network, the residual cumulative effects would not be severe. The Secretary of State therefore gives them only moderate weight in the overall balance.

Prematurity in the context of a Masterplan and the emerging Neighbourhood Plan

11. For the reasons given at IR126-131, the Secretary of State agrees with the Inspector's conclusion at IR132 that the proposed development would not be premature having regard to the preparation of the ELP and the ENP (including the masterplanning exercise referred to at IR128).

Sustainability of the site's location

12. Taking account of the Inspector's findings on the sustainability of the site's location at IR133-137, the Secretary of State agrees with his conclusion at IR137 that the appeal site would be a sustainable location for residential development.

Housing land supply

13. Having carefully considered the Inspector's discussion on housing land supply at IR138-141, the Secretary of State agrees with his conclusion at IR142 that there is not a five years' supply of housing land. The Secretary of State therefore also agrees with the Inspector that the contribution of the appeal site towards making such a provision carries considerable weight in support of the appeal proposal.

Affordable housing

14. The Secretary of State agrees with the Inspector at IR143 that the proposed development would make a significant contribution to meeting the need for affordable housing but that a flexible approach to the tenure of that housing is appropriate in the context of granting outline consent.

The Green Belt

15. The Secretary of State notes that part of the western parcel of the appeal site lies within the Green Belt but that no built development is proposed there (IR144). He agrees with the Inspector (IR145) that the beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the Framework, and that very special circumstances justify use of the land as open space if it is not retained in agricultural use (as indicated in Options 3 and 4 – see IR144). However, the Secretary of State also agrees with the Inspector (IR146) that the appeal proposal does not provide a benefit in terms of a more defensible Green Belt boundary.

Nature conservation

16. The Secretary of State agrees with the Inspector's conclusion that, as explained at IR147-148, appropriate mitigation measures can be secured by condition (see Conditions 10-15 at Annex 2 to this letter) to ensure that the proposed development would not have an adverse material effect on nature conservation interests.

Open space

17. The Secretary of State is satisfied that, as the main parties agree (IR149), the requirements of LP Policy TREC17, concerning open space provision, can be met by the appeal proposal.

Education

18. As the Inspector explains at IR150, the unilateral undertaking by the landowners and the Appellant submitted at the inquiry (IR10) included provision for the payment of an education contribution to secure the additional places required by the appeal proposal. However, as he also explains, the transitional period under Regulation 123(3) of the CIL Regulations has since ended and pooled contributions in respect of an infrastructure project may now only be taken into account from five obligations in the period from 6 April 2010. Accordingly, as suggested by the Inspector, the Secretary of State wrote to you and the Council on 25 June 2015 and, following your respective replies of 7 and 9 July, wrote again on 20 July 2015. In that letter, he accepted the suggestion that, in consultation with the County Council, a more specific Undertaking should be prepared setting out the schools for which the funding towards primary school provision would be targeted, and this was executed on 31 July 2015 (see paragraph 5 above).

Other matters

19. The Secretary of State has carefully considered the various matters referred to by the Inspector at IR151-152, and sees no reason to disagree with any of his conclusions.

Conditions

20. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions, as set out at IR95-97, and the conditions which he proposes as set out in the Annex to the IR. The Secretary of State is satisfied that the conditions set out at Annex 2 to this letter are reasonable and necessary and would meet the tests of the Framework and the guidance.

Planning obligation

21. The Secretary of State has considered the terms of the planning obligation dated 31 July 2015, and he is satisfied that, in this revised form, it meets the Framework tests and complies with the CIL Regulations.

Overall balance and conclusions

22. As the policies in the LP concerning housing land, including the limits of development shown on the Proposals Map, are out-of-date, the presumption in the Framework in favour of sustainable development applies unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Within that presumption, the provision of additional housing to contribute to the land supply in Fylde is a matter of considerable weight in favour of the proposal, as is the provision of affordable housing; and there is no reason why the development should be resisted for Green Belt reasons given the open uses proposed for that part of the site within the Green Belt.

23. Against these factors, only limited weight can be given to the provisions of the ELP and the ENP given their current state of progress. Furthermore, the relatively limited adverse effects for traffic movement and on highway safety, as well as the moderate harm to the character and appearance of the area, are insufficient either individually or cumulatively to outweigh the benefits in terms of housing provision.

24. Overall, the Secretary of State considers that, although the proposed development would represent an extension of the built-up area, it represents a sustainable form of development which will provide much needed housing and which accords with the policies of the Framework taken as a whole

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows the appeal and grants planning permission for the demolition of existing buildings and the erection of up to 360 residential dwellings, including details of access, open space and any other necessary works, dated 29 October 2013, in accordance with application ref: 13/0674, subject to the imposition of the conditions set out at Annex 2 to this letter.

26. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

29. A copy of this letter has been sent to Fylde Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Church Road, Warton, Fylde
Responses to Reference back letter (as revised on 25 June 2015)

Name of Party	Date of response
Fylde Council	7 July 2015
Pegasus Group on behalf of appellants	9 July 2015 4 August 2015
Tony Guest	9 July 2015
Bryning-with-Warton PC Neighbourhood Steering Group	1 July 2015 9 July 2015 13 July 2015
Sebastian Heeley, Development Manager, Redwaters	28 July 2015 25 August 2015

Other responses received too late to be considered by the Inspector

Name of Party	Date of response
Bryning-with-Warton PC Neighbourhood Steering Group	9 June 2015

Conditions

1. Details of the access, 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 begins and the development shall be carried out as approved. The details of the reserved matters shall be consistent with illustrative masterplans refs 013-006-P008 Rev K or 013-006-P008 Rev L and proposed access arrangements refs 401-F01/D or 0401-F05.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two 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 approved location plan ref 013-006-P001 Rev B.
5. Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to the local planning authority as part of the first application for reserved matters approval. The phasing plans shall include highways, pedestrian and cycle routes, and green infrastructure. No development shall take place until the phasing plans have been approved in writing by the local planning authority, and it shall thereafter be carried out in accordance with the approved phasing plans.
6. The details of the reserved matters for each phase shall include:
 - i) Dwellings in a range of scales and designs, none of which shall exceed 2.5 storeys in height, and
 - ii) The provision of public open space, together with a programme for the maintenance thereof.
7. No development shall take place until a scheme of measures for the protection of retained trees and hedgerows has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in respect of each phase prior to the commencement of development on that part of the site, and it shall be retained for the duration of the construction period.
8. That part of the site designated as Green Belt on the Proposals Map of the Fylde Borough Local Plan as Altered shall be retained as open land.
9. 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 NPPF or any future policy 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 30% of the dwellings in each phase;
 - 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 for the management of the affordable housing if no registered provider is involved;
 - 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.

10. No development shall take place until a biodiversity scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent disturbance to areas of natural habitat by people and domestic animals, the provision of bird boxes, a programme for implementation, and arrangements for maintenance. The scheme shall be implemented in accordance with the approved programme.
11. No development shall take place until an updated water vole survey has been carried out and the results submitted to the local planning authority. If any water voles are found on the site, no development shall take place until a mitigation strategy, including a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
12. No development shall take place until an updated great crested newt survey has been carried out and the results submitted to the local planning authority, together with a scheme of great crested newt mitigation measures, prepared in accordance with the report entitled *Great Crested Newt Survey – Blackfield End Farm, Warton, Lancashire – 2013* by Rachel Hacking Ecology (CD7.9), and including a programme for implementation. The mitigation measures shall be implemented in accordance with the approved programmes.
13. No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March – 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.
14. In each phase, no development shall take place until a scheme of external lighting, including a programme for implementation, has been submitted to and approved by the local planning authority. The scheme shall be designed to minimise light spillage and to avoid the illumination of bat roosting opportunities. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
15. In each phase, no development shall take place until a scheme for green infrastructure, including a 5m buffer zone alongside watercourses, ponds and ditches, and a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
16. No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G *Proposed A584 Lytham Road/ Church Road Improvement Scheme*¹, have been submitted to and approved by the local planning authority.
17. No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.

¹ The reference in the title of plan ref 0401-F02/G to the A548 is incorrect.

18. No development shall take place until a scheme to provide an hourly bus service between Lytham and Kirkham via the site at Backfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.
19. No development shall take place on the phase of the site adjacent to the site of the residential development proposed at Riversleigh Farm until a scheme to provide a pedestrian and cycle link to that development has been submitted to and approved by the local planning authority. None of the dwellings in that phase shall be occupied until the pedestrian and cycle link has been constructed in accordance with the approved scheme.
20. None of the dwellings shall be occupied until a travel plan, prepared in accordance with the travel plan framework and including a programme for its implementation, has been submitted to and approved in writing by the local planning authority, and until a travel plan coordinator has been appointed, and notification of that appointment shall be given to the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
21. In each phase, no development shall take place until a scheme for surface water drainage, based on sustainable drainage principles and including a programme for implementation and arrangements for management, designed in accordance with the outflow rates set out on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and no surface water shall discharge to the public sewerage system other than as shown on plan ref TPIN1017-100B. The surface water drainage system shall be constructed in accordance with the approved scheme and programme, and maintained thereafter in accordance with the approved management arrangements.
22. In each phase, no development shall take place until a programme for implementation of the foul drainage system shown on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and arrangements for its management, have been submitted to and approved by the local planning authority. The foul water drainage system shall be constructed in accordance with plan ref TPIN1017-100B and the approved programme, and maintained thereafter in accordance with the approved management arrangements.
23. No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

24. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) hours of construction and demolition work, and of trips to and from the site by construction and delivery vehicles
 - ii) the identification of safe access for construction vehicles
 - iii) the parking of vehicles of site operatives and visitors
 - iv) loading and unloading of plant and materials
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vii) wheel washing facilities
 - viii) measures to control the emission of dust and dirt during construction and demolition
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Report to the Secretary of State for Communities and Local Government

by Richard Clegg BA(Hons) DMS MRTPI

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

Date: 30 April 2015

TOWN AND COUNTRY PLANNING ACT 1990
FYLDE BOROUGH COUNCIL
APPEAL BY
HALLAM LAND MANAGEMENT LTD

Inquiry opened on 21 October 2014

Land at Blackfield End Farm, Church Road, Warton

File Ref: APP/M2325/A/14/2217060

File Ref: APP/M2325/A/14/2217060

Land at Blackfield End Farm, Church Road, Warton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Hallam Land Management Ltd against Fylde Borough Council.
- The application, Ref 13/0674, is dated 29 October 2013.
- The development proposed is described as 'the demolition of existing buildings and the erection of up to 360 residential dwellings (C3 use class), including details of access, open space and any other necessary works'.
- The inquiry sat for seven days, on 21-24 and 28-30 October 2014.
- Site visits took place on 14 and 26 November 2014.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The appeal was recovered for decision by the Secretary of State for Communities and Local Government by letters dated 1 May 2014, as it involves proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.
2. On the application form, the location of the site is given as land east and west of Church Road, Warton. At the inquiry, the main parties agreed that it is more clearly referred to as land at Blackfield End Farm, Church Road, Warton. I have identified the site accordingly in the appeal details above.
3. The planning application was submitted in outline form, with approval sought for the means of access. The original submission showed access taken from staggered junctions on Church Road (Option 1, Plans B1-B3). In response to comments from the Highway Authority, amended drawings were prepared which show an additional access from Hillock Lane (Option 2, Plans C1-C3), and this is the form in which the scheme was considered by the Council.
4. Subsequently, in response to comments from the Council concerning vehicular access onto Hillock Lane and layout, and from the Highway Authority concerning the form of the junction on Church Road, a further set of amended drawings were prepared (Option 3, Plans D1-D3). In this version, vehicular access is shown from Church Road only, where it would be taken by means of a signalised crossroads junction. In advance of the inquiry, the Appellant requested that access be considered as a reserved matter, and that Options 1-3 be considered as alternatives as part of the appeal. The Council expressed the view that the points of access should be identified and that there should be further consultation should these differ from those previously considered.
5. In letters from The Planning Inspectorate dated 1 September 2014 (Core Document (CD) 6.14), I advised that the exclusion of access as a matter for detailed determination could be dealt with as an amendment, subject to consultation with interested parties. I also advised that the principle of the intended access arrangements should be made clear. Consultation on the treatment of access as a reserved matter and on the plans comprising Option 3

was undertaken by the Council prior to the opening of the inquiry, and the Appellant made it clear that it no longer sought to pursue the option of vehicular access from Hillock Lane as part of the appeal proposal.

6. Further amended drawings have been prepared to allow for the retention of the farmhouse (due to the presence of a bat roost), a green link to the 'pocket park' depicted in the eastern part of the development and a bus turning facility (Option 4, Plans E1 & E2). These do not represent significant alterations to the scheme, and, in particular, Option 4 does not introduce any further changes to the intended access arrangements.
7. In the statement of common ground (Document G3), the main parties agree that the appeal should be considered with regard to the plans submitted in respect of Options 1, 3 and 4, all of which should be treated as illustrative. I agree with this approach. The plans in Options 1, 3 and 4 make clear that the development would involve the principle of vehicular access being taken from Church Road, and consultation has taken place on the treatment of access as a reserved matter and on drawings showing a signalised crossroads junction on Church Road. I am satisfied that no prejudice would be caused to the interests of any parties by consideration of the proposal as an outline scheme with all matters reserved for future consideration, and in accordance with the plans submitted in respect of Options 1, 3 or 4: I have dealt with the appeal on this basis. Accordingly the main parties agreed that the proposed development is more clearly described as the demolition of existing buildings, the erection of up to 360 dwellings, and the provision of open space.
8. The appeal was made against the failure of the Council to give notice of its decision on the planning application within the prescribed period. When the application was subsequently reported to the Development Management Committee, it resolved that if it had been able to determine the application, planning permission would have been refused for the following reasons:
 1. *The proposal would be contrary to Policy SP2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 57, 58 & 61) as the scale, density and illustrative layout of the proposed development would have a significant adverse impact on the character and appearance of the countryside due to the lack of landscaping on the site perimeter and the urbanising nature of the development, particularly the removal of established hedgerow along the Hillock Lane boundary.*
 2. *The proposal would be contrary to Policy HL2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 29, 30, 32 & 35) as the development proposal has failed to demonstrate:*
 - (i) *That the traffic generated by the development could be safely accommodated within the highway network.*
 - (ii) *That the proposal delivers sustainable transport as the site is sufficiently accessible to public transport, and sufficiently accessible for pedestrians and cyclists to education, retail and employment infrastructure.*
 - (iii) *That the proposal makes provision for adequate vehicular connectivity and integration with the local and wider network as part of a master planning approach.*

When taken in combination, the residual impacts of the failure to provide for the above as part of the proposal are severe.

- 3. The site has low accessibility due to its location on the edge of Warton and is remote from public transport. The Applicant has failed to demonstrate how public transport needs arising from this development can be integrated into the network. The proposal represents piecemeal development of land identified within the Warton Strategic Location for Development and as such does not deliver adequate east-west vehicular penetration, or connectivity for pedestrians and cyclists between this site and neighbouring land. The proposal does not deliver sustainable transport and is contrary to Policies TR5 and HL2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 29, 30, 32, & 35).*
- 4. The proposed vehicular access onto Hillock Lane would result in conflicting traffic movements which would be detrimental to highway safety. In addition, the multiple points of access onto this road would harm the appearance of this narrow, rural road and be detrimental to the character of the rural area, therefore the proposal is contrary to Policies HL2 and SP2 of the Adopted Fylde Borough Local Plan and the NPPF (paras 32, 58 & 61).*
- 5. The proposed development does not make adequate provision for the delivery of additional school places that would be generated as a result of the proposed development. Accordingly the proposal is contrary to Policy CF2 of the Adopted Fylde Borough Local Plan and the NPPF (para 72).*
- 6. The proposed development fails to deliver any certainty over the provision of affordable housing as part of the development contrary to the NPPF. Accordingly, the requirements relating to the provision of affordable housing contained in the NPPF (para 50) and as included in Fylde Borough Council's Interim Housing Policy are not satisfied.*
- 7. The proposed development fails to deliver any certainty over the provision of improvements to the public open space facilities available in the village that are appropriately related to the development in their scale and location. This is contrary to the NPPF (para 69), the requirements of Fylde Borough Council's Interim Housing Policy and Policy TREC17 of the Fylde Borough Local Plan.*
- 8. The proposed development fails to deliver any certainty over the provision of improvements to the public realm of the village of Warton. This is contrary to the NPPF (para 70), the requirements of Fylde Borough Council's Interim Housing Policy and Policy EP1 of the Fylde Borough Local Plan.*
9. The statement of common ground explained that the Council would not be pursuing reasons Nos 1, 4-6 and 8, which concern the effect on the character and appearance of the area, the formation of vehicular access to Hillock Lane, the delivery of school places, affordable housing, and public realm improvements respectively. At the inquiry, the Council argued that, whilst it was not considered that the effect of the development on the character and appearance of the area was in itself a reason to withhold planning permission, there was nevertheless an adverse effect which weighed negatively in the balance.

10. A planning obligation in the form of a unilateral undertaking by the landowners and the Appellant was submitted at the inquiry (Document A21). Its provisions concern contributions to primary school places and a travel plan.
11. On 27 February 2015 the Government released the 2012-based household projections 2012-2037. The main parties and the Fylde District Group of the Campaign to Protect Rural England (CPRE), (which had assessed the need for housing land using the 2011-based interim household projections) were invited to comment on the implications of the projections. Comments were received from each of these parties (Documents L24, A22 & O17).
12. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances and inquiry documents are appended. The main parties prepared a set of core documents¹ (Document G1): those documents not submitted as hard copies are available in electronic format. The written closing submissions on behalf of the Council and the Appellant are included as inquiry documents: in delivery they were subject to a number of detailed alterations.

The Site and Surroundings

13. The appeal site includes land on each side of Church Road which abuts the northern edge of the built-up area of Warton. The adjacent part of the settlement is predominantly residential in nature. There are several local facilities and services along Lytham Road (the A584), which runs through Warton about 0.7km south of Blackfield End Farm. On the far side of Lytham Road is the extensive aircraft manufacturing works of BAE Systems. There is farmland to the north, west and south-west of the western part of the appeal site, part of which is within the Appellant's control². The site extends around the north-west edge of the built-up area: between this part of the site and Lytham Road is a parcel of land known as Riversleigh Farm, on which the Council has resolved to grant outline planning permission for housing subject to the conclusion of a planning obligation³. Hillock Lane forms the north-western boundary of the eastern part of the site. There is farmland on the opposite side of the road, beyond which is the football ground of AFC Fylde. Between the eastern boundary of this part of the site and Harbour Lane, a development of 66 houses known as Meadow View was nearing completion at the time of the inquiry. At this time also, an application for a further 13 houses at Meadow View adjacent to the appeal site had not been determined, and the Council had resolved that planning permission for 13 houses on land to the north of Meadow View be granted under delegated powers subject to a satisfactory response from Natural England on the question of a European Protected Species licence. At the northern end of Harbour Lane is a couple of dwellings with associated open land.
14. The appeal site comprises two irregular parcels of land, amounting to about 13.2ha. The western parcel, of about 7.05ha, contains the farm buildings, which

¹ The list of core documents includes sections covering the Appellant's and Council's proofs and plans. These documents are listed separately at the end of this report.

² The land outside the appeal site but within the Appellant's control is shown edged blue on Plan A.

³ Details of development proposals in Warton are given in Document L13, and Plan G shows the location of several proposed development sites.

are situated in a group close to Church Road and to housing in the built-up area, together with several fields. There are two dwellings in the group of buildings, a traditional farmhouse and a bungalow. Within the eastern parcel are several fields: this part of the site is about 6.15ha in size. The fields are generally contained by hedgerows: there are a few trees on a field boundary within the eastern parcel and a line of tall trees alongside the northern part of the eastern boundary. An ash tree close to the farmhouse is covered by a tree preservation order (TPO)⁴. The statement of common ground records that the agricultural land is predominantly of moderate and low quality, with 10% falling within subgrade 3a and constituting the best and most versatile land⁵.

Planning History

15. The submitted documentation records no relevant planning history prior to the appeal proposal.

The Proposal

16. It is proposed to construct up to 360 dwellings at Blackfield End Farm, and the statement of common ground refers to the provision of family houses. The illustrative masterplan for Option 1 shows about 350 dwellings, that for Option 3 shows about 340 dwellings, and there would be a similar number in Option 4. Areas of open space would be included within both the western and eastern parts of the development: land at the edge of the site to the north-west of the farm buildings is shown as open space with a play area and an orchard in Option 1, but as being retained in agricultural use in Options 3 and 4. Vehicular access would be taken from Church Road, and it is intended that this would be by means of either staggered junctions or a signalised crossroads junction (above, paras 3 & 4). The masterplans also show certain footway/ cycleway links to the proposed Riversleigh development and to the new housing on Harbour Lane: I consider below (para 125) the extent to which such links could be achieved.
17. The scheme involves alterations to the Lytham Road/ Church Road/ Highgate Lane junction (Plan F). These works would include the provision of islands on the Church Road and Lytham Road (west) approaches and controlled pedestrian crossing facilities. A third new island would be constructed in the widened bellmouth of the junction of Lytham Road with Harbour Lane, a short distance to the east. In addition it is intended that two bus stops on Lytham Road would be upgraded to quality bus standard, and that the Lytham – Kirkham bus service would be diverted to the site on an hourly basis.

Planning Policy

The Local Plan

18. The Development Plan comprises the saved policies of the Fylde Borough Local Plan as Altered (CD1.1), which is an amalgamation of the continuing policies of the Fylde Borough Local Plan and the Fylde Borough Local Plan Alterations Review. In this report the term Local Plan is used to refer to the combined document. On the Proposals Map⁶, the area occupied by the farm buildings is

⁴ The plan attached to TPO 1981 No 5 (Warton) shows four trees between the farmhouse and Church Road (Document G8). The Council explained that only the ash tree (T4) remains.

⁵ Paragraph 3.1 of Document G3.

⁶ An extract from the Proposals Map is at Plan H.

within the limits of development of Warton and part of a nearby field is in the Green Belt. The remainder of the appeal site is designated as part of a countryside area. Policy SP1 provides that, subject to other policies of the Local Plan, development will be permitted within the limits of development of specified settlements, including Warton, which is included in the second level of the hierarchy. Development in countryside areas is the subject of Policy SP2, which seeks to restrict development to that required for agriculture or other uses appropriate to a rural area; the re-use of buildings; the re-use, refurbishment or redevelopment of large developed sites; minor extensions; and development needed for an existing operation. Within the Green Belt, Policy SP3 explains that permission will not be given, except in very special circumstances, for new buildings other than for agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt, and which do not conflict with the purposes of including land therein.

19. Policy HL2 sets out a series of criteria against which housing proposals should be assessed. Amongst other matters, the development should be acceptable in principle and compatible with nearby uses, in keeping with the character of the locality, be in a sustainable location having regard to the availability of employment sources, public transport and community facilities, and avoid an adverse effect on the safe and efficient operation of the highway network. Specific support for well-designed housing schemes which respect the character of an area is given by Policy HL6, and in rural areas Policy EP11 requires that development proposals should be sited in keeping with the distinct landscape character types in the Landscape Strategy for Lancashire and the characteristic landscape features of Fylde. Large scale housing developments of over 100 dwellings or 3ha should only be permitted where there would be a satisfactory level of public transport, and adequate bus stopping, waiting and turning facilities (Policy TR5). Policy EP19 explains that development which would have an adverse effect on protected species should not be permitted. Where development which would affect protected species is permitted, conditions or planning obligations should be used to provide mitigation. Under Policy CF2, planning obligations will be sought to ensure the provision of additional school places needed as a result of new housing development. Amenity open space requirements within housing developments are set out in Policy TREC17.

The emerging Local Plan

20. The Council is preparing the Fylde Local Plan to 2030, which will comprise two parts. Part 1 will contain strategic and development management policies, including strategic housing allocations. The Preferred Options document for Part 1 of the emerging Local Plan (ELP) was published in 2013 (CD2.3): following consultation a Revised Preferred Options document is expected to be produced during 2015, with adoption anticipated in 2016⁷. At the date of the inquiry, work had not commenced on Part 2 of the ELP, which will deal with non-strategic allocations.

⁷ Miss Riley's proof of evidence gives the expected date of adoption of Part 1 of the ELP as late 2015, and the planning statement of common ground refers to publication of the Revised Preferred Options later in 2014. These dates were revised by Miss Riley in oral evidence to the inquiry.

21. Policy SD1 of the ELP is concerned with the spatial development framework. As a local service centre, Warton is included in the second tier of the settlement hierarchy. New development is expected to contribute towards sustainable communities by its location, accessibility, and its use of resources and construction materials. Warton is one of four strategic locations for development included in this policy. Four strategic sites for housing development at Warton are put forward under Policy SL3⁸, which it is expected would provide about 1,160 dwellings. With the exception of the farm buildings and the land within the Green Belt, the western part of the land subject of the appeal forms part of site H8. The eastern parcel is included within strategic site H9. In the Responses Report to the Preferred Options consultation⁹, the Council has recommended that the number of new dwellings at Warton be reduced to 650. Policy H3 seeks the provision of a minimum level of 30% affordable housing in urban market housing schemes of 15 or more dwellings: the majority of the affordable housing should be in the form of social rented or affordable rented homes. The ELP has yet to be submitted for examination, and, as it is at a relatively early stage in its preparation, I agree with the main parties that it carries only limited weight.

The emerging Neighbourhood Plan

22. The submission version of the Bryning with Warton Neighbourhood Plan was published in September 2014, and was subject to consultation at the time of the inquiry (CD2.35). Policy BWH1 is concerned with managing housing growth in Warton. Housing growth should be appropriate in size and scale to Warton's village character. Within the settlement boundary (figure 5 of CD2.35), 650 new homes are proposed up to 2030: the majority of these dwellings would be provided on sites H1 - Warton West and H2 - Warton East (figure 6). The appeal site, including the farm buildings, lies outside the settlement boundary. Policy BWNE2 requires, amongst other considerations, that the general character, scale, mass and layout of proposals fits in with the grain of the surrounding area, and that the distinctive character and countryside setting of the rural landscape is enhanced. The emerging Neighbourhood Plan (ENP) has yet to proceed to examination and a referendum: I agree with the main parties that its provisions carry limited weight.

Enterprise Zone Masterplan

23. Warton Aerodrome, where BAE Systems is based (above, para 12), is part of the Lancashire Advanced Engineering and Manufacturing Enterprise Zone¹⁰. A consultation masterplan has been prepared for part of the North Enterprise Zone area at Warton, known as the Phase 1 site (CD4.2), and this was adopted by the Council for development management purposes in October 2014 (Document L20). Certain of the access provisions are of relevance in this appeal. The main access to the Phase 1 site would be from the new road on the eastern side of Warton¹¹. This access would also serve BAE Systems and the firm's gatehouse would be relocated from Mill Lane to a position on the southern side of the Phase 1 site¹².

⁸ The location of the sites is shown on the Map of Warton Strategic Location for Development in Document CD2.3.

⁹ Appendix 23 in Document L8.

¹⁰ The Enterprise Zone also includes Salmesbury Aerodrome.

¹¹ Referred to in the Masterplan as the GEC eastern access road.

¹² The new eastern access road and the gatehouse positions are shown on the access strategy plan in CD4.2.

Other policy documents

24. A revised version of its Interim Housing Policy (IHP) was approved by the Council in 2013 (CD1.8). The main reason for producing the IHP was an increased dwelling requirement in the then emerging Regional Spatial Strategy (RSS). The RSS has been revoked and the IHP carries limited weight. It does, however, make reference to the provision of affordable housing. Warton is included in the urban option of the IHP, where, in respect of proposals for 15 or more dwellings, a proportion of 30% of affordable dwellings is sought. The IHP also refers to the provision of public open space for housing developments. The Landscape Strategy for Lancashire includes a landscape character assessment (CD1.14): in this assessment the appeal site lies within character area 15d – The Fylde Coastal Plain. The Planning Obligations in Lancashire Policy is of relevance (Document G11), and I have also had regard to national planning policy and guidance, in particular that contained in the National Planning Policy Framework (NPPF), and the Planning Practice Guidance (PPG).

Agreed Matters

25. A planning statement of common ground (Document G3) covers the following matters:

- A description of the site and its surroundings.
- The original proposal and subsequent revisions.
- Planning policy and guidance. Limited weight can be afforded to the ELP due to its early stage in the plan-making process. Limited weight can be afforded to the ENP due to its early stage in the plan-making process and the receipt of objections.
- Fylde does not currently have a five years supply of housing sites; therefore paragraph 49 and the relevant provisions of paragraph 14 of the NPPF are engaged.
- The Council has accepted, in the ELP Preferred Options Responses Report and in Miss Riley's evidence, that a 20% buffer should be applied to the housing land requirement. The buffer should be added to the entire requirement, including historic shortfall.
- A base date of 31 March 2014 is appropriate for assessing housing land, as this is the latest date for which there is accurate data on completions and supply. The Council has produced several scenarios with this base date. Although the Appellant does not accept the level of supply, none of the scenarios would give a five years supply of housing land.
- Warton is identified as a second tier settlement in the Local Plan and as a strategic development location in the ELP. Whilst the Preferred Options of the ELP is subject to review, some greenfield sites on the periphery of Warton will need to be released for housing development over the plan period.
- The masterplans for Options 3 and 4, which show retention of the hedgerow along Hillock Lane, address the Council's concerns in respect of landscaping on the site perimeter. These options do not include a vehicular access or

individual drives onto Hillock Lane, and the Council is not pursuing the fourth reason for objection to the scheme.

- The delivery of additional school places can be secured by a planning obligation. This requirement would be compliant with the Community Infrastructure Levy (CIL) Regulations.
- 30% of the dwellings would be affordable housing in accordance with the Interim Housing Policy. This provision could be secured through a condition or a planning obligation, which would be CIL compliant.
- The required level of open space could be provided for Options 1, 3 and 4. If the 'pocket park' cannot be used for open space and newt mitigation, an alternative area of open space would be needed.
- Public realm improvements are not required. The Council's Regeneration Framework includes a public realm scheme for Warton, which is fully funded by an existing planning obligation.

26. A highways statement of common ground (Document G4) covers the following matters:

- Vehicular access to the site from Church Road is acceptable in principle: appropriate forms of access include a staggered junction or a signalised crossroads.
- The committed development to be included within the transport assessment.
- The junctions to be considered in assessing the appeal proposal.
- Traffic count data included in the transport assessment are a reasonable basis for assessment traffic figures for the local traffic network.
- The traffic impact of the proposal would be greatest during the morning and afternoon peak hours.
- Modelling assessment years are 2019 and 2024.
- The estimates of peak hour generated traffic in the transport assessment are a suitable basis for the modelling and analysis of the traffic impact at the study junctions.
- The Lytham Road/ Church Road/ Highgate Lane junction is the focus of the Highway Authority's concern.
- The trip distribution adopted in the transport assessment for assigning the generated traffic to the local highway network reflects the pattern that could be expected for vehicular trips from the appeal site.
- The distance from the centre of the eastern part of the appeal site to the nearest bus stops on Lytham Road is slightly less than 800m. From the centre of the western part the distance is slightly less than 900m if a route via the Riversleigh site is available. Otherwise the distance increases by about 100m.
- The travel plan is acceptable.

27. A housing supply statement of common ground (Document G5) covers the following matters:

- For the purpose of the inquiry, the Council's figure of 366 dwellings per annum (2011 to 2030) is the starting point for calculation of the five year housing supply position.
- The number of completions for 2011-12 to 2013-14 is 537.
- There has been a shortfall of 562 dwellings since 2011-12.
- The five years requirement with the backlog and a 20% buffer added is 2,875 dwellings, and the annual requirement is, therefore, 575 dwellings.
- For the purpose of the inquiry, the supply of housing land is sufficient for between 3.5 and 4.1 years.

The Case for the Appellant (Documents A1-A14, A16, A22)

The material points are:

The approach to determination

28. The planning statement of common ground confirms that there is not a five years supply of housing land in Fylde (above, para 25). The main parties agree that paragraph 49 and the relevant provisions of paragraph 14 of the NPPF are engaged. The Parish Council's planning consultant also accepts that paragraph 14 is engaged. Thus, the agreed approach to the determination of this appeal means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This position is not altered by the 2012-based household projections. The projections should be treated with caution since they are informed by recent trends covering a period of recession, which resulted in limited economic growth, low levels of house building, and suppressed rates of household formation. Furthermore, when allowance is made for second homes, empty dwellings and shared homes, the figure of 222 households forming annually does not represent a lower level of dwellings than the figure of 237 derived from the 2012-based sub-national population projections. The Analysis of Housing Need in Light of the 2012 Sub-National Population Projections¹³ indicates that an objectively assessed need in the range of 300-420 dwellings per annum (dpa) remains appropriate.

29. Insofar as that part of the proposal within the Green Belt is concerned, no development is proposed save for any open space provision required by the Local Planning Authority, and/ or any potential ecological mitigation measures. The appropriateness of those uses within the Green Belt is not disputed.

Impact on the highway network

30. Traffic flow has been assessed for 2019, which may coincide with the completion of the proposed housing development on the appeal site, and 2024. The focus of the Highway Authority's concern is the effect of the development on the Lytham Road/ Church Road/ Highgate Lane junction. Whilst a level of 90% degree of

¹³ This document is referred to as the Strategic Housing Market Assessment (SHMA) Addendum.

- saturation leads to queuing, it was acknowledged that it becomes significant at levels over 100%. The impacts on the Lytham Road/ GEC access and the Lytham Road/ Mill Lane junctions would not be unreasonable.
31. The transport assessment includes robust assumptions about committed development including the other proposals for Warton and the 1200 jobs expected to be created in the enterprise zone in the short to medium term. A spatial masterplan prepared on behalf of the Appellant¹⁴ indicates that an east-west link road could be delivered by the grant of permissions for the allocations proposed in the ELP.
 32. There is not clear evidence to support the Highway Authority's concern about the effect on the Lytham Road/ Church Road/ Highgate Lane junction. Whilst some further improvements might be expected at some stage of the development in the enterprise zone, nothing suggests that the timing of such improvements would have a bearing on this case. Moreover significant changes will result from the expected construction of the Preston Western Distributor Road by 2021, for which funding has been announced¹⁵.
 33. There are differences in the modelling of storage at the junction. The eastbound difference of 10 or 12 passenger car units (pcus) is relatively minor. The difference of 7 or 12 pcus in the westbound carriageway is more significant, but vehicles turning into Harbour Lane should not encroach into the storage capacity since there is a 3m width for the right turn lane. There is no reason to depart from the recommended delay based assignment methodology: the LINSIG manual explains that this method is preferred for assigning flows to routes in most cases.
 34. The Lytham Road/ Church Road/ Highgate Lane junction has two lane gap acceptance as do many in the Preston area which operate with typical accident rates for signalised junctions. Two lane gap acceptance does not appear to be identified as a concern in the Highway Authority's Network Management Plan. Traffic Advisory Leaflet (TAL) 2/03 (Document L17) recommends that gap acceptance should not be pursued where the 85th percentile approach speed exceeds 45mph: survey results give the 85th percentile eastbound and westbound approach speeds at the Church Road junction as 25.5mph and 26.5mph respectively. There is no accident problem associated with the existing two lane gap acceptance at this junction.
 35. A closely associated signal can be provided for drivers emerging from Highgate Lane. Whilst this could be positioned satisfactorily without the need for an island, the overall width of the highway would enable an island to be provided.
 36. Opposite to Harbour Lane, the overall crossing width would only be increased by 0.7m, and there would be a fully controlled crossing on the nearby eastern arm of the Church Road junction. There would be no material increase in the risk of accidents at Harbour Lane. The westbound cycle lane could be retained. Although the width is not ideal, the proposed junction scheme would not worsen the situation.

¹⁴ In Appendix B in Document A3.

¹⁵ Mr Stevens informed the inquiry that funding was in place for the Preston Western Distributor Road and that it was expected to be constructed by about 2021. A plan of the proposed route is at Appendix 10 in Document A12.

37. The Appellant's highway consultant commissioned an independent road safety audit of the junction works. None of the concerns raised by the Highway Authority were identified. Furthermore, a review of accident data in cross-examination of the Council's highway witness revealed that the accidents which had occurred within the vicinity of the junction (as denoted by the red line on Plan F) would either be made less likely or would be unaffected by the scheme.

Sustainability

38. An overall judgment on sustainability would involve an analysis on a much broader range of topics than accessibility. It is considered that the proposed allocations in the ELP which include the appeal site scored well in the strategic environmental assessment and sustainability appraisal (SA, CD2.42). The site is accessible to the A584, and there is the potential for relief from congestion through the proposed Preston Western Distributor Road. The SA also highlights the close proximity to a large number of employment opportunities: the benefit of locating jobs and homes together is an important reason behind ELP Policy SL3.
39. The starting point for consideration of accessibility is Warton's position in the settlement hierarchy. From the early 1990's the Structure Plan identified Warton as a second tier settlement, which would accept growth appropriate to its size and form. Although the Joint Lancashire Structure Plan gave Warton a lower status, the Local Plan maintained its position as a second tier settlement¹⁶. The ELP indicates that the likely intention is for Warton to be a local service centre status. Even at this tier in the hierarchy, growth is intended. The Responses Report indicates that Policy SL3 is to be maintained.
40. From the appeal site to the bus services and amenities in the centre of Warton would involve a level walk of about ten minutes, which is considered to be acceptable. The operator of the No 78 bus service between Lytham St Annes and Wesham would be prepared to divert one service per hour in each direction to serve the appeal site, and a bus turning area is included in the Option 4 illustrative masterplan. A new length of footway would be provided on Church Road, and a pedestrian/ cycle link can be provided through the Riversleigh scheme. There is also a reasonable prospect of securing a link through new housing development to the east. The cycleway on the north side of Lytham Road would be a benefit, and other measures would be included in the travel plan.

A masterplanned approach

41. The delivery and implementation section of the ENP indicates that the Parish Council will work with developers to deliver appropriate growth. This can be achieved through planning applications such as that which was submitted for the appeal proposal. An aspiration for a west-east link could be accommodated by the development, and there is no evidence that it would prejudice the reasonable options for a masterplan for Warton.

¹⁶ Warton's position in the settlement hierarchy is explained in Document L19.

The emerging neighbourhood plan

42. Paragraph 21b-014 of the PPG sets out the circumstances in which it would be justifiable to refuse planning permission on the grounds of prematurity. It provides two tests. Firstly, a proposal must be so substantial that to grant permission would undermine the plan making process. Secondly, the emerging plan is at an advanced stage but not yet formally part of the development plan. A refusal of planning permission will seldom be justified in the case of a neighbourhood plan before the end of the local planning authority publicity period.
43. The ELP sets a significant context for the ENP. The Preferred Options document includes Warton as a strategic location for development, with reference made to its role as a local service centre, the potential for development on previously developed land at BAE Systems, the establishment of the enterprise zone, the prospect of improved access to a new motorway junction, and the proximity of wastewater treatment facilities. The aim of transferring plan-making to community level has to be balanced against wider planning considerations. One of those considerations relates to the need to meet strategic and objectively assessed housing requirements.
44. The ENP does not provide a clear basis for the requirement for 650 dwellings, and it assumes that there would be no net increase in jobs over the next ten years. Site selection also appears to lack a sound evidence base: there does not appear to be any SA type analysis of the various alternatives. The ENP was still at draft submission stage, and representations by the Council have to be addressed.

Other matters

45. The proposal would have a minor negative impact on the landscape, but this is necessarily the case when residential development occurs on greenfield land. However the level of harm is not such as to be unacceptable. All parties agree that some greenfield land around Warton will need to be released to meet housing requirements, and the Council accepts that, in general terms, the appeal site is no worse than others.
46. All ecological matters could be addressed and satisfy the relevant tests in the NPPF. Further survey work may be required in relation to water voles. Sustainable drainage features would support mitigation measures for great crested newts, and an ecological management plan could be secured by condition.

The overall balance

47. Chief among the benefits is the provision of new market and affordable homes. Substantial weight should be attached to the lack of a five years supply of housing land. Other benefits of the proposal would include the introduction of safety and accessibility improvements to the Lytham Road/ Church Road/ Highgate Lane junction, enhancement to biodiversity on the site in general and for protected species, additional spending generated by the new population (about £7.9million) part of which will help sustain and serve local services/ shops and wider services in the sub-region, creation of on-site construction jobs and jobs through the supply chain, a new homes bonus of about £2.4million, and a stronger and more defensible Green Belt boundary.

48. To weigh against the benefits, the Council claims that there would be severe congestion and a significant increase in risk of accidents, partly as a result of the site's poor accessibility. However, the Appellant maintains that the risk of accidents would decrease overall and that congestion would not be so significant as to constitute a severe residual. Impacts on air quality and residential amenity would be respectively, slightly negative and neutral. Overall, the benefits clearly outweigh the harms, even on the basis of the conventional planning balance. Moreover, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The Case for the Council (Documents L1-L11, L24)

Housing land supply

49. Notwithstanding appeal decisions that have endorsed the use of the RSS evidence base for the generation of a housing requirement, the approach of the Council is to recognise that the Hunston judgement in the Court of Appeal (CD5.24) and the presence of more up-to-date information in terms of the assessment of objectively assessed need would promote the use of the latter in preference to the revoked RSS evidence base figures. The Council has taken a robust approach in not simply relying on RSS evidence base figures, and, in making use of the objectively assessed need not by reference to the lowest part of the range, but by using a figure of 366dpa, which provides an uplift over demographic-led scenarios and provides for economic growth in using the Sedgefield approach to meeting the backlog, and in accepting the use of a 20% buffer. Initial analysis of the 2012-based household projections suggests that 222 households are forming annually in Fylde over the period 2012-2037. The figure of 237 dwellings derived from the 2012-based sub-national population projections is slightly higher. The implications of these population projections on the range of housing needs were considered in the SHMA Addendum, which indicates that an objectively assessed need in the range of 300-420dpa remains appropriate. Consequently the 2012-based household projections do not materially alter the evidence submitted to the inquiry.
50. The statement of common ground on housing land supply sets out a range of 3.5-4.1 years supply. The Council prefers the top end of that range. The large sites, all with planning permission, have a total capacity of 2553 dwellings, of which only 1130 are included in the supply. The method of assessment is robust: it has involved the development industry locally, has been consulted upon and has been consistently used to inform a policy compliant SHLAA. There is substantive evidence to support the Council's windfall figure. In the context of a recessionary period, the figure has been 173 dwellings in 5 years at 34.6pa, and recent sources of supply such as office conversions show how robust the figure is. Evidence has been submitted to justify the empty homes allowance and the number of units at the GEC Marconi site. The Council's position on supply is robust and it accords with footnote 11 of the NPPF.
51. It is accepted that for decision taking purposes the relevant policies of the Local Plan for the supply of housing (including existing settlement boundaries) are out of date such that paragraph 14 of the NPPF is engaged. However, there are several other points to consider within the balance. Comparison of the Proposals Map (Plan A) with the location plan (Plan H) shows that the limits of development

have already been breached, and the proposal would involve further development in the open countryside. The position in respect of commitments for housing is improving: in 2012-13 there were 2,434 gross total commitments, and this number had increased to 3,516 in 2013-14¹⁷. Reflecting this, the completions figure is rising and the shortfall is reducing. The position concerning housing land supply is improving.

Highways

52. There is no disagreement that there will be an impact on the Lytham Road/ Church Road/ Highgate Lane junction, and the scheme also gives rise to safety concerns.
53. The correct comparison is that shown between the base conditions and post-alterations in tables 4.9 and 4.10 of the Council's highways witness (in Document L2). The proposal would result in severe congestion, and the length of queues and delay in table 4.10 show an unacceptable impact. It has not been demonstrated that a closely associated secondary signal head can be provided for the Highgate Lane arm. The plan from the traffic signal consultants¹⁸ would not enable drivers who have progressed forward beyond the stop line to see the information on the closely associated signal head beyond the 30 degrees line of sight. This would result in the presence of vehicles beyond the stop line whilst the next phase of east-west movement has commenced, resulting in the junction not serving its purpose. The correct approach would require the provision of an island that includes primary and closely associated secondary signals on Highgate Lane extending from the stop line to a point that does not influence the east - west movement, thus overcoming the line of forward visibility concern. A layout that overcomes these concerns and the constraint of providing both an island and swept path for wider vehicles has not been provided.
54. It is not appropriate to model on the basis of two infinite lanes on the junction approach, when the position on the ground now and as proposed is one short and one infinite lane. This approach distorts the results. The resultant flare length is unrealistic. To the west this means an over estimate of two vehicles. To the east the capacity is over stated to a greater extent. There may be some storage beyond the yellow box (2 pcus) but the other vehicle movements at the Harbour Lane junction mean that it would not be robust to go beyond that point. Moreover, by seeking to introduce storage capacity at peak periods at the same point as the modified island would result in conflict with pedestrian movement. Driver preference for the inside lane supports a 60/40 split. There are good reasons not to employ a delay based assignment in the context of the use of the A584, where there is not the series of choices available which make such an approach appropriate to a wider strategic model. In this context the use of a manual model is both more detailed and more flexible.
55. The proposal relies on a gap acceptance approach, whereby drivers of vehicles turning right from the A584 would be required to judge their manoeuvres across two lanes of approaching traffic in both directions. This is not justified by reference to any existing level of gap acceptance at this or any other junctions,

¹⁷ These figures are from the table of housing completions and commitments between 1991/92 and 2013/14, Appendix 13.1 in Document L8.

¹⁸ Appendix R6 in Document A9.

and it gives rise to an important safety concern in terms of vehicle masking. There is no guidance to support the view that it should be regarded as good practice or as a safe modern design solution on an A road. Moreover, the guidance in TAL2/03 applies to high speed roads, and the A584 is not a high speed road. To seek to by-pass the locally accepted approach to junction design and introduce an unwelcome technical solution not supported by guidance for roads with lesser speeds is not sound locally based planning.

56. The scheme introduces a complicated arrangement which would not safely support the needs of all users. There would be pedestrians crossing the road at the uncontrolled location to the west of the junction on Lytham Road with potential intervisibility issues arising from a high wall on Highgate Lane. There is no cycle provision west-bound with these users competing for highway space with motorised vehicles, including stopping buses, within a merge area. The retention of the existing sub-standard on-road cycle lane should not be used within the design of a two to one lane merge, in which any redesign should be aimed to meet standards for all users.
57. Pedestrians would be able to cross the A584 at Harbour Lane, making use of a moved and narrowed pedestrian refuge, and walking over two lanes of traffic or between stationary traffic from the signals in one or both lanes, introducing a further safety concern. Four personal injury accidents were identified in the vicinity of the junction and Harbour Lane in just over four years prior to the inquiry (in Document L5).
58. Having regard to the likely redistribution of traffic, there would be a contributory negative impact at the Lytham Road/ GEC junction which weighs against the proposal. It has been accepted that the congestion impacts in respect of the Lytham Road/ Mill Lane junction are relatively minor and only contribute to that extent to the residual impact. However all of the cumulative impacts need to be considered in order to arrive at a view on severity.

Connectivity

59. A master-planned approach is likely to give rise to improved spatial planning for Warton. Whilst the site is included in the ELP, the SA is very high-level, and, in representations on the Preferred Options, the Highway Authority has pointed to the possible need for new road infrastructure to the north of Warton. The appeal proposal does not form part of a master-planned exercise, incorporating the phasing of sites with relevant infrastructure.
60. The letter from Prospect is the only evidence of connectivity through the Riversleigh Farm development, but this has not been presented in the form of a master-plan. Connectivity depends on Riversleigh being provided in advance. It is accepted that the grant of planning permission on this scheme is likely, but the timing of implementation is outside the control of the Appellant and the Council. There is not an equivalent letter with respect to the Meadow View scheme and no connectivity would be provided there. There would be no connectivity through Fir Grove or to the north-east.

Sustainability

61. The ELP identifies Warton as a local service centre which is consistent with the services present. The appeal proposal is for a large scale residential

development. It is important that such development has strong sustainability credentials, but the appeal scheme does not. The distances to the nearest bus stops are about 800-900m (1000m excluding Riversleigh connection) from the centre of the proposed residential development and would rise to over 1.1km from the furthest dwellings on the site. These distances are well beyond the Institution of Highways & Transportation (IHT) guideline maximum figure of 400m¹⁹. Whilst it is proposed to provide a bus stop to serve the site, to have purpose it should provide a link to suitable transport services, to destinations where travel is required such as Preston, in order to be a realistic alternative to the private car and be viable post any financial pump-priming. However there is no evidence to show that the operator regards the proposed diversion of the No 78 service on an hourly basis as a commercial proposition over the longer term.

62. The IHT guidelines give a desirable walking distance of 400m and an acceptable walking distance of 800m to local services²⁰. There are no facilities within the desirable distance, except the Birley Arms public house, in excess of 300m away. The table at 4.14 in the proof of the Council's highways witness (Document L2) shows that most facilities exceed acceptable walking distances. This includes all health facilities, numerous faith organisations, all major retail outlets, and most schools. The distance to local shops is on the edge of acceptability from the centre of the site.
63. Appeal decisions put forward by the Appellant do not justify the present scheme from the perspective of sustainability and accessibility²¹. This development would perform poorly in terms of access to facilities and would not serve to achieve modal shift. It is a development that would lead to disproportionate reliance on the private car, which is not in accordance with NPPF. This is relevant in the overall balance of sustainability considerations.

Character and appearance

64. If planning permission is granted for significant development at Warton, there would inevitably be an urbanising effect. It is not the Council's case that, in landscape terms, the ENP sites would have significantly less of an urbanising impact. Nevertheless, the landscape and urbanising impacts stand to be weighed in the balance. The landscape and visual impact assessment shows clear effects ranging from slight to substantial in terms of landscape impact as one moves from more general to more localised assessment. It also shows slight to moderate effects in a range of views: what is a pleasant pastoral context will clearly change. It is contended that the document acknowledges that there would be a negative landscape and visual impact which weighs in the balance against the proposal.

School places

65. A contribution is sought in respect of primary schools. Account has been taken of other developments in seeking the contribution for primary places. The

¹⁹ Suggested walking distances to bus stops are given in the IHT publication *Guidelines for Planning for Public Transport in Developments* and are reproduced in table 4.13 of Document L2.

²⁰ Suggested walking distances are given in table 3.2 of the IHT publication *Guidelines for Providing for Journeys on Foot*: Appendix 23 in Document L3. Journeys to local services are not covered by the categories of the first two columns and the Council has, therefore, referred to the distances elsewhere, given in the third column of the table.

²¹ Specific reference is made to the appeal decisions included at Appendices 13 & 14 of Document A7.

calculation of the precise amount is sensitive to bedroom mix and timing. It is proposed to deal with this by way of the wording of the planning obligation which it is agreed would provide a satisfactory mechanism for the delivery of the justified contribution in respect of primary school places.

Affordable housing

66. The Fylde Coast SHMA (CD2.7) indicates an annual need for 207 affordable dwellings, equivalent to 57% of an annual housing requirement of 366 units. It is agreed that 30% of the proposed residential development should be affordable housing. However, the objective of policy is to meet the affordable housing needs of the community. The SHMA indicates that at least 84% of affordable housing should be social rented accommodation²². Accordingly any conditional grant of planning permission should ensure that the greatest provision is for this type of tenure.

The emerging Neighbourhood Plan and Local Plan

67. Recognition should be given to the aspiration of the local community in responding to the agenda set by the Localism Act by bringing forward a neighbourhood plan. This has hurdles to overcome, but recent decisions of the Secretary of State recognise the importance of neighbourhood planning, and in an appeal decision for development in Malmesbury, the Secretary of State attached greater weight to the emerging neighbourhood plan than the Inspector (CD5.29).

68. The emerging Local Plan is likely to reach adoption in 2016. The direction of travel in respect of Warton is towards a lower growth option, reflecting the aspirations of the local community. The growth may be lower than that consulted upon within the Preferred Options document, but it would nevertheless be significant and not out of step with the place which Warton occupies in the settlement hierarchy. The relationship that housing provision has with the support for the enterprise zone remains an issue which is properly considered within the plan making process.

Ecology

69. It is accepted that the proposal could address requirements in respect of the habitat of the great crested newt subject to suitably worded conditions.

The planning balance

70. In disaggregating the elements of generic economic and social benefits associated with any proposal for housing, such as the new homes bonus, construction jobs, and retail expenditure, the balancing exercise should not overstate what the Council acknowledges is a matter of considerable weight. The delivery of housing, including policy compliant provision of affordable housing, is such a benefit. It is agreed that the presumption in favour of sustainable development is engaged. The wording of the presumption means that for decision taking (unless material considerations indicate otherwise), permission should be granted unless any adverse impacts of doing so would significantly and

²² Figure 9.15 in Appendix 3.1 of Document L8.

demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

71. Taking into account that the shortfall in housing land is likely to be closer to 0.9 than 1.5 years, and that the proposed development would be delivered in phases over a number of years, the benefit of the provision of housing to address the lack of a five years supply is considerable. The provision of much-needed affordable housing is also a matter of considerable benefit. However there is no current policy basis for considering that the site meets a deficit in public open space in Warton, and this should be seen as a site which simply meets its requirements.
72. The proposal would have negative landscape and visual impacts. Whilst the ENP process can only have limited weight at present, some limited harm should be ascribed to the associated frustration of the aspirations of community planning embodied in the neighbourhood plan process.
73. The off-site highway works proposed as part of the scheme do not limit the significant impacts of the development. They would not acceptably address congestion at the Lytham Road/ Church Road/ Highgate Lane junction in terms of the free flow of traffic or highway safety. Taken together with the other residual cumulative impacts of the development there would be a severe effect, which in itself justifies the refusal of permission.
74. The proposal would generate significant movement and it has not been located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The development would accordingly promote a car-reliant community, and that is also a significant matter weighing negatively in the balance. For these reasons the appeal should be dismissed.

The Cases for Interested Parties

The material points are:

i) Bryning-with-Warton Parish Council (Documents O2-O4)

75. Neighbourhood plans are a key strand of Government policy, and the Ministerial statement of July 2014 explains that the neighbourhood planning approach should be taken into account in planning appeals. The Bryning-with-Warton Neighbourhood Plan has reached submission stage and it should be given significant weight in this appeal.
76. The ENP sets out a vision for Warton and it also plans for significant growth, whilst ensuring that the essential character and function of the village is maintained. It is widely supported by local residents, and reflects Government policy, supporting economic growth, promoting more house building, and involving local choice and decision-making. The appeal site lies outside the settlement boundary and it is not allocated in the ENP. The appeal should be dismissed, since the granting of permission would seriously undermine the ENP and a key area of Government policy. Should the appeal be successful, much of the ENP would have to be revisited.
77. Development of the appeal site is not sustainable because of concerns relating to highway matters, flooding and drainage, infrastructure, and housing. Traffic problems are experienced on a daily basis, and include parking and traffic flow on

Church Road. The development would result in a large increase of traffic, not only on the main roads and junctions, but also on the country roads of Bryning Lane and Hillock Lane. Improving the junction of Church Road with Lytham Road would not be sufficient, since Church Road itself would be a congested single carriageway.

78. There are historic problems of surface water flooding and drainage: the existing system is antiquated and in need of major revision. Services and facilities are limited. There is no post office, chemist, health services or bank. Consequently additional car journeys would be generated. It is acknowledged that additional housing should be provided, and the Parish Council has not objected to certain other housing proposals. This development, though, would not be in the right location. Interest in housing proposals has been linked to future employment opportunities in the Enterprise Zone, but it is not considered that the evidence supports such job growth.

ii) Neighbourhood Plan Steering Group (NPSG - Documents O5 & O6)

79. The major works proposed at the junction of Church Road with the A584 would have a detrimental impact, whereas the ENP anticipates significant improvements to the village centre. Given the scale of the proposal there should be a contribution to the improvement of the public realm. There has been extensive consultation with the community, and the ENP has now reached submission stage and it should hold greater weight. This document has become the masterplan for Warton. If the outcome of this appeal ignores the ENP, then the energy and views expended would be lost, contrary to the localism agenda.
80. The ENP supports development of 650 dwellings up to 2030, representing an increase in size of the village of 42%. A comprehensive report on possible sites was produced, and the appeal site was deemed unsuitable due to sustainability and accessibility considerations. There are 5-6,000 people working on the BAE Systems site, with a rationalisation programme recently announced which would remove about 250 management positions over the next 9-12 months. The possibility of job losses at BAE Systems should be considered as well as the job creation potential of the Enterprise Zone. Moreover there have been concerns about job losses at the Land Registry, it was understood that only a few companies had expressed interest in coming to the Enterprise Zone, and a report by the Public Accounts Committee suggested that the number of jobs created in enterprise zones nationally fell short of expectations. It would be better to wait for the M55 link road to open and then assess how the Enterprise Zone fares, rather than prematurely destroying greenfield sites. The judgement of the NPSG is that employment growth will not be on the scale put forward by the Appellant. Building an excessive number of dwellings in Warton with no commensurate growth in employment would be unsustainable.

iii) Campaign to Protect Rural England (CPRE - Documents O7, O8 & O17)

81. The appeal site is predominantly agricultural land in a countryside area outside the limits of development. The proposal would, therefore, conflict with Policy SP2 of the Local Plan. Local facilities and services are inadequate for the cumulative increase of proposed housing. About 10% of the site is categorised as the best and most versatile agricultural land: the effective use of land involves using brownfield land before greenfield land, and certainly before good quality agricultural land. The proposals of the ELP Preferred Options are considered to

be unsound, so little weight should be given to the inclusion of the appeal site for development. Significant weight should be given to the ENP which has made substantial progress. Its aim that the rural character of the village should be preserved by only proposing development to the west and east is commended.

82. The CPRE has assessed the need for housing land using the 2011-based interim household projections. On this basis there would be a sufficient supply of land for 6.3 years. There are alternative more sustainable sites in the Borough, for example at Whyndye Farm and possibly Blackpool Airport. At Warton, there is 75ha of previously-developed land not required by BAE Systems. It is considered that there is no immediate need to approve this large strategic site before the ELP is examined and adopted. The 2012-based household projections indicate that the annual requirement of 366dpa proposed by the Council is too high: using the 2012-based sub-national population projections the SHMA Addendum had modelled the formation of 237 households per year, whereas the figure from the 2012-based household projections is 225 households per year²³. If 366dpa are not achieved, the shortfall of provision will increase. A realistic annual housing requirement for Fylde should be between 225 and 250 dwellings. An over-ambitious employment growth vision is being promoted, exemplified by the lack of progress at the Enterprise Zone.

iv) Concerned Residents of Warton's Development Group (Documents O9 & O10)

83. The Local Plan was prepared in accordance with the Lancashire Structure Plan. However, at the time of adoption the emerging Joint Lancashire Structure Plan was a material consideration. The housing section of the Local Plan was revised to conform to the emerging Structure Plan, involving a reduction in numbers. In addition, Warton should have been identified as a rural settlement rather than in tier 2, but changes to Policy SP1 and the settlement hierarchy appendix were not made. Whilst the Joint Lancashire Structure Plan took precedence, this has since been abolished, and it is considered that Policy SP1 has been inadvertently saved.
84. Three neighbouring settlements – Freckleton, Kirkham and Lytham - are service centres. If Warton became a service centre it would compromise trade in the existing centres. A role for Warton as a service centre is not an argument to justify development in the countryside. It is not accepted that Fylde has a long history of failing to meet housing targets. For several years a moratorium was in place due to the level of permissions. The insistence of recovering the position in respect of backdated targets leads to swings around the optimum build-rate.
85. In 2006 an employment land study found that the future need for employment land would match the amount of land available. However, it is considered that more employment land was available than was needed, and that there has been an over-allocation of greenfield sites for development.
86. The Preferred Options of the ELP is a consultation document and it should carry little weight. The identification of Warton as a strategic location for development is not considered to represent a progression from the earlier consultation

²³ The Council and the Appellant have referred to a figure of 222 households per year, and that figure is included in addendum 1 of the CPRE's comments.

process. Moreover the housing requirement in the Preferred Options was based on the former RSS rather than Fylde's estimate of its own housing requirement. Responses to the Preferred Options were strongly opposed to the identification of Warton as a strategic location for development and the level of growth proposed. The Council has now come to the view that a reduced number of dwellings should be put forward, but 650 is still very large, having regard to the number of dwellings built and permitted.

87. Warton's drainage and highway infrastructure needs comprehensive upgrading, which can only be achieved through a masterplan. This should be in place prior to the approval of new developments. Piecemeal developments would lead to a failure to fund and phase the necessary changes. The ENP is increasingly viewed as the basis of a masterplan. A trend for less employment land is continuing. BAE Systems identified surplus land at its Warton and Samlesbury sites which have been declared an Enterprise Zone. However, most interest has been in the Samlesbury part of the Enterprise Zone. Warton offers little in the way of benefits as a location for business, and it sits next to a large brownfield site.

v) Warton Residents against Poor Planning (Document O11)

88. A large number of residents objected to the scale of housing development proposed in the Preferred Options of the ELP. In a parish poll, 98% of participants (712 residents) supported this position. Residents are not opposed to development, but are concerned that it should be commensurate with the scale and size of the village, deliver tangible community benefits, protect the countryside, and be sustainable. Recent permissions would provide 416 dwellings²⁴, representing a 25% increase in the size of the village. The road network is already congested, and local services and amenities are under pressure. The 1,160 dwellings referred to in the ELP would only be deliverable if the necessary investment in infrastructure were forthcoming through a proper masterplanned approach. In reducing the number of dwellings to about 650, the Council has taken consultation responses on board, and the ENP takes account of this lower number. Taking account of 416 permitted dwellings, a further 360 dwellings in the appeal proposal would exceed the number now put forward for Warton. There are reservations about certain information submitted by the Appellant in support of the proposal, including details of facilities and services in Warton.

vi) Residents (Documents O12-O14)

89. Three local residents and another from Wrea Green spoke against the proposal at the inquiry. The preparation of the ENP has been an inclusive exercise: the ENP is regarded as the masterplan for Warton, and it should take precedence when proposals such as that which is the subject of the appeal are considered. The proposal is outside the limits of development. It would have a detrimental visual impact, and it would be damaging to the rural scale and form of this side of the village. Highway improvements are needed for further development in Warton, but the proposed alterations to the Lytham Road/ Church Road/ Highgate Lane junction are not considered satisfactory by the Highway Authority. Church Road

²⁴ The figure of 416 dwellings appears in a plan showing applications in Warton in the Regulation 14 draft of the ENP (also submitted as Plan G). A higher figure of 432 dwellings is derived from the Council's note on development proposals in Warton (Document L13), which includes 16 dwellings at Georges Garage.

carries traffic to BAE Systems and the Enterprise Zone. The proposal and other housing schemes would adversely affect traffic movement and highway safety. Most local services are not within an acceptable walking distance of the site, and they would be placed under pressure by the development.

90. There are concerns about flooding, drainage and air quality. Construction work would adversely affect wildlife. The appeal site is the wrong place for the proposed development, which would not be sustainable. One resident considered that the need for affordable housing was in the urban areas, and that there was a prospect of oversupply of housing. There is concern about the adequacy of open space provision for the development.

Written Representations

The material points are:

i) Mr M Menzies MP (in Document O1)

91. The ENP has recently been submitted and the Council is currently preparing the ELP. It would be inappropriate for a decision to be made on the development of the appeal site before the plan-making process is complete.

ii) Warton East Developments Ltd (in respect of land on the east side of Warton: in Document O1)

92. There is a current planning application for up to 375 houses on land on the east side of Warton. It is anticipated that matters relating to highways and ecology should be capable of resolution, and that consequently there should be a recommendation to grant planning permission. Should planning permission be granted, this may have a bearing on the appeal, particularly with regard to highway matters and housing numbers.

iii) Warton LLP (in respect of land to the east of the appeal site: in Document O1)

93. Two pedestrian links are shown on the illustrative masterplan for Option 3 which would go over land in which the company has an interest. The northern link would conflict with an application on which the Council has resolved to grant permission, and it is undeliverable. The southern link crosses the site of another application, and there is no certainty that access could be achieved²⁵. Separation of the open space from that on land to the east would be unsatisfactory.

iv) Other representations (in Document O1)

94. Objections were submitted at appeal stage by five local residents who did not appear at the inquiry. The main concerns raised are: the development would be premature in respect of the ELP and the ENP, pressure on facilities and services, conflict with Local Plan policy in respect of countryside areas, highway safety, drainage, and the arrangement of open space. Reservations were also expressed about the need for the proposed housing. At application stage, over 160 letters of objection were received, in which similar concerns were expressed.

²⁵ Layouts for the sites referred to by Warton LLP are included at Appendices 5 and 4 of Document A12.

Conditions

95. A list of suggested conditions was put forward by the main parties (Document G10). Conditions concerning landscaping and highway works within the site are unnecessary as these matters would be addressed at reserved matters stage. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the specified location plan. Equally, reserved matters should be prepared in accordance with the appropriate illustrative masterplans and proposed access arrangements. Given the size of the site, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory manner. The site includes land within the Green Belt, and a condition would be necessary to ensure that this area remains open in accordance with the intentions of Green Belt policy. There is a need for affordable housing, and this should be secured by means of a condition.
96. To ensure that the development would be in keeping with its surroundings, measures for tree protection are required and the height of the proposed dwellings should be limited to 2.5 storeys. Schemes for external lighting and green infrastructure would also be important for this reason and to enhance biodiversity and safeguard bat roosting opportunities. Additionally in the interests of enhancing and of nature conservation, a biodiversity scheme should be submitted for approval, further surveys should be carried out in respect of water voles and great crested newts, and vegetation clearance should be restricted during the bird nesting season. Contamination investigation has been suggested. Most of the site comprises open fields, and, to ensure a satisfactory residential environment, it is sufficient for this work to be carried out in respect of the area of the farmstead. For the same reason, details of open space should be provided at reserved matters stage. A construction management scheme would protect the living conditions of neighbours.
97. In the interest of traffic movement and highway safety, the scheme of works at the junctions of Lytham Road/ Church Road/ Highgate Lane and Lytham Road/ Harbour Lane should be implemented. The Council suggested that the alterations should have been carried out before construction works commence, but a construction management scheme would provide a means to specify the times of construction traffic, avoiding peak hours. Accordingly, I agree with the suggestion that the off-site highway works should be in place prior to occupation of the 120th dwelling. To encourage the use of alternative means of transport to the private car, conditions would be necessary concerning a pedestrian and cycle link to the Riversleigh Farm site, provision of a bus service to the site and the submission of a travel plan. In order to maximise its effectiveness, the travel plan should be in place before any dwellings are occupied. Finally, surface water and foul drainage schemes should be constructed to ensure that the site is satisfactorily drained.

Conclusions

References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus [8].

Main Considerations

98. I have identified the following main considerations in this case:

- (i) The effect of the proposed development on the character and appearance of the area.
- (ii) The effect of the proposed development on highway safety and traffic movement.
- (iii) Whether any development for the site should be considered in the context of a masterplan for the wider area.
- (iv) Whether the proposed development would be premature having regard to the preparation of the Local Plan and Neighbourhood Plan.
- (v) Whether the site would be a sustainable location for residential development.
- (vi) The effect of other considerations on the overall planning balance.

Character and appearance

99. In the Landscape Character Assessment for Lancashire the appeal site lies within character area 15d – The Fylde Coastal Plain [24]. This landscape type is characterised by gently undulating or flat lowland farmland. The description for the character area itself refers to large fields with boundaries of low clipped hawthorn, the presence of ponds providing important wildlife habitats, and 19th century brick-built farmsteads. These features are characteristic of the countryside to the north of Warton, although the fields on the appeal site are generally smaller in size. The built-up area of Warton and nearby development including the Birley Arms public house and restaurant and the nearby football ground exert an influence on the landscape, and Church Road is a well-used route to Warton from the north. For these reasons I consider that this part of the character area, including the appeal site, is of medium sensitivity.

100. The form of the residential development on the appeal site would be closely related to the existing built-up area. On the western parcel, the new development would wrap around the north-west corner of the built-up area, and that part of the site in the Green Belt, which is furthest from the limits of development, would remain as open land [16]. Housing on the eastern parcel would be partly contained between existing development to the south and new housing under construction at Meadow View to the east [13]. Landscaping and open space would break up the built form, and there is the opportunity to retain lengths of existing hedgerows and ponds. The Option 1 masterplan shows a series of individual drives onto Hillock Lane, and I consider that the punctuation of the hedgerow to this extent would result in a frontage of suburban appearance which would be inappropriate in this location. However the masterplans for Options 3 and 4 simply have gaps in the hedgerow for three footpath connections, and demonstrate that the western parcel could be developed with a layout which would not have an unacceptable effect on the appearance of the

Hillock Lane frontage. Having regard to the overall form of the development, and the extent of the mitigation proposed in Options 3 and 4, I consider that the adverse effect of the proposal on the landscape of the site would be of no more than moderate significance.

101. The proposal would represent an expansion of Warton into the surrounding open countryside. On the west side of Church Road, the development would only extend for a short distance beyond the farmstead, extending back from the road and around the built-up area to adjoin the committed residential site at Riversleigh Farm [13]. Although development on the other side of the road would project further to the north, it would be defined by the existing firm boundaries of Church Road and Hillock Lane. Perimeter planting is intended, and this is shown more fully on the masterplans for Options 3 and 4. Tree planting along the boundaries within that part of the site in the Green Belt, on adjacent land in the Appellant's control, and at the junction of Church Road and Hillock Lane would lessen the effect of the development and assist in assimilating the development into its surroundings. Overall, I consider that the proposal would have a minor adverse effect on the surrounding landscape and this part of The Fylde Landscape Character Area.
102. I turn now to consider the visual effects of the development. The proposed housing would be apparent from both Church Road and Hillock Lane which run alongside the site. There would be clear views from the vehicular accesses on Church Road, although these would be limited in extent, and the views through openings for footway links on Hillock Lane would be restricted. From elsewhere, the upper parts of buildings would also be seen above the frontage hedgerows, although as perimeter landscaping became established the physical form of built development would be less distinct. For the most part, I consider that the combination of existing hedgerows and proposed planting would satisfactorily soften the edge of the development. The series of closely-spaced hedgerow gaps for drives on Hillock Lane shown in Option 1 would significantly increase the impact of built development on persons driving, cycling or walking along this rural road. However the illustrative masterplans for Options 3 and 4 indicate the opportunity for construction of housing on this location without causing unacceptable intrusion on Hillock Lane.
103. The development would result in the loss of open aspects across the appeal site from the adjacent road, although their extent is limited at present by internal field boundaries and the proximity of the built-up area. To the north of Hillock Lane and to the west of its junction with Church Road, views of the open Fylde landscape would remain. There would be a moderate adverse impact from the vantage points available on adjacent roads.
104. From positions further away, on the public footpath to the north of Hillock Lane, and from Carr Lane to the north-west, the development would not appear prominent in the landscape. Even before the establishment of landscaping at Blackfield End Farm, intervening hedgerows and tree cover would restrict views over these greater distances, and I do not consider that there would be any harm to visual amenity from these positions.
105. Existing housing in Warton abuts the appeal site, and there would be views of the development from properties on both sides of Church Road. As dwellings in an edge of settlement location, other housing already forms part of their setting,

and the proposed development would cause moderate harm to the outlook for occupiers.

106. I conclude that the proposed development would have a minor adverse effect on the surrounding landscape, but that moderate harm would be caused in respect of the site itself and from nearby viewpoints. In consequence there would be conflict with Policies HL2, HL6 and EP11 of the Local Plan.

Highway safety and traffic movement

The Lytham Road/ Church Road/ Highgate Lane junction

107. The junction of Church Road with Lytham Road and Highgate Lane is about 0.7km from the position of the intended accesses to the site, and it is the focus of the Highway Authority's concern on traffic and safety matters [26]. The junction is a signalised crossroads. Lytham Road is the A584 which runs between Lytham and Preston, and the junction would provide the closest point for traffic travelling to and from the site to leave and join the main road network. To the north of Hillock Lane, Church Road continues as Bryning Lane, and provides a route to Wrea Green. Highgate Lane is a short road which provides an access to the premises of BAE Systems.
108. Both the Appellant's highway consultant and the Highway Authority (on behalf of the Council) have undertaken modelling exercises of traffic movement at this junction. Revised and supplementary modelling details were submitted during the course of the inquiry. Although there is common ground between the main parties concerning the inclusion of committed development in the transport assessment, the use of peak hour generated traffic in the transport assessment as a basis for modelling the impact at junctions, and that the trip distribution in the transport assessment reflects the expected pattern of vehicular movement [26], there is disagreement about the modelling exercises themselves.
109. Modelling assessment years in the transport assessment are 2019 and 2024 [26]. Although the Appellant's highway consultant considers that the development may be completed by 2019, this would involve an overall build-out rate of about 90dpa. If two developers were involved, the individual build-out rates of about 45dpa would still be markedly higher than the 20 or 30dpa used in the Council's five year housing supply assessment²⁶. Given the size of the site and possible build-out rates, I consider that the most relevant comparisons are between the base and with development scenarios for 2024.
110. At the inquiry, the Appellant's highway consultant contended that the most appropriate comparison is between the base and with development data given in table 2.6 of his rebuttal proof and tables 1 and 2 of his supplementary note²⁷. Table 2.6 records several situations at peak times where, with development, the degree of saturation would exceed 90%, identified by the Council as the point at which queuing builds up [30]. However, with the exception of Lytham Road (East) and Highgate Lane in the afternoon peak, these figures represent improvements on the base situation. On the Lytham Road (East) arm the degree of saturation would increase from 98.7% to 103.4% and on Highgate Lane from

²⁶ Appendix 10 in Document L8.

²⁷ Documents A8 and A10. Table 2.6 is consistent with table 1, table 3 of Document A10 includes a further comparison.

100.8% to 101.2%, with mean maximum queue lengths increasing from 32 to 68 passenger car units (pcus) and from 27 to 28pcus respectively. Table 1 gives average delays of 37.1 seconds and 137.5 seconds on these arms in the afternoon peak increasing to 128.5 and 142 seconds. This modelling has been undertaken on the basis of two full entry lanes on the western arm, whereas it is the Council's position that the correct approach would include one short and one full entry lane [54]. This position is introduced in table 2, with the consequence of increases in the degree of saturation on the western arm in both peak periods. In the morning the increase would be from 108% to 110.1% with development, and in the afternoon from 100.1% to 105%. During the latter peak period, table 2 shows increases in mean maximum queues from 52 to 66pcus and in average delay times from 83.3 to 153.8 seconds. In addition, delays and queuing would increase to a greater extent on the Lytham Road (East) and Highgate Lane arms in the afternoon peak than in the table 1 scenario. Table 3 gives the results of a further adjustment, in which the pedestrian phase would only be called on alternate cycles of the signals. In most situations there would be a reduction in queuing, with lower levels of increase on the Lytham Road (East) arm.

111. The Highway Authority produced its own versions of the Appellant's modelling to address the difference between treatment of the lanes in the west arm of the junction (Document L5). However, as this exercise does not include a set of base figures, a meaningful assessment of the effect of traffic arising from the appeal proposal cannot be made.
112. Data for comparison purposes is included in tables 4.9 and 4.10 of the proof of evidence of the Council's highways witness. Whereas table 4.9 is consistent with table 2.6 of the Appellant's highways witness, modelling of the "with development" scenario included certain differences in respect of the improvement scheme. This exercise gives marked increases in the degree of saturation, delays and length of queues on Lytham Road. For example, it predicts an increase in average delays on the west arm from 133.4 and 54.6 seconds in the morning and afternoon peaks to 389.4 and 526.7 seconds. There would be a reduced impact on the Church Road arm in the afternoon peak, but the degree of saturation would increase from 104% to 109.5% in the morning peak. The Appellant's highway consultant acknowledged that these figures indicated a significant effect.
113. I have considered the detailed differences between the main parties in the modelling of the junction. The Council expressed concern about the safety implications of the early cut-off of the green signal for Highgate Lane traffic, and used an early start for Church Road. This matter could be addressed by the inclusion of a closely associated secondary signal for drivers emerging for Highgate Lane. It was agreed that in the arrangement shown on the Appellant's supplementary plan²⁸, drivers would lose their view of the signal as they moved forward [53]. Whilst the Appellant was confident that this situation could be addressed by detailed design, with the provision of an island if necessary [33], this is not clear from the information before me.
114. Insofar as short lane storage is concerned, the Appellant considers that the west arm on Lytham Road could accommodate 12pcus, two more than the Council [31]. The Council acknowledged that a width of 4.1m would

²⁸ Appendix R6 in Document A9.

accommodate two cars, and there is sufficient length back from the stop line to the point where there is a width of 4.1m for 12pcus in the flare length. On the east arm, narrowing of the island would allow the extension of two lanes beyond the yellow box. There is a separate lane for vehicles turning right into Harbour Lane, which should not encroach on the forward lanes [31]. Consequently there is sufficient capacity for 12pcus in the short lane, rather than the lower figure of 7pcus suggested by the Council. That said, it is clear that Lytham Road (west) does not have, and would not have, two full entry arms. Notwithstanding previous work, modelling on the basis of one full and one short entry lane reflects the situation on the ground, and this approach would, therefore, contribute to robustness.

115. The Appellant prefers a 50/50 split in terms of lane usage on Lytham Road, whereas the Council considers that a 60/40 split between the nearside and offside lanes would be more appropriate. I appreciate the point advanced by the Council that most drivers tend to use the nearside lane, but the presence of bus stops and turning movements of other traffic into and out of premises on each side of the junction are likely to encourage greater use of the outside lane.
116. It seems to me that the true position in terms of future operation of the junction lies between those advanced by the main parties. Bearing in mind the extent of queuing and delay indicated by the Appellant's figures in table 2 (above, para 110), this would indicate significant adverse effects to traffic movement. I am also mindful of the planned Preston Western Distributor Road, for which funding is in place [32]. The inquiry heard that this road, which would provide a route from a new junction on the M55 to the A583 to the east of Warton, would reduce traffic levels on Church Road (disregarding the appeal proposal), and it should, therefore, lessen the impact at the junction.
117. Several specific safety concerns have been raised about the future operation of the junction. Right turns from Lytham Road would involve gap acceptance across two opposing lanes. I note that TAL2/03 strongly recommends that where the 85thile approach speed is greater than 45mph opposing right turns should be separately signalled [34]. Here a speed survey gives 85thile wet weather speeds of 25.5mph eastbound and 26.5mph westbound [32]. TAL2/03 provides guidance on signal control at junctions on high-speed roads. It is common ground that Lytham Road is not such a road, but its content may be of assistance in assessing the approach to be used at signalised junctions on other roads. In this case the approach speeds are well below the level at which separate signalling should be considered, and the Appellant referred to examples of such junctions in Preston where the accident record was not untypical. Two lane gap acceptance already exists at the junction, and I do not consider that the retention of this movement would appreciably reduce highway safety.
118. I have already referred to the signal control at Highgate Lane (above, para 113). If drivers lose their view of the signal as they move forward, there is the potential for an element of uncertainty and conflict between traffic entering the junction from different directions. The submitted details do not demonstrate that a scheme with adequate signal visibility can be achieved, and further details of the junction alterations are required to address this matter.
119. To the east of the junction, the island close to Harbour Lane would be reduced in width. However at 2m wide it would exceed the minimum width for

pedestrians of 1.2m specified in Manual for Streets 2, and meet the minimum width for cyclists and passing wheelchair users²⁹. I am satisfied that the island would be of sufficient size to provide a refuge. The reduced width would enable the formation of two lanes on the approach to the traffic signals. Crossing two lanes would increase the prospect of conflict between pedestrians and vehicles. Controlled pedestrian crossing facilities would be introduced at the crossroads on the Church Road and Lytham Road (east) arms [17], but the Lytham Road crossing would be about 60m away, and it would not represent a convenient alternative for people whose journeys do not extend far to the west of the island. The Council identified four personal injury accidents in the vicinity of the junction and Harbour Lane in a period of just over four years prior to the inquiry [57]. The details available indicate that the one serious accident was due to failure of a cyclist to look properly when crossing Lytham Road, and that none of the others would be more likely to occur as a result of the proposed alterations. Although the Council expressed a preference for controlled crossing facilities on each arm of the Church Road junction, their introduction on two arms would improve conditions for pedestrians, as would the formation of two additional islands there and another at Harbour Lane [17].

120. There is a narrow cycle lane on the western approach to the junction. This is not included on the plan which shows the proposed alterations (Plan F). However the Council did not dispute that the lane could remain. On the eastern approach, the formation of a distinct cycleway/ footway from the exit of the nearby filling station would be a benefit for cyclists.

121. I consider that the proposed development would be likely to cause significant adverse effects for traffic movement at the junction on the basis considered by the parties. Construction of the Preston Western Distributor Road would be likely to depress traffic movements through the junction, and the information before me is that this project is likely to be delivered by about 2021 [32]. Insofar as highway safety is concerned, the proposal offers certain improvements for pedestrians and cyclists. However there is the likelihood of increased conflict between pedestrians and vehicles due to the introduction of a second lane on the westbound approach to the junction, and the potential for an element of conflict associated with the signal arrangements for Highgate Lane, although this may be capable of being addressed by revised junction details. Overall I consider that there would be a limited adverse effect on highway safety.

The Lytham Road/ Mill Lane/ Ribble View Close junction

122. This junction is a signal-controlled crossroads located further east along the A584 than the Church Road junction. Mill Lane currently provides an access to BAE Systems, but it is intended that the gatehouse would be relocated from here to a position served by the eastern access road [23]. The main parties agree that it is likely that this relocation and the associated redistribution of traffic will occur, with the Highway Authority anticipating movement of the gatehouse in 2015-16. In this scenario, the Highway Authority's modelling shows a modest increase in queuing and delays as a result of the proposed development, and in the "with development" scenario the highest degree of saturation of 80.8% at Lytham Road (west) in the afternoon peak is only marginally greater than the

²⁹ Manual for Streets 2, paragraph 8.7.2.

79.7% figure for base traffic levels. The Council's highway witness identified a 90% degree of saturation as the level at which queues begin to build up, and in his evidence he acknowledged that this junction could accommodate traffic from the appeal site, on the basis of the redistribution associated with movement of the BAE Systems gatehouse. I do not consider that the proposed development at this junction would have a material adverse effect on traffic movement at this junction.

The Lytham Road/ GEC junction

123. The Lytham Road/ GEC junction is towards the eastern end of Warton. It will provide access to new residential development, the Enterprise Zone and BAE Systems. The outcome of the Highway Authority's modelling exercise for this junction does not indicate a significant worsening of the traffic situation in the redistribution scenario. There would be a predicted increase in the degree of saturation on the Lytham Road (east) arm in the afternoon peak from 86.5% to 91.7%, but the Council's highway witness did not consider the associated average delay of 48.1 seconds or that of 54.6 seconds on the west arm, increased from 45.5 seconds, as considerable, and I share this view. There would not be a material adverse effect on traffic movement at this junction as a consequence of the proposed development.

The site accesses and Church Road

124. The proposal would include a vehicular access to the land on each side of Church Road, a short distance to the north of the built-up area. In Option 1 a staggered junction arrangement is shown, whilst Options 3 and 4 involve a signalised crossroads [16]. Whilst access details are a reserved matter, it is common ground between the main parties that vehicular access from Church Road is acceptable in principle, and that the staggered and crossroads arrangements are alternative appropriate means of achieving access to the site [26]. I have no reason to take a different view. The Parish Council is concerned about the level of increased traffic on Church Road [77]: however there is no substantive evidence before me in this regard, construction of the Preston Western Distributor Road is expected to depress traffic levels on Church Road, and the Highway Authority's objection about Church Road relates to the effect at the junction with the A584.

125. I conclude that the proposed development would be likely to cause significant adverse effects for traffic movement at the Lytham Road/ Church Road/ Highgate Lane junction, and that there would be a limited adverse effect on highway safety. In consequence there would be conflict with criterion 9 in Policy HL2 of the Local Plan. However, taking account of the overall implications of the proposal on the local highway network, I do not consider that the residual cumulative effects of the proposal would be severe. The anticipated construction of the Preston Western Distributor Road reinforces my view in this regard.

Masterplan

126. The use of a masterplanning approach and integration with the surrounding area is mentioned specifically in the reasons for refusal in respect of a possible east-west road link and connectivity for pedestrians and cyclists. Whilst the possibility of an east west link for local traffic around Warton had been raised by the Highway Authority, the location of possible development sites around the

built-up area shows that the provision of such a link would be facilitated by development of the appeal site. There is no firm proposal for a link road before me, but the illustrative masterplans for Options 3 and 4 show that the spine roads into the west and east parcels of the site could be extended respectively into adjacent land to the south-west and onto Hillock Lane.

127. I have also considered proposed footway/ cycleway linkages from the site through adjacent developments. Indicative linkages are shown to the Meadow View development to the east, but the plans of this development show no opportunity to provide such any linkage [93]. A link is shown on the Riversleigh Farm plan although implementation is not within the control of the Appellant. There would be limited connectivity to nearby development, but there would be links onto Hillock Lane, and Church Road is not so busy as to be an unsuitable route for pedestrians and cyclists.
128. It is clear from the Responses Report on the ELP Preferred Options that the ENP is seen by the Council as encompassing a masterplanning exercise for Warton, and I consider the relationship of the appeal proposal to the ENP below. Insofar as connectivity is concerned, I conclude that some limited harm arises from the minimal opportunity to provide pedestrian and cyclist links as part of an individual planning proposal.

Prematurity

129. The Preferred Options for the ELP were the subject of consultation during 2013 [20]. In 2014 the Council published its response to that process. It is recommended that the number of dwellings put forward at Warton under Policy SL3 should be reduced from 1,160 to 650 [21]: however there is no reference to a change in the role of Warton as a strategic location for development. Indeed the report explains that unlike other strategic development locations, Warton is not tightly constrained by Green Belt, flooding, infrastructure constraints or environmental designations, and that housing allocations are intended to complement the jobs to be created in the Enterprise Zone³⁰. Reservations have been expressed by the local community about job prospects in the enterprise zone, and reference has also been made to job losses at BAE Systems [80, 87]. However intentions for the enterprise zone are being put forward in a phased approach, and the information before me only concerns phase 1 within the North Area. It is intended that the reduced housing figure for Warton will be taken into account in the Revised Preferred Options, and the Council also intends to re-examine strategic development sites at Warton and Kirkham.
130. As a strategic location for development, Warton is a settlement where growth is expected, and the appeal proposal would be consistent with that broad objective, particularly given the presence of the Enterprise Zone. Although the Council has stated its intention to put forward a lower housing figure for Warton and to review strategic sites, the Revised Preferred Options had not been published at the date of the inquiry, and this stage will be subject to further consultation. At this stage the housing figures in the ELP, both for the Borough as a whole and for Warton, carry only limited weight. There are commitments for

³⁰ The Council's response to Policy SL3 on representations on the inclusion of land at Warton: CD2.6, page 85.

over 400 dwellings in Warton³¹, and the appeal proposal involves up to a further 360 units. The appeal proposal is larger than any of the existing commitments, and represents 55% of the reduced figure of 650 dwellings and 31% of the figure of 1,160 in the Preferred Options. These proportions increase to 122% and 68% when existing commitments are taken into account. Whilst the proposal would clearly be a sizeable development, there is at present no certainty about the number of dwellings. By way of illustration the Preferred Options uses an annual requirement of 306 dwellings taken from the revoked RSS (to which there were objections), the main parties agreed to use a higher annual figure of 366 dwellings in assessing housing land supply [27] based on the 2010 sub-national population projections, and the Council suggested that the forthcoming 2012 sub-national population projections would show a lower figure. Insofar as Warton is concerned, there is no clear explanation in the Responses Report to justify the reduction in housing numbers indicated therein. In these circumstances, I do not consider that the proposed development would undermine the plan-making process. Moreover, paragraph 21b-014 of PPG advises that the refusal of planning permission on the ground of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination. With a further version of the Preferred Options yet to be published and consultation to follow, it is clear that the ELP is some way from submission for examination.

131. I turn now to consider the ENP. The appeal proposal would account for more than half of the 650 dwellings put forward in Policy BWH1, and the site is outside the settlement boundary. The proposed development has the potential to have a significant effect on the plan-making process, which is further advanced than that of the ELP. At the date of the inquiry, consultation had commenced on the submission version of the ENP [22], but it had yet to be formally assessed by the Council, and it had not been submitted for examination. The ENP should be in general conformity with the strategic provisions of the Local Planning Authority. At the present time the Fylde Borough Local Plan as Altered remains the Development Plan. It is out of date in terms of policies for the supply of housing [51], but includes Warton as a second tier settlement [18]. Whilst the number of 650 dwellings proposed in Policy BWH1 is consistent with the stated intention of the Council in respect of the ELP (above, para 129), the provisions of the ELP carry limited weight. I consider that the same is true of the ENP at this stage in the process. The housing proposals of the Submission Version of the ENP reflect those in the Regulation 14 consultation version³². The consultation statement reveals that there was much support for this approach from the local community, but objections were also submitted³³. There is, therefore, the prospect³³ of objections to the Submission Version. These circumstances do not support an argument of prematurity.

132. I conclude that the proposed development would not be premature having regard to the preparation of the ELP and the ENP.

³¹ Details of planning permissions and sites where the Council has resolved to grant permission are in Document L13. Their location is shown on Plan G.

³² Appendix 17 in Document L8.

³³ Appendix 20 in Document L8.

Sustainability of the site's location

133. Sustainability is a broad concept, and the NPPF explains that it comprises economic, social and environmental dimensions. Whilst each of these dimensions is relevant to the appeal proposal, this section of my report is concerned with a consideration of sustainability in respect of the location of the appeal site.
134. Warton is included in the second tier of the settlement hierarchy in the Development Plan [18]. The text accompanying Policy SP1 of the Local Plan refers to consolidation and expansion appropriate to the size and form of the second tier settlements. Subsequently the Joint Lancashire Structure Plan did not identify Warton as a key settlement, effectively giving it a lower status than in the former Lancashire Structure Plan. However Policy SP1 was not altered in the Local Plan Alterations Review [83]. The tension between Policy SP1 and the Joint Structure Plan was resolved when the latter ceased to form part of the Development Plan³⁴.
135. The Council's current intentions are set out in the ELP. Although referred to as a local service centre in the Preferred Options, Warton remains a second tier settlement, and there is no recommendation to change this status or its role as a strategic location for development [21] in the Responses Report. The Preferred Options refers to a lack of community facilities and poor access to the centre, but anticipates that these matters will be addressed as a result of development. The Responses Report refers to improvements in access to Warton through the proposed Preston Western Distributor Road and a park and ride station at Cottam. These infrastructure improvements are seen as making Warton a more sustainable settlement, with increased potential to accommodate new development. Additionally, the report refers to the strategic importance that the Council places on the enterprise zone for employment growth, and makes the point that people coming to work in Warton should be given the opportunity to live there, consistent with an objective of the NPPF.
136. In the planning statement of common ground, the main parties state that Warton includes two primary schools, local shops, takeaways, public houses, community halls and sport pitches. A Co-Op convenience store on Harbour Lane, shops on Lytham Road close to the Church Road junction, a public house, a primary school, and Warton Recreation Ground are all within distances from the centre of the site which the IHT document *Providing for Journeys on Foot* considers as acceptable³⁵. Employment opportunities at the BAE Systems site are within an acceptable walking distance of 1km. Bus services on Lytham Road provide access to Preston, Blackpool, Lytham and Kirkham where additional facilities and services are available. The nearest bus stops are about 780m from the centre of the site, which exceeds the recommended maximum distance in the IHT document *Guidelines for Planning for Public Transport in Developments*. It is proposed that the No 78 bus service which runs between Lytham and Kirkham would be diverted to the appeal site on an hourly basis [17]³⁶. This extended route would provide access to an enhanced range of facilities and services. A negatively worded condition would ensure that the development could not

³⁴ The circumstances of Warton's position in the settlement hierarchy are set out in the Council's note on the subject, Document L19.

³⁵ Details of distances to facilities and services are given in Table 4.14 of Document L2.

³⁶ A letter from the operator of the No 78 service on this matter is at Appendix 22 in Document A7.

proceed unless the bus service was in place. I am mindful that the proposed diversion to the bus service refers to a period of five years. In my experience it is not uncommon for such arrangements to be put in place: if the service is used and meets a need, there is the opportunity for it to become established as part of the local public transport network. Access to the larger settlements of Preston and Blackpool could be achieved by a change of service on Lytham Road, and in any event, having regard to the nature of the level route along Church Road, I do not consider that the distance to existing bus stops is so great as to preclude public transport as a realistic option for future site residents. Moreover the planning obligation includes a framework for a travel plan, which would promote the use of alternative modes of transport to the private car (below para 151).

137. As a settlement, Warton has been identified in both the Local Plan and the ELP as an appropriate location for further development. The appeal site offers an acceptable level of accessibility on foot to a number of local facilities, and whilst existing bus stops are not located close to Blackfield End Farm, there is the opportunity to provide a bus service along Church Road to the new housing development. I am satisfied that accessibility between the appeal site and local facilities and services and the major source of employment at BAE Systems can be achieved by a variety of modes, and is not dependent upon use of the car. Accordingly I conclude that the site would be a sustainable location for residential development, and in this regard I do not consider that there would be conflict with criterion 7 in Policy HL2 or with Policy TR5 of the Local Plan.

Other considerations

Housing land supply

138. For the purposes of the inquiry the main parties reached agreement on matters concerning the requirement for housing land in Fylde: in particular an annual requirement of 366 dwellings (derived from the 2010-based sub-national population projections), a shortfall of 562 dwellings since 2011-12, and that a 20% buffer should be applied [27]. On this basis it is agreed that there is a five years requirement of housing land for 2,875 dwellings.
139. The 2012-based household projections indicate that 222 households are being formed annually in Fylde, which, allowing for factors such as vacancies, would translate into a somewhat higher dwelling figure [28]. I note that the implications of the 2012-based sub-national population projections, on which the household projections are based, were specifically considered in the SHMA Addendum, and that no change was suggested to an objectively assessed need within a range of 300-420 dwellings [49]. The level of household formation in the 2012 projections does not establish a trend to a lower level of need, and I agree with the main parties that the projections do not materially alter the evidence submitted to the inquiry [28, 49]. Moreover, paragraph 2a-016 of the PPG points out that housing assessments are not automatically rendered outdated every time new projections are issued.
140. The main parties differ in respect of the supply of housing land. The Council argues that there is a total supply sufficient for 4.1 years, whilst the Appellant puts forward a lower figure of 3.5 years. There is no dispute, however, that at present Fylde does not have a five years supply of housing land [25]. In respect of large phased sites, the Council's methodology applies standard build-out rates: it also assumes that sites of over 200 dwellings would be brought forward by two

developers, resulting in an increase in build-out. For its part the Appellant has put forward lower figures based on information from owners and developers. Assessments of the delivery of housing from individual sites may vary over time, and for the purposes of calculating supply, I agree with the Council that there is merit in applying a generic rate of delivery. I note that the methodology used has been developed in conjunction with a steering group, the membership of which included two locally active housing developers and a locally active planning consultant [50]. Moreover the build-out rates used by the Council are consistent with those achieved on large sites in Fylde, and lower than the rate required to complete the appeal proposal by 2019 as envisaged by the Appellant's highways consultant [30]. The Appellant has identified reduced capacities on two large sites although this would only bring one below the 200 dwelling threshold. The Council has also produced evidence to substantiate an annual allowance of 40 dwellings from small windfall sites, although the same level of detail for an allowance from long-term empty homes is not before me. On the information submitted, I consider that the level of housing land supply is closer to the 4.1 years figure of the Council than the lower figure of 3.5 years promoted by the Appellant.

141. I have also considered the assessment of housing land undertaken by the CPRE which reaches the view that there is sufficient land for a period of over six years [82]. However this exercise uses the 2011-base interim projections. The Council has pointed out that the 2010-based data incorporates long-term assumptions on fertility, mortality and international migration, and that the 2011 projections were influenced by the economic downturn³⁷. I agree that for these reasons the 2010-based projections provide a more robust approach for considering housing need, and I attach little weight to the alternative assessment of the CPRE.
142. I agree with the main parties that there is not a five years supply of housing land. Paragraph 47 of the NPPF refers to the importance of identifying a five years supply of sites to assist in significantly boosting the supply of housing. The contribution of the appeal site towards the provision of a five years supply of housing land carries considerable weight in support of the appeal proposal.

Affordable housing

143. The 2014 SHMA (CD2.7) indicates an annual need for 207 affordable dwellings, equivalent to 57% of an annual housing requirement of 366 units [66]. The Council referred to work undertaken for the Preferred Options stage of the ELP, which indicated that this high level of affordable housing would make the development of strategic sites unviable. Consequently a lower level of 30%, equivalent to that specified in Policy H3 of the ELP and the Interim Housing Policy [21, 24], is sought by the Council, and this level of provision has been agreed with the Appellant [25]. The SHMA indicates that the greatest need is for social rented accommodation [66], and the Council suggested a condition which would specify that this tenure should apply to at least 80% of affordable housing. Circumstances may change, however, over the construction period of a large development, and I consider that a more flexible approach to tenure is appropriate. The Appellant suggested an alternative form of condition which

³⁷ This matter is addressed in paragraph 3.12 of Document L7.

would omit reference to a minimum level of any tenure, but would require approval of a scheme, including tenure details, for each phase. Such a condition would not preclude the delivery of 80% of the affordable housing as social rented units if this proportion remained relevant. The proposed development would make a significant contribution to meeting the need for affordable housing.

The Green Belt

144. Part of the western parcel of the appeal site lies within the Green Belt [18]. No built development is proposed here. On the masterplan for Option 1, the land is shown partly as a play area and partly as an orchard, and on the masterplans for Options 3 and 4 it is shown retained in agricultural use. Retention of an agricultural use would not have any implications in respect of Green Belt policy. Use as open space, however, would involve a change in the use of the land. Policy SP3 of the Local Plan restricts development involving buildings or their change of use. Other forms of development are not permitted unless they maintain openness, do not conflict with the purposes of including land in the Green Belt and do not injure its visual amenities. Use of this land as open space would satisfy these criteria, and I am satisfied that there would be no conflict with Policy SP3.
145. In the NPPF, paragraph 89 provides for limited categories of built development in the Green Belt. Paragraph 90 explains that certain other forms of development are not inappropriate, but the list does not include material changes in the use of land. When assessed against the more recent national policy, the provision of open space on this part of the appeal site would amount to inappropriate development. However no additional harm would be caused by this use, whereas it would represent a beneficial use of the land, as envisaged in paragraph 81 of the NPPF. I consider that the beneficial use of this part of the appeal site as open space would clearly outweigh the definitional harm of conflict with Green Belt policy as expressed in the NPPF, and that very special circumstances justify use of the land as open space.
146. The Appellant suggests that the proposal would provide a more defensible Green Belt boundary [45]. On the west side of Church Road, the boundary of the Green Belt across the appeal site (and beyond) does not follow a physical feature, whereas the proposal would bring built development up to this point. However the position of the Green Belt is clear from the Local Plan Proposals Map, and the appeal proposal respects the boundary, as it would retain that part of the Green Belt within the site as open land. There is no reason to think that the boundary is vulnerable, and I do not consider that the appeal proposal would provide a benefit in this regard.

Nature conservation

147. A phase I habitat survey and surveys for bats, barn owls, great crested newts, and water voles were undertaken on behalf of the Appellant (CDs 7.6-7.10). There is a pond within the eastern parcel and another adjacent to a corner of the western parcel. No evidence of great crested newts was found in either of these ponds, but there is a small population of this protected species in a pond about 100m to the east of the site, and the proposed development would result in the loss of some existing terrestrial habitat. It is envisaged that an area adjacent to the eastern boundary, including an existing and a new pond could be managed to provide feeding and refuge areas, including newt hibernacula. This area is also

shown as open space on the masterplans. The County Ecologist had expressed reservations about this dual purpose (CD6.14), although the Appellant's nature conservation witness explained that use for informal recreation is a benefit, as it would be likely to reduce the prospect of anti-social behaviour such as the dumping of rubbish (Document A16). If, however, a mitigation scheme required no use as open space, that amenity could be provided elsewhere within the site or on other land within the Appellant's control. The main parties agree that appropriate mitigation measures could be secured by a condition [46, 69].

148. Due to the discovery of a bat roost in the farmhouse, Option 4 was prepared which shows a layout including the retention of that building [6]. Although survey work found no evidence of water voles on the site, they are known to be present in the wider area: accordingly the survey should be updated if planning permission is granted, and a mitigation strategy prepared should the presence of water voles be detected. Compensatory habitat for breeding birds could also be secured by means of a condition. Subject to the imposition of conditions concerning mitigation measures, I do not consider that the proposed development would have an adverse material effect on nature conservation interests. Biodiversity measures introduced as part of proposal would essentially provide mitigation for the effect of the development, and I do not, therefore, consider that they represent a benefit.

Open space

149. A local resident expressed concern about the quality and quantity of open space provision, referring in particular to the lack of a single area [90]. Given the size of the proposed development, I consider that areas of open space of suitable size could be provided within both the west and east parcels of land. The form of the open space would be addressed by detailed schemes to be submitted at a subsequent stage if outline planning permission is granted. I note that the main parties agree that the requirements of Policy TREC17 of the Local Plan concerning open space provision can be met by the appeal proposal [25], and I have no reason to take a different view.

Education

150. The Education Authority has calculated that, in 2019, there would be nine places available in primary schools within 2 miles of the site, whereas the proposed development would generate a requirement for 69 places (CD6.12). The provision of an additional 60 places would give rise to a financial contribution of £721,777. The planning obligation provides for the payment of an education contribution, but to address any change in circumstances it requires a calculation taking account of the number of pupils expected to be resident in the development and the number of places available at the time of a reserved matters approval. I agree with the main parties that the planning obligation would secure the additional school places required by the appeal proposal, and this arrangement would be consistent with Policy CF2 of the Local Plan. Since the inquiry closed, the transitional period under Regulation 123(3) of the CIL Regulations has ended, and pooled contributions in respect of an infrastructure project may only be taken into account from five obligations in the period from 6 April 2010. Since circumstances concerning planning obligations for education contributions could change after the date of this report, the Secretary of State may wish to check the position in Fylde prior to determining this appeal.

Other matters

151. The protected ash tree [14] is shown within an area of landscaping on the masterplans, and it can be safeguarded within the proposed development. Only a small proportion of the site (10%) is graded as best and most versatile agricultural land [14], and I accord limited weight to the loss of this land. The Appellant identifies slight harm in respect of air quality [48]. The Parish Council refers to limited facilities and services in Warton [78], but the addition of up to 360 dwellings would be likely to help to sustain and support the development of local facilities and services. It had been suggested that, if permitted, a proposal for 375 dwellings on the east side of Warton could have a bearing on the appeal [92]: the Council explained that at the date of the inquiry there were issues which had yet to be resolved with the outline planning application for that proposal (Document L13).
152. The proposed development would bring several economic benefits, including support for employment in construction and in the supply chain, expenditure on goods and services in the local economy by the additional population and a new homes bonus [47]. These are important benefits of the scheme. The Appellant also suggests that there may be opportunities for apprenticeships and training within the construction sector for local residents, although I note that there is no certainty that this would occur.

The planning obligation

153. To encourage the use of alternative modes of transport to the private car, the planning obligation incorporates a framework for the preparation of a full travel plan, the provision of which would be consistent with paragraph 36 of the NPPF. The travel plan would include targets aimed at reducing car travel, together with a package of measures to promote the use of public transport, car sharing, walking and cycling. The planning obligation also makes provision for an education contribution, which I have considered above (para 150).
154. I am satisfied that all of the provisions of the planning obligation would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development. The statutory tests in Regulation 122 of the CIL Regulations are, therefore, met, and the planning obligation is a material consideration in the appeal decision.

Overall conclusions

155. Policies in the Local Plan concerning housing land, including the limits of development shown on the Proposals Map, are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies therein, or policies in the NPPF indicate that development should be resisted. A minor part of the site is designated as Green Belt, but given that this area would remain open, and would potentially provide a benefit as a recreation facility, I do not consider that the Green Belt policies in the NPPF indicate that the development should be resisted.

156. There would be significant adverse effects for traffic movement and a limited adverse effect on highway safety at the junction of Lytham Road/ Church Road/ Highgate Lane. I do not consider that there would be material adverse effects on traffic movement at Mill Lane or GEC junctions, nor that the site accesses on Church Road could not be provided in a satisfactory arrangement. Paragraph 32 of the NPPF makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts are severe, and I do not consider that this high threshold would be reached in this case. In addition, the development would cause certain adverse effects on the character and appearance of the area, including moderate harm to the site and to visual amenity from nearby properties. Some limited harm arises from the minimal connectivity in respect of pedestrian and cyclist links, but otherwise there would be no specific detriment from the progressing of the scheme as an individual planning proposal, rather than in the context of a wider masterplan. A relatively small area of best and most versatile agricultural land would be lost, which carries limited weight, and the Appellant has identified a slight worsening of air quality.
157. The provision of additional housing to contribute to the land supply in Fylde, consistent with paragraph 47 of the NPPF, is a matter of considerable weight. Given the need for affordable homes, inclusion of accommodation at a proportion of 30% is significant, and the development would provide important economic benefits. Although not a benefit as such, I have found that the site is a sustainable location for residential development. Whilst there would be a degree of tension with the core planning principle in paragraph 17 of the NPPF to recognise the intrinsic character and beauty of the countryside, it is clear that some level of housing growth is expected at Warton, and any of the edge of settlement sites which have been identified are likely to have similar effects. Moreover the development would not be premature in respect of the ELP and the ENP.
158. Having regard to the policies in the NPPF, I conclude that, overall, the proposal would represent a sustainable form of development, and that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

Recommendation

159. I recommend that the appeal be allowed and that planning permission be granted subject to the conditions in the Annex to this report.

Richard Clegg

INSPECTOR

ANNEX - SCHEDULE OF SUGGESTED CONDITIONS

- 1) Details of the access, 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 begins and the development shall be carried out as approved. The details of the reserved matters shall be consistent with illustrative masterplans refs 013-006-P008 Rev K or 013-006-P008 Rev L and proposed access arrangements refs 401-F01/D or 0401-F05.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two 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 approved location plan ref 013-006-P001 Rev B.
- 5) Phasing plans for that part of the site on the west of Church Road and on the east of Church Road shall be submitted to the local planning authority as part of the first application for reserved matters approval. The phasing plans shall include highways, pedestrian and cycle routes, and green infrastructure. No development shall take place until the phasing plans have been approved in writing by the local planning authority, and it shall thereafter be carried out in accordance with the approved phasing plans.
- 6) The details of the reserved matters for each phase shall include:
 - i) Dwellings in a range of scales and designs, none of which shall exceed 2.5 storeys in height, and
 - ii) The provision of public open space, together with a programme for the maintenance thereof.
- 7) No development shall take place until a scheme of measures for the protection of retained trees and hedgerows has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in respect of each phase prior to the commencement of development on that part of the site, and it shall be retained for the duration of the construction period.
- 8) That part of the site designated as Green Belt on the Proposals Map of the Fylde Borough Local Plan as Altered shall be retained as open land.
- 9) 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 NPPF or any future policy 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 30% of the dwellings in each phase;
 - 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 for the management of the affordable housing if no registered provider is involved;
 - 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.
- 10) No development shall take place until a biodiversity scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to prevent disturbance to areas of natural habitat by people and domestic animals, the provision of bird boxes, a programme for implementation, and arrangements for maintenance. The scheme shall be implemented in accordance with the approved programme.
- 11) No development shall take place until an updated water vole survey has been carried out and the results submitted to the local planning authority. If any water voles are found on the site, no development shall take place until a mitigation strategy, including a programme for implementation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme.
- 12) No development shall take place until an updated great crested newt survey has been carried out and the results submitted to the local planning authority, together with a scheme of great crested newt mitigation measures, prepared in accordance with the report entitled *Great Crested Newt Survey – Blackfield End Farm, Warton, Lancashire – 2013* by Rachel Hacking Ecology (CD7.9), and including a programme for implementation. The mitigation measures shall be implemented in accordance with the approved programmes.
- 13) No trees shall be felled, no vegetation shall be cleared and no demolition shall take place during the bird nesting season (1 March – 31 August inclusive) unless the absence of nesting birds has been confirmed by a survey, which has been submitted to the local planning authority, and such works have been approved in writing beforehand by the local planning authority.
- 14) In each phase, no development shall take place until a scheme of external lighting, including a programme for implementation, has been submitted to and approved by the local planning authority. The scheme shall be designed to minimise light spillage and to avoid the illumination of bat roosting opportunities. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.
- 15) In each phase, no development shall take place until a scheme for green infrastructure, including a 5m buffer zone alongside watercourses, ponds and ditches, and a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

- 16) No development shall take place until details of carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane, all within the area edged red on plan ref 0401-F02/G *Proposed A584 Lytham Road/ Church Road Improvement Scheme*³⁸, have been submitted to and approved by the local planning authority.
- 17) No more than 119 dwellings shall be occupied until carriageway surfacing, footways, street furniture, landscaping, the upgrading of two bus stops, and traffic signals for drivers emerging from Highgate Lane have been implemented in accordance with the approved details required by condition No 16, and until the other alterations to the signalised junction of Lytham Road/ Church Road/ Highgate Lane and the priority junction of Lytham Road/ Harbour Lane have been implemented in accordance with plan ref 0401-F02/G.
- 18) No development shall take place until a scheme to provide an hourly bus service between Lytham and Kirkham via the site at Backfield End Farm has been submitted to and approved by the local planning authority. The scheme shall include a bus turning facility within the site and a bus stop to quality bus corridor standard. The scheme shall include arrangements for the delivery of the scheme prior to the occupation of the 26th dwelling for a period of at least five years.
- 19) No development shall take place on the phase of the site adjacent to the site of the residential development proposed at Riversleigh Farm until a scheme to provide a pedestrian and cycle link to that development has been submitted to and approved by the local planning authority. None of the dwellings in that phase shall be occupied until the pedestrian and cycle link has been constructed in accordance with the approved scheme.
- 20) None of the dwellings shall be occupied until a travel plan, prepared in accordance with the travel plan framework and including a programme for its implementation, has been submitted to and approved in writing by the local planning authority, and until a travel plan coordinator has been appointed, and notification of that appointment shall be given to the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
- 21) In each phase, no development shall take place until a scheme for surface water drainage, based on sustainable drainage principles and including a programme for implementation and arrangements for management, designed in accordance with the outflow rates set out on plan ref TPIN1017-100B *Drainage Strategy – General Arrangement* (in CD7.18), and no surface water shall discharge to the public sewerage system other than as shown on plan ref TPIN1017-100B. The surface water drainage system shall be constructed in accordance with the approved scheme and programme, and maintained thereafter in accordance with the approved management arrangements.
- 22) In each phase, no development shall take place until a programme for implementation of the foul drainage system shown on plan ref TPIN1017-

³⁸ The reference in the title of plan ref 0401-F02/G to the A548 is incorrect.

100B *Drainage Strategy – General Arrangement* (in CD7.18), and arrangements for its management, have been submitted to and approved by the local planning authority. The foul water drainage system shall be constructed in accordance with plan ref TPIN1017-100B and the approved programme, and maintained thereafter in accordance with the approved management arrangements.

- 23) No development shall take place until a contamination investigation has been carried out on that part of the site within the limits of development defined on the Proposals Map of the Fylde Borough Local Plan as Altered, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 24) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) hours of construction and demolition work, and of trips to and from the site by construction and delivery vehicles
 - ii) the identification of safe access for construction vehicles
 - iii) the parking of vehicles of site operatives and visitors
 - iv) loading and unloading of plant and materials
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding
 - vii) including decorative displays and facilities for public viewing, where appropriate
 - viii) wheel washing facilities
 - ix) measures to control the emission of dust and dirt during construction and demolition
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G A Grant of Counsel	Instructed by Ms N Martin, Solicitor with Fylde BC.
He called	
Mr N J Stevens	Strategic Highways Planning Manager, Lancashire CC.
BE(Hons) MSc	
Miss F Riley Msc	Planning Policy Officer, Fylde BC.
Mr M Atherton MTRPI	Senior Planning Officer, Fylde BC.
Mr M Evans ³⁹	Head of Planning & Regeneration, Fylde BC.

FOR THE APPELLANT:

Mr A Williamson BA DipTP MRTPI	Instructed by Mr R Moore, Walker Morris Solicitors.
He called	
Mr R Lomas BA(Hons) BLA CMLI	Managing Director, e*SCAPE Urbanists.
Mr P Gray BA(Hons) BLA CMLI	Director, PGLA Ltd.
Mr P Wooliscroft MSc HNC	Director, Croft Transport Solutions.
Dr D Hackett BSc(Hons) MLD PhD MCIEEM CEnv	Director, Solum Environmental Ltd.
Mr S A Tibenham MTCP MRTPI	Director, Pegasus Group.
Miss K Dean ⁴⁰	Regional Manager, Hallam Land Management Ltd.

INTERESTED PERSONS:

Mr A Wood	Clerk to Bryning-with-Warton Parish Council.
Mr M Wellock BSc DipTP DMS MRTPI	Managing Director, Kirkwells, and for the Parish Council.
Miss J H Ashworth	Vice-Chair, Neighbourhood Plan Steering Group (NPSG).
Mr J Westmoreland	Secretary, Fylde District, Campaign to Protect Rural England (CPRE).
Mr A Guest	Concerned Residents of Warton's Development Group (CROWD).
Mrs S Wright	Warton Residents Against Poor Planning (WRAPP).
Mr Clark	Local resident.
Mr M Gilbert	Local resident.
Mr J Rowson	Resident of Wrea Green.

³⁹ Mr Evans did not give evidence in support of the Council's case, but contributed to the session on conditions.

⁴⁰ Miss Dean did not give evidence in support of the Appellant's case, but contributed to the session on conditions.

Mr M Wright

Local resident and business owner.

THE LPA'S DOCUMENTS

- L1 Mr Grant's closing submissions.
- L2 Mr Stevens's proof of evidence.
- L3 Appendices to Document L2.
- L4 Mr Stevens's rebuttal proof of evidence.
- L5 Bundle of highways documents.
- L6 Mr Stevens's rebuttal note to Document A.
- L7 Miss Riley's proof of evidence.
- L8 Appendices to Document L7.
- L9 Miss Riley's rebuttal proof of evidence.
- L10 Mr Atherton's proof of evidence.
- L11 Appendices to Document L10.
- L12 Letter dated 21 August 2013 from Lancashire CC to Fylde BC concerning the emerging Local Plan.
- L13 Mr Atherton's note on development proposals in Warton.
- L14 Note on affordable housing.
- L15 Bundle of records of the Council's decisions concerning the Preferred Options version of the emerging Local Plan.
- L16 Appeal decision ref APP/M2325/A/12/2186415 concerning residential development at Fleetwood Road, Wesham.
- L17 Traffic Advisory Leaflet 2/03 – Signal-control at Junctions on High-speed routes.
- L18 Miss Riley's note on objectively assessed need for housing.
- L19 Miss Riley's note on the settlement hierarchy position of Warton.
- L20 Ms Martin's note on the Enterprise Zone Masterplan.
- L21 Aerial photograph of Lytham Road/ Church Road/ Highgate Lane junction.
- L22 Exchange of emails between the Council and Pegasus dated October 2014 concerning an affordable housing condition.
- L23 Appeal decision and report ref APP/Y3940/A/13/2206963 concerning residential development and a local centre in Wiltshire.
- L24 The Council's comments concerning the 2012-based household projections.

THE APPELLANT'S DOCUMENTS

- A1 Mr Williamson's closing submissions.
- A2 Mr Lomas's proof of evidence.
- A3 Appendices to Document A2.
- A4 Mr Gray's proof of evidence.
- A5 Appendices to Document A4.
- A6 Mr Wooliscroft's proof of evidence.
- A7 Appendices to Document A6.
- A8 Mr Wooliscroft's rebuttal proof of evidence.
- A9 Appendices to Document A8.
- A10 Mr Wooliscroft's note on the Lytham Road, Church Road/ High Gate Lane junction.
- A11 Mr Tibenham's proof of evidence.
- A12 Appendices to Document A11.
- A13 Mr Tibenham's rebuttal proof of evidence.
- A14 Appendices to Document A13.

- A15 Pegasus Planning Group Report on objectively assessed housing need.
- A16 Letter dated 20 October 2014 from Dr Hackett to the County Ecologist concerning wildlife at the appeal sites.
- A17 Letter dated 20 August 2014 from Natural England to Mr Wood concerning the Neighbourhood Plan.
- A18 Bundle of minutes of the Neighbourhood Plan Steering Group and agenda of the meeting of 7 July 2014.
- A19 Appeal decisions and report refs APP/M2325/A/13/2192188 & 2196027 concerning residential development at Blackpool Road, Kirkham.
- A20 News release dated 9 October 2014 concerning potential job losses at BAE Systems.
- A21 Planning obligation relating to the appeal proposal.
- A22 The Appellant's comments concerning the 2012-based household projections.

OTHER PARTIES' DOCUMENTS

- O1 Correspondence received in response to Document G1.
- O2 Mr Woods's statement on behalf of the Parish Council.
- O3 Appendices to Document O2.
- O4 Mr Wellock's proof of evidence on behalf of the Parish Council.
- O5 Miss Ashworth's statement on behalf of the NPSG.
- O6 Appendices to Document O5.
- O7 Mr Westmoreland's statement on behalf of the CPRE.
- O8 Appendices to Document O7.
- O9 Mr Guest's statement on behalf of CROWD.
- O10 Appendices to Document O9.
- O11 Mrs Wright's statement and Appendix on behalf of WRAPP.
- O12 Mr Wright's statement.
- O13 Appendices to Document O12.
- O14 Mr Rowson's statement.
- O15 Correspondence received at the inquiry.
- O16 Representations by Mr Gardner concerning residential development at Riversleigh Farm, Warton. Submitted by Mr Wright.
- O17 The CPRE's comments concerning the 2012-based household projections.

GENERAL DOCUMENTS

- G1 List of core documents.
- G2 Notification of the appeal, inquiry and proposed amendment.
- G3 Planning statement of common ground.
- G4 Highways statement of common ground.
- G5 Housing supply statement of common ground.
- G6 Neighbourhood Plan Sustainability Appraisal.
- G7 Emails concerning a planning application for residential development on land east of Warton.
- G8 Extract from Tree Preservation Order 1981 No 5 (Warton) and Tree Preservation Order 2013 No 2 (Warton).
- G9 Draft itinerary for site visits.
- G10 Schedule of suggested conditions.
- G11 Planning Obligations in Lancashire Policy.

PLANS

- A Location plan ref 013-006-P001 Rev B.
- B1 Illustrative masterplan (Option 1) ref 013-006-P008 Rev C.
- B2 Parameters masterplan (Options 1 & 2) ref 013-006-P007 Rev C.
- B3 Proposed access arrangement – staggered junctions Church Road (Option 1) ref 401-F01/D.
- C1 Illustrative masterplan (Option 2) ref 013-006-P008 Rev E.
- C2 Parameters masterplan (Option 2) ref 013-006-P007 Rev D.
- C3 Proposed access arrangement – Hillock Lane (Option 2) ref 401-F014.
- D1 Illustrative masterplan (Option 3) ref 013-006-P008 Rev K.
- D2 Parameters masterplan (Option 3) ref 013-006-P007 Rev F.
- D3 Proposed access arrangement – crossroads Church Road (Options 3 & 4) ref 0401-F05.
- E1 Illustrative masterplan (Option 4) ref 013-006-P008 Rev L.
- E2 Parameters masterplan (Option 4) ref 013-006-P007 Rev G.
- F Lytham Road/ Church Road/ Highgate Lane junction alterations ref 0401-F02/G.
- G Development proposals in Warton – June 2014. Submitted by Mr Wright.
- H Extract from Local Plan Proposals Map.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.