



Agenda

Planning Committee

Date:	Wednesday, 7 November 2018 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Heather Speak, Ray Thomas.</p>

Public Speaking at the Planning Committee

Members of the public may register to speak on individual planning applications: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 10 October 2018 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23.	1
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2018
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request at the Town Hall, St Annes Road West, St Annes.

Planning Committee Schedule 07 November 2018

Item Number: 1 **Committee Date:** 07 November 2018

Application Reference:	18/0186	Type of Application:	Change of Use
Applicant:	Ream Hills Leisure Park Ltd.	Agent :	CFM Consultants Ltd
Location:	REAM HILLS FARM MYTHOP ROAD, WEETON WITH PREESE, PRESTON, PR4 3NB		
Proposal:	CHANGE OF USE FROM EXISTING FARMHOUSE (WITH AGRICULTURAL TIE) TO 7 NO. HOLIDAY APARTMENTS AND 1 NO. MANAGER'S FLAT (ASSOCIATED WITH OPERATION OF HOLIDAY / LEISURE SITE), AND CONVERSION OF THE DOUBLE GARAGE TO AN AGRICULTURAL WORKER'S ACCOMMODATION (ASSOCIATED WITH THE AGRICULTURAL DEER RAISING OPERATION)		
Ward:		Area Team:	Area Team 1
Weeks on Hand:	30	Case Officer:	Alan Pinder
Reason for Delay:	Negotiations to resolve difficulties		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7994318,-2.9561299,701m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to the farmhouse building at Ream Hills Farm which is an agricultural / commercial / leisure operation between Weeton and Staining. The application seeks a change of use and conversion of the farmhouse at Ream Hills from a single dwellinghouse to form 7 No. apartments for holiday use and 2 No. apartments for occupation by employees of the holiday site and the commercial deer raising operation.

The farmhouse is the subject of an agricultural tie that limits its occupation to person(s) employed in agriculture. The size and scale of the accommodation provided by the farmhouse is such that the proposed conversion would retain adequate provision for an agricultural worker's accommodation, whilst providing additional holiday accommodation associated with the existing holiday park use at the Ream Hills site. The proposal does not involve any extensions to the building and so would not result in inappropriate or unacceptable impacts on the character or appearance of either the existing site or the wider rural area, and would not result in such an increase in traffic levels as to otherwise unduly impact on the wider highway network.

Policy GD4 of the Fylde Local Plan to 2032 limits development in these rural areas, but specifically allows for small-scale tourist accommodation, and is considered that this proposal constitutes that form of development and so is policy compliant and recommended for approval.

Reason for Reporting to Committee

The parish council's recommendation for refusal is at odds with the officer recommendation of approval and so the application is to be determined at Committee.

Site Description and Location

This application relates to the farmhouse dwelling located at the Ream Hills development located on Mythop Road, between Weeton and Staining, and lies immediately to the north of the M55 motorway. Ream Hills was originally a farm and agricultural enterprise, but over the years has diversified into different uses comprising of a deer raising park, an industrial site, a fishing lake with wakeboarding sport facility (and ancillary store, changing/toilet block, cafe and clubhouse), and a holiday site comprising of 24 holiday lodges, 51 touring caravan pitches and a camping field.

The site is within the Countryside and has agricultural land around on all sides.

Details of Proposal

This application seeks a change of use and conversion of the existing farmhouse to accommodate the following:

- 1 No. one bedroomed holiday apartment
- 5 No. two bedroomed holiday apartments
- 1 No. three bedroomed holiday apartment
- 1 No. manager's apartment (for manager of the holiday/leisure site)
- The conversion of the double garage attached to the farmhouse to one bedroomed accommodation for an agricultural worker associated with the deer park.

External facilitating works to the building would comprise of two new ground floor door openings to the rear of the main house, the replacement of the two garage doors with two windows and a single doorway, and two new windows in the rear elevation of the garage. Provision for 11 parking spaces would be provided within the existing hardstanding area to the front of the property.

Relevant Planning History

Application No.	Development	Decision	Date
18/0171	CHANGE OF USE OF LAND FOR THE SITING OF UP TO 76 NO. STATIC HOLIDAY CARAVANS	Refused	20/07/2018
17/0252	ADVERTISEMENT CONSENT FOR 3 NON ILLUMINATED POST SIGNS TO THE RIGHT AND LEFT HAND SIDE OF THE ENTRANCE	Split Decision	05/06/2017
17/0149	ERECTION OF TERRACE OF SINGLE STOREY BUILDINGS FOR 215m2 INDUSTRIAL (CLASS B2) SPACE AND 1,130m2 STORAGE (CLASS B8) SPACE	Granted	30/06/2017
17/0038	RETROSPECTIVE APPLICATION FOR ERECTION OF A TWO STOREY TIMBER BUILDING TO BE USED AS HOLIDAY ACCOMMODATION AS A REPLACEMENT FOR APPROVED SINGLE STOREY HOLIDAY LODGE	Refused	21/03/2017
16/0068	USE OF LAND FOR SITING OF 18 NO. HOLIDAY	Granted	09/08/2016

DISC/14/0867	LODGES (ADDITIONAL TO 6 NO. EXISTING LODGES) WITH FORMATION OF INTERNAL ACCESS ROAD, DECKING AREAS, PARKING AREAS AND OTHER ANCILLARY WORKS APPLICATION TO DISCHARGE PLANNING CONDITION 9 OF PLANNING PERMISSION 14/0867	Advice Issued	11/06/2015
14/0867	PROPOSED VARIATION OF CONDITION 3 OF PLANNING PERMISSION 12/0356 TO INCREASE NUMBER OF TOURING CARAVAN PITCHES FROM 25 TO 51 WITH NO ALTERATIONS TO SITE AREA.	Granted	27/04/2015
14/0862	PROPOSED RELOCATION OF TENTING FIELD ASSOCIATED WITH PLANNING PERMISSION 12/0356, FORMATION OF INTERNAL ACCESS ROAD, AND USE OF PREVIOUSLY APPROVED TENTING FIELD FOR AGRICULTURE	Granted	27/04/2015
14/0460	COUNTY MATTER APPLICATION FOR CONSTRUCTION OF A BUND WITH SOILS AND INERT WASTE	Raise Objections	23/07/2014
14/0153	PROPOSED ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (PART RETROSPECTIVE)	Granted	03/11/2014
AG/13/0005	PRIOR NOTIFICATION FOR PROPOSED ERECTION OF AGRICULTURAL BUILDING TO HOUSE DEER	Permission Required	24/12/2013
12/0709	PROPOSED ERECTION OF ANCILLARY FACILITIES TO SUPPORT CARAVAN SITE (2 X TOILET BLOCKS, TICKET OFFICE, ACCESS TRACKS AND LANDSCAPING)	Granted	21/02/2013
12/0659	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0356 TO REMOVE REQUIREMENT FOR DOCUMENTARY EVIDENCE IN SUPPORT OF HOLIDAY USE, AND VARIATION OF CONDITION 6 OF PLANNING PERMISSION 12/0356 TO EXCLUDE HOLIDAY LODGES FROM REQUIREMENT TO BE ASSOCIATED WITH EXISTING LEISURE FACILITY	Granted	30/01/2013
12/0356	CHANGE OF USE OF LAND TO HOLIDAY LODGE AND TOURING PARK, COMPRISING OF 6 LODGES, 25 TOURING PITCHES AND A TENTING FIELD.	Granted	22/08/2012
12/0068	CHANGE OF USE OF LAND AND BUILDINGS TO GENERAL STORAGE IN ADDITION TO EXISTING STORAGE OF ACCIDENT DAMAGED AND POLICE RECOVERED VEHICLES, AND EXTENSION OF AREA AUTHORISED FOR SUCH STORAGE	Granted	19/11/2013
11/0676	CERTIFICATE OF LAWFULNESS APPLICATION FOR EXISTING USE OF BOATS ON THE LAKE.	Withdrawn by Applicant	20/01/2012
11/0445	ADVERTISEMENT CONSENT TO DISPLAY 3 X NON ILLUMINATED HOARDING SIGNS: 2 AT ENTRANCE TO REAM HILLS FARM, 1 AT JUNCTION OF CHAIN LANE AND MYTHOP ROAD	Refused	23/08/2011
11/0002	RETROSPECTIVE CHANGE OF USE FROM FISHING LAKE TO MIXED USE OF FISHING LAKE AND WAKEBOARDING FACILITY. RETENTION OF VARIOUS ASSOCIATED STRUCTURES INCLUDING PYLONS AND TOW CABLE ASSOCIATED WITH WAKEBOARDING, CHANGING ROOM AND	Granted	15/03/2011

	STORE BUILDING, TOILET BUILDING, CAFE, FISHING CLUBHOUSE, DECKING AREA AND WOODEN WALKWAY.		
92/0140	FARMHOUSE, GARAGE AND BARN.	Granted	20/05/1992
91/0506	OUTLINE APPLICATION FOR DETACHED FARMHOUSE	Granted	06/11/1991
90/0399	SITING OF RESIDENTIAL CARAVAN FOR AGRICULTURAL WORKER	Granted	10/10/1990

Extensive planning history between 1993 and 2011 omitted from list for clarity.

Relevant Planning Appeals History

Application No.	Development	Decision	Date
17/0038	RETROSPECTIVE APPLICATION FOR ERECTION OF A TWO STOREY TIMBER BUILDING TO BE USED AS HOLIDAY ACCOMMODATION AS A REPLACEMENT FOR APPROVED SINGLE STOREY HOLIDAY LODGE	Allowed	22/01/2018
14/0866	CONSULTATION ON COUNTY MATTER APPLICATION LCC/2014/0160 FOR ERECTION OF BUND	Allowed	30/09/2015

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 17 April 2018 and comment:

"It was resolved to recommend refusal to this application. Referring to the previous comments of the Parish Council at this site major concerns being the increased traffic on Mythop Road which is sub-standard. Additional concerns over the visibility splay relating to access and egress. The units will be short-term lets meaning a higher density of traffic. There will already be additional traffic as a result of Whyndyke development. The Parish Council has major concerns as to the declining state of the access road of the proposed site. This road is of a substandard state and is extremely uneven, not conducive to excessive use. It is hoped that Lancashire County Council will take the condition and access of the road to the site when forming their response."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed change of use of land and are of the opinion that the proposed development will not have a significant impact on capacity or amenity in the immediate vicinity of the site, although the planning department is advised to consider the impact on highway safety.

The site is accessed from Mythop Road is a C class road and a secondary distributor. The site access is on a severe bend with warning signs, chevrons and line markings. The change of use to 76 holiday homes increases the volume of vehicular traffic on Mythop Road.

The LCC's five year data base for Personal Accident (PIA) was checked 16 April 2018. The

data indicates there have been 15 incidents from Chain Lane to the railway bridge west of Weeton Village.

It is requested that the applicant contributes towards a safety scheme on Mythop Road. The improvements would be enhancements to the existing signs and lines.

This is linked to application 18/0171, which is a request for the same s278 works. The s278 should be entered into before prior occupation of whichever application is first and not in addition to.

Tourism Officer

.The site is in a rural location but only 5 minutes to the main motorway and features a wake park. It is within ten minutes of holiday parks, notably Marton Mere Holiday Park which is 2 minutes away, as well as Newton Hall which is a slight further distance. Both these have a significant number of holiday home units, but few apartments within a building. The Ream Hills site already has wooden lodges with hot tubs and an area for touring caravans and motorhomes. This proposed development of 8 units plus managers lodgings would provide the opportunity for high specification self-catering units in the rural Fylde area, which nearby is available at Ribby Hall Village.

Within Fylde Borough, according to the 'official' STEAM tourism statistics, in 2016 there were 9,984 bed spaces in Fylde of which 6,739 were non serviced (67%) which is a 2% growth on 2015 which is a higher growth figure than for serviced accommodation, showing assumed demand.

This application poses no issues to the tourism economy within Fylde.

Neighbour Observations

Neighbours notified:	17 April 2018
Number of Responses	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP05	Conversion of rural buildings to commercial use
SP09	Diversification of rural economy
SP10	Permanent agricultural workers dwellings
TREC03	Tourist Accommodation Outside Lytham St Annes

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD8	Demonstrating Viability
H6	Isolated New Homes in the Countryside
EC7	Tourism Accommodation

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle of development

The farmhouse to which this application relates was granted planning permission in 1992 (ref. 92/0140) and replaced a residential mobile home that had previously been granted permission in 1990 (ref. 90/0300) to test the viability of the then newly established farm enterprise. Condition 3 of 92/0140 requires that the occupation of this farmhouse is limited to a person solely or mainly employed, or last employed, in the locality in agriculture or in forestry, including the dependents or the widow/widower of such a person. Hence this condition ties the occupancy of the farmhouse to the agricultural operations at Ream Hills. Over the years operations at Ream Hills have diversified to now include the provision of fishing/leisure lake with wakeboarding sport facility (and ancillary store, changing/toilet block, cafe and clubhouse), and a holiday site comprising of 24 holiday lodges, 51 touring caravan pitches and a camping field. However there still remains an agricultural operation at Ream Hills, in the form of deer raising, which provides a continuing requirement for accommodation for an agricultural worker.

The farmhouse approved under 92/0140 is substantial in size for an agricultural worker's dwelling, consisting of a large expanse of day-to-day living areas at ground floor, five bedrooms at first floor, and a large double garage. The scale of this dwelling now far exceeds the needs of the ongoing agricultural deer raising operation at Ream Hills, and the extent of lawful holiday site use at Ream Hills is such that it now forms one of the principle activities at the site. Accordingly it is considered that the conversion of the farmhouse to holiday apartments and holiday site manager's accommodation to serve the holiday site activity, and the conversion of the double garage to accommodation for use by a worker associated with the deer raising operation are acceptable within the context of the varied lawful activities ongoing at Ream Hills.

The proposal would not involve any encroachment into the wider countryside, and would complement the accepted rural diversification at Ream Hills. Accordingly, and subject to the imposition of appropriate occupancy conditions, the development accords with policies GD4 and EC6 of the Fylde Local Plan to 2032.

Visual amenity

The proposed conversion does not require the construction of any additional buildings and structures, and only some relatively minor rearrangement of fenestrations and door openings to the existing farmhouse. As such the proposal would not unduly impact on the visual amenity of either the existing building or the wider rural area. The proposal is considered to accord with the relevant criteria of policy GD7 of the Fylde Local Plan to 2032.

Occupier amenity

The farmhouse is sufficiently isolated from neighbouring dwellings for no neighbour amenity impacts to result from the proposal.

However it is located in relatively close proximity to the lawful industrial/employment operations

that are ongoing at Ream Hills to the south of the farmhouse, with the separation distance being approximately 35 metres. Accordingly there is potential for noise and other disturbance to occupiers of the converted apartments. However, whilst this close proximity might otherwise exclude the conversion of the farmhouse to residential apartments, the proposal is for holiday apartments and accommodation for persons employed at Ream Hills. As such the apartments would be for short term holiday occupation only and at the choice of paying holidaymakers, ensuring potential amenity impacts are of a lesser concern. Two of the proposed apartments would be for permanent occupation but given the nature of the occupational requirement for both of these apartments it is not considered that potential amenity impacts are of an overriding concern.

Access and parking

The proposed apartments would be accessed from Mythop Road via the existing access arrangements used for the Ream Hills site. The parish council have expressed concern about the declining condition of the access road that leads from Mythop Road to the farmhouse, concern over the increase in traffic movements onto and along Mythop Road that would result from the proposal, and concern over the adequacy of the existing visibility splays from Ream Hills onto Mythop Road.

County Highways have been consulted on the application and have raised no objections in relation to potential impacts on amenity or the capacity of the highway network, however they have requested a contribution towards the enhancement of road signage and lines on Mythop Road in order to enhance safety standards along Mythop Road. This request was based on the cumulative impacts of this proposal and that of another application for an additional 76 static holiday caravans proposed at Ream Hills under application 18/0171. That application has since been refused permission and was obviously the larger element of the cumulative development that could justify this request. It is not considered that the development of the additional holiday and rural worker accommodation in this application alone could reasonably justify the provision of these works and so no condition to this effect is suggested, particularly as there is little clarity over the scope of the improvements that are requested.

With regard to the access road between Mythop Road and the farmhouse. This road is a private road and whilst its condition may be deteriorating it is not the role or within the remit of the local planning authority to seek to address its condition through the use of planning conditions where such a condition is neither directly relevant or necessary to make the proposal acceptable in planning terms. With regard to the visibility at the access road onto Mythop Road this has not been raised as an issue by the local highway authority and has appropriately served the Ream Hills site for a number of years without recorded incident. It is therefore considered to be acceptable for the limited increase in the use of the site that is proposed in this application.

Conclusions

This application seeks a change of use and conversion of the farmhouse at Ream Hills from a single dwellinghouse to seven apartments for holiday use and two apartments for occupation by employees of the holiday site and the commercial deer raising operation. The farmhouse is the subject to an agricultural tie that limits its occupation to a person(s) employed in agriculture. The size and scale of the accommodation provided by the farmhouse is such that the proposed conversion would retain adequate provision for an agricultural worker's accommodation, whilst providing additional holiday accommodation associated with the existing holiday park use at the Ream Hills site. The proposal would not result in inappropriate or unacceptable impacts on the character or appearance of either the existing site or the wider rural area, and would not result in such an increase in traffic levels as to otherwise unduly impact on the wider highway network.

Policy GD4 of the Fylde Local Plan to 2032 limits development in these rural areas, but specifically allows for small-scale tourist accommodation, and is considered that this proposal constitutes that form of development and so is policy compliant and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plans - Dwg no's RH/04516/001 and RH/04516/002
- Proposed Site Plan - Dwg no. RH/04516/006 Rev A
- Proposed Elevations - Dwg no. RH/04516/008
- Proposed Floor Plans - Dwg no. RH/04516/006 Rev A

Reason: To provide clarity to the permission.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used in the conversion of the dwellings hereby approved shall match those of the existing dwellinghouse in terms of type, colour, texture and scale.

Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in accordance with the requirements of policy GD7 of the Fylde Council Local Plan to 2032 and the National Planning Policy Framework.

4. The 11 No. car parking spaces indicated on the approved proposed site plan (dwg no. RH/04516/006 Rev A) shall be marked out in accordance with the details shown on the approved plan and made available for use before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of future occupiers in accordance with the requirements of policy T5 of the Fylde Council Local Plan to 2032 and the National Planning Policy Framework.

5. The occupation of the apartment created by the conversion of the attached garage (indicated as 'agricultural worker's dwelling on the approved drawing RH/04516/007 Rev A) shall be limited to a person solely or mainly working, or last working in the locality in agriculture (as defined in Section 336 [1] of the Town and Country Planning Act 1990) or in forestry (including any dependants of such a person residing with him/her), or a widow or widower of such a person.

Reason: To ensure that appropriate accommodation is retained to meet the needs of the ongoing deer raising operation at Ream Hills or other agricultural/forestry operations within the locality of the site, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, is not normally permitted in accordance with policies GD4 and H6 of the Fylde Council Local Plan to 2032.

6. The occupation of the ground floor Manager's Flat (indicated as 'manager's flat' on the approved drawing RH/04516/007 Rev A) shall be limited to a person solely employed in a management role

associated with the operation of the holiday site development at Ream Hills (including any dependants of such a person residing with him/her).

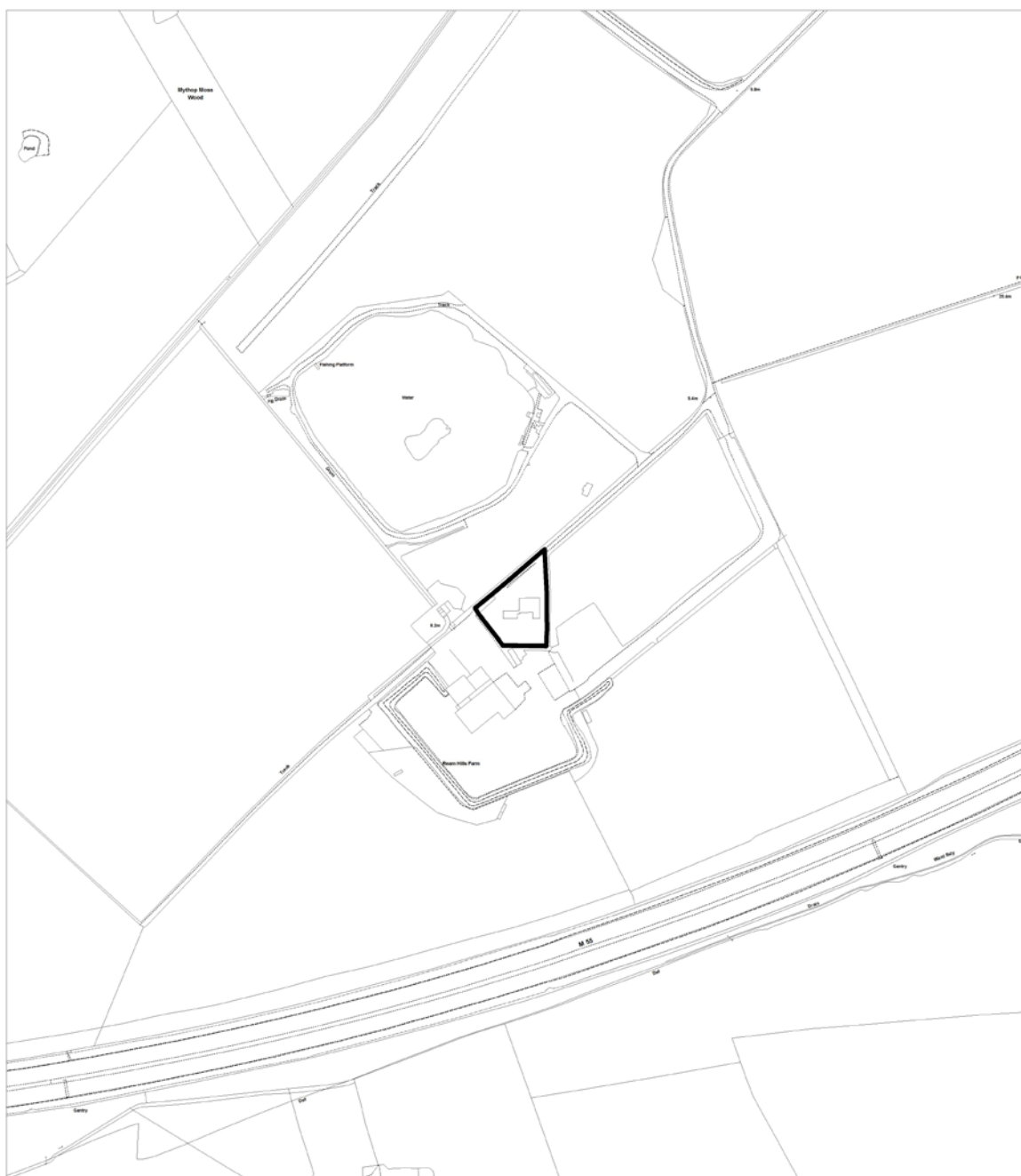
Reason: To ensure that appropriate accommodation is retained to meet the needs of the operation of the holiday site development at Ream Hills as the site is within an area where residential development for other purposes may not be in accordance with policies GD4 and H6 of the Fylde Council Local Plan to 2032.

7. The apartments hereby granted by this permission (annotated as Flats 1 through to 7 on the approved drawing RH/04516/007 Rev A) shall be used for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which may be contrary to policies M1, GD4, and H6 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. The owners/managers of the approved holiday apartments shall maintain a register of names of all owners/occupiers of individual apartments and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for permanent residential occupation which may be contrary to Policies M1, GD4 and H6 of the Fylde Council Local Plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0186	Address Ream Hills Farm, Mythop Road, Weeton	Grid Ref. E.3369 : N.4340	Scale 0 25 50 75 100 m

Application Reference:	18/0302	Type of Application:	Full Planning Permission
Applicant:	Lowther Gardens (Lytham) Trust	Agent :	Creative SPARC Architects
Location:	LOWTHER PAVILION, LOWTHER GARDENS SITE, WEST BEACH, LYTHAM ST ANNES, FY8 5QQ		
Proposal:	ALTERATIONS AND EXTENSION OF EXISTING PAVILION BUILDING, INCLUDING A TWO STOREY EXTENSION TO THE EAST TO FORM A FIRST FLOOR RESTAURANT WITH EXTERNAL ROOF TERRACE, AN EXTENSIONS TO THE WEST OF THE BUILDING TO FORM AN EDUCATION CENTRE AND STUDIO THEATRE, TIMBER CLADDING AND GLAZING TO EXISTING ELEVATIONS, RECONFIGURATION OF EXISTING CAR PARK TO PROVIDE 70 SPACES, NEW PEDESTRIAN ACCESS, ASSOCIATED SOFT AND HARD LANDSCAPING WORKS AND DEMOLITION OF EXISTING PUBLIC TOILETS, STORAGE BUILDING AND AVIARY STRUCTURE.		
Ward:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	30	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7360145,-2.9719514,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Introduction

This application was considered by Committee on 1 August 2018. Following some discussion the Committee resolved to defer determination pending:

- a) *“receipt of additional information from the applicant identifying the areas of proposed tree removal and the location and species of compensatory replacement trees together with the arrangements for the future management of the newly planted areas and the Gardens as a whole; and*
- b) *the consideration of the appropriateness of these proposals by the Head of Planning and Housing and other relevant officers.*

The application is to be re-presented for a decision once these matters have been resolved to the satisfaction of the Head of Planning and Housing.”

Consequently officers engaged with the applicant and a revised scheme has been received that is intended to address these concerns. This has been the subject of neighbour notification and a consultation with the local highway authority. The difference between the proposed landscape design proposals and those previously considered by members can be summarised as follows:

- The car park layout has been reconfigured to integrate soft landscaping to break-up the previously large areas of hard surfacing. The car park has also been rotated to align with the existing avenue footpath and set further away from this footpath to reinforce the avenue when

entering the Gardens from the South East entrance. This allows additional new tree planting along this boundary which is then continued across the car park, entrance plaza and adjacent areas to integrate the car park into the landscape more successfully. This layout provides 65 car parking spaces, including 6 disabled spaces.

- The entrance plaza has been redesigned to provide a better sense of arrival to the main entrance of the building and to introduce new tree planting in this area. An avenue of trees and directional paving will direct the public towards the main entrance from the existing avenue footpath, whilst the plaza is also now generous enough to accommodate large groups of people as a gathering/meeting space.
- A drop off / collection bay has been introduced adjacent to the entrance plaza for use by visitors and taxis etc. to ease congestion within the car park at peak times.
- The outdoor classroom has been redesigned to incorporate an existing mature tree. This would be at the centre of the new circular bench seating. This area is now proposed to be enclosed by a hedge to help baffle any potential noise generated within this area. An additional drawing has been provided detailing this feature.
- The bin store has been relocated to a less prominent location. Waste collection vehicles would now enter via the articulated vehicles entrance so that all service vehicles would be separated from the main car park. The bin store would be concealed using a new hedge to minimise its visual impact and additional information has been provided on the design of the bin store.
- The trees to be removed have been amended following discussions with officers. The Tree Officer advised that the trees to be removed are of limited quality and supported the proposals. 47 new trees are to be planted to replace the 54 trees being removed. All of these new trees will be of a suitable species for the site and coastal location, of a high quality and will be semi-mature trees of a minimum 5 metres in height to ensure that they provide the required immediate impact to offset the visual effect of removing the existing trees. Again, these proposals were supported by the Tree Officer and have been prepared in collaboration with the Councils Landscape Officer.
- Further information on the proposed planting has been included on the revised drawing and additional planting proposals drawings submitted.

The applicants have detailed that the proposed landscape design works and car park alterations would be carried out within Phase 3 of the project under the phasing previously identified. This phase focuses on building the Education Centre & Studio Theatre extension. Phases 1 and 2 can be completed with minimal impact on the existing landscape and car park as they primarily refurbish the existing pavilion and add the first floor extensions. The existing external public toilets could remain in place until the Education Centre & Studio Theatre extension is completed. This extension includes the replacement external public toilets, so external public toilets could be kept in operation continuously throughout the construction works.

With regard to the future management of the newly planted areas condition 10 below covers a maintenance period of 10 years to allow the planting proposed in this application to be established. With regard to the management of the Gardens as a whole it has been confirmed that there is an existing Service Level Agreement in place with the Councils Parks Department to manage and maintain the garden. This is a 5 year agreement and the management of the park falls under the scope of this agreement.

All neighbours previously consulted and any that have written in have been re-consulted. LCC Highways have been consulted because of the changes to the parking layout and confirm that they have no objections. Any further responses received will be provided in the late observations. Since the publication of the report below the Fylde Local Plan to 2032 has been adopted and become the Development Plan, as such any reference to the Fylde Local Plan (2005) is no longer relevant in the

assessment of this application.

The applicants have confirmed they have no objections to the conditions proposed in this report and as such the recommendation is to grant planning permission subject to those conditions.

The following is the officer report previously presented to Committee, although the conditions have been amended to reflect the revised details.

Summary of Officer Recommendation

The application site is Lowther Pavilion, which is located within Lowther Gardens which is located in the Lytham Conservation Area and is a locally listed heritage asset. The Pavilion has had a number of extensions over the years along with a complete renovation in 1982 so that most of the original features have been lost and that the current building does not relate to the wider character of Lytham.

The proposal is for a first floor extensions to the building above the existing entrance lobby to form a restaurant with an external roof terrace. This area along with the rest of the building would be over clad with untreated European Oak and Corten steel cladding, with aluminium to the windows and doors. The roof will be clad in the same material as the existing aluminium auditorium roof and it is proposed to have a partly curved and partly flat roof. A first floor extension is also proposed at the other end of the exiting building to provide additional rooms used in relation to the theatre productions. It is also proposed that these are finished in the same materials as the front extension. The additional area at first floor is proposed to have a flat green roof. Beyond this to the west an extension is proposed to provide a 150 seat Studio Theatre and Education Centre. This area would have its own access, would be constructed in the same materials proposed to over clad the existing building and would have a sloping roof to allow for the elevation of seating within the building. Also proposed is the reconfiguration of the existing car park and soft and hard landscaping adjacent to the pavilion, this involves the removal of the public toilets building and locating them with the main building.

The main issues with this application are the design and visual impact of the alterations to the building, the impact on the heritage of the gardens, the impact on trees and proposed landscaping, the proposed car parking and impact on residential amenity.

With regard to the design of the extensions and alterations and the visual impact it will have officers consider that the existing building has been developed over time with numerous additions it has limited merit architecturally and does not reflect the wider character of the Conservation Area. As such amendments to the building's appearance are acceptable in principle and it is considered that whilst the proposed development will change the character of the building, it will become 'of its time', as its previous iterations have been and its relationship with the gardens will remain the same. The proposed design is considered to be acceptable, the proposed materials will help to bring the building together and the proposed roof form help to keep the height of the building down so that it does not become too dominant in its place within the Gardens.

The appropriate design means the heritage value of the gardens is not diminished, and the amended plans which reduced the amount of hardstanding and the introduction of avenue tree planting to re-inforce the Victorian character of the gardens mean the heritage value of

the gardens is preserved. Because of this the loss of the trees that have grown un-managed is considered acceptable, but substantial co-ordinated planting will be needed to mitigate the loss of trees.

There are no issues with regard to highways or parking, whilst the size of the car park is only increasing marginally the site is sustainably located within walking distance of the town centre and its car parks. With regard to residential amenity with appropriate conditions in place to restrict the use of the outdoor terrace areas there will be no unacceptable impact on amenity. As such the development is considered acceptable in principle and is recommended for approval.

Reason for Reporting to Committee

The application has received a number of representations against the development, including a petition. As such officers consider it to be in the public interest that the application be determined by the Planning Committee.

Site Description and Location

Lowther pavilion is located within Lowther Gardens which is bounded by Church Road to the north, West Beach to the south, Lowther Terrace to the east and Woodville Terrace to the west. The site is located within the conservation area and is allocated in the Fylde Borough Local Plan as recreational open space and an open space within towns and villages. Lowther Pavilion is a community theatre complex set within the mature Lowther Gardens public park located on West Beach in Lytham.

Lowther Gardens was opened on the 31st August 1872 and was gifted to the people of Lytham by John Talbot Clifton of Lytham Hall. The original barrel vaulted timber pavilion building was built in 1920 following a request by the Lytham Ladies Orchestra. The pavilion proved a success and an extension to the North elevation was added in 1922 to provide a cafe with large glazed windows overlooking the gardens. In 1928 a further extension was built to provide a stage for the auditorium which was added to the West gable end of the building. The venue thrived in the Fifties and Sixties, with another extension added to the East elevation in 1958 to provide additional front of house facilities, comprising a new entrance, foyer, bar and cloak rooms. This brickwork extension was a departure from the pavilion's original timber construction, instead reflecting the architecture of the times. In 1982 a complete renovation of the pavilion was undertaken to repair the damaged structure to the auditorium and stage buildings, demolish the cafe and widen the auditorium with new wing areas, overhaul and modernise the 1950s front of house spaces and build new changing areas to the back of the stage. This renovation project was a success in saving the theatre, however much of the original buildings was lost, with only the newly reinforced barrel vaulted auditorium roof structure and timber ceiling being retained of the original 1920s pavilion.

Details of Proposal

The proposals for this application are extensive. The application submission refers to work being done to the building in three phases, which would follow the work that has already taken place to the roof and internal alterations. The below are the elements of each Phase:

Phase 1

The construction of a new first floor extension above the existing foyer at the eastern end of the building, to provide a restaurant with an external roof terrace with new stair and lift access. At

ground floor there will be the reconfiguration and refurbishment of main entrance, foyer, cafe, bar, box office and toilets. This extension and the ground floor existing building are proposed to be over clad with untreated European Oak and Corten steel cladding, with aluminium to the windows and doors. The roof will be clad in the same material as the existing aluminium auditorium roof and it is proposed to have a partly curved and partly flat roof.

Phase 2

Phase two of the proposal is the construction of a first floor extension above the existing dressing rooms at the western end of the existing building to provide additional rooms used in relation to the theatre productions. Again it proposes the over-cladding of elevations and the installation of new windows and doors with the same materials as above. The additional area at first floor is proposed to have a flat roof.

Phase 3

Phase three of the proposals is for an extension at the western end of the building to provide a 150 seat Studio Theatre and an Education Centre. This area would have its own access, would be constructed in the same materials proposed to over clad the existing building and would have a sloping roof to allow for the elevation of seating within the building.

The application also includes the reconfiguration of the existing car park and soft and hard landscaping adjacent to the pavilion. It is proposed that these works are developed in collaboration with Fylde Council's parks department as wider redevelopment and restoration masterplan for the Gardens. This also includes removing the public toilets building and locating them with the main building.

Relevant Planning History

Application No.	Development	Decision	Date
16/0651	TO HOLD A MONTHLY CAR BOOT SALE ON THE CAR PARK OF THE LOWTHER PAVILION THEATRE DURING THE SUMMER MONTHS (MAY - OCTOBER)	Refused	18/10/2016
16/0671	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 16/0333 - CONDITION 2 - MATERIALS	Advice Issued	25/10/2016
16/0333	INSTALLATION OF NEW BARREL ROOF OVER EXISTING ROOF STRUCTURE WITH ASSOCIATED WORKS INCLUDING RENDERING, REMOVAL AND REPAIR OF CUPOLAS, AND RELOCATION OF FIRE DOOR	Granted	05/07/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

The Conservation officer raised concerns with regard to the design of the building, the increase in hardstanding and loss of trees and the addition of a new path from the central pond to the Pavilion. These views have been taken into consideration and resulted in the submission of the revised plans.

Parks Manager

No comments received.

Regeneration Team (Trees)

At the time of writing I'm without a plan that shows how the proposed layout will delete trees, so in terms of numbers for tree removals I'm unable to comment. It's likely to be a considerable number, which is daunting, but a balanced view must be taken – what is the value of the majority of trees that may be removed?

Broadly, I do acknowledge that many of the trees in question are of mixed quality and that many have arisen through natural processes rather than a planned, landscape management approach. This has yielded groups of ivy-covered sycamores to the frontage that don't associate well with the formal layout of a public park. They have their virtues: tolerant of the coastal effect, habitat for birds, screening for those within the park of the highway beyond, but in aesthetic terms I'm open-minded about their loss provided the need is justified and that adequate compensation in the form of improved tree planting is designed into the proposal. In short I'm saying there is room for aesthetic improvement through better tree selection and management - if that is a management goal for the site.

At the moment we know nothing detailed about the intention for compensatory planting, and although beyond my remit, I am not aware of supporting data for the increased parking.

What's clear however is that the tree stock in the Gardens requires active management and some features that are beloved of users may be unsustainable. Groups of mature pine trees with totally asymmetric canopies now overhang Lowther Terrace and will eventually require managing, but the combination of species and form means that effective management of these trees will be impractical. It's possible to foresee that a managed approach and some programmed removals and replanting are necessary and because of the lead-in time for trees to develop that initiative needs to commence sooner rather than later. That initiative need not be contingent on a redesign/planning permission, but this may be an opportunity.

My colleague's view suggests other issues require resolution. Those issues will influence tree removals and therefore at this stage I offer the view that I have no objection in principle but that we need detail of precisely what will be lost to development and what the park will gain in arboricultural terms.

My suggestions are that we need to see replacement with large trees tolerant of the climate and offering strong aesthetic values. There must still be a tree presence to the site frontage, and if possible trees used to break up the car parking. Among the poorer

existing specimens some better trees exist and these should be retained where practical. An arboricultural management plan for the site addressing the problem of necessary tree removals and replacement over future decades would be a gain – in other words the application should trigger sustainable management of the tree stock.

Lancashire County Council - Highway Authority

Comments 10/5/18

LCC Highways does not have any objections regarding the proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. There are concerns with the HGV movements proposed in the westerly vehicular access. It is requested that more information is provided for the swept path movements to prove the large vehicles to enter and exit on forward gear. For the westerly access the proposed bollards are removable and may be deployed if a delivery is early / late or unexpected. West Beach is an A road with a large volume of traffic and any obstructions will cause queuing and obstruction to other highway users especially with the length of the HGV to the existing restrictions and parking. How are deliveries to be managed? How quickly can the bollards be removed? How frequent are the expected HGV movements? What size are the expected deliveries/ refuse wagons? It is required that the removable bollards are placed outside of the highway. It is requested that the existing westerly access is clearly signed as a service area to prevent cars and pedestrians in conflict with HGV movements. It is requested that pedestrians are signed from the extended existing access in the hedge and the car park has additional signs to encourage visitors to use the easterly entrance only. Please can details of the sign plates and pole location be provided.

Following revised plans, comments received 13/7/18

From my previous comments, I requested the swept path for HGVs, which has been supplied. The drawing shows that HGVs can enter an exit in forward gear. Also requested was the proposed signage for the car park, pedestrian access and the HGV delivery entrance. This is to avoid conflict between highway users.

A condition is requested to ensure that the parking areas are marked out and signed.

Environmental Protection

Further to the application above I have the following comments –

Due to the close proximity of residential properties there is a potential for noise nuisance as a result of activities taking place on the premises.

- 1. The outside terraces shall be closed to patrons no later than 21:00 on any day.*
- 2. There shall be no amplified entertainment taking place on the terraces.*
- 3. During performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress.*

Civic Society

We wish to point out that the main purpose of the area is for it to be a public park, free for all to use. We have always feared that the car parking areas would be extended and sorry to see this proposed, with the inevitable removal of mature shrubs and trees.

The idea in particular that the edge of the site should be opened up so as to merge with the Green i.e. removal of vegetation} is conceptually wrong. The Lowther Gardens are there to give shelter from the winds with trees on all of its edges.

Neighbour Observations

Neighbours notified:	19 April 2018
Amended plans notified:	
Site Notice Date:	
Press Notice Date:	26 April 2018
Number of Responses	Nine letters of objections received.
Summary of Comments	Increase in number of cars parked on streets. Not enough car parking spaces. Noise disturbance. Particularly in evenings. Removal of trees and shrubs. Overdevelopment of the site. Unnecessary extensions. Loss of aviary. Inappropriate location for bin store. Not appropriate in conservation area. Having public toilets in building means they are not 24 hours. No need for the additional space. Not economically viable. Restaurant use proposed is wrong. Contrary to Local Plan policy.

A petition has also been received signed by 215 people of varying addresses both from within the Borough and from further afield stating; *"We the undersigned urge Fylde Borough Council as a responsible Trustee to Lowther Gardens in Lytham and respect the covenant that applies to the land as it was gifted the Council in 1905. We believe no more of the gardens should be lost to buildings or car parking. We believe no more buildings or erections of any description whatsoever should be built without licence from John Talbot Clifton, his heirs or assigns having first been obtained"*.

The following comments have also been made which are not planning issues and therefore cannot be taken into consideration when determining the application:

The covenant on Lowther Gardens from John Talbot Clifton (1905) that appears to restrict commercial uses.

Relevant Planning Policy

Fylde Borough Local Plan:

EP06	Historic parks & gardens
EP02	Protected open spaces within towns & villages
EP03	Development within conservation areas

Fylde Local Plan to 2032:

ENV5	Historic Environment
ENV1	Landscape

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Conservation area site

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

It is considered that the main issues that need to be considered when determining this proposal are;

Design and visual impact.
Heritage of the Gardens
Trees and landscaping
Car parking and highways
Residential amenity
Other issues

It is considered that the design of the building, the relationship between the building, gardens, trees and parking areas are all inter-related and that each element needs to be satisfied in order for the overall scheme to be acceptable. In many ways Lowther Pavilion is a stand-alone building that has little in common with the Victorian character of wider Lytham. Currently it has a functional modernist appearance that has been altered over time. As it stands in relative isolation, it does not impinge on the general overriding character of this part of the conservation area, which to some extent works in its favour. The existing building does not enjoy any formality or symmetry and is based around an agglomeration of building volumes that often appear unrelated. The existing materials are not traditional and add little to the overall Lytham character. As a result these proposed alterations should be judged for their impact on the building and park rather than the surrounding townscape and wider Conservation Area.

Design and Visual impact

The proposal is for various alterations to the building, the car park and surrounding environs as detailed above. This section of the report focuses on the proposed design and appearance of Pavilion with the impact on the Gardens below.

Within the Adopted Local Plan policies EP2 – protected open spaces within towns and villages, EP6 – Historic Parks and Gardens and EP3 – Development within Conservation Areas apply. The Gardens but not the building are also a locally listed heritage asset. With regard to the extension and alterations to the building EP3 states that development within Conservation Areas will only be permitted where the character or appearance of the area and its setting are appropriately conserved or enhanced. Proposed development should be appropriately designed and should respect the

quality of the environment including the physical setting of the area, settlement form, townscape, the character of buildings and other structures, the character of open spaces and any views into or out of the area.

The emerging Fylde Local Plan to 2032 Policy ENV5 refers to the Historic Environment states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Proposals that better reveal the significance of these areas will be supported also. Policy GD7 – Achieving Good Design in Development expects new development to be of a high standard taking account of and seeking to positively contribute toward the character and appearance of the local area, with regards to public realm development should be managed so that they add to the character, quality and distinctiveness of the surrounding area.

In addition to the Local policy Development Plan and National guidance the legislative framework includes Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The proposed alterations to the building are considered acceptable. As stated above the existing building has developed over time with numerous additions to it since its original construction which have been constructed in reflection to the uses of the building and the needs of its users at various times. Whilst the building has some limited merit architecturally it does not reflect the wider character of the Conservation Area or townscape. As such it stands in isolation and its core function to the Conservation Area is that of the relationship between itself and the locally listed Lowther Gardens rather than in its individual design.

The proposed extensions and re-cladding of the building will change the character of the building, but it will become of its time, as its previous iterations have been and its relationship with the gardens, besides the extension to proposed in phase 3 would remain the same. Its location is identical and its overall function will not change. The proposed design is considered to be acceptable, the proposed materials will help to bring the building together and the proposed roof form helps to keep the height of the building down so that it does not become too dominant in its place within the Gardens. The existing relatively new grey roof will be carried through to the new curved roof at the entrance to the building and the proposed use of timber and corten steel cladding whilst new to the building and to the area is not considered unacceptable. The building is uniquely designed so that it can perform a specific function and the materials proposed are not inappropriate.

Heritage of the Gardens

The Lowther Gardens are a locally listed heritage asset. It is a landscaped Victorian park and gardens which was established by Squire J Talbot Clifton and opened in 1872. The pavilion in its original form did not exist until 1920. The pavilion proved a success and extensions were added in 1922, 1928 and 1958. In 1982 a complete renovation of the pavilion was undertaken to repair the damaged structure to the auditorium and stage buildings, demolish the cafe and widen the auditorium with new wing areas, overhaul and modernise the 1950s front of house spaces and build new changing areas to the back of the stage. This renovation project was a success in saving the theatre, however much of the original buildings was lost, with only the newly reinforced barrel vaulted auditorium roof structure and timber ceiling being retained of the original 1920s pavilion. The gardens therefore predate the pavilion but a structure in some form has been on the site for 98 years and counting. The Park and Gardens are bounded by West Beach, Woodville Terrace, Church Road and Lowther Terrace. There are entrances to north west and south east corners with wrought iron arches.

There are simpler entrances on or near to north east and south west corners. The whole site is bounded by cobble walls. Within the park there is a Central circular pond with fountain and modern fisherman statue feature. Pathways radiate to entrances and from west to east. The Pavilion theatre with café is located to the south of the park. Elsewhere within the park is a modern sundial memorial plus amenities including Bowling Green and pavilion, children's play area, and crazy golf.

Policy EP06 - Historic parks & gardens states that development within a designated historic park or garden will not be permitted where this would prejudice its quality, character or appearance. The plans originally submitted with this application included a new path from the Central area directly to the Pavilion however that has been removed at officer's request as this would change the historic character of the park. As detailed above the individual design of the Pavilion is considered acceptable and it is not considered to detrimentally impact on the heritage of Gardens through its design and form. It will still be subservient to the Gardens and will conserve the heritage value and setting of the Gardens. It will not impact upon views into and out of the Conservation area nor detract from the local listed Victorian park and the contribution it makes to the character of the conservation area. The first floor extensions to the building will not impact on the buildings relationship with the gardens and the proposed extension to the west is over an area that consist of hardstanding, grass and an areas of trees.

The proposed re-configuration of the car park and proposed landscaping when originally submitted was considered to be poorly laid out and too excessive for very little gain in terms of car parking when considering the loss of the trees which is considered below. The proposed parking area includes removing the existing standalone public toilet building and including those facilities within the Pavilion, and the loss of an island of trees which currently has some picnic benches on it. Officers were concerned about the loss of the tree and the increase in hardstanding and the impact that would have on the heritage value of the park. The applicants have confirmed that with the existing parking arrangement around the outside of this island that there are health and safety concerns with cars using the main pedestrian footpath which radiates from the central pond to the main entrance in the south east corner. The new layout proposes a landscaped barrier between this pedestrian route and the car park which currently does not exist. The submitted plans also state that this area will be avenue planting to reinforce the original formal structure of the gardens and will be subject to a detailed landscaping design and tree management plan to provide a clear plan to manage and improve the gardens tree and planting stock. Given the tree officers view which are discussed below it is considered that there is merit in distinguishing more clearly between the pedestrian and car parking areas and that it would help to reinforce the formal planting that is characteristic of Victorian Parks. The gardens was designed with a particular soft landscaping and hard landscaping and the hard landscaping is a definite circle with two axes passing through that join the four corners of the square park. The format is very regular and symmetrical and this will reinforce this.

The revised plans have reduced the hardstanding area at the front of the site so that there is an area of grass and shrubs to help soften the hardstanding area, the surface materials will need to be agreed via a condition. Whilst the loss of the trees weighs against the application these are an unmanaged copse that do not add any heritage value to the park. As such it is considered that the overall scheme will preserve the historic character and heritage value of the Gardens, and through a long term management plan with the Council parks team and Tree Officer this will

Trees and Landscaping

Policy EP12 of the adopted Local Plan states that trees which individually or in groups make a significant contribution to townscape, quality and visual amenity will be protected. Emerging Policies GD7 and ENV1 requires existing landscape features to be conserved, maintained, protected and

wherever possible enhanced. The application proposes the removal of several trees from the area to the west of the building and the existing island. Their removal weighs against the proposals in the overall planning balance.

The Tree Officers views are outlined in full in the consultees section, as can be read he outlines that a number of the trees are of mixed quality and that many are unplanned growths, rather than through a planned landscape management approach which you would expect in a Victorian garden. His view is that the groups of ivy-covered sycamores to the frontage don't associate well with the formal layout of a public park, and as such he is open minded about their loss provided that the need is justified and that adequate compensation in the form of improved tree planting is designed into the proposal. He states that there is room for aesthetic improvement through better tree selection and management within the Park.

The applicant's amended plans have confirmed that the detailed landscaped proposals that will need to be subject to a condition will include a tree management plan which will manage and improve the gardens tree and planting stock. The Tree officer suggests that in mitigation for the loss of the trees that they need to be replaced with large trees tolerant of the climate and offering strong aesthetic values. There must still be a tree presence to the site frontage, and if possible trees used to break up the car parking. Among the poorer existing specimens some better trees exist and these should be retained where practical. An arboricultural management plan for the site addressing the problem of necessary tree removals and replacement over future decades would be a gain – in other words the application should trigger sustainable management of the tree stock. As such with a condition requiring a detailed landscape and management plan to be submitted prior to the commencement of any development the loss of the trees from the site is considered acceptable.

Car Parking and highways

The proposal includes the re-configuration of the existing car park, so that it provides 69 spaces, which is an increase of only 4 parking spaces than the existing car park. It is possible that both the auditorium as existing and the new 150 seater Studio Theatre could be in use at the same time, which would in all likelihood lead to a shortage of onsite car parking. However Officers do not consider additional space being used up for car parking on the site to be appropriate as it would impact on the heritage asset. The site is also sustainably located and is approximately 500m from car parking on Lytham Green, and there is also parking available on the streets around the site. It is noted that residents object to additional use of this, but there are no restrictions on its use. The town centre parking and the railway station is also within walking distance and there are regular bus services along Church Road between Lytham and St Annes and beyond. LCC Highways have no objections to the scheme with regard to the amount of car parking provided and now that a swept path plan for HGV's has been provided which demonstrates they can enter and exit in forward gear they have no objections and simply require the parking to be laid out in accordance with the plan and thereafter maintained. They also request the details of the signage for the car park and pedestrian access to avoid conflict, this can be subject to a condition.

Residential Amenity

The development proposed includes the addition of a first floor restaurant with external roof terrace, and a new 150 seater Studio Theatre and outdoor education space adjacent which have the potential to impact on neighbouring amenity. The nearest dwellings are 118m to the east on Lowther Terrace and 105m to the west on Woodville Terrace. With regard to noise potentially escaping from the building during performances the over-cladding of the external walls and roofs along with the new high performance glazing systems in place of the current predominantly single

glazed windows will significantly improve the sound performance of the building fabric. All external doors to the auditorium will also have high acoustic ratings.

With regard to outdoor uses the applicant's state that these are mainly for daytime use as it is to affiliate to the education complex and the studio theatre, and that the park already promotes outdoor theatre in the summer. The Council's EHO has been consulted and has raised no objections but states that due to the proximity to residential dwellings that he requires the outside terraces to be closed no later than 21:00 on any day, that there be no amplified entertainment taking places on the terraces and that during performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress. An issue has been raised that the loss of the external public toilets could lead to be people fouling in the gardens when the toilets are closed however the new public toilets within the new Education Centre & Studio Theatre extension are externally accessible and so will be able to be accessed even when the building is closed. Officers raised concerns that having both venues at the site at capacity at the same time could have an impact on amenity, with the applicants stating that performance times could be staggered so as to avoid influx's and exodus's from both facilities at the same time. It is considered appropriate that a condition be placed on any approval requiring a management plan be submitted showing how the Trust will deal with such occasions in relation to management of the car park etc.

As such with appropriate conditions in place it is not considered that there will be any unacceptable impact on residential amenity.

Other issues

Covenant

A number of representations have been received which refer to a covenant and a Counsel opinion. Covenants are not planning matters and are not taken into consideration when determining planning applications, and as such a breach of a covenant could not be used as a reason for refusal of planning permission. That said in order to provide clarification Officers have sought advice from Legal Officers who have confirmed that they are very familiar with the William Moffet opinion as they originally instructed him. The issues covered in that Opinion were about restrictive covenants and whether or not the council held Lowther as a charitable trustee. Neither of those matters are capable of being material planning considerations, so their advice is to disregard them in assessing the application.

Conclusions

The proposal is considered to be of an acceptable design and will succeed in preserving the heritage value of the Gardens. The loss of trees from the site is regrettable however new formal landscaping in its place will help reinforce the Victorian character of the park to its. The development is acceptable in principle and with appropriate conditions in place there will be unacceptable impact on residential amenity.

Recommendation

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - SPARC drawing 16-01 PL01
- Proposed Layout Plan Pavilion- SPARC drawing 16-06
- Proposed Layout Plan Extension - SPARC drawing 16-07
- Proposed Elevations Overall - SPARC drawing 16-09
- Proposed Elevations Pavilion - SPARC drawing 16-10
- Proposed Elevations Extension - SPARC drawing 16-11
- Car Park and Landscape Design Proposals - SPARC drawing 16-01 PL12 Rev A
- Arboricultural Impact Plan - SPARC drawing 16-14
- Bin Store drawing 16-01 PL16
- Outdoor class room section drawing 159.3.01
- Landscape proposals ReLandscapae drawing
- Landscaping layout plan 159.3.01

Supporting Reports:

- Design and Access and Heritage Statement by SPARC 09/04/18
- Arboricultural Constraints Appraisal by Bowland Tree Consultancy Ltd January 2018

Reason: To provide clarity to the permission.

3. Prior to the first use of the Studio Theatre and Education Centre hereby approved the car parking and manoeuvring areas shall be marked out in accordance with the approved plan and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas.

4. Prior to the commencement of any development full details of the proposed signage for the car park, pedestrian access and HGV delivery entrance shall be submitted and approved in writing by the Local Planning Authority, with the details including a phasing for when these signs are to be installed. These signs shall be erected in accordance with that phasing and then retained thereafter.

Reason: To avoid conflict between highway users.

5. The external terraces and outdoor classroom area hereby approved shall be closed to patrons no later than 21:00 on any day and there shall be no amplified music or other amplified entertainment performed within these areas at any time.

Reason: to safeguard the amenity of adjacent residents and locality in general, in accordance with Policy SH16 of the adopted Fylde Borough Council Local Plan (as altered (October 2005)).

6. During performances of amplified entertainment within the premises all doors and windows shall remain closed except for access and egress.

Reason: to safeguard the amenity of adjacent residents and locality in general, in accordance with

Policy SH16 of the adopted Fylde Borough Council Local Plan (as altered (October 2005)).

7. Prior to commencement of the development hereby approved, details of all construction materials including timber and steel cladding, doors and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed materials finish and profile. The development shall be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity, in accordance with Policies TREC02, EP03 and EP04 HL5 of the adopted Fylde Borough Local Plan (October 2005), GD7 and ENV5 of the Submission Version of the Fylde Borough Local Plan 2032.

8. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

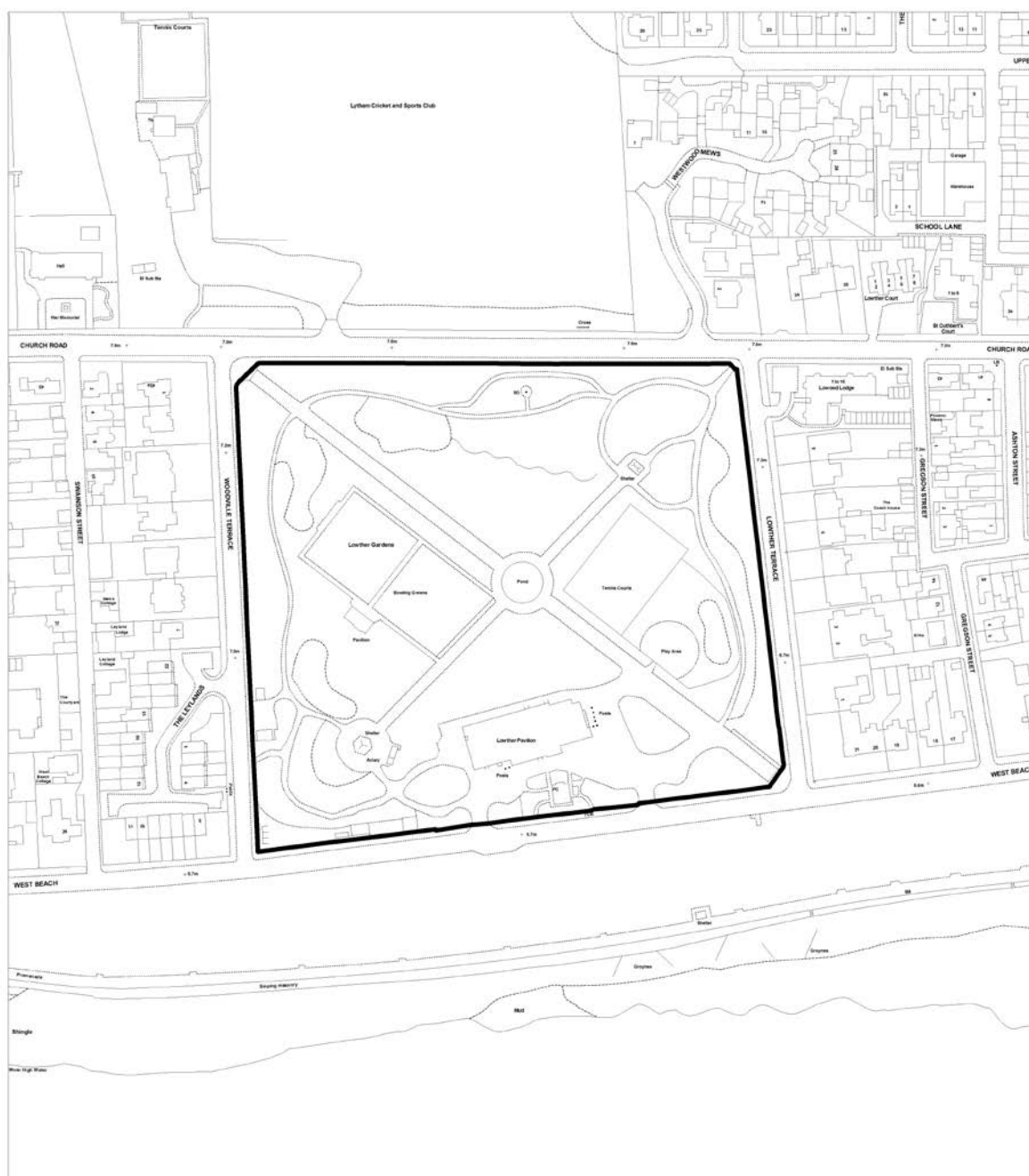
Reason: In the interests of visual amenity and to contribute to the overall quality of the development.

9. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

10. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.



Scale
0 10 20 30 40 m

Item Number: 3

Committee Date: 07 November 2018

Application Reference:	18/0489	Type of Application:	Full Planning Permission
Applicant:	BDW Trading Ltd (Trading as Barratt Homes Manchester Ltd.)	Agent :	
Location:	LAND ADJACENT LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM		
Proposal:	RE-PLAN OF 37 DWELLINGS APPROVED PURSUANT TO PLANNING PERMISSIONS 12/0635 & 15/0700 AND RESERVED MATTERS APPROVAL 15/0308 AND ERECTION OF 17 ADDITIONAL DWELLINGS TO INCREASE THE TOTAL NUMBER ACROSS THE SITE TO 197		
Ward:	KIRKHAM NORTH	Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Matthew Taylor
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7849821,-2.8994069,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to two irregularly-shaped parcels of land extending, in combination, to *circa* 1.4 hectares in area to the north side of the A583 (Blackpool Road), Kirkham. The land falls to the central and northwestern areas of 'The Spinnings' development by Barratt Homes which covers a total area of some 7.4 hectares, forms part of allocated housing site HSS9 and is at an advanced stage of construction. The site benefits from extant outline and reserved matters approvals for a development of 180 dwellings pursuant to permissions 12/0635 (as allowed by appeal APP/M2325/A/13/2192188) and 15/0308 respectively.

The application seeks full planning permission for the re-plan of 37 dwellings approved pursuant to the extant permissions and the construction of an additional 17 dwellings in order to increase the overall number of dwellings within 'The Spinnings' development from 180 to 197. Specifically, the objective of the application is to replace several of the larger house types permitted by the extant permissions with a greater number of smaller dwellings within the same site area.

Access to the development would be from the existing priority junction onto Blackpool Road (as already constructed) and via the internal road network in the same form as approved by application 15/0308. The established priority junction and internal road network would provide a safe and suitable means of access to the site for all users and the level of traffic generated by the additional 17 dwellings would have no unacceptable impact on highway safety, nor would its residual cumulative impacts on the road network be severe.

The development layout would follow that approved under application 15/0308 with housing

in each parcel arranged to have an outward facing aspect onto flanking estate roads and open spaces, address internal junctions by providing dual-aspect elevations to corner plots and maintain a buffer of landscaping with adjoining land. The external appearance and materials used in the construction of the dwellings would harmonise with surrounding development elsewhere within the site by following the established design concept.

While of a different scale to the detached dwellings approved on the same plots under application 15/0308, the proposed development would deliver a mix of smaller house types that would be more suitable to meet the housing needs of the Borough as identified in FLP policy H2 and the density, size, spacing and storey heights of the replacement dwellings would be compatible with the character of surrounding development and would provide a good standard of amenity for existing and future occupiers.

The proposed landscaping strategy would retain all vegetation, planting buffers and public open space approved under application 15/0308 and as the layout locates dwellings around an identical internal road configuration, there would be no greater encroachment onto surrounding areas of open space or landscape planting. Additional contributions would be made towards the delivery of affordable housing (a further 5 units) to ensure an overall provision of 30% across 'The Spinnings', along with off-site financial contributions towards education and public realm improvements in relation to the 17 dwelling uplift arising from the development.

Given the above, it is considered that the access, layout, scale, appearance and landscaping of the development is acceptable. No other adverse effects would arise that would significantly and demonstrably outweigh the development's benefits. Therefore, the proposal represents sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval.

Site Description and Location

The application relates to two irregularly-shaped parcels of land extending, in combination, to *circa* 1.4 hectares in area to the north side of the A583 (Blackpool Road), Kirkham. The land falls to the central and northwestern areas of 'The Spinnings' development by Barratt Homes which covers a total area of some 7.4 hectares and is at an advanced stage of construction. 'The Spinnings' forms the southwestern part of housing site HSS9 (Land North of Blackpool Road, Kirkham) as allocated in the Fylde Local Plan to 2032 (the 'FLP') and, accordingly, also falls within the Settlement Boundary for Kirkham/Wesham as shown on the FLP Policies Map.

The site benefits from extant outline and reserved matters approvals for a development of 180 dwellings pursuant to permissions 12/0635 (as allowed by appeal APP/M2325/A/13/2192188) and 15/0308 respectively and approximately two-thirds of this development has now been constructed. The built-out areas include a new priority junction onto Blackpool Road with associated ghost island right hand turn lane from the A583, pedestrian refuges and road markings, two principal areas of public open space, internal roads and associated landscaping.

The two parcels in question are as follows:

- Parcel A – A *circa* 0.37 hectare area occupying a broadly central location within the site to the west of a retained hedgerow and south of an area of proposed public open space. A total of 9 dwellings were approved on this parcel under application 15/0308.
- Parcel B – A *circa* 1.03 hectare area located to the northwest corner of the site to the west of a retained hedgerow and bordering the northern boundary with open fields and the western boundary with a railway line. A total of 28 dwellings were approved on this parcel under application 15/0308.

Surrounding uses include a mix of new-build residential properties on the adjoining parcel to the east (presently being developed by Story Homes), dwellings and commercial premises forming a deep 'ribbon' along the opposite (southern) frontage of Blackpool Road, a collection of agricultural buildings and a dwellinghouse at Little Tarnbrick Farm to the southwest, a railway line to the west and open farmland to the north (though this land also falls within housing site HSS9 and benefits from an extant permission for 231 dwellings pursuant to planning permission 15/0177). The watercourse of 'Wrongway Brook' (a designated main river) runs alongside the woodland which marks the northern boundary.

Details of Proposal

The application seeks full planning permission for the re-plan of 37 dwellings approved pursuant to extant permissions 12/0635 and 15/0308 via a substitution of house types on these plots and the construction of an additional 17 dwellings spread across the two parcels in order to increase the overall number of dwellings within 'The Spinnings' development from 180 to 197.

The proposed substitutions and 17 additional dwellings would be provided within the same development parcels approved by application 15/0308 and the internal highway layout would follow the same configuration. The increased density of development within these parcels would be achieved through the replacement of the larger house types permitted under application 15/0308 with a greater number of smaller dwellings. Specifically:

- Parcel A – The 9 detached dwellings approved on this parcel under application 15/0308 have been replaced with a collection of 15 dwellings.
- Parcel B – The 28 dwellings approved on this parcel under application 15/0308 have been replaced with a group of 39 dwellings.

For the 54 plots in question, the proposed development would provide a mix of: 6 x 2 bed houses, 44 x 3 bed houses and 4 x 4 bed houses across 12 different house types. A total of 5 dwellings – located within Parcel B – would be provided as affordable housing units to provide 30% of the 17 additional properties.

Access to the dwellings would be achieved via the existing (constructed) priority junction onto Blackpool Road which serves the wider development and the internal estate road network, the configuration of which would be unaltered by this development. Each dwelling would have two off-road car parking spaces, with the second space on 11 plots provided by a detached garage.

Dwellings would be laid out to follow the configuration of the estate road and would include a mix of two (44 plots) and 2.5 storey (10 plots) houses bordering other houses within the development, an intervening area of public open space, a retained hedgerow to the east which runs in a north-south direction through the site and open fields beyond the northern boundary.

The proposed house types would follow the design principles established by the extant permissions with respect to their materials – principally red brick and scattered render to corner plots below grey and red tiled roofs – and design – including window proportions, protruding features and dual aspects to corner plots. Landscaping would provide garden-fronted aspects to the estate roads with boundary treatments fronting the estate road comprising 1.2m high railings backed by hedging. Walls in facing brick to match adjoining dwellings would be used on corner plots.

Amended plans were submitted on 24.09.18 and included alterations to the internal layout in order to increase the spacing between the proposed dwellings within Parcel B. As none of the dwellings surrounding this parcel have been constructed, it was not considered necessary to undertake further publicity in respect of these changes. The application is to be assessed in accordance with the details shown on the latest amended plans.

Relevant Planning History

Application No.	Development	Decision	Date
17/0721	APPLICATION FOR NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 14/0613 TO REVISE THE LAYOUT OF PLOTS 93 AND 94 RELATING TO PARKING ARRANGEMENT, AND TO AMEND BOUNDARY TREATMENT ON WESTERN EDGE OF SITE	Granted	18/10/2017
17/0104	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 21 ON PLANNING PERMISSION 16/0620 - AFFORDABLE HOUSING STATEMENT	Advice Issued	12/08/2017
16/0620	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 21 ON PLANNING PERMISSION 15/0700 - AFFORDABLE HOUSING STATEMENT	Advice Issued	20/12/2016
16/0090	APPLICATION TO DISCHARGE CONDITION 9 (WHEEL WASHING PROVISION) OF PLANNING PERMISSION 15/0308	Advice Issued	05/05/2016
16/0088	APPLICATION TO DISCHARGE CONDITIONS 20 (CONSTRUCTION MANAGEMENT PLAN), 21 (AFFORDABLE HOUSING SCHEME) AND 22 (PUBLIC OPEN SPACE) OF PLANNING PERMISSION 12/0635	Advice Issued	09/09/2016
15/0876	APPLICATION TO DISCHARGE CONDITIONS 2 (MATERIALS), 3 (LEVELS), 5 (LANDSCAPING) AND 8 (ESTATE ROAD CONSTRUCTION) OF RESERVED MATTERS APPROVAL 15/0308	Advice Issued	05/05/2016
15/0878	APPLICATION TO DISCHARGE CONDITIONS 3 (RESERVED MATTERS), 7 (TRAVEL PLAN), 8 (HIGHWAY DESIGN), 9 (SITE ACCESS), 10 (LANDSCAPING), 16 (TREE MATTERS), 17 (FOUL WATER DRAINAGE), 18 (SURFACE WATER DRAINAGE) AND 19 (SITE INVESTIGATION) OF PLANNING PERMISSION 12/0635	Advice Issued	09/09/2016
15/0700	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0635 TO REPLACE THE REQUIREMENT FOR THE DWELLINGS TO BE	Approved with 106 Agreement	06/06/2016

	CONSTRUCTED TO LEVEL 3 OF THE CODE FOR SUSTAINABLE HOMES WITH A REQUIREMENT FOR THE DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PART L OF THE 2013 BUILDING REGULATIONS		
15/0415	ADVERTISEMENT CONSENT FOR TWO NON-ILLUMINATED FREESTANDING HOARDINGS AND TWO NON-ILLUMINATED 6M HIGH FLAG SIGNS TO BLACKPOOL ROAD FRONTAGE	Granted	12/08/2015
15/0308	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0635 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	Granted	05/08/2015
15/0094	ADVERTISEMENT CONSENT FOR SITING OF 2 NO. NON-ILLUMINATED SALES ADVERTISEMENT BOARDS (RETROSPECTIVE) AND 5 NO. SALES ADVERTISEMENT FLAGS	Granted	27/04/2015
14/0613	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RELATING TO OUTLINE PLANNING PERMISSION 12/0419 FOR RESIDENTIAL DEVELOPMENT OF 117 DWELLINGS (INCLUDING 35 AFFORDABLE UNITS), PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE	Granted	12/12/2014
13/0076	RESUBMISSION OF OUTLINE APPLICATION (12/0635) FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Refused	23/04/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Appeal against non-determination	01/02/2013
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO BLACKPOOL ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	28/03/2013

Relevant Planning Appeals History

Application No.	Development	Decision	Date
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO BLACKPOOL ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	07/11/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED	Allowed	07/11/2013

Parish/Town Council Observations

Kirkham Town Council – Notified of the application on 31.07.18 and commented 10.08.18 as follows:

- Kirkham Town Council request Public Realm contributions from the additional dwellings.

Statutory Consultees and Observations of Other Interested Parties

Environment Agency: No objections.

Environmental Health Officer (EHO): No objections. Construction times should be limited to 08.00 – 18.00 Mondays to Fridays; 08.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.

Local Highway Authority (LHA) – LCC Highways: No objections. The proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Recommendations are made with respect to minimum garage and driveway dimensions for parking spaces.

Network Rail: No objections. Conditions and informative notes are recommended to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the railway.

School Planning Team:

- Based upon the latest assessment in relation to the 17 additional dwellings proposed by this application, and taking into account all approved applications, LCC will be seeking a contribution for 1 secondary school place. However, LCC will not be seeking a contribution for primary school places. Calculated at the current rates, this would result in a claim of £23,737.28 for 1 secondary school place.
- There are a number of applications pending a decision that could impact on this development should they be approved prior to a decision being made on this development. If these applications were approved prior to this scheme being determined, a claim for a maximum of 2 primary school places would also be applicable.
- As this assessment has a number of pending applications impacting upon it a recalculation would be required at the point at which the application is considered for decision. LCC will also provide details of a named infrastructure project where the contribution is to be spent prior to a decision being made.

Neighbour Observations

Neighbours notified:	31 July 2018
Site notice posted:	15 August 2018
Press notice:	16 August 2018
Amended plans notified:	N/A
No. Of Responses Received:	1
Nature of comments made:	1 objection

The appropriate neighbouring properties were notified of the application by letter. In addition, as the application involves major development notices have been posted on site and in the local press. One letter has been received in objection to the application. The points made in the letter are

summarised as follows:

- The existing housing has been constructed without appropriate infrastructure to support it. In particular, there are no bus stops on this stretch of Blackpool Road to link the site with surrounding areas. Therefore, the development is only suitable for people with cars and is not accessible by public transport. The additional dwellings will exacerbate this.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Planning Inspectorate issued a letter to the Council on 18 September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report “that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.”

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (FLP):

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL4	Kirkham and Wesham Strategic Location for Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area

Tree Preservation Order

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. It is also noted that outline application 12/0635 was not EIA development. Accordingly, this application is not EIA development.

Comment and Analysis

Policy context and main issues:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the Fylde Local Plan to 2032.

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- (c) approving development proposals that accord with and up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

Although the scheme is submitted as a full planning application, it is intrinsically linked with the remainder of 'The Spinnings' development approved – and partially constructed – pursuant to permissions 12/0635 and 15/0308. In particular, the means of access to the proposed dwellings is already in place with respect to the priority junction onto Blackpool Road, supporting off-site highway infrastructure and the majority of the internal road network. The extant permissions will also provide a total of 54 affordable dwellings and areas of public open space to serve the wider development (including Parcels A and B). Of the 54 dwellings proposed by this application, 37 are substitutions for previously approved house types. The remaining 17 are additional dwellings above and beyond those that can already be constructed pursuant to extant permissions.

With the above in mind, the main issues in this case relate to the implications arising from the construction of an additional 17 dwellings within the site, having particular regard to:

1. The principle of residential development.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on the amenity of surrounding occupiers and whether it would provide a good standard of amenity for future occupiers.
4. The development's effects on highway safety.
5. Whether the scheme is required to deliver additional contributions to deal with the proposed uplift in the number of dwellings.
6. Other matters relating to the development's relationship with surrounding land use constraints.

Principle of development:

Policy S1 of the FLP includes a four-tier settlement hierarchy which identifies Kirkham as a Key Service Centre. FLP policy DLF1 sets out the Development Strategy for the Borough, with the intention of the policy being “to direct the majority of future growth to the most sustainable locations, specifically to the four Strategic Locations for Development”, one of which is Kirkham and Wesham.

FLP policy SL4 identifies a series of allocated strategic and non-strategic sites for housing and employment development which are shown on the Policies Map. The application land falls within one of these allocations – site reference HSS9 (Land North of Blackpool Road, Kirkham) – where it is anticipated that a total of 588 homes will be completed during the plan period. Strategic housing site allocation HSS9 also places the land within the settlement boundary and so the general permissive approach (subject to other policy considerations) to new residential development within this boundary referred to in FLP policy GD1 is also applicable in this case.

Given the Local Plan allocations applicable to this land as set out above, the principle of additional residential development within the site is acceptable subject to its compliance with other Local Plan considerations concerning the scheme’s detailed design. While FLP policy SL4 identifies land for 588 homes within site HSS9, the 3 extant permissions covering the Kirkham Triangle amount to only 528 dwellings. The additional 17 homes proposed by this application would increase this figure to 545, thus bringing the total closer to the amount envisaged by the Local Plan allocation.

Character and appearance:

With respect to the density of new residential development, FLP policy H2 requires developments to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. The policy states that it is expected that this will normally result in a minimum net residential density of 30 homes per hectare.

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (a), (b), (d), (g), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Promoting community cohesion by delivering active street frontages which bring together all those who live, work and play in the vicinity.
- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 129 of the Framework indicates that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development, including design advice and review arrangements, and through the use of assessment frameworks such as Building for Life.

Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Layout, scale, appearance and landscaping:

The proposed layout follows the principles established under reserved matters approval 15/0308 with respect to the siting and extent of developable areas, the internal highway network, public open space and landscape buffers. The layout does not propose any encroachment into the undeveloped areas established by the extant reserved matters approval and, instead, would increase the density of housing within the two development parcels by introducing a greater number of smaller house types in comparison to the larger houses permitted by the current approval.

An additional 6 dwellings would be introduced to Parcel A and a further 11 houses would be added on Parcel B. This would increase the net housing density across the two parcels from 26 dwellings per hectare to 39 dwellings per hectare. The proposed increase in density would make more efficient use of land in comparison to the previous layout and, unlike the previous scheme, would satisfy the recommended minimum figure of 30 homes per hectare identified in FLP policy H2 with specific regard to the land within Parcels A and B.

Despite increase in housing density arising as a result of the scheme, this would not result in the development on Parcels A and B appearing overtly cramped or constrained in relation to the wider site layout where similar densities are apparent where blocks of terraced dwellings form the prevailing house type. Accordingly, the density of development proposed within parcels A and B would be compatible with the character of surrounding development elsewhere within the site.

Dwellings would be arranged with an outward facing aspect to flanking estate roads and areas of public open space (including a play area which is to be located to the front of Parcels A and B) in order that they achieve active frontages to the roadside and good natural surveillance of communal spaces. This would be carried through to corner plots on junctions where dual aspect designs would characterise both the front and side elevations of dwellings where they turn corners. This

arrangement represents a continuation of the design principles and concepts approved by the extant reserved matters and the new dwellings would also be laid out to follow building lines and spacing with the highway established by the extant approval.

FLP policy H2 requires developments to deliver “a broad mix of types and sizes of home, suitable for a broad range of age groups”. The policy states that “all developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1, 2 or 3 bedroom homes”. The proposed housing mix includes 6 two-bed, 44 three-bed and 4 four-bed homes. As the proposed mix of two and three bed houses would account for 93% of the total, the proposed mix meets (and, indeed, far exceeds) the requirements of FLP policy H2 with respect to the size of the proposed dwellings. As the development only proposes to introduce 17 additional homes over and above the 180 already approved, it does not meet the 20 unit threshold in policy H2 where the provision of specialist accommodation for the elderly would be required.

The majority of new house types (44 plots) would be two storeys in height, though 10 of the plots would increase to 2.5 storeys where living accommodation would be provided in the roof space through the inclusion of a front-facing dormer window and roof light to the rear roof plane. Similar 2.5 storey and taller 3 storey house types have been constructed on other parts of the site pursuant to the extant permissions and the distribution of 2.5 storey dwellings – with these being interspersed between the two storey houses – across Parcels A and B, combined with their modest increase in eaves and ridge heights in comparison to the two storey dwellings, would not result in these house types appearing as dominant or incongruous features in the wider context of ‘The Spinnings’ development.

The elevational detailing, fenestration and materials of the dwellings would complement those of other house types elsewhere on the site, with interest added to simple, well-proportioned façades by a combination of protruding porches, canopies, garages and facing gables. The proposed house types would sit comfortably alongside the existing dwellings constructed by the same developer without there being any stark contrast or notable transition between them which would appear incongruous in the context of the site when read as a whole.

The layout of the dwellings would ensure that a spacious, garden-fronted aspect is achieved to the roadside with front-facing amenity areas enclosed behind 1.2m high railings backed by hedging in order to maintain a soft edge to the highway. Areas of communal open space would remain as previously approved, with a buffer between Parcels A and B including a retained pond and play area. An existing mature hedgerow running in a north-south direction through the site would be retained to the east of each parcel, with a dense buffer of tree planting to be introduced along the northern site boundary to merge with further open space that has already been laid out to the east.

The layout, scale, appearance and landscaping of the development would follow the design principles established by the previous approvals and would be compatible with the density and character of surrounding development while ensuring a sympathetic visual aspect and buffer of landscaping on the site’s fringes. The siting and treatment of open spaces would also minimise opportunities for crime. For the reasons given above, the development is considered to demonstrate compliance with the principles of good design set out in FLP policies H2, GD7 and ENV1, and the NPPF.

Impact on amenity:

FLP policy GD7 (c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In

addition, criterion (o) states that “all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.”

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The location of Parcels A and B means that the development does not directly border any neighbouring dwellings outside the site. Accordingly, the only effects would be on other dwellings elsewhere within the development.

The land forming Parcel A is presently being used as a site compound for the storage of materials, site offices and construction staff parking. Existing dwellings to the south of Parcel A on Rogerson Avenue and Haslam Way include a mix of detached, semi-detached and terraced dwellings, several of which are now occupied. The three dwellings to the south which border Parcel A have side elevations facing over the site. There are small windows in the gables of each of these dwellings at ground and/or first floor level, though none of these serve habitable rooms, and there is no appreciable difference in levels between the existing and proposed dwellings.

Dwellings proposed on Parcel A would have both side-to-side and rear-to-side facing aspects with existing properties. The level of spacing between the existing and proposed houses – a minimum of 12m in respect of rear-to-side facing aspects – would be commensurate with that achieved between the same plots as part of reserved matters approval 15/0308. Gardens would have a more elongated shape in comparison to the detached plots previously approved, but their lengths would be slightly greater than those associated with the extant permission.

Dwellings on Parcel B would run alongside two rows of retained terraces where they border the northwest boundary with the railway line, and within two ‘islands’ encircled by the estate road. As with those on Parcel A, the replacement plots on Parcel B would achieve similar levels of separation with respect to both principal (front and rear) and secondary (side) elevations (minimum 14m between principal and secondary, rising to 21m between principal elevations) as those already permitted by the extant reserved matters approval and, although garden shapes would change, their depth and spacing would ensure the provision of outdoor amenity areas of a size and benefiting from levels of privacy which are characteristic of the wider development.

The layout, spacing, orientation and plot sizes of the replacement dwellings on would not have any adverse effects on the privacy and amenity of adjoining occupiers through loss of outlook, overlooking or overshadowing, nor would their relationship with existing dwellings be significantly different to that which has already been approved. Accordingly, the proposed development would ensure a good standard of amenity for existing and future occupiers which is commensurate with the general levels experienced on the remainder of the development.

Highways:

Criteria (j), (p), (q) and (r) of FLP policy GD7 state that developments should achieve good design by:

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.

- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T4 requires that developments enhance provision for sustainable transport choices by promoting travel by modes other than private car, including encouraging walking and cycling through the provision of additional footpaths and cycleways.

FLP policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.” Policy T5 states that, in 2019, “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”.

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Paragraph 105 of the NPPF sets out the factors that LPA’s should take into account when setting local parking standards for residential and non-residential development, with paragraph 106 indicating that “maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.”

Access to dwellings on Parcels A and B would be via the existing priority junction onto Blackpool Road which merges with the main estate road and branching cul-de-sacs. While the house type substitutions on 37 plots would not generate any additional traffic in comparison to the approved scheme, the additional 17 dwellings would result in an increase in the number of vehicle trips entering and exiting the site via the Blackpool Road junction. With reference to the TRICS database, a Transport Note (TN) submitted with the application estimates that the additional 17 dwellings proposed would generate a further 11 two-way trips through the junction in the peak AM period and a further 12 two-way trips in the peak PM period. This is not contested by the LHA and, as set out in the TN, the limited number of additional vehicle movements through the existing priority

junction onto Blackpool Road would not give rise to any significant increase in usage that would have a perceptible impact on the capacity of the surrounding highway network. Moreover, as the design of the junction has already been found to be acceptable through the extant permissions, there is no reason to conclude that this would fail to provide a safe and suitable means of access for the additional 17 dwellings in combination with the remainder of the development.

An objector has raised concerns regarding the lack of bus stops on Blackpool Road to serve the development. The access arrangements permitted as part of outline application 12/0635 (as shown on drawing no. 1330/02 Rev B appended to the TN) include the provision of two bus stops on the A583 outside the development and similar details were approved as part of condition discharge application 15/0878 (specifically those relating to condition 8). The delivery of the bus stops is subject to a separate process dealt with by the Local Highway Authority under S278 of the Highways Act, which includes details of the phasing for their implementation. The planning obligation to the outline also includes a £250,000 contribution to the County Council (phased in 5 annual instalments) towards the provision of a bus service to visit the site. Accordingly, public transport contributions which are proportionate to the scale of the development (including the 17 additional dwellings) will be secured through extant permissions.

The LHA has made reference to parking standards set out in the Joint Lancashire Structure Plan (JLSP) which includes guidance recommending the provision of 2 car parking spaces for 2-3 bed dwellings and 3 car parking spaces for 4-5 bed houses. As the JLSP ran between 2001-16, it is now time expired. Moreover, it does not reflect the stipulations in FLP policy T5 and paragraphs 105-106 of the 2018 NPPF which advocate a more flexible approach to parking provision depending on the accessibility of a site by other modes of transport. Accordingly, the parking standards in the JLSP cannot be applied strictly. While FLP policy T5 does not include any specific parking standards (these are to be contained in a subsequent SPD), the level of parking to be provided as part of this development – two spaces per dwelling (including garage provision for 11 plots) – is commensurate with that achieved elsewhere on the site. Moreover, the public transport improvements to be introduced as part of the development would improve its accessibility by modes other than private car.

The proposal would ensure a safe and suitable means of access to the site for all users and the 17 dwelling uplift would not give rise to a severe residual cumulative impact on the capacity of the surrounding highway network. The internal road layout would provide safe circulation for all road users and a suitable level of parking provision would be made for the proposed dwellings in order that the development would not have any adverse effects on highway safety.

Developer contributions:

Extant permission:

A planning obligation to the extant outline permission dated 02.07.13 requires the following contributions to be delivered as part of the development (with these split between the Barratt and Story Homes developments):

- **Footbridge Contribution** - £30,000 towards the County Council's costs of the provision of a footbridge over Wrongway Brook – payable on occupation of 25 dwelling.
- **Footpath Diversion Contribution** – £40,000 towards the County Council's costs of the diversion of a public footpath along Wrongway Brook to link to the A589/St George's Park Roundabout – payable on occupation of 25 dwelling.
- **Footpath Upgrade Contribution** – £40,000 towards the County Council's costs of upgrading a

public footpath over the railway from St George's Park to Market Street/Carr Drive – payable on occupation of 25 dwelling.

- **Public Transport Contribution** - £250,000 towards the costs of the County Council in securing the delivery of the number 75 bus service for a period of 5 years – £50,000 payable prior to first occupation then 4 x £50,000 each subsequent year on anniversary of first occupation.
- **Speed Limit Review Contribution** - £5,000 towards the costs of the County Council in reviewing the speed limit on Blackpool Road and the introduction of any relevant change in the speed limit as a result of that review – payable prior to first occupation.
- **Travel Plan Contribution** - £12,000 towards the County Council's costs of monitoring the travel plan to be implemented in connection with the development – payable prior to first occupation.

The obligation also includes a trigger for the delivery of open space on the site and the provision of affordable housing (30% on the site) is dealt with through planning condition. As the triggers for the abovementioned have already been met, all these contributions are to be delivered through the extant obligation and do not need to be tied to this application.

Additional dwellings:

Although the application is for 54 dwellings, only 17 of these would exceed the total (180) permitted by the extant permissions. Accordingly, it follows that any contributions above and beyond those already secured by the extant obligation can only be sought in relation to the 17 dwelling uplift associated with this application. As the number of additional dwellings exceeds the thresholds in FLP policies (and/or the NPPG) where contributions can be sought, the development is required to deliver the following additional contributions:

- **Affordable housing** – A further five affordable housing units (30% of the 17 additional dwellings) to be provided in accordance with FLP policy H4. The location of these units is specified on the submitted layout and would integrate successfully with other market and affordable units within this area and their distribution across the wider development.
- **Education** – An education contribution towards the delivery of 1 new secondary school place (specific infrastructure project to be identified by LCC) which, at present levels, would equate to £23,737.28.
- **Public Realm Improvements** – A contribution of £17,000 (at a rate of £1,000 per plot) towards the enhancement of the public realm in Kirkham Town Centre, including the possible improvement of footpaths between Kirkham and the site.
- **Public Open Space** – To tie the delivery of the outstanding open space for the wider development to this permission in accordance with the requirements of FLP policy ENV4.

With the exception of affordable housing provision which, as with the extant outline permission, is to be secured through planning condition, contributions towards education, public realm improvements and public open space are to be secured through a S106 agreement. This will take the form of a deed of variation to the extant obligation to insert additional definitions and triggers for each contribution. Providing that the deed of variation is completed prior to the issuing of the decision, the development will deliver appropriate contributions to mitigate its effects on local infrastructure in accordance with the provisions of policies contained within the FLP and the NPPF.

Other matters:

Flood risk:

Parcels A and B fall wholly within flood zone 1 on the Environment Agency's Flood Map (land with a

less than 1 in 1,000 or <0.1% annual probability of river/sea flooding), though the watercourse of 'Wrongway Brook' flows alongside the northern site boundary.

A surface water drainage strategy for the site was submitted as part of application 15/0308 for approval of reserved matters and supplemented condition 18 of the outline permission which related to the need for a surface water drainage strategy. As the proposal does not seek to alter the developable areas as already approved, it is considered appropriate to impose a condition requiring the submission of a surface water drainage scheme for this development which demonstrates compliance with that submitted as part of reserved matters approval 15/0308. Accordingly, appropriate measures would be put in place to ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere.

Network rail:

Network Rail have requested that a number of conditions be attached to any permission granted. Several of these conditions are intended to protect their own assets from any damage or trespass during the construction period. It is an established principle that the planning system does not exist to protect the private interests of one person against the activities of another. In particular, a number of the requests from Network Rail which relate to the potential for damage of or trespass over its assets are private matters covered under separate legislation (namely the Party Wall Act).

In this context, it is not for the Local Planning Authority to act as a mediator between adjoining landowners in order to ensure that one landowner does not suffer damage or loss due to the actions of another. Accordingly, a number of the conditions requested by Network Rail fail the six tests of conditions in the NPPF and NPPG. It is also recognised that Network Rail made similar representations as part of the outline application, and that the Inspector did not see fit to attach any such conditions as part of the appeal. In this case, informatives have been recommended drawing the applicant's attention to the need to liaise directly with Network Rail during the construction phase to address these matters.

Noise:

The outline planning application was accompanied by a noise assessment which identified the main sources of noise on the site as road traffic along Blackpool Road and rail traffic along the Blackpool to Preston line to the west. The report included a series of indicative attenuation measures to ensure that noise levels within outdoor areas and habitable rooms would not exceed World Health Organisation (WHO) Guidelines during day and night time periods as follows:

- 35dB LAeq (16 hour) during the daytime (07:00-23:00) in noise sensitive rooms other than bedrooms.
- 30dB LAeq (8 hour) during the night time (23:00 – 07:00) in bedrooms.
- 45dB LAmax (fast) should not be exceeded during the night time in bedrooms.
- 55dB LAeq (16 hours) during the daytime in outdoor living areas.

These measures included a combination of thermal glazing, external wall construction, acoustic ventilation and acoustic boundary treatments for plots "located nearest to, and within direct line of sight of the A583 Blackpool Road, and/or the Blackpool South to Preston railway line".

Reserved matters application 15/0308 was accompanied by a noise mitigation strategy which identified specific attenuation measures required to achieve the WHO levels identified above. Aside from the installation of 1.8m high fences around rear gardens to all plots, specific measures

requiring taller fences and passive ventilation for selected plots facing onto Blackpool Road were identified in the mitigation strategy.

As none of the dwellings proposed on Parcels A and B would have a direct line of sight to the A583, the only mitigation measures applicable to these plots would be the 1.8m fencing to rear gardens. As the submitted boundary treatment layout includes enclosures of this height to rear gardens, it is not considered an additional condition is required with respect to noise mitigation measures for the plots subject to this application.

Conditions:

Planning permissions 12/0635 and 15/0308 included conditions applicable to the wider development. A number of these conditions have been discharged and, as they cover the whole site, are not directly applicable to this application. The conditions recommended in the schedule below carry through those associated with the extant outline and reserved matters approvals which remain relevant to this part of the site (including reference to details that have already been discharged by other applications) and impose other conditions that are specific to this scheme.

Conclusions

The application relates to two irregularly-shaped parcels of land extending, in combination, to *circa* 1.4 hectares in area to the north side of the A583 (Blackpool Road), Kirkham. The land falls to the central and northwestern areas of 'The Spinnings' development by Barratt Homes which covers a total area of some 7.4 hectares, forms part of allocated housing site HSS9 and is at an advanced stage of construction. The site benefits from extant outline and reserved matters approvals for a development of 180 dwellings pursuant to permissions 12/0635 (as allowed by appeal APP/M2325/A/13/2192188) and 15/0308 respectively.

The application seeks full planning permission for the re-plan of 37 dwellings approved pursuant to the extant permissions and the construction of an additional 17 dwellings in order to increase the overall number of dwellings within 'The Spinnings' development from 180 to 197. Specifically, the objective of the application is to replace several of the larger house types permitted by the extant permissions with a greater number of smaller dwellings within the same site area.

Access to the development would be from the existing priority junction onto Blackpool Road (as already constructed) and via the internal road network in the same form as approved by application 15/0308. The established priority junction and internal road network would provide a safe and suitable means of access to the site for all users and the level of traffic generated by the additional 17 dwellings would have no unacceptable impact on highway safety, nor would its residual cumulative impacts on the road network be severe.

The development layout would follow that approved under application 15/0308 with housing in each parcel arranged to have an outward facing aspect onto flanking estate roads and open spaces, address internal junctions by providing dual-aspect elevations to corner plots and maintain a buffer of landscaping with adjoining land. The external appearance and materials used in the construction of the dwellings would harmonise with surrounding development elsewhere within the site by following the established design concept.

While of a different scale to the detached dwellings approved on the same plots under application 15/0308, the proposed development would deliver a mix of smaller house types that would be more suitable to meet the housing needs of the Borough as identified in FLP policy H2 and the density,

size, spacing and storey heights of the replacement dwellings would be compatible with the character of surrounding development and would provide a good standard of amenity for existing and future occupiers.

The proposed landscaping strategy would retain all vegetation, planting buffers and public open space approved under application 15/0308 and as the layout locates dwellings around an identical internal road configuration, there would be no greater encroachment onto surrounding areas of open space or landscape planting. Additional contributions would be made towards the delivery of affordable housing (a further 5 units) to ensure an overall provision of 30% across 'The Spinnings', along with off-site financial contributions towards education and public realm improvements in relation to the 17 dwelling uplift arising from the development.

Given the above, it is considered that the access, layout, scale, appearance and landscaping of the development is acceptable. No other adverse effects would arise that would significantly and demonstrably outweigh the development's benefits. Therefore, the proposal represents sustainable development in accordance with relevant adopted policies contained within the FLP, and the provisions of the NPPF.

Recommendation

That authority is delegated to the Head of Planning and Housing to GRANT planning permission subject to the following:

(i) The completion of a Second Deed of Variation pursuant to S106A of the Town and Country Planning Act 1990 to include the following modifications to the original planning obligation for planning permission 12/0635 dated 02.07.2013 (as modified by a Deed of Variation dated 18.05.2016 in connection with planning permission 15/0700):

- An amendment to the definition of "Planning Permission" to include reference to this application.
- The inclusion of contributions towards secondary education and public realm improvements in respect of the 17 additional dwellings to be constructed pursuant to this planning permission, and to tie this planning permission to the provision and future maintenance of public open space throughout the site.

(ii) The following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Housing believes is necessary to make otherwise unacceptable development acceptable):

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Drawing no. 453/P/LP/01 – Location plan.
- Drawing no. 453/P/PL/02 Rev B – Planning layout.
- Drawing no. 453/P/BTL/02 Rev B – Boundary treatment layout.
- Drawing no. 453/P/HL/02 Rev B – Hard landscaping layout.

- Drawing no. 453/P/ML/02 Rev B – Materials layout.
- Drawing no. 453/P/RS/02 Rev B – Refuse strategy layout.
- Drawing no. 453/P/SHL/02 Rev B – Storey heights layout.
- Drawing no. 453/P/PSS/02 Rev A – Proposed street scenes.
- Drawing no. c-1414-02 Rev E – Detailed soft landscape proposals sheet 1 of 7.
- Drawing no. c-1414-03 Rev E – Detailed soft landscape proposals sheet 2 of 7.
- Drawing no. c-1414-04 Rev E – Detailed soft landscape proposals sheet 3 of 7.
- Drawing no. c-1414-05 Rev E – Detailed soft landscape proposals sheet 4 of 7.
- Drawing no. c-1414-06 Rev E – Detailed soft landscape proposals sheet 5 of 7.
- Drawing no. c-1414-07 Rev D – Detailed soft landscape proposals sheet 6 of 7.
- Drawing no. c-1414-08 Rev E – Detailed soft landscape proposals sheet 7 of 7.
- Drawing no. BALD 56RD 01 – Alderney Classic (Det).
- Drawing no. BDER 00CD 01 – Derwent Classic (Det).
- Drawing no. BESK 56RD 01 – Eskdale Classic (Det).
- Drawing no. BESK 00CD 01 – Eskdale Classic (Det).
- Drawing no. BENN 56RD 01 – Ennerdale Classic (Det).
- Drawing no. BENN 00CD 01 – Ennerdale Classic (Det).
- Drawing no. BENN 56RE 01 – Ennerdale Classic (End).
- Drawing no. BENN 00CE 01 – Ennerdale Classic (End).
- Drawing no. BFKS 00CE 01 – Folkestone Classic (End).
- Drawing no. BMAI 00CE 01 – Maidstone Classic (End).
- Drawing no. BMAI 00CI 01 – Maidstone Classic (Mid).
- Drawing no. BQUN 00CE 01 – Queensville Classic (End).
- Drawing no. BRIC 00CE 01 – Richmond Classic (End).
- Drawing no. BWIE 00CD 01 – Windermere Classic (Det).

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Local Plan to 2032 and the National Planning Policy Framework.

3. No above ground works shall take place 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 scheme shall include details of:
 - a) the number, size, type, tenure and location of the affordable housing provision to be made which shall consist of not less than 5 affordable housing units;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupation of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved);
 - d) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
 - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall meet the definition of affordable housing in the National Planning Policy Framework (or any future guidance that replaces it) and shall be provided in full accordance with the details and timetable contained within the duly approved scheme.

Reason: To ensure that an appropriate and proportionate contribution towards affordable housing is made as part of the development in order to meet local need, and to ensure that any affordable

housing remains affordable in perpetuity in accordance with the requirements of Fylde Local Plan to 2032 policy H4 and the National Planning Policy Framework.

4. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height and materials) shown on drawing no. 453/P/BTL/02 Rev B before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the site shown on drawing nos. c-1414-02 Rev E, c-1414-03 Rev E, c-1414-04 Rev E, c-1414-05 Rev E, c-1414-06 Rev E, c-1414-07 Rev D and c-1414-08 Rev E shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to provide an appropriate buffer of landscaping to the site perimeter and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV2, and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the principles of the updated flood risk assessment by Lees Roxburgh (report reference 5938/R1 Rev B – 08.07.15) submitted pursuant to reserved matters approval 15/0308 and shall include:

- a) Measures to limit the surface water run-off generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm events to rates of 39 l/s, 75 l/s and 91 l/s respectively in order that the rate of surface water run-off from the site will not exceed the pre-development (greenfield) run-off rate and will not increase the risk of flooding off-site.
- b) Provision of flood storage as identified in the Surface Water Drainage Design (drawing ref 543/ED/10).
- c) Finished floor levels for the dwellings (in AOD) which shall be no lower than 150mm above the adjacent ground level.
- d) Information regarding the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change) discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- e) Flood water exceedance routes, both on and off site.
- f) Details of any sustainable drainage system, including arrangements for its future management and maintenance.
- g) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale approved under part (vii) of the condition.

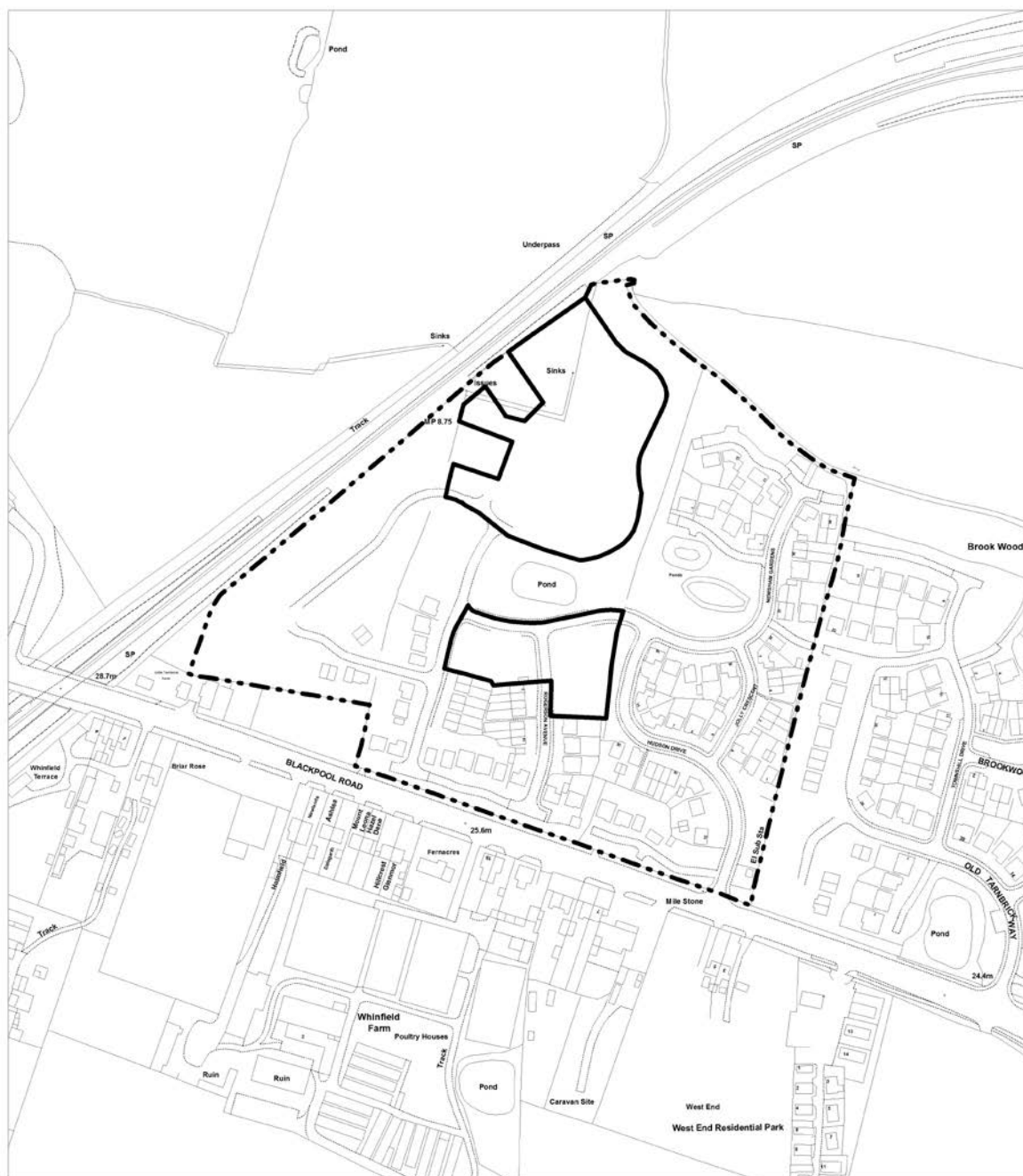
Reason: To ensure that the development is not itself at risk of flooding, does not increase flood risk elsewhere and makes provision for the sustainable drainage of surface water in accordance with the requirements of Fylde Local Plan to 2032 policies CL1 and CL2 and the National Planning Policy Framework.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the design, construction and drainage of all new estate roads and associated footways shown on drawing no. 453/P/PL/02 Rev B shall be carried out in accordance with the details permitted by application reference 15/0876 (as identified on the decision notice dated 05.05.2016) for the approval of details reserved by condition 8 of reserved matters approval 15/0308. Each estate road and their associated footways shall be provided in full accordance with the approved details before any of the dwellings to be served by that road are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for access and circulation of all road users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. Before each dwelling hereby approved is first occupied, a scheme for the design and construction (including surface treatment) of its associated parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway and to ensure appropriate surface treatment of parking areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0489	Address Land adjacent Little Tarnbrack Farm, Blackpool Road, Kirkham	Grid Ref. E.3406 : N.4325	Scale 0 15 30 45 60 m

Item Number: 4

Committee Date: 07 November 2018

Application Reference:	18/0521	Type of Application:	Full Planning Permission
Applicant:	Mr Travis	Agent :	Matthew Atkinson
Location:	LAND EAST OF PRIMROSE FARM (AND EAST OF THE RAMBLINGS), KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
Proposal:	ERECTION OF ONE DETACHED TWO STOREY DWELLINGHOUSE		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7885868,-2.8537848,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a greenfield area of land to the east of Primrose Farm and a new dwelling nearing completion, approved under Reserved Matters application no. 16/0812. Primrose Farm is a traditional farm property with the new dwelling of a contemporary design. These properties front Kirkham Road midway between the Derby Arms and the Carr Lane / Moorside / Mowbreck Lane junction. The application seeks permission for the erection of a single dwelling with an integral garage.

The scheme has been the subject of extensive objections from the Parish Council and others relating to planning policy and explaining that a previous outline planning permission on the site has expired and so should be discounted. Whilst there is some uncertainty over the status of the previous planning permission, the fact that it was recently granted is a material planning consideration to be weighed in the planning balance alongside the factors that allowed that decision to be supported. These were that the proposal was accepted as being in a reasonably accessible location and capable of development without causing undue harm to the character of the area or landscape factors. Although that decision was made at a time when the council was unable to demonstrate a 5 year housing supply, and so subject to a tilted planning balance, the physical merits of the site remain valid. The policy position has obviously moved on and the council is now able to demonstrate its required housing needs due to the adoption of the Fylde Local Plan to 2032. Policy GD4 of that plan is the key policy and introduces restraint to residential development in rural areas, but critically allows for 'minor infill development'. This scheme is considered to constitute such development and so accords with the Plan.

In other regards the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the amenity of neighbours or patterns of development and visual amenity in the village. Mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The

proposal is therefore considered to represent sustainable development in all regards, in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Local Plan to 2032.

Reason for Reporting to Committee

This application is on the agenda as the officer recommendation for approval conflicts with the views of the Parish Council and so the scheme of delegation requires that it is determined by the Planning Committee.

Site Description and Location

The application is described as 'Land to the East of Primrose Farm', Kirkham Road, Treales. In particular the plot is east of Primrose Farm and a newly constructed dwelling 'The Ramblings' and is a roughly rectangular shaped field of circa 50m x 20m roadside frontage, widening at the rear to 25 m which is situated on the south side of Kirkham Road and to the west of 'Smithy Cottage' and its associated buildings. To the south side of the plot are open fields and to the north side the frontage is partially opposite open fields and the dwelling at 'Orchard Cottage'. The plot has a hedge to the roadside boundary with a mature tree and field access at the north east corner.

The site is on land designated as countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application has been submitted as a full application for the erection of a two storey detached dwelling with an integral garage. The new dwelling measures 12.5 metres in width by 12.5 metres in overall depth at ground floor level with the eaves at 5 metres and with the dual pitched and hipped roof at 7.5 metres from ground level. At ground floor level the dwelling provides a combined kitchen/dining/family room with a separate lounge, hall, WC and utility rooms and the integral garage. At first floor there are four bedrooms two provided with ensembles and with a further bathroom.

The dwelling is designed with a two storey gable feature to the front elevation with a smaller gable feature over the garage at part of bed no. 2 at first floor level. To the rear of the dwelling is a single storey hipped roof projecting element as part of the kitchen.

The dwelling 'sits' on a brick plinth with stone detailing around the windows and bays. The dwelling is proposed to be constructed in brick with dark grey aluminium window frames.

Access to the property from Kirkham Road is from a newly formed opening in the existing hedgerow.

The application is accompanied with a 'Arboricultural Impact Assessment', a 'Tree Report', 'Agricultural Land Classification' report and an 'Ecological Appraisal'.

Relevant Planning History

Application No.	Development	Decision	Date
16/0812	RESERVED MATTERS APPLICATION PURSUANT TO PLANNING APPROVAL 10/15/0367 FOR THE ERECTION OF 1 DETACHED DWELLING AND	Granted	10/02/2017

16/0320	DOUBLE GARAGE ON PLOT 2. APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS ASSOCIATED WITH ERECTION OF 1 DETACHED DWELLING AND DOUBLE GARAGE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0367	Granted	09/08/2016
15/0367	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO THREE DWELLINGS	Granted	04/09/2015

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 10 September 2018 and raise objections in extensive correspondence. Due to the length of the comments submitted on behalf of the Parish Council only the highlighted points have been included in this report, below. The full comments submitted by the Parish Council are available on the council's website.

- (i) **Site description and location** - The Parish Council refer to the characteristics of the particular plot and the wider environment of Treales.
- **Planning history of site and area** - The PC refer to the previous planning history of the site (which is listed above under 'Relevant Planning History' above). In particular comments are expressed that application ref. 15/0367 was granted when FBC did not have a 5 year supply of housing. Only 1 of the 3 dwellings approved has commenced, dwelling does not enhance intrinsic character and beauty of countryside. Such development should not be repeated.
- **The (Parish) Council's Decision** - *The land makes a substantial contribution to the rural character of the surrounding landscape.* The development will erode the rural character, replace with an urban extension, relates poorly to its setting. Reintroduction of landscaping not adequate mitigate the serious harm. Does not comply with policies of the local plan and the NPPF. FBC research identified that Treales has limited range of services and accessibility, unsuited to accommodate anything more than lowest level of growth over plan period. Planning permission already been granted to ensure ongoing vitality of Treales. Development not sustainable.
- **Policy Background/Housing Supply** - PC refers to policies of FBLP (adopted 2005) FLP to 2032 and NPPF. Site area is not within an area designated for a Neighbourhood Plan. It is understood that FBC latest published position is that it is able to demonstrate 5 year supply of housing.
- **The Council's Case** - Policy GD4 did not include suggestion that Treales village should be allocated for development. No development on land since permission award on 4th September 2015 or any adjacent land. No historical evidence site has had any development.
- **How development relates to the setting** - Open aspect is positive feature valued by community and visitors. Is not a minor infill opportunity. Cumulatively appear as urbanised street scene. Site is part of an important rural gap, contributes to rural setting. Design is not characteristic of the countryside areas around Treales. More likely seen on urban housing estate. Street scene elevations not to scale, ridge height increased.
- **Additional Development at Treales** - Emerging local plan excludes Treales from settlement hierarchy. Site has no in-fill characteristics. Growth in Treales unsustainable.
- **Other developments** - *Suitable level of development has already been brought forward around Treales.....* Previous decisions that were made were balanced, overall planning balance meant

- application could not be resisted as unsustainable. Not the case with this application scheme.
- **Overall Conclusion** - The work undertaken by the LPA as part of LP to 2032 confirms Treales is not suitable location for additional residential development. LPA can demonstrate a 5 year supply, development would harm setting of the village, create visual harm to the character of the area, demonstrable lack of sustainable accessibility.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

No objection. Officer corroborates Antony Wood's assessment of the frontage Sycamore and believes that whilst it would be preferable to retain it, its condition doesn't warrant formal protection.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed erection of one detached dwelling with detached double garage and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

They then request a series of conditions be imposed relating to the provision of a safe and suitable access with adequate visibility and on-site turning.

Greater Manchester Ecology Unit

Summary

The ecological survey which dates from 2015 found no significant ecological constraints. Whilst we would normally expect an update for an assessment of this age, given the scale of the development and previous findings, we accept that no further surveys are required. Issues relating to nesting birds can be resolved via condition.

Nesting Birds

A section of hedgerow will be removed to facilitate access, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The development will result in the loss of some low ecological value grassland and a section of hedgerow. Without mitigation this would be contrary to the NPPF. I am satisfied that the soft landscaping of the garden can mitigate for the loss of the improved grassland. Mitigation should also be provided for the loss of hedgerow and bird nesting habitat. There is scope for this to occur along the western boundary of the site and for nest boxes to be attached to the retained trees I recommend a condition along the following lines be applied to any permission.

A landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to

mitigate for loss of hedgerow and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

Neighbour Observations

Neighbours notified:	10 September 2018
Site Notice Date:	14 September 2018
Number of Responses	4 letters received
Summary of Comments	<ul style="list-style-type: none">• change of character• in conflict with NPPF• increase in road traffic at point of access• irresponsible parking will be encouraged• danger to pedestrians and cyclists• unsustainable• local economy agricultural based less and less land available• only temporary economic benefit arising from construction• SP2 should apply no demand for additional housing• many properties for sale• considerable development elsewhere available for Fylde residents• housing bank now satisfied• planning permission is extinguished• council in strong position to refuse• not in accordance with SP2/GD4• outside settlement• development cause harm and change character of Treales• every field a housing plot no countryside• creates urban string development• Government rules reduce housing Fylde has to supply• removes valuable break in open space• town like development• house is large and modern does not fit with barn conversions• lost quaint village atmosphere

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H6	Isolated New Homes in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL2	Surface Water Run-Off and Sustainable Drainage
T5	Parking Standards

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area
Tree Preservation Order

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks permission for the erection of a two storey dwelling with integral garage on a plot to the east of Primrose Farm and the Ramblings, Treales. The plot is one of three which were granted outline approval under application no. 15/0367. Of these, one of the dwellings is under construction (named The Ramblings) and the other is the subject of a separate application which is on this agenda (18/0593). The issues to be considered are similar for both applications and are as follows:

Policy Background

On 22 October 2018 the council adopted the Fylde Council Local Plan to 2032 as the development plan and therefore the policies of this plan are those relevant to this application, with the National Planning Policy Framework being a material consideration in the decision making process.

Paragraph 10 of the NPPF advises '*So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.*'

Paragraph 11 advises for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i). *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

Paragraph 73 of the NPPF refers to the provision of a 5 year housing supply, but para 74 is now of more relevance with the adoption of the Fylde Local Plan to 2032 as it states: "*A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan.....*"

Since 22 October 2018 the council has an up-to-date local plan and so under the guidance in para 74 must mean that a 5 years supply of deliverable housing land exists. However, an up-to-date of supply of housing does not place a moratorium on housing development. Guidance on this is offered in para 68 which refers to small and medium sized sites and advises:

- c) *support the development of windfall sites through their policies and decisions – giving great weight*

to the benefits of using suitable sites within existing settlements for homes; and

The Fylde Local Plan to 2032 deals with these matters in Policy GD4 which refers to 'Development in the Countryside'. This policy advises that *'It is important that the countryside is protected from unacceptable development which would harm its rural character. The intrinsic value and rural character of the countryside of Fylde needs to be protected. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy GD4 defines the types of development which are acceptable in the countryside in appropriate circumstances.'*

A series of criteria are then listed with the relevant one for this application being:

"Development in the Countryside, shown on the Policies Map including Inset Plans, will be limited to:

f) minor infill development"

Principle of development

This application seeks permission for a single dwelling located on a green field site in the Countryside. Policy GD4 is the recently adopted and so up-to-date development plan policy that applies, and supports minor infill development.

As this dwelling is for a single dwelling it must be minor in scale. It is situated immediately alongside the Ramblings which is a new dwelling approved as part of the site granted outline application for three dwellings under 15/0367, and Reserved Matters under 16/0812 and the outbuildings associated with the adjacent Smithy Cottage. As such it is 'infill' development.

The conclusion of this is that the principle of the development should be considered to be acceptable as the scheme is in accordance with Policy GD4. It is therefore necessary to examine if there are any overriding material considerations to indicate that the development should be resisted for other reasons.

Location and sustainability

The site is located in an area of countryside to the western end of the village. Treales is a small village which provides limited facilities beyond the pub although there is a church and a primary school located some distance outside of the village. As a consequence it lacks a number of public amenities normally required for day to day living within reasonable walking distance. It is, however, located approximately 1.9 km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to be dependent upon the private car to access the necessary facilities in Kirkham which is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 79 of the NPPF which avoids 'isolated' rural development or Policy H6 of the FLP 2032.

In addition the issue of 'sustainability' of Treales village has recently been examined at appeal in respect of another site close to this application site at 'Land east of Orchard Dene and north of Kirkham Road' with the appeal reference no. APP/M2325/W/17/3186458 planning reference no. 16/0433. In that appeal the Inspector's decision letter states - *'the length of vehicular trips would be a relatively short to Kirkham and the number of journeys generated from 3 dwellings would also*

be relatively small. The Framework also recognises the contribution which new development can make to sustaining local services and towards adding to the vitality of rural settlements. This contribution can go beyond purely economic factors. I accept that the contribution 3 additional dwellings would make in this regard would be very limited. Nevertheless, taking into account compliance with policy S1 [now incorporated into Policy GD4], I conclude that taken in the round, the overall harm identified in relation to local services would not be significant. It follows that the proposal would not conflict with policy HL2 of the Local Plan, and I also find no material conflict with policies GD7 and INF1 of the Emerging Local Plan or, on balance, conflict with guidance in the Framework which aims to locate significant new development in accessible locations.'

The Inspector concluded that the appeal be allowed.

Given the close proximity of this application site to the appeal site it would be unreasonable to take a differing view to that of the Inspector referred to above on this aspect of the assessment of the application, or to propose a recommendation contrary to that of the outline planning permission. The site should be considered to be sustainable in regards to the accessibility of the site.

The proposal is therefore in compliance with Policy GD4 of the FLP 2032 and the aims of the National Planning Policy Framework (NPPF).

Pattern of development and impact on visual amenity

The site is located between the newly constructed property 'The Ramblings' to the west side and the buildings associated with 'Smithy Cottage' to the east of the site with the northern frontage partially facing open fields and 'Orchard Cottage' to the south of site are open fields.

Whilst the site is outside of the small 'core' of properties at the cross roads by the 'Derby Arms' it is not an isolated plot in open countryside, it forms part of the intermittent ribbon development along Kirkham Road.

The proposed dwelling sits roughly centrally on the plot allowing views through the site of the landscaping around the boundaries and, in the winter months, of the fieldscape beyond. This layout is compatible with the pattern of built development along Kirkham Road.

The village is comprised of a mix of property styles of a variety of ages from the listed buildings of the 'Derby Arms' and 'Smithy Cottage' to the recently constructed new dwellings at Foundry Yard and the 'Ramblings' that adjacent to this site. Whilst there is no overriding character or type of dwelling in Treales they are in the main two storeys and of a 'traditional' design and in a palette of facing brick, render finish, or a mix of the two.

The design of the proposed development is that of a traditional styled dwelling which is to be constructed using facing bricks of an appropriate colour for a rural setting under a grey tiled roof. The overall height of the dwelling has been reduced from that originally submitted so that it is in keeping with the scale, character and appearance of neighbouring properties.

Accordingly the proposal is considered to be in compliance with Policy GD7 of FLP 2032.

Neighbours

Policy GD7 (b) requires that development proposals ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

The site lies to the west side of the buildings associated with 'Smithy Cottage' and east of the 'Ramblings'. The proposed dwelling would be located 46.5 metres from the nearest dwelling located to the east side and 11.5 metres from the new dwelling on the west side.

Whilst the application does not indicate any proposed boundary treatment these will form a condition of this recommendation to ensure that privacy is maintained for the occupiers of neighbouring properties.

It is considered that the development is sufficiently removed from the boundaries with neighbouring properties as to avoid any impacts in terms of overbearing or overshadowing to neighbouring properties and privacy can be ensured through imposition of conditions. As a result it is considered that the development is acceptable in terms of neighbour amenity and compliant with the requirements of Policy GD7 in this respect.

Landscaping

The application site is not subject to any specific landscape designations (e.g. those identified in paragraph 171 of the NPPF) and, accordingly, its value can be considered to be no more than local. It does however contain landscape features in the hedgerows and trees.

The proposed development would necessitate the formation of a vehicle accesses from Kirkham Road, cutting through the hedgerow for 6.5 metres and requiring the removal of some of the hedgerow with this reduced in height to provide the visibility splays for the new access.

The Council's Tree Officer has advised that the existing tree is not worthy of protection through TPO nor retention for its amenity value. There are no objections to the loss of hedgerow required to form the vehicular access. To mitigate the loss of hedgerow for the access visibility replacement hedgerow planting will be required across the frontage and within the site to enhance the visual amenity and biodiversity.

It is considered that the development can provide appropriate compensatory planting on the site of off-set losses. Accordingly, the proposal is considered to be in compliance with the requirements of FLP 2032 policies GD7, ENV1 and the aims of the NPPF.

Highways

The NPPF paragraph 109 states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

FLP policy GD7 (q.) states '*The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.*'

Kirkham Road is a lightly trafficked route, visibility has been indicated on plan in accordance with the guidance from LCC Highways who have not objected to the scheme on the basis that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The level of traffic and number of vehicle movements generated by this and the plot to the west of Primrose Farm will not have any significant impact on highway safety and the indicative layout demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the requirements of Policy T5 of the Local plan to 2032.

Ecology:

Paragraph 174 requires that plans should protect and enhance biodiversity and geodiversity. Paragraph 175 states: *'When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused';...

This application has been submitted with an ecological appraisal which concludes as follows:

- Habitats on the site are of low ecological value and do not provide environments suitable to support specially protected species.
- The greatest ecological potential is for foraging bats and nesting birds associated with existing trees and hedgerows. None of the trees on the site support fissures suitable for roosting bats.
- There are no ponds on the site and there are no records of any protected species occurring on or in close proximity to the site. The character of intervening farmland to the south of the site provides a suboptimal commuting habitat for amphibians.
- Appropriate mitigation can be put in place through: (i) the retention of existing vegetation; (ii) the timing of any vegetation clearance to avoid the bird breeding season; and (iii) the introduction of additional planting as part of the scheme.

Therefore, whilst existing vegetation on the site has some value with respect to foraging bats and nesting birds, it is recognised that this habitat is limited to the site boundaries and, in contrast, that the majority of is characterised by short sward grassland which has limited ecological value and does not provide any notable habitat capable of supporting protected species.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate mitigation and biodiversity enhancements can be secured through conditions relating to the retention/strengthening of landscaping and the timing of works involving the clearance of vegetation. The proposal is therefore in accordance with the objectives of FLP Policy ENV2 and the aims of the NPPF.

Flooding and drainage:

Paragraph 149 of the NPPF requires that *plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.....*

FLP policy CL2 refers to surface water run-off and sustainable drainage.

The site is within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of

river/sea flooding) as defined on the Environment Agency's Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment (FRA) to accompany the application. No drainage information for this site has been submitted with the application however, this can be satisfactorily covered by condition to ensure that the development poses no unacceptable risk in terms of flooding. Subject to conditions the development complies with the requirements of FLP policies CL2 the aims of the NPPF.

Agricultural land classification

A report on Agricultural Land Classification and Soil Resources has been submitted with the application which has been undertaken by a suitably qualified person and utilises appropriate desk, field and laboratory based evaluation techniques in accordance with best practice guidance to assess the characteristics of the land and factors which affect its agricultural productivity. This report was also submitted as part of the outline application.

Following site-specific investigation, the report concluded that the land fell within sub category 3b (moderate quality). Accordingly, it was considered that the site makes a minimal contribution to the viability of agricultural operations and so supported the recommendation for approval of the outline application.

The status of the land remains as that at outline stage and therefore loss of agricultural land of this quality is not a reason which would support a refusal of the application contrary to the decision of the outline application.

Other material considerations

None relevant.

Conclusions

The application site is a greenfield area of land immediately to the east of the 'Ramblings' and the buildings associated with 'Smithy Cottage' to the west. The scheme proposes a detached two storey dwelling with integral garage.

The scheme has been the subject of extensive objections from the Parish Council and others. Outline permission has been granted for three dwellings for which this site forms one plot and Reserved Matters granted for the adjacent plot to this site.

These permissions were accepted as the site is in a reasonably accessible location and capable of development without causing undue harm to the character of the area or landscape factors. Although the outline decision was made at a time when the council was unable to demonstrate a 5 year housing supply, and so subject to a tilted planning balance, the physical merits of the site remain valid. The policy position has obviously moved on and the council is now able to demonstrate its required housing needs due to the adoption of the Fylde Local Plan to 2032. Policy GD4 of that plan is the key policy and introduces restraint to residential development in rural areas, but critically allows for 'minor infill development'. This scheme is considered to constitute such development and so accords with the Plan.

In other regards the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the amenity of neighbours or patterns of development and visual amenity in the village. Mitigation can be provided to ensure that the development would have

no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in all regards, in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Local Plan to 2032.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - drawing no. 'location 01'
- Proposed site plan - drawing no. P01 REV. B
- Proposed floor and elevation plans - drawing no. P02 REV. B

Supporting Reports:

- Ecological Appraisal - Envirotech - 25th March 2015
- Agricultural Land Classification & Soil Resources - July 2015
- Arboricultural Impact Assessment - ref Plot 3 AIA 06/09/18
- Tree survey report

Reason: To provide clarity to the permission.

3. Prior to the commencement of development samples of all materials for use in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In the interests of securing a satisfactory overall standard of development in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented before the dwelling hereby approved is first occupied.

Reason: To ensure that adequate measures are put in place for the disposal of foul and surface water in Policies GD7 and CL1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework

5. Prior to first occupation of the dwelling hereby approved the external area to the front shall be laid out in accordance with the approved plan drawing no. P01 REV. B to enable vehicular turning to be available within the site. This facility shall be retained at all times.

Reason: In the interests of highway safety in accordance with Policy GD7 of the Fylde Local Plan to

2032 and the aims of the National Planning Policy Framework.

6. Any gateposts erected at the access shall be positioned 5m behind the back edge of the footway, with gates positioned so that they open away from the highway.

Reasons: To permit vehicles to pull clear of the carriageway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road in the interests of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. Prior to first occupation of the dwelling hereby approved that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in a solid surface material.

Reasons: To prevent loose surface material from being carried on to the public highway and so causing a potential source of danger to other road users, in the interests of highway safety and in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. Prior to first occupation of the dwelling hereby approved the visibility splays of 2.4 m by 43 m in both directions as shown on the approved site plan listed in condition 2 of this permission shall be provided, and these shall be retained free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures thereafter.

Reasons: To ensure adequate visibility at the access in the interest of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

9. Prior to the commencement of development a scheme and programme for landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate ecological habitat retention, creation, enhancement and management.. The approved landscaping scheme and management plan shall thereafter, be implemented in full. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials (as applicable) soft landscape works shall include plans and written specifications noting species, plant size, number and densities and shall demonstrate the maintenance of wildlife habitat (quantity and quality), including hedgerows and woodland/ woodland edges, and shall demonstrate that the development will be permeable to the passage of wildlife.

The scheme and programme shall thereafter be carried out in accordance with the approved programme and varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

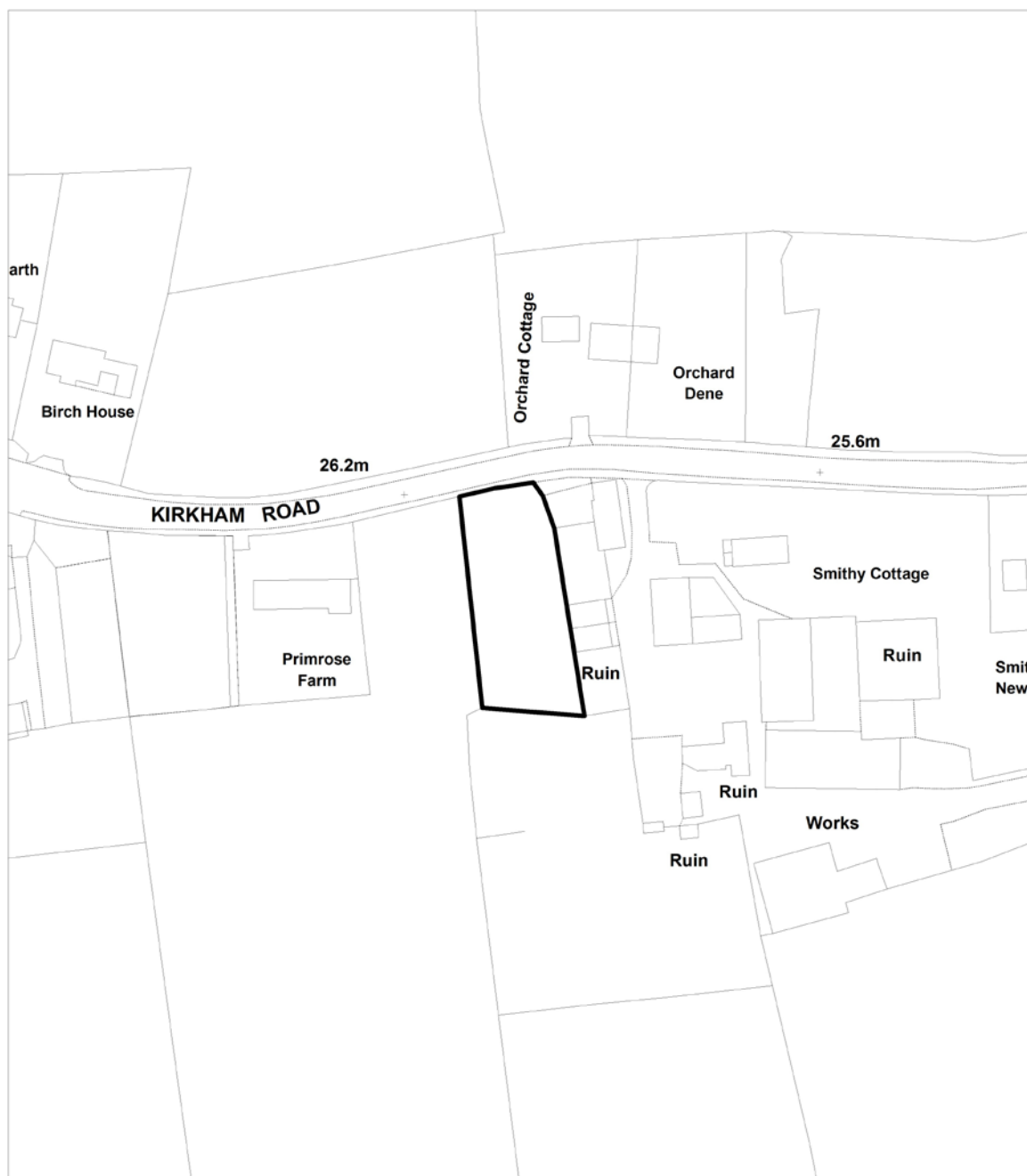
10. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which

shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current arboricultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

11. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Local Plan to 2032 Policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0521	Address Land east of Primrose Farm (and east of The Ramblings), Kirkham Road, Treales	Grid Ref. E.3438 : N.4328	Scale 0 6 12 18 24 m

Item Number: 5

Committee Date: 07 November 2018

Application Reference:	18/0568	Type of Application:	Reserved Matters
Applicant:	Stewart Milne Homes	Agent :	
	North West England		
Location:	LAND ADJACENT TO BLACKFIELD END FARM, WEST OF CHURCH ROAD, BRYNING WITH WARTON		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 13/0674 FOR A RESIDENTIAL DEVELOPMENT OF 170 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE APPLIED FOR)		
Ward:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Matthew Taylor
Reason for Delay:	Design Improvements		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.752992,-2.8990739,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to an irregularly-shaped parcel of open agricultural land extending to *circa* 7.05 hectares adjacent to Blackfield End Farm on the west side of Church Road, Warton. The site benefits from extant outline and reserved matters approvals pursuant to permissions 13/0674 (as allowed by recovered appeal APP/M2325/A/14/2217060) and 17/0129 respectively.

This application seeks approval for the reserved matters of access, layout, scale, appearance and landscaping pursuant to outline planning permission 13/0674 for a residential development of 170 dwellings including associated open space and other infrastructure. The proposal follows a successful application for approval of reserved matters submitted by Miller Homes (17/0129), where permission was granted for a residential development of 172 dwellings on the same parcel of land (333 in total across sites to the east and west of Church Road) on 5 March 2018. While this application is submitted in a similar form to reserved matters approval 17/0129 with respect to the access, layout and landscaping of the development, it is made by a different developer (Stewart Milne Homes) and so varies with respect to the scale and appearance of the proposed house types, along with there being a lesser number (by 2 units) and different mix of housing.

Access to the site would be via a new priority (give way) junction onto Church Road as approved by full planning permission 16/0567 (which included a staggered access junction for sites on both sides of Church Road) and would be consistent with the arrangement permitted as part of reserved matters approval 17/0129 in order to provide a safe and suitable means of access. Similarly, the development layout follows that approved as part of the Miller Homes scheme under application 17/0129, with dwellings being arranged around the same internal road layout comprising a main spine road and branching cul-de-sacs to the north and

south of this route.

Dwellings to the eastern end of the site, including the retained house at Blackfield End Farm, would be orientated to address the Church Road frontage. The landscaping strategy would ensure a spacious, tree-lined frontage is maintained to Church Road and this continues along the main spine road through the development. Open spaces within the site would be located centrally (including a play area) in order that natural surveillance is optimised, or to the periphery of the site in order to provide a buffer with surrounding land uses and to accommodate Sustainable Drainage Systems.

With the exception of a bungalow at plot 145 (bordering nos. 2 and 4 Fir Grove), all dwellings would be two storeys in height and would provide a suitable mix of housing with respect to their size and bed spaces. The dwellings would incorporate a combination of materials and elevational treatments that would be sympathetic to the character of surrounding buildings while ensuring interest and consistency. The orientation and fenestration arrangements of dwellings – particularly those to corner plots – would achieve active frontages to existing and proposed highways. The number, type, size and distribution of affordable housing would also deliver a balanced mix of housing across the site.

The siting, configuration, orientation and spacing of the proposed dwellings, and the inclusion of landscaped buffers alongside neighbouring properties, would ensure that the development has no undue effects on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking, and would achieve appropriate standards of amenity for future occupiers.

Given the above, it is considered that the access, layout, scale, appearance and landscaping of the development is acceptable. No other adverse effects would arise that would significantly and demonstrably outweigh the development's benefits. Therefore, the proposal represents sustainable development in accordance with relevant adopted policies contained within the FLP and BWNP, and the provisions of the NPPF.

Reason for Reporting to Committee

The application is classified as major development and the officer recommendation is for approval. In addition, the Parish Council has submitted representations in objection to the application and have requested that the application is determined by the Planning Committee.

Site Description and Location

The application relates to an irregularly-shaped parcel of open agricultural land extending to *circa* 7.05 hectares on the west side of Church Road, Warton. Although located within the countryside area and partially inside the Green Belt (though areas of the site within the latter designation are not proposed for development), the site benefits from extant outline and reserved matters approvals for residential development pursuant to permissions 13/0674 (as allowed by recovered appeal APP/M2325/A/14/2217060) and 17/0129 respectively. This is reflected on the Fylde Local Plan to 2032 Policies Map which includes the site as a strategic housing allocation under policy SL3 (Blackfield End Farm, HSS2).

The site borders the C292 (Church Road) to its eastern end where an existing collection of portal-framed agricultural buildings, brick barns and a farmhouse make up the site of Blackfield End

Farm (BEF). A detached bungalow ('Ryecroft' – no. 77 Church Road) to the southeast of BEF is also located within the site. However, the bulk of the site extends in a westerly direction away from BEF, enveloping a wide expanse of agricultural land which, with the exception of the field located within the Green Belt to the northeast corner, follows an L-shaped layout wrapping around boundaries with neighbouring dwellings on Beech Avenue, Fir Grove and the recently constructed housing development at Riversleigh Way.

Aside from some modest undulations across the site, the land is relatively flat and neighbouring dwellings to the south on Beech Avenue, Fir Grove and Riversleigh Way are generally on the same level (or, in some cases, slightly elevated to) to the existing field. While neighbouring dwellings outside the site on Church Road and Beech Avenue immediately adjacent to BEF are two storeys in height, adjoining properties flanking the majority of the southern boundary are bungalows (nos. 57 – 83 Beech Avenue and nos. 1-4 Fir Grove).

The site borders open fields to the north (within the Green Belt) and west (Countryside Area), with a hedgerow marking the western perimeter of the site. A thicker buffer of mature woodland intervenes between the site and newly constructed dwellings at Riversleigh Way. A linear belt of trees follow the site's frontage onto Church Road and extend to the south of BEF behind nos. 83-91 Beech Avenue. Lower level scattered trees and hedging flank some garden fences of dwellings on Beech Avenue and Fir Grove to the western end of the site's southern boundary, though the majority of bungalows on Beech Avenue are separated from the field by rear garden fences. A two storey building at Sykes Hall Farm fronts onto Church Road outside the northeast tip of the site, though this is unoccupied due to its poor state of repair.

Details of Proposal

The application is submitted pursuant to outline planning permission 13/0674 (which reserved all matters for a residential development of up to 360 dwellings) and seeks approval for the outstanding reserved matters of access, layout, scale, appearance and landscaping in connection with a residential development of 170 dwellings with associated open space and infrastructure on the west side of Church Road.

Access to the site would be via a priority (give way) junction onto Church Road. A dedicated right hand turn lane on the southbound approach to the site would be provided with a 'ghost island' approach and associated pedestrian refuges to either side. A continuous 2m wide footway would be introduced alongside the site's western boundary with Church Road. Visibility splays of 2.4m x 43m would be achieved in both directions at the junction of the site access with Church Road. Although access was a reserved matter for application 13/0674, the abovementioned access arrangements reflect those approved as part of a subsequent, separate full planning application for a staggered junction to provide access to land on the east and west sides of Church Road (application reference 16/0567).

The submitted layout includes a mix of detached, semi-detached and terraced houses providing a mix of 22 x 2 bed; 89 x 3 bed; 40 x 4 bed; and 19 x 5 bed dwellings across 20 different house types. Dwellings would be arranged to address highway frontages onto Church Road, the main spine road running in a westerly direction through the centre of the site and a network of individual cul-de-sacs branching in northerly and southerly directions off the spine road. Dwellings to the northern and western fringes of the site would also be orientated with an outward facing aspect with their front elevations overlooking adjoining open fields.

The spine road would have a tree lined verge to its northern flank, with this mirrored by garden

frontages to its southern edge. This garden-fronted aspect would be continued onto neighbouring cul-de-sacs by following consistent building lines throughout the development, including side gardens on corner plots. Boundary treatments to corner plots would be set back from the roadside in line with principal building elevations and would comprise brick walls. While a group of existing trees fronting onto Church Road to the northeast corner of the site are to be removed in order to facilitate access, those to the southeast corner (east and south of BEF) are to be retained, as are existing smaller trees and hedgerows bordering dwellings on Fir Grove, and alongside the western boundary with adjoining fields. An undulating buffer of new tree planting is to be introduced alongside the northern site boundary, with this interrupted only by two separate field accesses off the estate cul-de-sacs. Linear belts of new/supplementary tree planting are also proposed alongside shared boundaries with existing dwellings on Beech Avenue and Fir Grove to the south.

Aside from incidental landscaping to communal areas and gardens, a total of *circa* 6125sqm of open space is to be provided as part of the scheme. This is divided into two areas: (i) an L-shaped parcel of approximately 1465sqm occupying a broadly central location and including a children's play area; (ii) a U-shaped buffer of approximately 4660sqm flanking the southwestern edge of the site providing a buffer with adjoining fields, Riversleigh Way and Fir Grove. The open space in (ii) would also incorporate surface water attenuation ponds and swales, along with a foul water pumping station to the west of the turning head on Fir Grove. The application also includes provision for a 3.5m wide shared footpath/cycle link to connect with the Riversleigh Way development to the southwest corner.

With the exception of a 'true' bungalow at plot 145 (rear of nos. 2 & 4 Fir Grove), all the proposed dwellings are two storeys in height. Materials are to include a mix of four differing facing red bricks spread across the site. A combination of red, light and dark grey roof tiles would be used to add variety and break up individual streets.

Whilst the provision of affordable housing is dealt with principally through a planning condition attached to outline planning permission 13/0674, the layout identifies the size and location of 51 affordable dwellings (equating to 30% of the total). These include 21 x 2 bed and 30 x 3 bed dwellings located in three groups to the eastern, northwest and southwest areas of the site.

Amended plans were submitted on 13.09.18. These plans included minor alterations to the siting of dwellings on plots 162 & 163 (bordering nos. 75-81 Beech Avenue) and of some internal corner plots, clarification regarding the retention of existing trees around BEF and alterations to the siting and type of boundary treatments to corner plots within the site. Further minor amendments have been made to the design of the internal highway layout at the request of the Local Highway Authority, though these changes have not materially altered the reserved matters parameters as shown on the revised plans submitted on 13.09.18. The application is to be assessed in accordance with the details shown on the latest amended plans.

Relevant Planning History

Application No.	Development	Decision	Date
18/0727	NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 17/0129 FOR REVISIONS TO ELEVATIONAL TREATMENT MATERIALS ON ALL HOUSE TYPES	Granted	15/10/2018
18/0531	APPLICATION TO DISCHARGE CONDITIONS 10 (BIODIVERSITY SCHEME) AND 12 (GREAT	Advice Issued	27/07/2018

	CRESTED NEWT SURVEY) OF PLANNING PERMISSION 13/0674		
18/0360	APPLICATION TO DISCHARGE CONDITION 9 (AFFORDABLE HOUSING STATEMENT) OF PLANNING PERMISSION 13/0674	Advice Issued	14/09/2018
18/0285	APPLICATION TO DISCHARGE CONDITIONS 2 (PHASING), 4 (MATERIALS), 5 (BOUNDARY TREATMENTS), 6 (PUMP STATION DESIGN), 8 (HARD LANDSCAPING), 10 (OPEN SPACE MAINTENANCE), 11 (ABORICULTURAL METHOD STATEMENT) AND 12 (TREE/HEDGEROW PROTECTION) OF PLANNING PERMISSION 17/0129	Advice Issued	16/08/2018
18/0113	APPLICATION TO DISCHARGE CONDITIONS 5 (PHASING), 14 (EXTERNAL LIGHTING), 22 (FOUL DRAINAGE), 23 (CONTAMINATION) AND 24 (CONSTRUCTION METHOD STATEMENT) OF PLANNING PERMISSION 13/0674	Advice Issued	03/08/2018
18/0015	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 13/0674 CONDITION 10 (BIODIVERSITY) 12 (GREAT CRESTED NEWTS) AND CONDITION 15 (WATER COURSE BUFFER)	Advice Issued	29/01/2018
17/0875	APPLICATION TO DISCHARGE CONDITIONS 20 (TRAVEL PLAN) AND 21 (SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 13/0674	Advice Issued	30/05/2018
17/0129	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS (ACCESS, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE) FOR THE ERECTION OF 333 NO. DWELLINGHOUSES AND ASSOCIATED GARAGES PURSUANT TO OUTLINE PLANNING PERMISSION 13/0674	Granted	05/03/2018
17/0093	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS TO PLANNING PERMISSION 13/0674 - CONDITION 7 (TREE PROTECTION PLAN), CONDITION 10 (BAT, BADGER AND BIRD REPORT), CONDITION 11 (WATER VOLE SURVEY), CONDITION 12 (GREAT CRESTED NEWT SURVEY), CONDITION 15 (GREEN INFRASTRUCTURE SCHEME)	Advice Issued	31/10/2017
16/0860	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0674 TO AMEND THE WORDING OF CONDITIONS 21 AND 22 RELATING TO SURFACE AND FOUL WATER DRAINAGE	Granted	01/02/2017
16/0567	PROPOSED FORMATION OF STAGGERED ACCESS JUNCTION TO SERVE RESIDENTIAL DEVELOPMENT AT BOTH SIDES OF CHURCH ROAD APPROVED UNDER OUTLINE APPLICATION 13/0674	Granted	20/02/2017
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Appeal against non-determination	11/04/2014

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0674	OUTLINE APPLICATION FOR ERECTION OF UP TO 360 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (WITH ALL MATTERS RESERVED)	Allowed	24/09/2015

Parish/Town Council Observations

Bryning with Warton Parish Council – Notified of the application on 24.07.18 and again on 13.09.18 following the receipt of amended plans. Comments from the Parish Council received on 17.08.18 state as follows:

- The Parish Council is mindful that the site already has outline planning permission, that the previous Reserved Matters scheme submitted on behalf of Miller Homes was approved and that this new application is broadly in line with that. Nevertheless, the Parish Council still has significant reservations with any scheme that does not address the long-held views and opinion of the Parish Council and the community it represents, which are repeated below.
- **Overlooking concerns** – Miller's refusal to build more bungalows along the Beech Road boundary was one of the biggest concerns. Whilst the removal of 2.5 storey homes from the new application is welcomed, members remain concerned about the potential for overlooking despite the assurances provided about minimum distance of 25m. The previous Reserved Matters has restrictions on occupiers seeking to go into a 3rd storey. The Parish Council would seek that planning condition apply to this new application.
- **Housing mix and design** – The applicant is insisting that the design is "wholly in keeping with its surroundings and is sensitive to neighbouring properties". The Parish Council strongly dispute this claim and believe that circumstances have significantly changed to support this case. When the Outline Planning application for the entirety of the Blackfield development was considered, planning officers sought to justify the absence of single storey dwellings (bungalows) from the overall scheme by virtue of the fact that the overall development was bounded by more 2 storey properties than single storey. That has now changed: (i) the existing, neighbouring boundary consists of 16 single story properties (bungalows) and 4 houses; (ii) the proposed development on this same boundary has 1 (one) single storey and 18 two storey. This is neither in keeping with or sensitive to its surrounding or neighbouring properties.
- **Highways** – The Parish Council repeats its previously expressed concerns regarding highway safety, namely: (i) we believe that the positioning of the two bus stops on Church Road conflicts with NPPF guidance about ensuring the safe and effective operation of the public highway; (ii) the resistance to the request to extend the 20mph zone on Church Road. The arguments are well documented. But it has also since come to light that LCC suggested planning conditions should be attached to the Outline Application that included a review and possible extension of the 20mph limit. This was not done. So, members repeat the request that FBC support and pursue these issues with LCC.
- **Landscaping** – The developer states that "a significant buffer has also been provided to North, South and Western boundaries". Members welcome retention of existing trees, shrubs and hedgerow on the western boundary but there is no landscape buffer for those existing properties on Beech Avenue. Under the terms of the existing Reserved Matters for this site, FBC agreed landscaping of the site and the additional planting to the southern boundary adjacent to dwellings on Beech Avenue. It is not absolutely clear if this has been carried forward in this new application scheme. The Parish Council's view is that all existing trees, shrubs and hedgerow should be retained and supplemented by new native species to create a landscape buffer for Beech Avenue and Fir Grove residents that mitigate the new

development.

- Again, under the terms of the existing Reserved Matters for this site, FBC agreed that maintenance of communal landscape area, including verges, would be passed to the developer and likely undertaken by a maintenance company. The Parish Council wish confirmation that this agreement is being taken forward in this new application.
- Likewise, arising out of Reserved Matters discussions and agreements, FBC confirmed they were willing to accept licensing of trees within the service strip in the short term in order to ensure the development can be adopted by the Highway Authority, in other words, FBC gave assurance to the Highway Authority for responsibility of trees within any verges. The Parish Council wish confirmation that this agreement is also being taken forward in this new application.
- **Other matters** – The Parish Council need to understand if and how the planning condition for the triggering of the junction improvements at Lytham Road/Church Road/Highgate Lane is impacted by having two developers. Likewise, the Parish Council need to understand if and how the planning conditions for the highway improvement scheme at Church Road are impacted by having two developers.
- The Parish's Neighbourhood Development Plan is supposed to provide the community of Bryning with Warton with a stronger voice in these matters, including engagement with developers at the earliest opportunity. That facility has not been offered to date with this new applicant. The Parish Council request that the Fylde Borough Council planning Authority do everything within their power to ensure this applicant engages with us at the earliest opportunity and through all phases.

Statutory Consultees and Observations of Other Interested Parties

Local Highway Authority (LHA) – LCC Highways: Final comments received 17.10.18 as follows:

- The current planning application is concerned with the internal layout of the site only and the site access and impact on the surrounding highway infrastructure has already been dealt with through previous applications/appeals.
- The 3.5m wide cycle way to the south of plots 112 is acceptable. The footpath links around plots 16, 49 and the side of plot 49 will be accessed off private roads and a condition / covenant will be require to ensure access is not denied by the owners of the private road.
- The continuation of the carriageway to the site boundary near plot 85 is acceptable.
- The following changes are recommended to bring the highway layout up to adoptable standards: (i) any bus stop locations within the site should be clarified, along with provision for bus turning facilities within the site; (ii) The footpath links around plots 16, 49 and the side of plot 49 will be accessed off private roads and a condition / covenant will be require to ensure access is not denied by the owners of the private road.
- Conditions are recommended with respect to: (i) the construction of the new estate road to LCC's specification for adoption; (ii) provision of turning spaces for vehicles to enter and exit onto the highway in forward gear; (iii) driveway levels for plots fronting onto Church Road; (iv) phasing of the estate road construction and provision for their completion prior to first occupation of each dwelling served by it; (v) arrangements for future management and maintenance of the estate road prior to adoption; (vi) constructional details for the streets to be adopted; (vii) private car parking to be provided prior to first occupation; (viii) retention of garages for parking; (ix) A scheme for the continuation of the artery road to the site boundary adjacent plot 85; (x) hard surfacing of the access into the site for a distance of 5m prior to access for vehicular purposes; (xi) provision for gates not to open over the highway.

School Planning Team:

- In line with the S106 for outline permission 13/0674, dated 31/07/2015, the owner is to inform LCC within 20 working days following RM approval to enable LCC to calculate the Primary Education contribution. LCC have recently provided the RM assessment on the full site as part of application 17/0129.

Tree Officer:

- The landscape masterplan includes a commitment to introduce a woodland buffer to the north and west of the site. The size, species and siting of trees and shrubs within these buffers and throughout the site is considered appropriate.
- The retention of existing trees around BEF has been clarified. A planning condition should be imposed requiring those trees identified for retention to be protected and maintained.

Neighbour Observations

Neighbours notified:	24 July 2018
Site notice posted:	15 August 2018
Press notice:	2 August 2018
Amended plans notified:	13 September 2018 (21 day re-consultation to selected neighbours)
No. Of Responses Received:	9
Nature of comments made:	9 objections

The appropriate neighbouring properties were notified of the application by letter on 24.07.18. Additional letters were sent out to selected neighbours (nos. 75-91 Beech Avenue & no. 75 Church Road) on 13.09.18 following the receipt of amended plans which have a direct implications for those neighbouring dwellings, and allowing an additional 21 day period for comments on the revised plans. In addition, as the application involves major development notices have been posted on site and in the local press. A total of eight letters have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- The development will result in the loss of an attractive piece of land when there is no need for additional housing in the area given that properties remain unsold on other recent developments nearby.

Housing scale and mix:

- The proposed housing mix is out of character with and not sensitive to neighbouring dwellings. There is still only 1 bungalow in the whole scheme despite the fact that virtually all adjoining properties on Beech Avenue and Fir Grove are bungalows.
- All plots that back onto existing properties along Beech Avenue and Fir Grove should be designed as bungalows.

Amenity impacts:

- The proposed 'minimum distance' between new and existing properties may well be deemed adequate from a planning perspective but is in no way sensitive to current occupiers of the bungalows on Beech Ave and Fir Grove due to the difference in scale between the two groups of dwellings. The two storey dwellings bordering existing houses will have a dominant and oppressive impact on existing residents in the bungalows and will result in a loss of privacy.
- The submitted plans do not show an equal degree of separation between the proposed dwellings and existing houses on Beech Avenue. Plots 162 and 163 step out from the building line of other houses to provide a greater degree of spacing with no. 79 Beech

Avenue but this is not shown for all other houses. The plans should be amended to show a consistent degree of separation for all houses that back onto Beech Avenue in order that all existing occupiers are affected equally.

- Unlike the original plans from July, the amended plans submitted in September and the separation distances shown do not take into account the presence of conservatories to the rear of nos. 79 and 81 Beech Avenue. The original plans showed a greater degree of separation between plots 162/163 and the conservatory at no. 79 Beech Avenue which has not been carried through to the amended plans as the conservatory to the rear of no. 79 is no longer shown. As neighbouring occupiers spend a significant amount of time in their conservatories, an extra allowance should be made to allow a greater degree of separation between the proposed dwellings and neighbour's conservatories.
- The proximity of the bungalow on plot 145 to neighbouring dwellings on Fir Grove should be mitigated by the introduction of planting within the rear garden of this plot in order to screen it. A gap filled by landscaping should also be left between the existing and proposed dwellings in order to minimise the potential for any damage to existing properties.

Landscaping:

- The developer refers to a significant landscaping buffer to the northern, southern and western site boundaries. However, there does not appear to be any such buffer between the development and existing dwellings bordering the site on Beech Avenue and Fir Grove, along with little or no retention of the trees and hedgerows that currently back onto those properties. All existing trees, shrubs and hedgerows along the boundary with existing dwellings should be retained and supplemented by additional native planting within the rear gardens of the new properties.
- It is unclear from the plans whether the group of mature trees at the rear of properties on Beech Avenue are to be retained or removed as part of the development. The trees should, however, be retained as they are healthy, mature specimens that contribute to the character of the area, provide a habitat for wildlife and would increase privacy for existing occupiers once the two storey dwellings are built behind existing bungalows. A Tree Preservation Order should be made in respect of these trees.

Highways:

- The road where the entrance to the site would be is a small road located on a blind bend. This development will increase the likelihood of accidents occurring on Church Road, especially when considered in combination with the increase in traffic arising from it and traffic visiting BAE.
- As part of the appeal on the outline application, the appellant suggested that this site would create a linkage for vehicle traffic with the Riversleigh development in order to ease the pressure on the Church Road/Lytham Road junction. However, no such provision is made as part of this application.
- The bus stops proposed on Church Road are in a dangerous location that would increase the risk of collisions and traffic congestion on this part of the highway. These stops should be relocated within the development as discussed as the appeal concerning the outline permission.
- While the application indicates that there will be only one access point onto Church Road it is apparent that a second access is proposed for plots 168-170. This is not in accordance with what was allowed by the appeal.
- It is unclear whether garages on the development are of a sufficient size to accommodate off-street parking.
- The development fails to make provision for electric vehicle charging points.

Drainage:

- There is the potential for the development to create additional surface water runoff that would affect the gardens of neighbouring dwellings on Beech Avenue.
- Flood risk in the area will also be increased if surface water from the development is fed into Wrea Brook as this is subject to overtopping in high tides. It is unclear whether appropriate technical solutions have been put in place to address this.
- There is a watercourse within the site to the north of no. 75 Church Road which is functional. The plans do not clarify how this is to be accommodated as part of the development.
- The location of the pumping station in close proximity to existing dwellings on Fir Grove will have an adverse impact on those neighbouring occupiers due to noise generated by it.

Other matters:

- With so many houses being built in the area, there will be a shortage of places at both primary schools and high schools in the area.
- The development on the west side of Church Road should not be allowed to be carried out at the same time as that already underway on the east side of Church Road. Construction vehicles queuing on Church Road to enter the eastern site has already caused road safety hazards and these effects will be exacerbated if two developers are on site at the same time.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Planning Inspectorate issued a letter to the Council on 18th September 2018 confirming that the Fylde Council Local Plan to 2032 (as modified) is sound. Specifically, the Local Plan Inspector confirms at paragraph 216 of her report “that with the recommended main modifications set out in the Appendix the Fylde Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.”

The Fylde Local Plan to 2032 (the ‘FLP’) was formally adopted by the Council at its meeting on Monday 22 October 2018 and, accordingly, has replaced the Fylde Borough Local Plan (As Altered) 2005 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In addition, as the site falls within the Bryning with Warton Neighbourhood Development Plan (BWNP) boundary, the BWNP also forms part of the adopted development plan in this case.

Fylde Local Plan to 2032 (FLP):

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL3	Warton Strategic Location for Development
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Bryning with Warton Neighbourhood Development Plan (BWNP):

BWNE1 – Protecting and Enhancing Local Wildlife and Habitats

BWNE2 – Protecting and Enhancing Local Character and Landscape

BWNE3 – Design to Reduce Surface Water Run Off

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within Green Belt

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does exceed the threshold in Column 2 of the table relating to category 10(b) developments. However, outline application 13/0674 was not EIA development and, accordingly, this application for approval of reserved matters is not EIA development.

Comment and Analysis

Policy context and main issues:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in paragraph 2 of the NPPF. The statutory development plan for Fylde comprises the Fylde Local Plan to 2032.

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- approving development proposals that accord with and up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (d) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (e) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

As the application seeks approval for reserved matters pursuant to extant outline planning

permission 13/0674 (though all matters were reserved as part of that application), issues concerning the principle of development have already been assessed and cannot be revisited at this stage. Instead, the main issues concerning this application relate to the specific impacts of the development's access, layout, scale, appearance and landscaping, having particular regard to:

- (i) Its compliance with the conditions and parameters associated with outline planning permission 13/0674 and how the proposal compares to extant reserved matters approval 17/0129 with respect to each of the reserved matters applied for.
- (ii) Its effects on the character and appearance of the area.
 - 1. Its impact on the amenity of surrounding occupiers.
 - 2. Its effects on highway safety.
 - 3. Other matters relating to the mix of dwellings provided, the distribution of affordable housing and the provision of open space for future occupiers.

It should also be noted that the proposed access arrangements into the site have been approved pursuant to a separate full planning permission (application 16/0567) for staggered junction onto Church Road in tandem with the development on land to the east of BEF. In addition, there is an extant reserved matters approval for 172 dwellings on the site of this application (17/0129). Accordingly, these extant permissions are important material considerations which set the context for the assessment of this application.

Implications of extant permissions:

Compliance with outline permission 13/0674:

Outline planning permission 13/0674 was granted at appeal (reference APP/M2325/A/14/2217060) subject to 24 conditions. As the outline permission relates to two separate land parcels on either side of Church Road, some of those conditions are specific to the site east of BEF and, accordingly, have little relevance to this site. Instead, conditions 1, 4, 6 and 8 of planning permission 13/0674 are of direct relevance to this application for approval of reserved matters as follows:

Condition 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."

The submitted layout is consistent with the details shown on illustrative masterplan 013-006-P008 Rev K with respect to the internal highway layout, the general positioning and grouping of dwellings and the location of landscaped buffers and open space. In addition, it is noted that the submitted layout is substantially in accordance with that permitted as part of Miller Homes' reserved matters approval 17/0129 and, accordingly, this development layout has already been deemed acceptable by the Local Planning Authority.

With respect to the access arrangements mentioned in the latter part of the condition these have, in effect, been superseded by the granting of a separate, full planning permission for a staggered junction on Church Road to serve both the eastern and western sites (16/0567). The details of the access to the site from Church Road shown on the submitted plans are in accordance with those approved under application 16/0567 and are also the same as those shown as part of application

17/0129.

Given the above, the proposal is not in conflict with the requirements of condition 1 of planning permission 13/0674.

Condition 4:

“The development hereby permitted shall be carried out in accordance with the approved location plan ref 013-006-P001 Rev B.”

The plan referred to in the condition is the site location plan which shows the boundary of the development site edged red. The location plan submitted with this application (drawing no. SK275/LP/101 Rev A) shows the same red line boundary as drawing no. 013-006-P001 Rev B and, accordingly, there is no conflict between this submission and condition 4 of planning permission 13/0674.

Condition 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.”

The current proposal, with the exception of a single bungalow at plot 145, involves a development comprising exclusively two storey dwellings. These dwellings include a mix of 22 x 2 bed; 89 x 3 bed; 40 x 4 bed; and 19 x 5 bed dwellings across 20 different house types and, accordingly provide a range of scales and designs which do not exceed 2.5 storeys in height.

In respect of public open space, a total of *circa* 6125sqm of open space (including a children’s play area) is to be provided as part of the scheme in two main areas. The proposed level of provision reflects the quantum, layout and siting of the open space permitted as part of reserved matters approval 17/0129.

Given the above, the proposal is not in conflict with the requirements of condition 6 of the outline permission.

Condition 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.”

The part of the site designated as Green Belt (a rectangular parcel to the northeast corner) is shown on illustrative masterplan 013-006-P008 Rev K to the outline permission and is identified in reserved matters approval 17/0129 and in this submission. The application includes the introduction of a field access into the Green Belt land and a dense buffer of landscaping alongside the northern site boundary (including a section within the Green Belt). Neither of these components would alter the open character of the Green Belt land and, accordingly, would not conflict with the requirements of condition 8 of planning permission 13/0674.

Comparison with reserved matters approval 17/0129:

This application follows Miller Homes' reserved matters approval (17/0129) for 172 dwellings on the same parcel of land. Although the current submission by Stewart Milne Homes is substantially in accordance with Miller's reserved matters approval with respect to the development layout, there are some differences between the consented and proposed schemes, the main elements of which are summarised as follows:

4. The proposed development involves two fewer dwellings than were permitted by application 17/0129.
5. Reserved matters approval 17/0129 included a total of 36 plots on the western site comprising 2.5 storey house types with dormer windows in their front elevations. In contrast, this proposal is for a development of exclusively 2 storey dwellings (with the exception of a single bungalow on plot 145) whose eaves and ridge heights are, as a minimum, 0.3m and 1.7m lower than the 2.5 storey dwellings approved along the southern site boundary with adjacent dwellings on Beech Road. In addition, none of the dwellings forming part of this application include dormer windows.
- Roadside verge trees to the northern flank of the main spine road have been repositioned to be set back behind (rather than in front of) the footway in order to improve visibility splays for vehicles existing nearby cul-de-sacs and driveways.
- Changes are apparent between the siting of individual dwellings within their plots and their external appearance as a result of Stewart Milne's differing house types.

Reserved matters approval 17/0129 was granted on 5 March 2018 and has been implemented on the eastern parcel and so is now extant and this western parcel could be implemented at any time on the future. Accordingly, reserved matters approval 17/0129 represents an established fallback position and is an important material consideration in the determination of this application.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 15 guiding principles (a – o). Criteria (a), (b), (d), (g), (h), (i), (k) and (l) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Promoting community cohesion by delivering active street frontages which bring together all those who live, work and play in the vicinity.
- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible

pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

FLP policy ENV1 requires that development has regard to its visual impact within its landscape context and the landscape type in which it is situated. Criteria (a) to (e) of the policy require developments to conserve and enhance landscaped areas and features by introducing and strengthening landscaped buffers in order to limit a development's visual impact.

In addition, BWNP policy BWNE2 states that development proposals should demonstrate good design, respect local character and where possible, reinforce local distinctiveness.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 129 of the Framework indicates that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development, including design advice and review arrangements, and through the use of assessment frameworks such as Building for Life.

Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Layout, scale, appearance and landscaping:

The development layout follows the principles established under outline permission 13/0674 and reserved matters approval 17/0129 with respect to the siting of housing to address the highway network by fronting onto Church Road, a linear spine road running in a westerly direction off Church Road and residential cul-de-sacs branching off this main route in northerly and southerly directions as the site widens.

An L-shaped group of dwellings would be located alongside the built-up fringes of the site, with gardens bordering existing properties to the south and east, which would transition into dwellings with an outward facing aspect overlooking the woodland buffer with Riversleigh Way to the south and open fields to the west and north. Where dwellings are orientated to have an outward facing aspect across surrounding land, they would be set back behind a combination of private drives, new planting and/or attenuation ponds/planted verges to provide a buffer with adjoining open land (including that within the Green Belt to the north).

The layout of the dwellings would ensure that a spacious, garden-fronted aspect is achieved in roadside locations with dual aspect dwellings on corner plots providing active elevations to two highway frontages through the use of well-proportioned windows and protruding features. Boundary treatments would be positioned in line with gable elevations, fronted by soft landscaping and, to corner plots where enclosures would be visible from the highway frontage, would comprise walls matching the facing brick of the respective dwellings.

With the exception of a single bungalow at plot 145 (northeast of nos. 2 and 4 Fir Grove), the remaining 169 dwellings would be two storeys in height and would include a mix of 2-5 bed houses comprising a combination of terraced, semi-detached and detached housing.

Elevational treatments to principal facades would comprise generous window proportions with fenestration arrangements following a regimented pattern and alignment that would ensure a degree of consistency and rhythm between house types across the development. Interest would be

added by protruding facing gables, porches, bay windows and catslide roofs. The principal facing material for the dwellings would be brickwork, with four different facing bricks ranging from light to dark red dispersed across the site. Short sections of render and tile cladding would also be used to add emphasis to protruding features on some house types, though this would form a secondary treatment. Window openings would be articulated by a combination of stone headers, sills and architraves, and cambered arches and soldier courses in contrasting brick. Roof treatments would comprise a mix of grey and red tiles.

The location of the site access onto Church Road and provision of a footway on the west side of the highway would necessitate the removal of existing roadside planting at and to the northwest of the development access. In contrast, larger specimens to the southeast of the access surrounding the retained farmhouse would be maintained, as would a cluster of four mature trees to the rear of nos. 83-91 Beech Avenue. Other scattered, low-level planting along the southern and eastern boundaries adjacent to remaining dwellings on Beech Avenue and Fir Grove would also be retained and supplemented by a continuous, linear buffer of tree planting. Wider planting buffers would be introduced around attenuation ponds to the southwest corner of the site and the western and northern perimeters. In addition a continuous, tree-lined verge would be introduced at the back edge of the footway along the northern flank of the main spine road and, in combination with landscaped open-plan garden frontages to the southern flank, would provide a tree-lined route through the centre of the site.

Open space within the development is to be provided in two main locations comprising: (i) an L-shaped parcel of approximately 1465sqm occupying a broadly central position and including a children's play area; (ii) a U-shaped buffer of approximately 4660sqm flanking the southwestern edge of the site providing a buffer with adjoining fields, Riversleigh Way and Fir Grove, which also includes surface water attenuation ponds and swales. The L-shaped area of open space which would also provide a play area would form a focal point to the centre of the development that would be fronted by neighbouring dwellings and this benefits from good natural surveillance. Similarly, the front facing orientation of dwellings over the U-shaped area of open space, including the pedestrian/cycle link to Riversleigh Way, would ensure that this provides a safe and open space for residents and an attractive pedestrian/cycle link with the Riversleigh development (which, in turn, merges with Lytham Road).

Neighbouring dwellings to the southeast of the site on Church Road and at the head of the cul-de-sac on Beech Avenue are two storeys in height. However, remaining dwellings bordering the site on Beech Avenue and Fir Grove include a mix of true and dormer bungalows. While objectors have raised concerns regarding the lack of bungalows on the development – especially those plots bordering existing single storey dwellings on Beech Avenue – the site's edge of settlement location means that the proposed housing will be viewed as a backdrop to, rather than amongst or as a continuation of, existing bungalows to the south when seen from these vantage points. The distinction between the two would be further emphasised by the introduction of landscaping to the site perimeter in order that the transition between bungalows on Beech Avenue/Fir Grove and two storey dwellings within the development would not appear unduly stark or imposing in the street scene. Indeed, such a transition is already apparent towards the head of the cul-de-sac of Beech Avenue where bungalows turn to two storey houses without any buffering being present.

Providing that appropriate spacing and buffering can be provided between dwellings (as discussed in the next section) there is no local or national policy or design requirement for bungalows on one estate to be bordered by single storey dwellings on another. For the reasons given above, it is not considered that the proposed relationship between existing bungalows on Beech Avenue and two storey dwellings on plots 146-170 of the development would result in an unsympathetic transition

that would adversely affect the character and appearance of the area. It should also be noted that the Miller Homes development approved under application 17/0129 included the siting of 2.5 storey house types throughout the development, including alongside the southern boundary with bungalows on Beech Avenue. The lower height of the two storey dwellings proposed by this application would be of benefit in this regard.

The layout, scale, appearance and landscaping of the development would follow the design principles established by the previous outline and reserved matters approvals and would be compatible with the density and character of surrounding development while ensuring a sympathetic visual aspect and buffer of landscaping to surrounding vantage points on the site's rural fringe. The siting, character and treatment of open spaces and connecting routes with other sites would also minimise opportunities for crime. For the reasons given above, the development is considered to demonstrate compliance with the principles of good design set out in FLP policies GD7 and ENV1, BWNP policy BWNE2 and the NPPF.

Impact on amenity:

FLP policy GD7 (c) requires that development proposals facilitate good design by "ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed". In addition, criterion (o) states that "all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents."

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

Existing occupiers:

The southern and eastern boundaries of the site are bordered by dwellings on Church Road, Beech Avenue and Fir Grove. While those on Church Road and around the head of the cul-de-sac of Beech Avenue are two storeys in height and have a side/rear facing aspect to the site, other dwellings on Beech Avenue that back onto the site (nos. 61-83) include a mix of true and dormer bungalows and this building height is continued in respect of properties on Fir Grove. Objectors have raised concerns regarding the differences in scale between the existing bungalows and proposed two storey dwellings with respect to the potential for the taller dwellings on the development to have a dominant, oppressive and overbearing impact on current occupiers by reason of overshadowing, loss of outlook and overlooking.

It is recognised that the outlook from neighbouring dwellings to the south who presently have open views over the field will change significantly as a result of the development. This is, however, the case with all edge-of-settlement expansions onto greenfield sites and does not automatically result in adverse amenity impacts. The illustrative masterplan to outline permission 13/0674 identifies the siting of dwellings in a back-to-back relationship with properties on Beech Avenue. Although the outline permission did not include details of scale, reserved matters approval 17/0129 permits the siting of 2-2.5 storey dwellings in a back-to-back arrangement with neighbouring bungalows at nos. 61-83 Beech Avenue over a minimum spacing distance of 25m (rising to 26.5m in respect of the 2.5 storey house types). With respect to dwellings on Fir Grove, Miller's layout included a detached bungalow on plot 306 immediately to the rear of nos. 2 and 4 (though the dwelling itself was offset

to the northwest).

In terms of this application, the layout proposes the following approximate minimum separation distances between the existing and proposed dwellings:

- 5m between the side elevation of plot 169 and the corresponding side elevation of no. 75 Church Road (though this distance is with the garage of the proposed dwelling, the house itself being offset further to the northwest).
- 25.3m between the corresponding rear elevations of two storey dwellings on plots 146-165 and bungalows at nos. 61 - 83 Beech Avenue.
- 11m between the rear of no. 4 Fir Grove and the offset rear elevation of the bungalow at plot 145.

A sectional drawing provided between plot 162 and no. 79 Beech Avenue shows no perceptible change in levels between the existing and proposed dwellings and a difference of 2.7m for comparative building eaves and ridge heights. In terms of screening, the submitted landscaping drawings clarify that four existing mature trees to the rear of nos. 83-91 Beech Avenue are to be retained, with lower level scattered planting along the remaining border with neighbouring dwellings (where present) to be maintained and strengthened by a continuous buffer of new planting.

With reference to the spacing distances set out above, it is apparent that the dwellings proposed along the shared boundary with Beech Avenue and Fir Grove as part of this scheme would achieve a slightly greater degree of separation with neighbouring bungalows than was the case as part of application 17/0129. In addition, the two storey dwellings proposed as part of this application would have lower eaves (by a minimum of 0.3m) and ridge (by a minimum of 1.7m) heights in comparison to the 2.5 storey house types approved on 7 plots along the same boundary as part of the Miller Homes scheme and the proposed dwellings would occupy a northerly/westerly aspect in relation to adjacent bungalows. When these factors are considered in combination with the landscaping buffer to be retained and/or introduced along this boundary, the proposed development would have a lesser impact on the privacy and amenity of adjoining occupiers in comparison to the scheme permitted as part of reserved matters approval 17/0129. Accordingly, the scale, layout, appearance and landscaping of the proposed development would have no undue effects on neighbouring residents by reason of overshadowing, overlooking or loss of outlook.

Objections have been received concerning the development's failure to take into account the presence of conservatories to the rear of nos. 79 and 81 Beech Avenue when assessing the spacing in relation to the rear elevations of dwellings proposed on plots 162-164. Notwithstanding that the conservatories to the rear of nos. 79 and 81 Beech Avenue are not original features, the level of spacing achieved in this submission, and the nature of the house types proposed on plots 162-164 must be considered in comparison to the arrangement approved as part of reserved matters 17/0129.

Reserved matters approval 17/0129 shows a separation distance of 26.5m between the original rear elevation of no. 79 Beech Avenue (i.e. without the conservatory) and a row of three 2.5 storey dwellings on plots 324-326. In comparison, this scheme proposes a separation of 26.3m (some 0.2m less) between the rear of plot 163 and the original rear elevation of no. 79 Beech Avenue (without the conservatory), but the two storey house type proposed on plot 163 is 0.3m lower to eaves and 1.7m lower to ridge in comparison to the 2.5 storey dwellings approved in the same location under application 17/0129. With respect to no. 81 Beech Avenue, the spacing between the original rear elevation (without the conservatory) of this dwelling and the two storey house type behind has

increased by 0.3m from 25m approved under application 17/0129 to 25.3m as now proposed with plot 164. Both schemes include the provision of a linear buffer of tree planting along the shared boundary to provide screening to the rear of properties on Beech Avenue.

Given the above, it is considered that the scheme proposed by this application will have a reduced impact on the privacy and amenity of adjoining occupiers on Beech Avenue in comparison to extant reserved matters approval 17/0129 which could be implemented without delay. While the original plans showed a greater degree of separation between the rear of plots 162/163 and no. 79 Beech Avenue, this caused plots 162/163 to step out from the otherwise consistent building line to the front of the main estate road and, accordingly, would have resulted in an unacceptable narrowing of the estate road with these two plots being set forward some 2.5m of all other dwellings facing onto the same route. Accordingly, the plans were amended to align plots 162/163 with the front elevations of other dwellings opening onto the estate road in order to improve the scheme's design.

Future occupiers:

Separation distances between two storey dwellings within the development would be slightly less than those achieved with neighbouring bungalows owing to the lack of difference in building scale. Nevertheless, the level of spacing between the proposed dwellings, combined with boundary treatments to their garden areas, would ensure appropriate levels of privacy and amenity for future occupiers. Where side-facing windows are proposed to corner plots there would be defensible space between these openings and the roadside in the form of side gardens in order that these windows are not unduly exposed to the roadside. In addition, there are no unique, site-specific effects associated with surrounding land uses that would generate unacceptable nuisances to future occupiers in terms of noise or odour.

Highways:

Criteria (j), (p), (q) and (r) of FLP policy GD7 state that developments should achieve good design by:

- Ensuring parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

FLP policy T4 requires that developments enhance provision for sustainable transport choices by promoting travel by modes other than private car, including encouraging walking and cycling through the provision of additional footpaths and cycleways.

FLP policy T5 indicates that "car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned." Policy T5 states that, in 2019, "the Council will prepare a Supplementary Planning Document (SPD) on

parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”.

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Paragraph 105 of the NPPF sets out the factors that LPA’s should take into account when setting local parking standards for residential and non-residential development, with paragraph 106 indicating that “maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.”

While access is a matter applied for as part of this application, the means of access into the site has already been approved pursuant to a separate full planning permission for a new priority (give way) junction onto Church Road with a 2.4m x 43m visibility splay in both directions by full planning permission 16/0567. The access arrangement permitted by planning permission 16/0567 included a staggered junction to serve both sites on the east and west sides of Church Road with associated ghost island turning lanes, pedestrian refuges, bus stops, carriageway widening and a new footway on the west side of Church Road on both sides of the access into this site. Similarly, highway capacity issues were assessed and found to be acceptable as part of outline application 13/0674 (and, subsequently, appeal reference APP/M2325/A/14/2217060).

As the proposed access arrangements into the site from Church Road have already been approved pursuant to planning permission 16/0567 and are consistent with those permitted as part of reserved matters approval 17/0129, a safe and suitable means of access to the site will be achieved as part of the development. Accordingly, the Local Highway Authority’s (LHA) comments relate only to the internal highway layout. Amended plans were submitted in October to address a number of observations from the LHA concerning the internal road layout, connections with adjacent sites and potential S38 adoption issues.

Aside from seeking confirmation of the locations of bus stops and bus turning facilities within the site (should they be provided there, rather than on Church Road, pursuant to condition 18 of the outline permission), the updated response from the LHA dated 17.10.18 indicates their support for the scheme subject to the imposition of appropriate planning conditions. One of these requests that a condition is imposed to withdraw permitted development rights for the conversion of garages to additional living accommodation. However, as the LHA acknowledge that all dwellings would include in-curtilage parking provision on driveways in accordance with the standards set out in the Joint Lancashire Structure Plan (albeit that this document is dated and does not strictly conform to the requirements of the 2018 NPPF), dwellings with garages do not rely on garage parking in order to provide the level of parking provision required. Therefore, it is not considered expedient to impose a

condition withdrawing permitted development rights for conversion of garages to additional living accommodation as the NPPG advises that conditions withdrawing permitted development rights should only be imposed in “exceptional circumstances” (paragraph 21a-017-20140306).

The 3.5m shared footway/cycleway connecting with Riversleigh Way to the southwest corner would provide permeability through the site for sustainable transport modes and provide a linkage between the site and the thoroughfare of Lytham Road. Conditions have been imposed relating to the design, construction and phasing for this route. The condition also requires details of how the use of this route by vehicular traffic is to be prevented.

The internal highway layout would ensure safe and suitable access and circulation arrangements for all road users and a suitable level of parking provision for the proposed dwellings in order that the development would not have any adverse effects on highway safety.

Other matters:

Housing mix:

FLP policy H2 requires developments to deliver “a broad mix of types and sizes of home, suitable for a broad range of age groups”. The policy states that “all developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1, 2 or 3 bedroom homes”. The proposed housing mix includes 22 two-bed and 89 three-bed homes, equating to 65% of the total. Accordingly, the proposed mix meets the requirements of FLP policy H2 with respect to the size of the proposed dwellings.

In addition to provisions concerning bedroom numbers, FLP policy H2 also requires that “at least 20% of homes within residential developments of 20 or more homes should be designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3(2a)) (wheelchair-adaptable dwellings), unless it is demonstrated that this would render the development unviable”. The applicant has not included any details to demonstrate that the scheme satisfies this requirement, nor is any case put forward that meeting this would make the scheme unviable. Accordingly, the requirements of policy H2 are not met with respect to the provision of specialist accommodation for the elderly. Nevertheless, it is not considered that permission could be refused due to the development’s failure to satisfy this aspect of FLP policy H2. This is because the outline permission – by virtue of it pre-dating the FLP – did not include a condition requiring the specific mix of housing identified in policy H2 to be delivered and such a requirement cannot be introduced at reserved matters stage. This principle has been established in recent case law and appeal decisions. In particular, paragraphs 18 and 19 of appeal decision APP/X2410/W/16/3163501 conclude as follows:

“Housing mix cannot reasonably be considered under the condition requiring, amongst other things, the submission of details of scale and appearance at reserved matters stage. I conclude that the conditions attached to [the] outline planning permission [...] do not require the agreement of an appropriate mix of housing at the reserved matters stage. Consequently, there is no need for me to consider whether the appeal proposal provides an appropriate mix of housing, having regard to the requirements of the Framework and the development plan.”

Therefore, in the absence of any condition on outline permission 13/0674 which requires the development to deliver the type and mix of housing identified in FLP policy H2, it is not considered that this application for approval of reserved matters is required to deliver the level of specialist accommodation for the elderly that would normally be required by FLP policy H2.

Affordable housing:

In accordance with the requirements of FLP policy H4, outline application 13/0674 includes a planning condition (no. 9) that requires the development to deliver 30% of the dwellings as affordable housing. The condition controls the mix (including the number, location, size and tenure) of the affordable housing units through a requirement to submit an Affordable Housing Scheme. Although matters relating to affordable housing provision are to be dealt with principally through the condition discharge process, this application for reserved matters includes details of the number, location and size of the affordable dwellings and so those matters are relevant to the assessment of the application.

The layout includes provision for 51 affordable dwellings in order that the quantitative requirement of 30% is met. These include a mix of 21 two-bed and 30 three-bed dwellings located in three clusters to the eastern (10), north-western (18) and south-western (23) areas of the site. In terms of tenure, a mix of affordable rented (13, or 26%), shared ownership (17, or 33%) and discounted market sale (21, or 41%) units are shown.

The affordable units would comprise a mix of semi-detached and terraced houses fronting onto both the main spine road and branching cul-de-sacs. Paragraph 26-040-20140306 of the NPPG states that “in well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site.”

The affordable units would be positioned between market dwellings on both sides of the main spine road and onto cul-de-sacs branching off it. The siting and mix of affordable dwellings is consistent with the details approved as part of reserved matters application 17/0129 and the proposed combination of tenures is in accordance with the split identified in Miller Homes’ affordable housing scheme approved as part of condition discharge application 18/0360 (though the tenure split in that scheme was across sites on both sides of Church Road).

As FLP policy H4 identifies a need for smaller (1, 2 and 3 bed) dwellings to enhance affordable housing provision, this is reflected in the dwelling size and mix shown on the layout. The affordable units would be constructed to the same specification and materials as the market housing and their distribution across the site would ensure that they are appropriately integrated with the market housing. Accordingly, the number, location, size, type and tenure of affordable dwellings shown as part of the application for approval of reserved matters are considered to be acceptable for the purposes of FLP policy H4.

Public open space:

FLP policy ENV4 states that, within new housing developments comprising 10 or more homes, the provision of amenity open space with facilities for children’s play will be required to the following minimum standards:

- 16 sq m per 1 bedroom home
- 24 sq m per 2 bedroom home
- 32 sq m per 3 bedroom home
- 40 sq m per 4 bedroom home
- 48 sq m per 5 bedroom home

Having regard to the above standard, the proposed mix of dwelling sizes would generate a

cumulative requirement for the delivery of 5,888 sqm of amenity open space on the site. The application is accompanied by a plan identifying areas of open space and a landscape buffer with a total area of 9,000 sqm. However, when areas of incidental landscaping to communal areas and gardens are deducted, a total of *circa* 6,125sqm of open space would be provided as part of the scheme. This is divided into two main areas: (i) an L-shaped parcel of approximately 1,465sqm occupying a broadly central location and including a children's play area; (ii) a U-shaped buffer of approximately 4,660sqm flanking the southwestern edge of the site providing a buffer with adjoining fields, Riversleigh Way and Fir Grove. The open space in (ii) would also incorporate surface water attenuation ponds and swales, along with a foul water pumping station to the west of the turning head on Fir Grove. The POS in (i) and (ii) would provide usable areas with recreational potential in order to satisfy the quantitative requirement in FLP policy ENV4.

The application also includes the provision of a children's play area to the southeast corner of the L-shaped open space mentioned in (i) above. The size of the play area would be sufficient to provide a Local Area for Play (LAP) in accordance with latest guidance from Fields in Trust – 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (October 2015) – which indicates, at Table 4, that LAPs should have minimum dimensions of 20m x 20m (a minimum activity zone of 100 sqm). The indicative size of the children's play area satisfies this size requirement and, when this provision is considered in combination with the same sized play area which is to be provided by Miller Homes on the site to the east of Church Road, it is considered that the proposed level of play provision is acceptable. Matters concerning the qualitative specification of the play area can be addressed through condition, as can future maintenance arrangements (for both the play area and informal POS).

Conditions:

Reserved matters approval 17/0129 was granted subject to 19 conditions. These conditions have, where relevant, been carried through to this approval. It is not, however, considered necessary to impose conditions 12 (tree/hedgerow protection) and 14 (working hours) of reserved matters approval 17/0129 as these matters are dealt with by conditions 7 and 24 of outline permission 13/0674 respectively and do not need to be duplicated here.

A Condition withdrawing permitted development rights for extensions to plots 145-168 is considered to be equally applicable to this scheme in order to safeguard the amenity of neighbouring dwellings to the south (though classes D and F of Schedule 2, Part 1 do not need to be mentioned for this purpose), but a condition relating to annotated interface distances would be superfluous as: (i) no such distances are marked on the submitted plans; and (ii) the requirement for the distances (which can be scaled off the plans) to be achieved is fundamental to condition 1 which requires the development to be constructed in accordance with the approved plans.

Other conditions have been reworded to reflect the specific implications of this application (as reserved matters approval 17/0129 related to sites on both sides of Church Road) and, where appropriate, amalgamated into a single condition.

Conclusions

The application relates to an irregularly-shaped parcel of open agricultural land extending to *circa* 7.05 hectares adjacent to Blackfield End Farm on the west side of Church Road, Warton. The site benefits from extant outline and reserved matters approvals pursuant to permissions 13/0674 (as allowed by recovered appeal APP/M2325/A/14/2217060) and 17/0129 respectively.

This application seeks approval for the reserved matters of access, layout, scale, appearance and landscaping pursuant to outline planning permission 13/0674 for a residential development of 170 dwellings including associated open space and other infrastructure. The proposal follows a successful application for approval of reserved matters submitted by Miller Homes (17/0129), where permission was granted for a residential development of 172 dwellings on the same parcel of land (333 in total across sites to the east and west of Church Road) on 5th March 2018. While this application is submitted in a similar form to reserved matters approval 17/0129 with respect to the access, layout and landscaping of the development, it is made by a different developer (Stewart Milne Homes) and so varies with respect to the scale and appearance of the proposed house types, along with there being a lesser number (by 2 units) and different mix of housing.

Access to the site would be via a new priority (give way) junction onto Church Road as approved by full planning permission 16/0567 (which included a staggered access junction for sites on both sides of Church Road) and would be consistent with the arrangement permitted as part of reserved matters approval 17/0129 in order to provide a safe and suitable means of access. Similarly, the development layout follows that approved as part of the Miller Homes scheme under application 17/0129, with dwellings being arranged around the same internal road layout comprising a main spine road and branching cul-de-sacs to the north and south of this route.

Dwellings to the eastern end of the site, including the retained house at Blackfield End Farm, would be orientated to address the Church Road frontage. The landscaping strategy would ensure a spacious, tree-lined frontage is maintained to Church Road and this continues along the main spine road through the development. Open spaces within the site would be located centrally (including a play area) in order that natural surveillance is optimised, or to the periphery of the site in order to provide a buffer with surrounding land uses and to accommodate Sustainable Drainage Systems.

With the exception of a bungalow at plot 145 (bordering nos. 2 and 4 Fir Grove), all dwellings would be two storeys in height and would provide a suitable mix of housing with respect to their size and bed spaces. The dwellings would incorporate a combination of materials and elevational treatments that would be sympathetic to the character of surrounding buildings while ensuring interest and consistency. The orientation and fenestration arrangements of dwellings – particularly those to corner plots – would achieve active frontages to existing and proposed highways. The number, type, size and distribution of affordable housing would also deliver a balanced mix of housing across the site.

The siting, configuration, orientation and spacing of the proposed dwellings, and the inclusion of landscaped buffers alongside neighbouring properties, would ensure that the development has no undue effects on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking, and would achieve appropriate standards of amenity for future occupiers.

Given the above, it is considered that the access, layout, scale, appearance and landscaping of the development is acceptable. No other adverse effects would arise that would significantly and demonstrably outweigh the development's benefits. Therefore, the proposal represents sustainable development in accordance with relevant adopted policies contained within the FLP and BWNP, and the provisions of the NPPF.

Recommendation

That Reserved Matters Approval be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Drawing no. SK275/LP/101 Rev A – Location plan.
- Drawing no. SK275/PL/101 Rev F – Planning layout.
- Drawing no. SK275/BT/101 Rev B – Boundary treatment.
- Drawing no. SK275/HLP/101 Rev B – Hard landscaping layout.
- Drawing no. SK275/AFH/101 Rev B – Affordable housing layout.
- Drawing no. SK275/MPB/101 Rev B – Brick schedule plan.
- Drawing no. SK275/MPRT/101 Rev B – Roof tiles plan.
- Drawing no. SK275/OSA/101 Rev B – Open space and landscape buffer.
- Drawing no. WAR1806_LM01 Rev B – Landscape masterplan sitewide.
- Drawing no. WAR1806_LM01 Rev B – Planting schedule and sheet layouts.
- Drawing no. WAR1806_PP01.1 Rev B – Planting plan sheet 1.
- Drawing no. WAR1806_PP01.2 Rev B – Planting plan sheet 2.
- Drawing no. WAR1806_PP01.3 Rev B – Planting plan sheet 3.
- Drawing no. WAR1806_PP01.4 Rev B – Planting plan sheet 4.
- Drawing no. WAR1806_PP01.5 Rev B – Planting plan sheet 5.
- Drawing no. WAR1806_PP01.6 Rev B – Planting plan sheet 6.
- Drawing nos. SK275/IND/83/101, SK275/IND/83/102 and W21-83-3ET/S-600 Rev A – Argyll house type.
- Drawing nos. SK275/IND/87/101 and W21-87-3ET/S-600 – Belvoir house type.
- Drawing nos. SK275/IND/89/101, SK275/IND/87/102 and W21-89-3ET-600 Rev A – Caplewood house type.
- Drawing nos. SK275/IND/100/101, SK275/IND/100/102 and W21-100-4D-600 – Carlton house type.
- Drawing nos. SK275/IND/88/101, SK275/IND/88/102 and W21-88-3D-600 – Castlevale house type.
- Drawing nos. SK275/IND/96/101, SK275/IND/96/102 and W21-96-3ET-600 Rev A – Castlewellan house type.
- Drawing nos. SK275/IND/95/101, SK275/IND/95/102 and W21-95-3D-600 Rev A – Corrywood house type.
- Drawing nos. SK275/IND/111/101 and W21-111-4D-650 – Denewood house type.
- Drawing nos. SK275/IND/117/101, SK275/IND/117/102 and W21-117-4D-600 – Dukeswood house type.
- Drawing nos. SK275/IND/61/101 and NWE-W21-ES-62-2MT-601 Rev A - Esthwaite house type.
- Drawing nos. SK275/IND/54/101 and NWE-W21-GRE-54-2D-601 - Greendale house type.
- Drawing nos. SK275/IND/129/101, SK275/IND/129/102 and W21-129-4D-600 – Hampsfild house type.
- Drawing nos. SK275/IND/135/101, SK275/IND/135/102 and W21-135-4D-600 – Hawthorne house type.
- Drawing nos. SK275/IND/140/101, SK275/IND/140/102 and W21-140-5D-600 – Heddon house type.
- Drawing nos. SK275/IND/138/101, W21-138-4D-600 and W21-138-4D-610 – Hollandswood house type.
- Drawing nos. SK275/IND/149/101, SK275/IND/149/102, W21-149-5D-600 and W21-149-5D-610 – Kingsmoor house type.
- Drawing nos. SK275/IND/148/101, SK275/IND/148/102, W21-148-5D-600 Rev A and W21-148-5D-610 – Laurieston house type.
- Drawing nos. SK275/IND/110/101 and W21-110-4D-600 – Parkwood house type.
- Drawing nos. SK275/IND/108/101, SK275/IND/108/102, and NWE-W21-WES-108-4D(SA)-36 Rev C – Westwood house type.
- Drawing no. SK275/SECT/01 Rev A – Section through Beech Avenue.
- Drawing no. W21-SD(140)-05-01 – 1800mm high timber screen fence detail (F1).
- Drawing no. W21-SD(140)-05-02 – 1800mm high timber screen fence detail with gate (F2).
- Drawing no. W21-SD(140)-05-04 – 300-1200mm high post & wire fence detail (F4).

- Drawing no. STD.15.07 – Enclosures 1.8m brick screen wall.
- Drawing no. W21-SD(140)-05-30 – Detached garage details (single attached).
- Drawing no. W21-SD(140)-05-32 – Detached garage details (single detached).
- Drawing no. W21-SD(140)-05-37 – Detached garage details (double detached standard gable).
- Drawing no. W21-SD(140)-05-38 – Detached garage details (double detached pyramid roof).

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Local Plan to 2032 and the National Planning Policy Framework.

2. No above ground works shall take place until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include a programme and sequence of works for the provision of: (i) each phase of housing; and (ii) all highway infrastructure (including pedestrian and cycle routes), green infrastructure and communal spaces (including public open space, soft landscaping and water bodies) associated with each phase of housing identified in (i). The development shall thereafter be carried out in accordance with the duly approved phasing plan.

Reason: In order that the development takes place in an appropriate sequence and to ensure that the associated infrastructure required to support and/or mitigate the development's impact is put in place concurrently with each phase of housing in the interests of proper planning and the objectives of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

3. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application and the requirements of condition 1 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. SK275/BT/101 Rev B, W21-SD(140)-05-01, W21-SD(140)-05-02, W21-SD(140)-05-04 and STD.15.07 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy

between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. No development associated with the construction of the pumping station shown on drawing no. SK275/PL/101 Rev F shall take place until details of its size, height, materials and design of the apparatus and any associated means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The pumping station shall thereafter be constructed in full accordance with the duly approved details.

Reason: For the avoidance of doubt and as no such details have been submitted as part of the application, to ensure an appropriate appearance for ancillary structures to be erected as part of the development in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the site shown on drawing nos. WAR1806_LM01 Rev B, WAR1806_PP01.1 Rev B, WAR1806_PP01.2 Rev B, WAR1806_PP01.3 Rev B, WAR1806_PP01.4 Rev B, WAR1806_PP01.5 Rev B and WAR1806_PP01.6 Rev B shall be carried out during the first planting season after each associated phase of housing identified pursuant to condition 2 of this permission is substantially completed, and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to provide an appropriate buffer of landscaping to the site perimeter and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV2, and the National Planning Policy Framework.

8. None of the dwellings hereby approved shall be occupied until a scheme for the provision and future maintenance of the areas of Open Space identified on drawing no. SK275/OSA/101 Rev B has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Details of future maintenance arrangements for the areas of informal open space.
 - b) Details of the siting, size, layout, design and materials of the Children's Play Area (including associated play equipment), which shall demonstrate compliance with the guidance set out in the Fields in Trust publication 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (October 2015).
 - c) A timetable for the provision and programme for the ongoing maintenance of the areas of informal open space and the Children's Play Area referred to in (i) and (ii).

The areas of Open Space shall thereafter be provided and subsequently maintained in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that the development makes an appropriate contribution towards the provision and future maintenance of recreational open space in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on existing recreational open space is adequately mitigated in accordance with the requirements of Fylde Local Plan to 2032 policy ENV4 and the National Planning Policy Framework.

9. There shall be no lopping, topping or felling of any trees or hedgerows on and/or overhanging the site until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include:

- a) Details of tree protection measures (both above and below ground) to be implemented during the construction period, which shall include the formation of a construction exclusion zone comprising protective fencing of a height and design which accords with the requirements BS 5837: 2012 around the root protection areas of those trees within and/or overhanging the site which are shown to be retained on drawing no. SK275/PL/101 Rev F.
- b) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site which are shown to be retained on drawing no. SK275/PL/101 Rev F.
- c) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site which are shown to be retained on drawing no. SK275/PL/101 Rev F.

The development shall thereafter be carried out in strict accordance with the measures contained in the duly approved AMS throughout the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any tree removal works take place in the interests of visual amenity and to allow the retention of an appropriate buffer of landscaping with neighbouring dwellings in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1, and the National Planning Policy Framework.

- 10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), none of the dwellings on plots 145-168 (inclusive) shall be altered or extended, and no buildings or structures shall be erected within their curtilages.

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

- 11. None of the dwellings hereby approved shall be occupied until a scheme for the installation of fencing to the perimeters of all areas of standing water within the site (the locations of which are shown on drawing no. SK275/PL/101 Rev F) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height (which shall be no less than 1 metre), positioning, design, materials and finish (including colour treatment) of the fencing. The fencing shall be installed in accordance with the details in the duly approved scheme before any of the areas of standing water are first brought into use and/or made operational, and shall be retained as such thereafter.

Reason: In the interests of public safety for future occupiers/users of the development in order to minimise the risk of accidents occurring and to ensure a satisfactory appearance in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

- 12. No above ground works shall take place until a scheme for the design, construction, drainage and phasing of all new estate roads and associated footways has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full engineering, drainage, street lighting and constructional details. Each estate road and their associated footways shall be provided in full accordance with the duly approved scheme before any of the dwellings to be served by that road are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for access and circulation

of all road users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

13. No above ground works shall take place until a scheme setting out arrangements for the future management and maintenance of the estate roads and associated footways to be constructed pursuant to condition 12 of this permission has been submitted to and approved in writing by the Local Planning Authority. The estate roads and footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of estate roads and footways to serve the development in order to provide satisfactory facilities for access and circulation of all road users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

14. No development associated with the construction of the stretch of the arterial estate road located to the west of the crossroad junction adjacent to plots 62, 81, 97 and 121 shall take place until a scheme for the continuation of the arterial estate road up to the western site boundary (at the point immediately to the southwest of plot 85) has been submitted to and approved in writing by the Local Planning Authority. The relevant stretch of the arterial estate road shall be constructed in accordance with the duly approved scheme before any of the dwellings on plots 82-96 (inclusive) are first occupied, and shall be retained as such thereafter.

Reason: To ensure that the potential for forming future connections to the arterial estate road from adjoining land is not prejudiced in the interests of future masterplanning, highway safety and capacity in accordance with the requirements of Fylde Local Plan to 2032 policies M1, SL3, DLF1, S1 and GD7.

15. Before each dwelling hereby approved is first occupied, a scheme for the design, construction (including surface treatment) and drainage of its associated parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway, to ensure appropriate surface treatment of parking areas in the interests of visual amenity and to ensure that satisfactory provisions are made for the disposal of surface water in accordance with the requirements of Fylde Local Plan to 2032 policies T5, GD7 and CL2, and the National Planning Policy Framework.

16. Notwithstanding the requirements of condition 15 of this permission, none of the dwellings on plots 1, 2, 169 and 170 shall be occupied until the following details of the driveways, parking and turning areas for each of these plots has been submitted to and approved in writing by the Local Planning Authority:

- (i) Provisions for vehicles to enter and exit each plot onto the highway of Church Road in forward gear.
- (ii) Provisions for the level of the driveway for each plot to be constructed 0.15 metres above the carriageway channel line of Church Road.

The driveways, parking and turning areas for each plot shall thereafter be provided in accordance with the duly approved details before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: To ensure that appropriate provisions are made for vehicles to enter and exit the site onto the highway of Church Road in forward gear, to safeguard the future reconstruction of the highway and to reduce the highway impact of construction after the traffic island has been

provided in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

17. Before any of the dwellings hereby approved are first occupied, a scheme for the construction and phasing of the two field accesses within the northern site boundary (the locations of which are shown on drawing no. SK275/PL/101 Rev F) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- (i) Provision to ensure that the final surfacing of any part of the access which is located within 5 metres of the public highway is paved in tarmacadam, concrete, block pavements or another approved treatment that does not contain any loose material which is capable of being drawn onto the highway.
 - (ii) A timetable for the construction and bringing into use of both field accesses in relation to the phasing of housing delivery.

Both field accesses shall thereafter be constructed and made available for use in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that a safe and suitable means of access to adjoining agricultural land is maintained following the development in the interests of highway safety and in order that the beneficial use of adjoining land for agricultural purposes can be continued in accordance with the requirements of Fylde Local Plan to 2032 policies EC2 and GD7, and the National Planning Policy Framework.

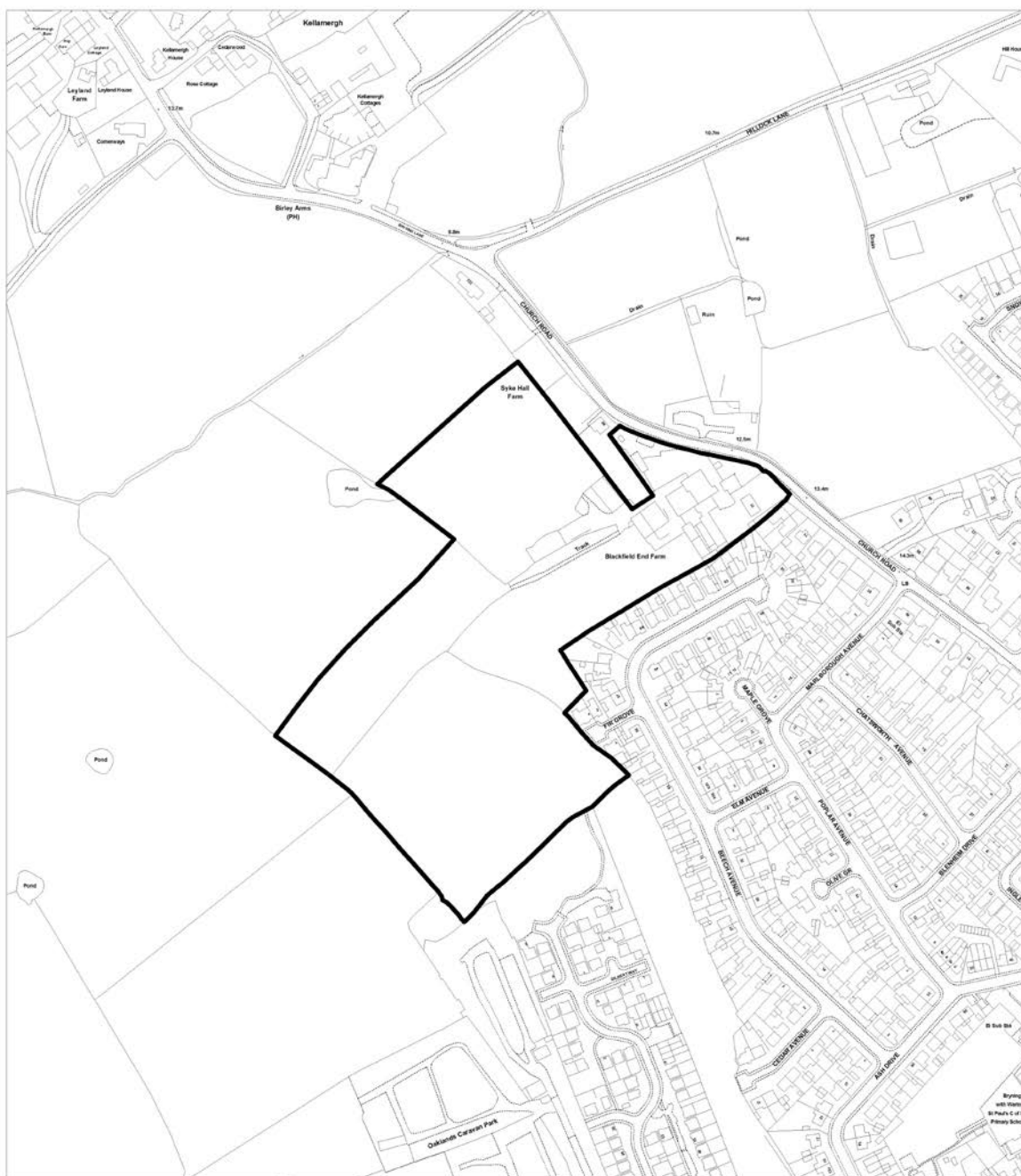
18. None of the dwellings hereby approved shall be occupied until a scheme for the provision of the 3.5 metre wide shared footpath/cycle link to Riversleigh Way (the location of which is shown on drawing no. SK275/PL/101 Rev F) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) A specification for its design, construction (including surface treatment) and illumination.
 - b) Details of the layout and design of its junction onto the connecting route with Riversleigh Way, including any associated change in levels, gradients and ground markings.
 - c) Details of any trees or other vegetation to be removed in order to allow its construction.
 - d) Details of the siting, layout, height, design, materials and finish of a vehicle barrier to prevent its use by vehicular traffic.
 - e) A timetable for its completion.

The shared footpath/cycle link shall be provided and made available for use in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To encourage access to and from the site via sustainable modes of transport by ensuring that the shared footpath/cycle link provides a safe and attractive route for pedestrians and cyclists and in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T4, and the National Planning Policy Framework.

19. In the event that a bus service is to be routed through the site pursuant to condition 18 of planning permission 13/0674, a scheme identifying the locations of bus stops and the provision of turning facilities for buses within the site shall be submitted to and approved in writing by the Local Planning Authority. The bus stops and bus turning facilities shall thereafter be provided in accordance with the duly approved scheme before any bus service first becomes operational.

Reason: To ensure that appropriate facilities are put in place to encourage travel to and from the site by sustainable modes of transport and to encourage modal shift in accordance with the requirements of Fylde Local Plan to 2032 policy T4 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0568	Address Land adjacent to Blackfield End Farm, west of Church Road, Warton	Grid Ref. E.3405 : N.4289	Scale 0 20 40 60 80 m

Item Number: 6

Committee Date: 07 November 2018

Application Reference:	18/0576	Type of Application:	Full Planning Permission
Applicant:	OLIVE TREE BRASSERIE	Agent :	IDL ARCHITECTURE
Location:	BANK HOUSE, 9 DICCONSON TERRACE, LYTHAM ST ANNES, FY8 5JY		
Proposal:	INSTALLATION OF A TERRACE STRUCTURE, WITH A GLASS CANOPY ROOF AND OPEN SIDES.		
Ward:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	16	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.736858,-2.9628814,88m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application relates to the construction of permanent glazed and aluminium roof canopy structure above an existing external terrace at 9 Dicconson Terrace, Lytham. The property is a substantial Edwardian former bank building and falls within the boundaries of the Lytham Conservation Area and also is a locally listed building.

The property has planning permission and is operating as a restaurant ('Olive Tree Brasserie') with permission also granted for a terraced area with a frameless glass balustrade in front of the property. This application proposes an aluminium framed canopy above that terrace.

It is considered that the design of the canopy is not sensitive to and dominates the host building, obscuring the front elevation and having a detrimental impact on the architectural merit of the host locally listed building and the character and appearance of the conservation area as a whole.

In addition, the development would cause the potential loss or harm of a high amenity value tree, reduce its amenity value and would not, therefore, conserve or enhance the Lytham Town Centre Conservation Area contrary to the provisions of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the policies of the Development Plan. This represents poor design, which for the purposes of the NPPF and Development Plan is not considered sustainable. Accordingly the application is recommended for refusal.

Reason for Reporting to Committee

Whilst the scale and nature of the application are such that it could be considered under delegated powers, the Head of Planning and Housing considers that the matter should be determined at Planning Committee as a consequence of the public interest that has been raised locally with

applications of this nature in and around Clifton Square.

Site Description and Location

The application site is the former NatWest Bank at 9 Dicconson Terrace which fronts onto Clifton Square and Henry Street. The property is a substantial Edwardian building and falls within the boundaries of the Lytham Conservation Area. The building makes a strong, positive contribution to the character of Clifton Square and the Conservation Area and appears on the Council's Local List of heritage assets. The property was constructed following the demolition in 1907 of a town house which formed part of the adjacent terrace. The terrace itself was built on the site of the Wheatsheaf Inn which was demolished in 1824. The Bank is considerably higher, at four storeys, than the adjacent two storey terrace and dominates the street scene. The property is constructed from red brick with red clay tile roof, the upper floors on the front elevation are rendered and painted white. A ground floor entrance with arched doorway exists to the far left with a range of five arched windows to the right. Upper floors are organised in three bays with left hand gabled bay. First floor has central mullioned and transomed window with small pediment above central lights flanked by two canted bay windows. Mullioned and transomed windows above; third floor has a mullioned and transomed window to the gable with applied timber decoration above; flat roof dormer windows above second and third bays. Timber framed bays throughout. Stone copings to gable and chimney stacks. Planning application 18/0164 approved alterations to the ground floor allowing the two central windows to be altered to doors leading to an external terrace and frameless glass balustrade. To the side of the terrace is a disabled access ramp.

The adjoining property to the south - Spago at 7 Dicconson Terrace - is a grade II Listed Building. Number 7 has an external, enclosed canopy to the front which does not benefit from planning permission and an enforcement notice has been served requiring the removal of this structure. The other adjoining property to the north known as the 'Deacon' has a glazed extension to its western elevation facing onto Clifton Square. The canopy currently in situ does not have the benefit of planning permission and has been refused pursuant to planning application 18/0011, though permission for an open sided canopy (not currently in situ) has been granted. An enforcement notice has also been served here.

Details of Proposal

The application was originally submitted with a retractable fabric horizontal canopy roof which officers informed the applicants would not be viewed favourably, so the plans considered in this report were submitted. Whilst officers informed the applicants that these too could not be viewed favourably the applicants requested that these be the plans that the decision be made on.

As stated above planning application 18/0164 approved the change of use of the bank to a restaurant with various alterations to the building and the construction of a terrace area with glass balustrade to the front. When that was granted another application was made (18/0182) which proposed a canopy structure over the terrace with a retractable roof and sliding vertical windows was refused and was by officers. This proposed the construction of an enclosed seating area to serve the restaurant to be built on top of the terrace area.

What is proposed by this application is an aluminium framed canopy with a pitched glazed roof split into 16 sections by glazing bars, set above three aluminium columns and horizontal aluminium bars to the front and sides. The structure would sit on top of the approved terrace and be constructed in black powder coated aluminium. The proposed structure would have a lean-to design with a projection of 5.8m from the properties front elevation, a height of 3.6m from the floor level adjacent

the building and as the floor level falls away an eaves height of 3.1 from the floor level at that point. The structure would be 8.3m in length.

Relevant Planning History

Application No.	Development	Decision	Date
18/0182	INSTALLATION OF A TERRACE STRUCTURE TO FRONT OF BUILDING, WITH RETRACTABLE ROOF AND SLIDING VERTICAL WINDOWS	Refused	04/05/2018
18/0164	CHANGE OF USE OF BANK (CLASS A2) TO RESTAURANT (CLASS A3) WITH ASSOCIATED ALTERATIONS TO FRONT FACADE INCLUDING FORMATION OF ADDITIONAL DOORS IN EXISTING WINDOW OPENINGS, REPLACEMENT WINDOWS AND FORMATION OF NEW RAISED DECKED EXTERNAL TERRACE AREA TO FRONT WITH BALUSTRADE AROUND	Granted	08/06/2018

Earlier history from when building was in use as NatWest Bank removed for lack of relevance.

Relevant Planning Appeals History

None to report.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

The following comments have been received in respect of the principle of a covered canopy feature to the terrace, rather than specifically to this application, but they remain relevant.

Context

The building is locally listed and is within Lytham Conservation Area. The bank was designed with the front elevation hard up to the public square. A terrace is a forward extension that encroaches into the public area and is unacceptable in principle.

Objection

It is appreciated that a bank is not a viable occupier for the building and a new use is desirable to retain the vibrancy of the town centre. It seems that the dining tables with seats could be accommodated in the restaurant easily negating the need for the creation of additional floor space. The space is large and reduces the size of the public Clifton Square which harms the street pattern and harms the spacious character of the conservation area.

The proposed roof obscures the architecture of the building and harms the appearance and character of the building.

The proposal adversely affects the appearance of the locally listed building and does not conserve the character of the conservation area. As such it causes harm to the historic environment.

Environmental Protection (Pollution)

There are no objections to the above proposals in principle, however I would add the following conditions:

The outside area that cannot be fully enclosed shall be closed to patrons, except for access and egress, from 23:00 on any day.

Lytham Civic Society

We strongly believe that the design should be in accordance with the June 2018 Design Note. It does not seem to be so. In particular, "existing ground levels should be maintained". There is yet another unsightly plinth in this application - this changes the nature of the application from extra outdoor seating to an extra room being put on the front of a building. Also the retractable canopy should be above the level of the arched windows. This building is in a central part of the Conservation Area and is Locally Listed. The large tree should be retained. We hope that there will now be some restraint and the applicant be asked to re-submit the plans in accordance with the Design Note.

Neighbour Observations

Neighbours notified: 23 July 2018
Site Notice Date: 24 July 2018
Press Notice Date: 02 August 2018
Number of Responses One

Summary of Comments *It is most disappointing that after the previous application (18/0182) was quite properly refused, a further similar application has been made. As I have noted previously, Lytham Square is a charming part of the town, and a significant feature in the conservation area. As the country has just celebrated fifty years of the Civic Amenities Act, it is more important than ever that Fylde Council upholds and maintains our treasured and admired conservation areas.*

Again I would observe that recently, I was in a cafe looking at a 1907 photograph taken from the west side of Clifton Square, looking down Clifton Street. Properties on the north side of Clifton Street mainly had canopies, whereas on the south side, they only started after Bath Road. Dicconson Terrace, and Clifton Street up to Bath Road had buildings, usually banks, that were elegant, tall and well designed, and no canopies. It is also important to observe that this particular building is I believe locally listed.

This application is again wholly inappropriate and I hope that Fylde Council will not only refuse the application on the same basis as 18/0182 as the reasons apply equally to this application. After all, the recently laid concrete platform, covering the forecourt is hardly enhancing the area, without the damage a canopy does to the visual amenity of the area, and to this building in particular.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
ENV5	Historic Environment

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Conservation area site
Locally listed building.

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

National Policy Context

The main issue with this application is the impact of the proposed canopy structure on the host property which is locally listed and also on the character of Lytham Conservation Area. The policy context for considering the application is as follows;

The appropriate conservation of heritage assets is fundamental aim of the NPPF. Paragraph 127 relates to good design and states that decision should ensure that developments;

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 184 of the Framework states that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 192 states that in determining applications affecting heritage assets local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Paragraph 195 states that ‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.’

The NPPG includes guidance on conserving and enhancing the historic environment. It states that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. It explains that conservation is an active process of maintenance and managing change, with regard to buildings it states that the risk of neglect and decay of heritage assets is best addressed by ensuring that they remain in active use consistent with their conservation. (Paragraph 003 Reference ID: 18a-003-20140306). With regard to decision taking it refers to the definition of significance in the NPPG glossary; “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage assets physical presence but also from its setting”. (Paragraph: 008 Reference ID: 18a-008-20140306). It outlines in the paragraphs below this that heritage assets may be affected by direct physical change or by change to their setting and that being able to properly assesses the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. Of relevance to this application the guidance also refers to non-designated heritage assets, referring to these as ‘buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as ‘locally listed’ (para 039).

Local Policy Context

The Fylde Local Plan to 2032 (FLP32) Policy ENV5 refers to the Historic Environment states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Proposals that better reveal the significance of these areas will be supported also. Policy GD7 – Achieving Good Design in Development expects new development to be of a high standard taking account of and seeking to positively contribute toward the character and appearance of the local area, with regards to public realm development should be managed so that they add to the character, quality and distinctiveness of the surrounding area.

Since the refusal of the previous application the Council has produced and adopted in September a Design note named 'Canopies and Glazed Extension on Commercial Forecourts'. This was produced due to the increase in proposals in town centres to re-use existing premises such as Banks as eating and drinking premises. This states that canopies or forward extensions will not be permitted where;

- They would obstruct a public highway or pavement;
- They would significantly obstruct the free circulation of pedestrians within and between "private" forecourts of premises;
- Their construction and / or location will have a harmful impact upon important street trees and public realm features;
- The design, scale or location of the structure will have an unduly harmful impact on the integrity of the building to which they are attached, especially where the host building possesses important architectural features;
- They have a design, scale or location that will conflict with an existing coherent pattern of such features in the vicinity of the application property;
- The extension would have an unacceptable impact on a grouping of buildings or would inappropriately stand in isolation, thus creating a visual intrusion; or
- The development would have an adverse impact on the character and appearance of the particular building, which is either listed or locally listed or might be detrimental to its setting.

The design criteria where it is considered acceptable in principle are as follows;

- The canopy shall retain the open character of the frontage and not result in a closed space, such that it assumes the form of a projecting conservatory;
- The canopy shall be of a size, in particular with respect to its projection that is proportionate to the size and scale of the parent building;
- The height of the canopy should respect the fascia height of the premises and should not obscure this fascia or any element of it where this is a key historic design feature to the building;
- The canopy shall not obscure any key design or architectural features to the host building;
- The canopy should be designed to reflect the character of the premises to which it attached, as well as the character of the area and any other canopies in the immediate vicinity;
- The design of the canopy should incorporate appropriate architectural details and features that serve to enhance the building and to provide a link between the canopy and the host building; and
- Existing ground levels should be retained.

Heritage Policy Context

In addition to the Local Development Plan and National guidance the legislative framework includes Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which requires that local planning authorities pay special attention in the exercise of planning functions to the

desirability of preserving or enhancing the character or appearance of a conservation area. This means that they must take account of this in development control decisions and controls relating to trees.

Assessment – Design

As described above the property is a substantial Edwardian bank which makes a strong positive contribution to the character of Clifton Square. With regard to the significance of the building, its setting is the Lytham Conservation Area which contains a number of listed buildings including the adjoining two townhouses and 5 and 7 Dicconson Terrace. The building is located in a prominent position in Clifton Square, an attractive open space within the Conservation Area, where its impact is heightened by virtue of its height compared to the adjoining property and as a terminating vista when looking east along Henry Street. Given its individual design and form as described above, it is considered that each aspect of the building's design is important and its physical presence in this setting is indeed significant.

It is one of a number of commercial premises which have a front facing aspect over Clifton Square. This pedestrianised square is used by other businesses for alfresco dining, its openness and landscaped qualities have become an important feature of the Conservation Area. As such it is considered that any proposed re-development or alterations to the building would need to allow its existing form and architecture to be clearly legible. This would be in accordance with the guidance and policies listed above. Whilst permission has been granted for an open-sided canopy on the adjacent Deacon restaurant to the north, this has not been built as approved and this has not set a precedent for further development of this type. In any case, each application is to be assessed on its own merit.

The design of the structure is such that the glazed roof is permanently in place, and split by transoms into 16 portions. The upper portions of the sides are glazed with the lower areas left open.

The impact of the proposal would be significant to both the locally listed building itself and the Conservation Area. The impact on the property would be, as the Conservation Officer comments, that the proposed roof would obscure the architecture of the building thus harming the appearance and character of the building. Whilst glazed the transoms and the reflections that would occur would undoubtedly obscure the upper portions of the existing crescent windows which form an important feature of the design of the ground floor element of the façade.

Indeed the works that have taken place at the property so far have highlighted the merits of this architectural feature. The lower elements of the structure - whilst proposed to be open besides the glass balustrade that has already been approved and the three aluminium pillars would by virtue of the aluminium frame, glazed balustrade and terrace on which the structure is to be built, impact on the views of the lower portion of the ground floor with the windows and stone frontage being enclosed by the proposed structure thereby obscuring these important features of the building and causing substantial harm to the architectural and historic interest of the locally listed building and its significance.

The proposed structure would also have a sprawling footprint which introduces a horizontal emphasis to the ground floor. This will be at odds with the more vertical style of the existing building (and those in the locality), giving the property an unbalanced appearance. In doing so it would contravene the design guidance of the canopy note detailed above, and would also therefore be contrary to Policies ENV5 of the local plan local plan to 2032 and the aims of the NPPF in that the proposal would not make a 'positive contribution to the conservation of a heritage asset'.

With regard to the impact on the conservation area, Policy GD7 expects new development to be of a high standard taking account of and seeking to positively contribute toward the character and appearance of the local area, with regards to public realm development should be managed so that they add to the character, quality and distinctiveness of the surrounding area. Policy ENV5 states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Proposals that better reveal the significance of these areas will be supported also.

As stated above the application property is considered to be of significant value to the conservation area and the site maintains a highly prominent position in the Lytham Town Centre Conservation Area, and is considered to be of significant architectural merit as demonstrated by its locally listed status. The building makes a strong contribution to the special historic character of the street and the Conservation Area and is one of a number of commercial premises which has a front facing aspect over Dicconson Terrace and the adjacent Clifton Square. This pedestrianised square is used by other businesses for alfresco dining and its openness and landscaped qualities have become an important feature of the Conservation Area. Other dining facilities at the adjoining premises at no. 7 and the more recent extension to no. 84 Clifton Street which also fronts the square have erected canopies, but these are unauthorised and an enforcement notice has been served on the canopy at no. 7. The projection of this canopy would impose on the openness of this important space. The resultant cumulative impact of an additional canopy structure to no.9 Dicconson Terrace in combination with those already erected would further impose upon the openness of the Dicconson Terrace and Clifton Square area resulting in unsympathetic alterations to their host buildings through a proliferation of unsympathetic additions.

The structure is not a sensitive addition to the host building and detracts from its status as a local listed building and the contribution it makes to the character of the conservation area. The prominent location of the application site will only serve to exacerbate this assessment. This represents poor design, which for the purposes of the Framework and Development Plan is not considered sustainable. Clearly there are economic benefits with the proposal as it offers better protected dining opportunities and increased floor space to the business, however, the harm caused to the building and the town's central conservation area are considered to significantly and demonstrably outweigh those economic benefits. The harm caused by this structure to the locally listed building and Conservation Area is such that refusal is recommended.

Assessment - Trees

Policies GD7 and ENV1 require existing landscape features to be conserved, maintained, protected and wherever possible enhanced. The submitted plans for the ground floor terrace extension show that the proposed ramp and low level planters will be located under the canopy of an existing Lime tree which makes a significant contribution to the area as a whole. The tree is protected by a Tree Preservation Order and is also protected by its location in a conservation area. The applicants have submitted a tree survey and an Arboricultural survey and Impact Assessment to identify any conflicts between the proposed structure and the tree's RPA and its future well-being. This found that the tree was a young tree in good condition. It stated that the proposed development of the site will require the completion of some access facilitation pruning works to the crown of the protected Lime tree within and overhanging the site in order to minimise the potential for branch damage to occur during development. It states that there are a number of areas where works are to be undertaken in the RPA which may have impact but that due to the existing constraints to root development the works can be completed in such a way that they will have little potential to cause harm to the long term condition of the tree. It states that the continued growth of the crown of tree number 1 may cause some ongoing conflict with the outdoor terrace area of the restaurant. It is anticipated that

this will be managed through undertaking routine pruning works to the overhanging crown of the tree. To ensure the protection of trees selected for retention during the course of the proposed development it recommends mitigation including construction exclusion zones, tree protection barriers and the submission of an Arboricultural Method Statement (AMS) as the proposed development requires work within the RPA. This AMS will need to identify areas where specific working methods will be required to ensure protection to the tree including details of the construction method of the new planters and boundary walls with the RPA of the tree.

The Tree Officer was consulted on the previous application that was refused when the proposal was for a canopy with a retractable roof but has since left the Authority. However as this proposal is for a development of the same size in the same position and now has a permanent glazed roof his comments are still pertinent to this application. Despite the submission of the survey the Tree Officer had concerns with the structure being within the RPA of the tree and about the tree becoming resented due to complaints around shading, insect deposits, leaf litter, overhang and fear of hazard as well as the view of tree being obscured between the two structures and its former open aspect being completely lost. It is considered that the addition of the terrace with the canopy structure proposed above in such close proximity to the tree would lessen the stand alone appearance of the tree and lessen the appearance of the square, resulting in a loss of visual amenity of the area. It is considered that the tree is of high amenity value and positively contributes toward the character of the Conservation Area, and that given the potential impacts upon it this weighs against the application. In addition the proximity of the canopy structure to the trees may impact upon their ability to spread and grow and result in their ultimate demise. The potential loss or harm to the tree would be significantly detrimental to the character and appearance of the street scene and the conservation area as a whole. Accordingly the proposal fails to comply with Policies GD7, ENV1 and ENV5 of the local plan and the aims of the NPPF.

Conclusion

The application relates to the construction of a canopy structure above an existing terrace at 9 Dicconson Terrace, Lytham. It is considered that the design of the canopy is not sensitive to and dominates the host building, having a detrimental impact on the architectural merit of the host locally listed building and the character and appearance of the conservation area as a whole. In addition, the development would cause the potential loss or harm of a high amenity value tree and would not, therefore, conserve or enhance the Lytham Town Centre Conservation Area contrary to the provisions of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the policies of the Development Plan. This represents poor design, which for the purposes of the NPPF and Development Plan is not considered sustainable. Accordingly the application is recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The application relates to a locally listed four-storey building occupying a prominent, corner location at the junction of Henry Street and Dicconson Terrace within the Lytham Conservation Area. The proposed aluminium-framed canopy and associated glazed roof and side panels would introduce an enclosed structure to the front of the application building which, by virtue of its size, materials, massing and design, would appear as a dominant, incongruous and imposing addition that would be unsympathetic to the character of the host building and would restrict near and distant views of the whole ground floor frontage. The proposed canopy would significantly curtail public views of the host building's architectural detailing and the reduced public appreciation of the building as a consequence of the works would harm the locally listed building and its setting.

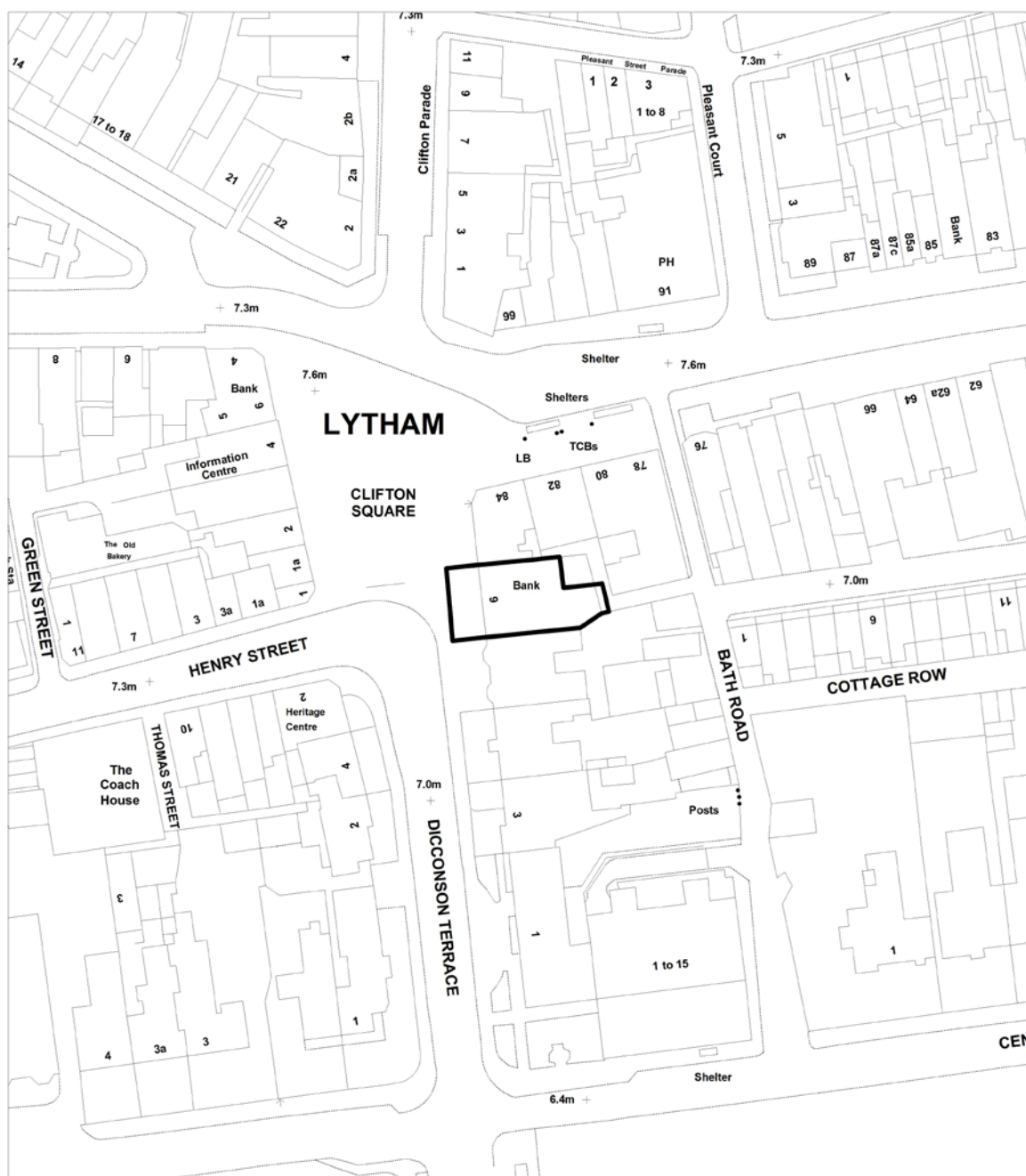
As a consequence the proposed development is considered to be of a poor design and would introduce a discordant and obtrusive addition which would be incompatible with the character of the host building and would have an erosive impact on the conservation area by diminishing the sense of openness to Clifton Square.

The proposed development would fail to preserve or enhance the character and appearance of the Lytham Conservation Area and, accordingly, would harm the significance of this designated heritage asset. The proposed development is therefore contrary Policies GD7 and ENV5 of the Fylde Local Plan to 2032, paragraphs 127, 130, 184, 192, 193, 195 of the National Planning Policy Framework, and the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The proposed canopy would result in the erosion of the open character of Clifton Square and would be a threat to an existing Lime tree which forms an important feature within the street scene and is protected by a Tree Preservation Order. The proposed structure would encroach into the canopy and root protection area of the specimen and, owing to the location and spread of the tree's branches, the extent of pruning works required to facilitate the development's construction would harm the protected Lime tree.

The unsympathetic initial pruning works to the tree arising as a result of the development would diminish the specimen's contribution to the character, appearance and setting of the Lytham Conservation Area and there would be ongoing pressure for additional remedial pruning in the future as a consequence of the petals, leaves and other debris which would inevitably be deposited onto the canopy.

The proposal would be detrimental to the health and amenity value of the protected tree and, in turn, would have an erosive impact on the character and appearance of the conservation area in conflict with the requirements of Policies GD7 and ENV5 of the emerging Fylde Local Plan to 2032, paragraphs 184 and 195 of the National Planning Policy Framework, and the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0576	Address Bank House, 9 Dicconson Terrace, Lytham St Annes	Grid Ref. E.3365 : N.4271	Scale 0 5 10 15 20 m

Item Number: 7

Committee Date: 07 November 2018

Application Reference:	18/0586	Type of Application:	Full Planning Permission
Applicant:	Poulton Trade Windows	Agent :	CW Planning Solutions Ltd
Location:	KIRKHAM TRADING PARK, 74 FRECKLETON ROAD, KIRKHAM, PRESTON, PR4 3RB		
Proposal:	ERECTION OF NEW INDUSTRIAL BUILDING (CLASS B2) WITH ASSOCIATED SERVICING AND PARKING AREAS.		
Ward:	KIRKHAM SOUTH	Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7768394,-2.8708972,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for the erection of a new building, to be used for Class B2 and B8 uses, in Kirkham Trading Park which is a designated employment site to the south of the A583 to the south of Kirkham. Given the employment allocation of the area the principle of the development is considered acceptable and in compliance with Policy EC1 of the Fylde Local Plan to 2032 which designates it as an existing employment site where Class B1, B2 and B8 uses are supported.

The design of the building is appropriate for this location and will reflect the size and appearance of the other buildings within the Trading Park. The site is well served by appropriate existing accesses and the proposed layout and parking areas are considered acceptable, therefore there will be no detrimental impact on highway safety. Although in close proximity to gas pipelines the proposal will not result in any detrimental impact to health and safety matters following consultation with the HSE and Cadent (operator of the gas network). Therefore taking the above into account the proposal is considered acceptable and recommended for approval.

Reason for Reporting to Committee

The application involves major development and so the Scheme of Delegation requires that where an application is recommended for approval that decision is made by the Planning Committee.

Site Description and Location

The application site is a rectangular piece of land adjacent the western boundary of Kirkham Trading Park which is located to the west of Freckleton Road and to the south of the Kirkham by-pass adjacent the junction of the two roads. The trading park is characterised predominantly by large

commercial/industrial buildings of similar appearance but of varying size which are used for varying purposes in Class B1, B2 and B8 employment uses.

Details of Proposal

The proposal is for the erection of a new building comprising of 1546m² of floor space of Class B2 and B8 uses. The building has a foot print of 46m by 34m and has a dual pitched gable ended roof which has an eaves height of 6.7m and a ridge height of 11.3m. The exterior finish of the building is proposed to be Goosewing grey cladding. It is to be built on land that is in part car parking and is in part open storage and undeveloped, and so includes a re-ordering of the parking for the existing unit in addition to the parking for the new.

Relevant Planning History

Application No.	Development	Decision	Date
07/0911	USE OF LAND FOR EXTERNAL STORAGE OF BUILDING MATERIALS.	Granted	17/10/2007
05/0263	INDUSTRIAL UNITS AND OFFICES WITHIN USE CLASS B1, B2 AND B8	Granted	27/04/2005

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 30 July 2018 and comment:

No objections

Statutory Consultees and Observations of Other Interested Parties

National Grid

Comments – No objection but suggest standard informatives be applied

Health and Safety Executive

Comments - No objections

Neighbour Observations

Neighbours notified:	30 July 2018
Number of Responses	None
Press Notice	27 September 2018

Relevant Planning Policy

Fylde Borough Local Plan:

EMP2	Existing business & industrial uses
------	-------------------------------------

Fylde Local Plan to 2032:

EC1	Existing Employment Sites
GD7	Achieving Good Design in Development

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

- Pipelines
- Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

The main issues regarding this application are:

- Principle of the development
- Design and impact to the street scene
- Impact to highway safety
- Proximity to pipelines

Principle of the development

The application site is located in an area that was allocated for B1, B2 & B8 uses within the Fylde Borough Local Plan under Policy EMP2. Until its recent revocation this sought to retain these designated areas for commercial and industrial development. This principle is carried through into the now adopted Fylde Local Plan to 2032 in Policy EC1 which specifically lists the site as one of the existing employment areas and supports Class B1, B2 and B8 development. The proposal proposes a building of Class B2 and B8 uses which are considered appropriate for this area and meet the requirements of both Policy EMP2 and Policy EC2. As such there are no issues with the principle of the proposed use.

Design and impact to the street scene

The design of the building is considered appropriate for its intended use and is also not significantly different to the appearance of the other buildings adjacent the site within the trading park. Although large in size its size is not so significant that there will be any adverse impact to the appearance of the street scene nor wider area when taking into account the scale of existing buildings and its location set to the rear of the site behind existing buildings and roadside landscaping. The external finish of the building is considered appropriate and will reflect the appearance of the existing buildings within the trading park.

Taking the above into account it is considered that the proposal complies with Policy GD7 of the Fylde Local Plan to 2032.

Highway safety/Parking

The site is accessed from an existing access to the east which serves the overall site off Freckleton Road. This access is suitable for the purposes of the proposed building and will be able to continue to serve the overall site without any detrimental impacts following the construction of this additional building.

As the proposed building is to be sited on part of the parking area for the existing building there is a need to consider the parking requirements across the combined site. Collectively these buildings extend to around 4200m² of space, with 3500m² of this as Class B8 storage use and the remainder as a mix of other employment uses. Based on this floor area and use mix the parking standard guidance set out in the Joint Lancashire Structure Plan indicates that 37 spaces would be appropriate to meet the collective needs of the site. The scheme provides 40 spaces across the two buildings and this is therefore considered to be an acceptable number. The layout also provide areas for cycle parking and for turning / manoeuvring space for the buildings. Accordingly the scheme provides sufficient parking to avoid concerns over its development creating an impact to safety within the immediate area. A condition is appropriate to restrict the extent of the non-storage use of the building as it is this use that could generate higher parking demands and reflects the intended floor area of the proposed building as set out in the application form.

Proximity to pipelines

The application site is within close proximity to gas apparatus to the north and west of the site. Cadent, the operators of the pipelines, have provided standard guidance for the applicant should permission be granted. They have also provided easement distances for the pipes in order to allow continuing maintenance as required. The building does not fall within the stated easement distances and therefore it is considered that there will be no conflict between the proposed building and the existing gas infrastructure.

In addition to this the Health and Safety Executive (HSE) were consulted to establish if there would be any other health and safety issues with a proposed building being close to the pipelines. The consultation response raised no additional concerns over the proposed development.

Conclusions

This application seeks permission for the erection of a new building, to be used for Class B2 and B8 uses, in Kirkham Trading Park which is a designated employment site to the south of the A583 to the south of Kirkham. Given the employment allocation of the area the principle of the development is considered acceptable and in compliance with Policy EC1 of the Fylde Local Plan to 2032 which designates it as an existing employment site where Class B1, B2 and B8 uses are supported.

The design of the building is appropriate for this location and will reflect the size and appearance of the other buildings within the Trading Park. The site is well served by appropriate existing accesses and the proposed layout and parking areas are considered acceptable, therefore there will be no detrimental impact on highway safety. Although in close proximity to gas pipelines the proposal will not result in any detrimental impact to health and safety matters following consultation with the HSE and Cadent (operator of the gas network). Therefore taking the above into account the proposal is considered acceptable and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - DS/895/LP
- Proposed Site Plan - DS/895/4 B
- Proposed Elevations - DS/895/2
- Proposed Ground Floor Plan - DS/895/3

Supporting Reports:

- Planning Support Statement - Prepared by CW Planning Solutions Ltd
- Preliminary Risk Assessment (Desk Study) - Prepared by Worms Eye

Reason: To provide clarity to the permission.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans.

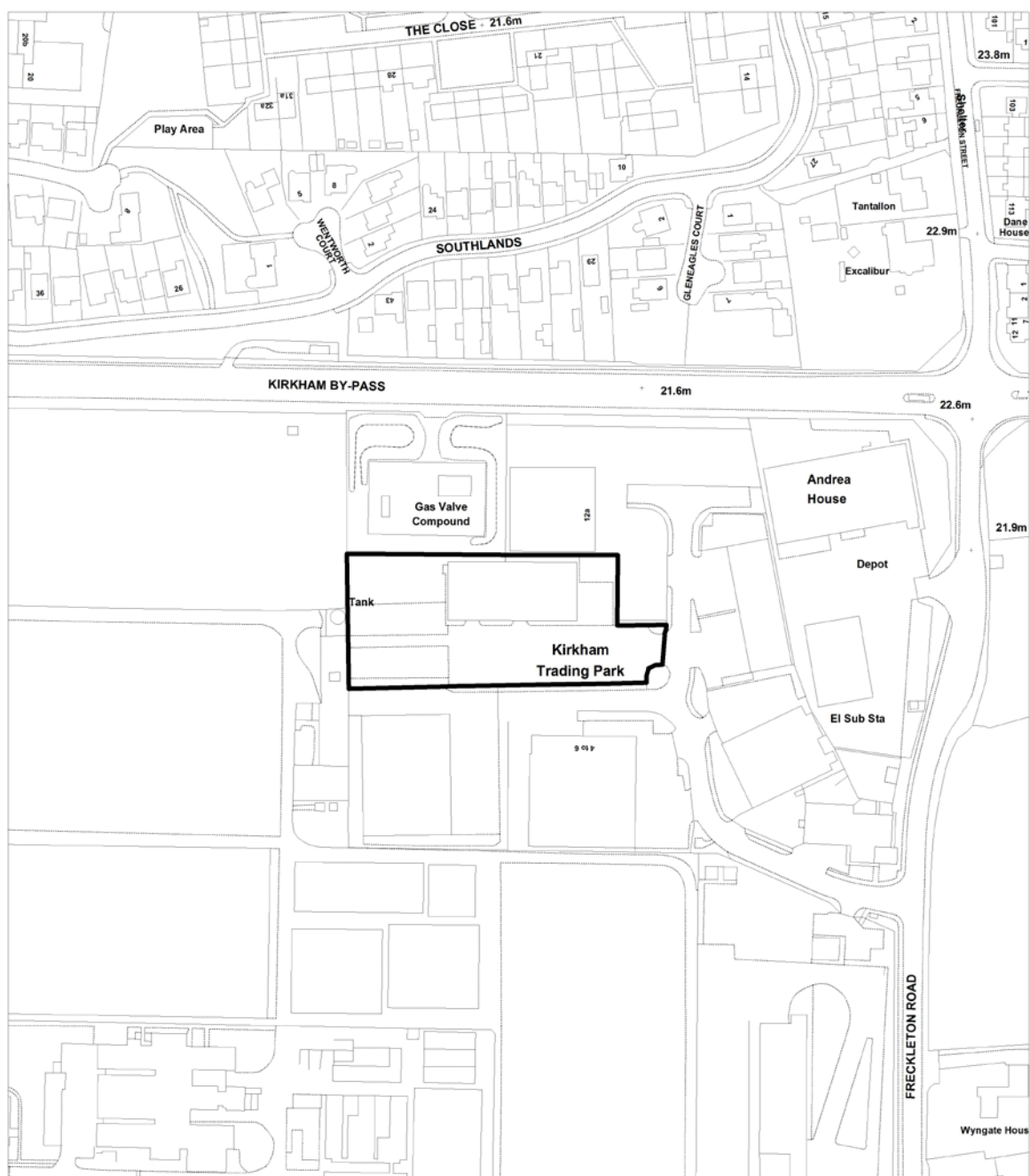
Reason: In the interests of ensuring the development has an acceptable impact on the visual amenity of the area as required by Policy GD7 of the Fylde Local Plan.

4. The parking layout and turning areas as shown on the approved site plan (ref: DS/895/4 B) shall be laid out and available for use prior to the first occupation of the building, hereby approved. The parking and turning areas shall be retained and available for parking associated with the needs of the existing and proposed unit at all times thereafter.

Reason: To ensure adequate parking availability for site users and in the interests of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032.

5. Notwithstanding the permitted development rights available in Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), the building hereby approved shall be utilised for Class B2 and Class B8 purposes only, with not more than 500m² of floor area in Class B2 use, and so all other floor area in Class B8 use only.

Reason: To provide an appropriate control over the nature of the employment use to ensure that there is an adequate provision of parking within the site in the interests of highway safety as required by Policy GD7 of the Fylde Local Plan to 2032



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0586	Address Kirkham Trading Park, 74 Freckleton Road, Kirkham	Grid Ref. E.3425 : N.4315	Scale 0 10 20 30 40 m

Item Number: 8

Committee Date: 07 November 2018

Application Reference:	18/0593	Type of Application:	Full Planning Permission
Applicant:	Ms K. McNulty and Mr. A. Keighley	Agent :	LMP Ltd.
Location:	LAND WEST OF PRIMROSE FARM, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
Proposal:	ERECTION OF ONE DETACHED DWELLING WITH DETACHED DOUBLE GARAGE		
Ward:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	15	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7885868,-2.8537848,351m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a greenfield area of land immediately to the west of Primrose Farm which is a traditional farm property fronting Kirkham Road midway between the Derby Arms and the Carr Lane / Moorside / Mowbreck Lane junction. The application seeks permission for the erection of a single dwelling with a detached garage.

The scheme has been the subject of extensive objections from the Parish Council and others relating to planning policy and explaining that a previous outline planning permission on the site has expired and so should be discounted. Whilst there is some uncertainty over the status of the previous planning permission, the fact that it was recently granted is a material planning consideration to be weighed in the planning balance alongside the factors that allowed that decision to be supported. These were that the proposal was accepted as being in a reasonably accessible location and capable of development without causing undue harm to the character of the area or landscape factors. Although that decision was made at a time when the council was unable to demonstrate a 5 year housing supply, and so subject to a tilted planning balance, the physical merits of the site remain valid. The policy position has obviously moved on and the council is now able to demonstrate its required housing needs due to the adoption of the Fylde Local Plan to 2032. Policy GD4 of that plan is the key policy and introduces restraint to residential development in rural areas, but critically allows for 'minor infill development'. This scheme is considered to constitute such development and so accords with the Plan.

In other regards the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the amenity of neighbours or patterns of development and visual amenity in the village. Mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in all regards, in accordance with the requirements of the relevant policies of the National Planning Policy

Reason for Reporting to Committee

This application is on the agenda as the officer recommendation for approval conflicts with the views of the Parish Council and so the scheme of delegation requires that it is determined by the Planning Committee.

Site Description and Location

The application is described as 'Land to the West of Primrose Farm', Kirkham Road, Treales. In particular the plot is a roughly rectangular shaped field of circa 40m x 25m situated on the south side of Kirkham Road and to the west of 'Primrose Farm'. To the north and south sides of the plot are open fields with 'White Hall' and associated barn conversion properties to the west and 'Primrose Farm' to the east side. The field has a high hedge to the roadside boundary and the south and west field boundary with a low timber fence between the plot and 'Primrose Farm', the adjacent dwelling to the east.

The site is on land designated as countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application has been submitted as a full application for the erection of a two storey detached dwelling with a detached, double garage.

The new dwelling is set 11 metres back within the plot from the front boundary and measures 12.58 metres in width by 12.25 metres in depth at ground floor level with the 'L' shaped first floor measuring 12.25 in overall depth by 6.06 metres to the projecting rear leg and the main body of the dwelling measure 12.58 metres.

At ground floor level the dwelling provides a combined dining/family room and kitchen/breakfast rooms with a lounge, hall, cloaks, study and utility room. At first floor there are four bedrooms two provided with ensembles and with a further bathroom.

The dwelling is designed with a two storey gable feature to the front elevation providing a porch at ground floor and part of bedroom no. 3 at first floor level. A two storey gable is also provided to the rear elevation containing the family/dining room at ground floor with bedroom no. 1 at first floor, the kitchen is single storey.

The dwelling 'sits' on a brick plinth with stone detailing which is replicated around the doors and at cill and header heights around the windows.

The detached garage is to the east side of the new dwelling and set back from the front elevation of the property. The new garage measures 6.5 metres in width by 6.3 metres in depth. The eaves of the garage are at 2.2 metres with the overall height of the dual pitched roof at 4.5 metres.

The application is accompanied with a schedule of materials which indicate that the dwelling is to be constructed in facing brick under a grey tiled roof with a woodgrain upvc material in 'Ivory' colour proposed for the window frames.

A scheme for the drainage of the site has also been submitted as well as a proposed landscaping

scheme.

Access to the property from Kirkham Road is from a newly formed opening in the existing hedgerow.

Relevant Planning History

Application No.	Development	Decision	Date
16/0812	RESERVED MATTERS APPLICATION PURSUANT TO PLANNING APPROVAL 10/15/0367 FOR THE ERECTION OF 1 DETACHED DWELLING AND DOUBLE GARAGE ON PLOT 2.	Granted	10/02/2017
16/0320	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS ASSOCIATED WITH ERECTION OF 1 DETACHED DWELLING AND DOUBLE GARAGE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0367	Granted	09/08/2016
15/0367	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO THREE DWELLINGS	Granted	04/09/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 25 July 2018 and raise objections in an extensive correspondence. Due to the length of the comments submitted on behalf of the Parish Council only the highlighted points have been included in this report, below. The full comments submitted by the Parish Council are available on the council's website.

- **Site description and location** - The Parish Council refer to the characteristics of the particular plot and the wider environment of Treales.
- **Planning history of site and area** - The PC refer to the previous planning history of the site (which is listed above under 'Relevant Planning History' above). In particular comments are expressed that application ref. 15/0367 was granted when FBC did not have a 5 year supply of housing. This application was followed by application 16/0320 which they comment is unimplemented and has expired. One of the three dwellings approved under 15/0367 has been implemented which *does not enhance the intrinsic character and beauty of the countryside*. The PC comment that *the application must be considered against the current applicable planning framework, in a context which does include a five year housing supply*.
- **The (Parish) Council's Decision** - *The land makes a substantial contribution to the rural character of the surrounding landscape*. The development will erode the rural character, replace with an urban extension, relates poorly to its setting. Reintroduction of landscaping not adequate mitigate the serious harm. Does not comply with policies of the local plan and the NPPF. FBC research identified that Treales has limited range of services and accessibility, unsuited to accommodate anything more than lowest level of growth over plan period. Planning permission already been granted to ensure ongoing vitality of Treales. Development not sustainable.

- **Policy Background** - PC refers to policies of FBLP (adopted 2005) FLP to 2032 and NPPF. Site area is not within an area designated for a Neighbourhood Plan. It is understood that FBC latest published position is that it is able to demonstrate 5 year supply of housing.
- **The Council's Case** - Policy GD4 did not include suggestion that Treales village should be allocated for development. No development on land since permission award on 4th September 2015 or any adjacent land. No historical evidence site has had any development.
- **How development relates to the setting** - Open aspect is positive feature valued by community and visitors. Is not a minor infill opportunity. Cumulatively appear as urbanised street scene. Site is part of an important rural gap, contributes to rural setting. Design is not characteristic of the countryside areas around Treales. More likely seen on urban housing estate. Street scene elevations not to scale, ridge height increased.
- **Additional Development at Treales** - Emerging local plan excludes Treales from settlement hierarchy. Site has no in-fill characteristics. Growth in Treales unsustainable.
- **Other developments** - *Suitable level of development has already been brought forward around Treales.....* Previous decisions that were made were balanced, overall planning balance meant application could not be resisted as unsustainable. Not the case with this application scheme.
- **Overall Conclusion** - The work undertaken by the LPA as part of LP to 2032 confirms Treales is not suitable location for additional residential development. LPA can demonstrate a 5 year supply, development would create visual harm to the character of the area, demonstrable lack of sustainable accessibility.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

"LCC Highways does not have any objections regarding the proposed erection of one detached dwelling with detached double garage and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

They then request a series of conditions be imposed relating to the provision of a safe and suitable access with adequate visibility and on-site turning.

Regeneration Team (Trees)

The tree officer has assessed the proposal and confirms that he has no objections to the submission. He also provides comments on the species that are proposed as part of the planting scheme with this application and these have resulted in a revised landscaping proposal which is drawing no. 18/038/LAN01 REV. C.

United Utilities

They highlight that there are no wastewater assets in this area and make standard comments regarding the provision of a water supply to the site.

Neighbour Observations

Neighbours notified:	25 July 2018
Site Notice Date:	01 August 2018
Number of Responses	5 letters received
Summary of Comments	<ul style="list-style-type: none"> • site boundary does not represent existing arrangement on site, land on eastern side in our ownership. • Current boundary agreed with owner and with legal

- representatives
- Makes dwelling look like on bigger plot
- street scene plan is misrepresented, makes impact of house less
- shows dip in land makes impact appear less
- height not correct
- in conflict with Policy GD7
- not in keeping with neighbouring property
- trees to be retained
- development not in keeping with character of area
- in conflict with SP2/GD4
- FBC has 5 year supply
- removal of trees will change character and appearance of gateway to Treales
- loss of quaint village atmosphere
- only village in Fylde that retains some of its character dating back to Derby Estate
- detrimental impact on Primrose Farm and Whitehill Farm
- if every field a housing plot would be no countryside
- no need for further housing
- urban development harms the character
- protect countryside and eco system

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H6	Isolated New Homes in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL2	Surface Water Run-Off and Sustainable Drainage
T5	Parking Standards

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks permission for the erection of a two storey dwelling and detached garage on a

plot to the west of Primrose Farm, Treales. The plot is one of three which were granted outline approval under application no. 15/0367. Of these, one of the dwellings is under construction (named the Ramblings) and the other is the subject of a separate application which is on this agenda (18/0521). The issues to be considered are similar for both applications and are as follows:

Policy Background

On 22 October 2018 the council adopted the Fylde Council Local Plan to 2032 as the development plan and therefore the policies of this plan are those relevant to this application, with the National Planning Policy Framework being a material consideration in the decision making process.

Paragraph 10 of the NPPF advises *'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.'*

Paragraph 11 advises for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i). *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

Paragraph 73 of the NPPF refers to the provision of a 5 year housing supply, but para 74 is now of more relevance with the adoption of the Fylde Local Plan to 2032 as it states: *"A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan....."*

Since 22 October 2018 the council has an up-to-date local plan and so under the guidance in para 74 must mean that a 5 years supply of deliverable housing land exists. However, an up-to-date of supply of housing does not place a moratorium on housing development. Guidance on this is offered in para 68 which refers to small and medium sized sites and advises:

- c) *support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*

The Fylde Local Plan to 2032 deals with these matters in Policy GD4 which refers to 'Development in the Countryside'. This policy advises that *'It is important that the countryside is protected from unacceptable development which would harm its rural character. The intrinsic value and rural character of the countryside of Fylde needs to be protected. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy GD4 defines the types of development which are acceptable in the countryside in appropriate circumstances.'*

A series of criteria are then listed with the relevant one for this application being:

"Development in the Countryside, shown on the Policies Map including Inset Plans, will be limited to:

- f) minor infill development"*

Principle of development

This application seeks permission for a single dwelling located on a green field site in the Countryside. Policy GD4 is the recently adopted and so up-to-date development plan policy that applies, and supports minor infill development.

As this dwelling is for a single dwelling it must be minor in scale. It is situated alongside the existing dwelling at Primrose Farm and the existing development at White Hall Farm including a single plot that was allowed on appeal and is yet to be implemented which would directly abut the site. As such it is 'infill' development.

The conclusion of this is that the principle of the development should be considered to be acceptable as the scheme is in accordance with Policy GD4. It is therefore necessary to examine if there are any overriding material considerations to indicate that the development should be resisted for other reasons.

Location and sustainability

The site is located in an area of countryside to the western end of the village. Treales is a small village which provides limited facilities beyond the pub although there is a church and a primary school located some distance outside of the village. As a consequence it lacks a number of public amenities normally required for day to day living within reasonable walking distance. It is, however, located approximately 1.9km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to be dependent upon the private car to access the necessary facilities in Kirkham which is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 79 of the NPPF which avoids 'isolated' rural development or Policy H6 of the FLP 2032.

In addition the issue of 'sustainability' of Treales has recently been examined at appeal in respect of another site close to this application site at 'Land east of Orchard Dene and north of Kirkham Road' with the appeal reference no. APP/M2325/W/17/3186458 planning reference no. 16/0433. In that appeal the Inspector's decision letter states - *'the length of vehicular trips would be a relatively short to Kirkham and the number of journeys generated from 3 dwellings would also be relatively small. The Framework also recognises the contribution which new development can make to sustaining local services and towards adding to the vitality of rural settlements. This contribution can go beyond purely economic factors. I accept that the contribution 3 additional dwellings would make in this regard would be very limited. Nevertheless, taking into account compliance with policy S1 [now incorporated into Policy GD4], I conclude that taken in the round, the overall harm identified in relation to local services would not be significant. It follows that the proposal would not conflict with policy HL2 of the Local Plan, and I also find no material conflict with policies GD7 and INF1 of the Emerging Local Plan or, on balance, conflict with guidance in the Framework which aims to locate significant new development in accessible locations.'*

The Inspector concluded that the appeal be allowed.

Given the close proximity of this application site to the appeal site it would be unreasonable to take a differing view to that of the Inspector referred to above on this aspect of the assessment of the application, or to propose a recommendation contrary to that of the outline planning permission. The site should be considered to be sustainable in regards to the accessibility of the site.

The proposal is therefore in compliance with Policy GD4 of the FLP 2032 and the aims of the National Planning Policy Framework (NPPF).

Pattern of development and impact on visual amenity

The site is located between 'Primrose Farm' and 'White Hall' and the barn conversions 'The Hayloft' and 'The Granary' on the south side of Kirkham Road with open fields directly opposite and 'Birch House' and 'Whitegarth' to the north and west.

Whilst the site is outside of the small 'core' of properties at the cross roads by the Derby Arms it is not an isolated plot in open countryside, it forms part of the intermittent ribbon development along Kirkham Road.

The proposed dwelling sits roughly centrally on the plot allowing views through the site of the landscaping around the boundaries and, in the winter months, of the fieldscape beyond. This layout is compatible with the pattern of built development along Kirkham Road.

The village is comprised of a mix of property styles of a variety of ages from the listed buildings of the Derby Arms and Smithy Cottage to the recently constructed new dwellings at Foundry Yard. Whilst there is no overriding character or type of dwelling in Treales they are in the main two storeys and of a 'traditional' design and in a palette of facing brick, render finish, or a mix of the two.

The design of the proposed development is that of a traditional styled dwelling which is to be constructed using facing bricks of an appropriate colour for a rural setting under a grey tiled roof which matches that on neighbours.

Accordingly the proposal is considered to be in compliance with Policy GD7 of FLP 2032.

Neighbours

Policy GD7 (b) requires that development proposals ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

The site lies to the west side of Primrose Farm and east of White Hall and associated barn conversion properties 'The Granary' and 'The Hayloft'. The proposed dwelling would be located 42 metres from the nearest dwelling located to the west side and would be partially screened by the boundary hedge. Given this separation distance it is considered that there would be no loss of privacy for the occupiers of any of these neighbouring properties to the west of the site. Whilst the neighbours at Primrose Farm are set 15 metres apart from the proposed dwelling and boundary fence and hedge between this property and the proposed dwelling is low, there are no windows in the gable end of Primrose Farm and only ensuite windows at upper floors in the new dwelling. As such no loss of privacy would be incurred by the occupiers of this property.

It is therefore considered that the development is sufficiently removed from the boundaries with neighbouring properties so as to avoid any impacts in terms of overbearing or overshadowing to neighbouring properties. As a result it is considered that the development would not result in a loss of privacy and is acceptable in terms of neighbour amenity and compliant with the requirements of Policy GD7 in this respect.

Landscaping

The application site is not subject to any specific landscape designations (e.g. those identified in paragraph 171 of the NPPF) and, accordingly, its value can be considered to be no more than local. It does however contain landscape features in the hedgerows and trees.

The proposed development would necessitate the formation of a vehicle access from Kirkham Road, cutting through the hedgerow for 6 metres and requiring the removal of some of the trees with the remainder of the hedgerow reduced in height to provide the visibility splay for the new access.

However, the Council's Tree Officer, at outline stage, did not consider any of the specimens to be worthy of protection through TPO, nor are there any objections to the losses required in order to form vehicle access. To mitigate the loss a new 9 metre length of native hedgerow is to be planted along the boundary with Primrose Farm with the remainder of the hedge retained and re-planted where there are gaps.

It is considered that the development provides appropriate retention and compensatory planting on the site. Accordingly, the proposal is considered to be in compliance with the requirements of FLP 2032 policies GD7, ENV1 and the aims of the NPPF.

Highways

The NPPF paragraph 109 states that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

FLP policy GD7 (q.) states *'The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.'*

Kirkham Road is a lightly trafficked route, visibility has been indicated on plan in accordance with the guidance from LCC Highways who have not objected to the scheme on the basis that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

The level of traffic and number of vehicle movements generated by this and the plot to the east of Primrose Farm will not have any significant impact on highway safety and the indicative layout demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the requirements of Policy T5 of the Local plan to 2032.

Ecology:

Paragraph 174 requires that plans should protect and enhance biodiversity and geodiversity. Paragraph 175 states: *'When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort,

compensated for, then planning permission should be refused';...

Whilst this application has not been submitted with any ecological surveys, the site is not within any nature conservation site. The outline application was however accompanied by an ecology survey which assessed the value of existing habitats within the site and the developments potential impact on protected species - including bats, birds, badgers and amphibians. The report concluded as follows:

- Habitats on the site are of low ecological value and do not provide environments suitable to support specially protected species.
- The greatest ecological potential is for foraging bats and nesting birds associated with existing trees and hedgerows. None of the trees on the site support fissures suitable for roosting bats.
- There are no ponds on the site and there are no records of any protected species occurring on or in close proximity to the site. The character of intervening farmland to the south of the site provides a suboptimal commuting habitat for amphibians.
- Appropriate mitigation can be put in place through: (i) the retention of existing vegetation; (ii) the timing of any vegetation clearance to avoid the bird breeding season; and (iii) the introduction of additional planting as part of the scheme.

Therefore, whilst existing vegetation on the site has some value with respect to foraging bats and nesting birds, it is recognised that this habitat is limited to the site boundaries and, in contrast, that the majority of is characterised by short sward grassland which has limited ecological value and does not provide any notable habitat capable of supporting protected species.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate mitigation and biodiversity enhancements can be secured through conditions relating to the retention/strengthening of landscaping and the timing of works involving the clearance of vegetation. The proposal is therefore in accordance with the objectives of FLP Policy ENV2 and the aims of the NPPF.

Flooding and drainage:

Paragraph 149 of the NPPF requires that *plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.....*

FLP policy CL2 refers to surface water run-off and sustainable drainage.

The site is within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment (FRA) to accompany the application. However, a plan for the proposed drainage of the site has been submitted with this application which indicates that foul water drainage is via a specialised waste water treatment plan and that surface water is directed to a soakaway within the site.

It is considered that this is an appropriate form of drainage for the site and a condition that requires the development to be carried out in accordance with the submitted plans will be imposed as part of the recommendation of this application.

Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FLP policies CL2 the aims of the NPPF.

Agricultural land classification

No agricultural reports have been submitted with this application however an 'Agricultural Land Classification and Soil Resources' report was submitted with the outline permission. The report concluded that the land fell within sub category 3b (moderate quality). Accordingly, it was considered that the site makes a minimal contribution to the viability of agricultural operations and so supported the recommendation for approval of the outline application.

The status of the land remains as that at outline stage and therefore loss of agricultural land of this quality is not a reason which would support a refusal of the application contrary to the decision of the outline application.

Other material considerations

The neighbours have commented on a dispute over land ownership in respect of the boundary between the development site and Primrose Farm. The applicants have advised the LPA that they own the land in question but have the matter with their legal representative to transfer the land shown in the blue edge to the neighbours. Therefore the red edge of plan is the proposed application site.

The principle of the development of this land and the land to the east of Primrose Farm has been established by the outline permission application 15/0367 approved on 4 September 2015, condition no. 1 of this approval stated:

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Permission was sought for Reserved Matters for a single dwelling on this site, application no. 16/0320 refers, this was received by the LPA on 4 May 2016 which was within the timescale set out in condition no. 1 of the outline permission and subsequently determined on 27 July 2016.

The dwelling approved under the Reserved Matters application would therefore have expired on 27 July 2018 having regard to condition no. 1 of the outline application. However, in dealing with this application the decision notice issued erroneously referred to being a full permission and that a timescale of 3 years from the date of its approval was available for these works to commence (i.e. by 27 July 2019). The applicant here considers that this establishes an extant planning permission for the erection of a dwelling on the site.

This introduces some unfortunate ambiguity over the status of the planning history. However, given that the scheme is clearly in compliance with an adopted development plan policy in Policy GD4 (f) and is not harmful to other planning interests, the status of this previous decision and so weight that can be applied to it in the overall planning decision, is of limited consequence.

Conclusions

The application site is a greenfield area of land immediately to the west of Primrose Farm which is a traditional farm property fronting Kirkham Road midway between the Derby Arms and the Carr Lane / Moorside / Mowbreck Lane junction. The application seeks permission for the erection of a single dwelling with a detached garage.

The scheme has been the subject of extensive objections from the Parish Council and others relating to planning policy and explaining that a previous outline planning permission on the site has expired and so should be discounted. Whilst there is some uncertainty over the status of the previous planning permission, the fact that it was recently granted is a material planning consideration to be weighed in the planning balance alongside the factors that allowed that decision to be supported. These were that the proposal was accepted as being in a reasonably accessible location and capable of development without causing undue harm to the character of the area or landscape factors. Although that decision was made at a time when the council was unable to demonstrate a 5 year housing supply, and so subject to a tilted planning balance, the physical merits of the site remain valid. The policy position has obviously moved on and the council is now able to demonstrate its required housing needs due to the adoption of the Fylde Local Plan to 2032. Policy GD4 of that plan is the key policy and introduces restraint to residential development in rural areas, but critically allows for 'minor infill development'. This scheme is considered to constitute such development and so accords with the Plan.

In other regards the proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the amenity of neighbours or patterns of development and visual amenity in the village. Mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in all regards, in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Local Plan to 2032.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - drawing no. - 18/038/L01 REV. A
- Proposed floor and elevation plans - drawing no. 18/083/P02
- Proposed garage floor and elevation plans - drawing no. 18/038/G01
- Proposed drainage layout plan - drawing no. 18/038/D01
- Proposed landscape plan - drawing no. 18/038/LAN01 REV.C
- Proposed site plan and street scene - drawing no. 18/038/P01 REV.B
- Proposed schedule of materials ref. no. 18/0593 (Ms K. McNulty and Mr A Keighley)

Supporting Reports:

- Planning supporting statement - LMP Architectural Consultants - July 2018

Reason: To provide clarity to the permission.

3. The materials for use in the development hereby approved shall be as indicated in the schedule of materials ref. no. 18/0593 (Ms K. McNulty and Mr A Keighley) as listed in condition no. 2 of this approval.

Reason: To ensure an appropriate finished appearance to the development in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. The drainage of site for the development hereby approved shall be as indicated on LMP drawing no. 18/038/D01 as listed in condition no. 2 of this approval.

Reason: To ensure an appropriate drainage of the development in accordance with Policy CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework

5. Prior to first occupation of the dwelling hereby approved the external area to the front shall be laid out in accordance with the approved plan drawing no. 18/038/P01 REV. B to enable vehicular turning to be available within the site. This facility shall be retained at all times.

Reason: In the interests of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. Any gateposts erected at the access shall be positioned 5m behind the back edge of the footway, with gates positioned so that they open away from the highway.

Reasons: To permit vehicles to pull clear of the carriageway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road in the interests of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

7. Prior to first occupation of the dwelling hereby approved that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in a solid surface material.

Reasons: To prevent loose surface material from being carried on to the public highway and so causing a potential source of danger to other road users, in the interests of highway safety and in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

8. Prior to first occupation of the dwelling hereby approved the visibility splays of 2.4 m by 43 m in both directions as shown on the approved site plan listed in condition 2 of this permission shall be provided, and these shall be retained free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures thereafter.

Reasons: To ensure adequate visibility at the access in the interest of highway safety in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

9. The landscaping of the development hereby approved shall be as indicated on LMP drawing no. 18/038/LAN01 REV.C as listed in condition no. 2 of this approval. These works shall be undertaken during the first available planting season following the completion of the development and then shall be maintained for a period of not less than 5 years.

Reason: In the interests of visual amenity and biodiversity and to ensure a satisfactory standard of development in accordance with Policies ENV1 and ENV2 of the Local Plan to 2032 and the aims of the National Planning Policy Framework

10. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Local Plan to 2032 Policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0593	Address Land west of Primrose Farm, Kirkham Road, Treales	Grid Ref. E.3438 : N.4328	Scale 0 6 12 18 24 m

Item Number: 9

Committee Date: 07 November 2018

Application Reference:	18/0618	Type of Application:	Full Planning Permission
Applicant:	Progress Housing Group	Agent :	Halsall Lloyd Partnership
Location:	NAZE COURT, NAZE LANE, FRECKLETON, PRESTON, PR4 1RJ		
Proposal:	ERECTION OF 12 DWELLINGS AS AFFORDABLE HOUSING WITH ASSOCIATED ACCESS AND PARKING		
Ward:	FRECKLETON WEST	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Kieran Birch
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.752141,-2.8658934,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal is for the erection of 12 affordable rent housing units on a brownfield site on Naze Lane, Freckleton. The site is allocated for housing in the Local Plan to 2032 and a building providing sheltered accommodation was previously located here. As such the development is acceptable in principle.

The dwellings proposed in this scheme are considered to be acceptable in design and their layout relates to the character of the area thus complying with Policy GD7 of the Fylde Local Plan to 2032. There are no highways, drainage, tree or amenity issues with the proposal. As such the application is recommended for approval.

Reason for Reporting to Committee

The application constitutes a Major development and therefore needs to be considered by the Planning Committee.

Site Description and Location

The application site is located on the southern side of Naze Lane in Freckleton. As such it is located within the settlement area and is opposite to the Freckleton Memorial Playing Fields and the Old Vicarage. The site is part of a wider area owned by Progress Housing Association Ltd. Along the south of the site is Croft Court, a building that provides sheltered accommodation for the elderly. A similar residential building, Naze Court, previously occupied part of the land to the west but was demolished in early 2014.

The site contains a large open green space which fronts onto Naze Lane. In the centre of this green

space there is a memorial of the Freckleton Air Disaster in the form of a kite situated within a landscaped area. To the east of the site there is a parade of shops. The context of the surrounding area is predominately brick built residential properties consisting of semi-detached, terraced houses and bungalows.

Details of Proposal

The applications consists of 12 affordable houses with these comprising four 2 bedroom bungalows, two 2 bedroom houses and six 3 bedroom houses. The application states that Progress Housing Group will own and manage the units in question and be responsible for future lettings and maintenance. The dwellings will be let at an affordable rent and will remain affordable in perpetuity.

Fronting Naze Lane will be two pairs of two storey semi-detached dwellings, two of which have parking at its side and the remainder of which have parking at the rear. These units will have small front gardens enclosed by a 0.9m brick wall. Access will be taken from the existing access point and will lead to this parking and the remaining eight units. The other units are two pairs of semi-detached two storey dwellings and a terrace of four bungalows at the rear of the site.

The dwellings are all proposed to be constructed in red brick with grey concrete tiles and dark grey upvc window frames. Plot 1 which has a prominent side elevation has additional windows and hanging tiles and some rendering to part of the elevation. The two storey dwellings have pitched roofs and the bungalows hipped. The boundary treatments proposed to the dwellings consist of a low brick wall fronting Naze Lane and in the front gardens of the dwellings within the site, a 1.8m rear brick boundary wall to plot 1 as it is prominent within the site, with the remaining frontages open and fencing providing the boundaries to the rear.

The application proposes new landscaping to the site to incorporate the 'Kite Memorial' making it more of a feature point. This constitutes paths to the memorial, seating around it and the provision of additional trees.

Relevant Planning History

Application No.	Development	Decision	Date
14/0801	PROPOSED ERECTION OF 13 No. AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING AND NEW FOOTPATH LINK	Withdrawn by Applicant	05/01/2015
14/0075	PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF SINGLE AND TWO STOREY SHELTERED ACCOMMODATION BLOCK OF 22 FLATS AND COMMUNAL AREAS	Approve Prior Determination	28/02/2014
03/0287	4 NO. 1 BED & 26 NO. 2 BED SHELTERED FLATS FOR THE ELDERLEY & UPGRADING OF EXISTING FLATS AND CAR PARK IMPROVEMENTS	Withdrawn by Applicant	14/04/2003

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 07 August 2018 and comment:

“As the development appears on the application there can be no denying that this development will go ahead. That said, the Councillors would like to express their disappointment and sadness that Progress Housing seem to have forgotten past promises made as to their plans to build better, more modern housing for the elderly and infirm members of the community.”

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No objections to the proposal.

Ministry of Defence – Safeguarding

No objection to the proposal.

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed 12 dwellings as affordable housing and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They state that the existing site access is acceptable, the footpaths are acceptable and are not seeking any section 106 contributions as part of the development. They state that the layout conforms with current guidelines. They request conditions in relation to the submission of a construction management plan and that the car parking areas be available prior to occupation of the dwellings.

Environmental Protection (Pollution)

With reference to your memorandum dated 7th August 2018, there are no objections to the above proposals in principle, however I would add the following conditions:

Construction and demolition times shall be restricted to 08.00 – 18.00 Monday to Friday; 08.00 – 13.00 Saturdays and no work on Sundays or Bank Holidays

United Utilities

No objections and request a condition that the development complies with the submitted FRA.

Strategic Housing

Housing would support this application. This is a site that requires delicate community involvement and Progress have worked with the community to deliver a scheme that satisfies their concerns. The proposed development is entirely affordable rent and a house type mix that would meet the needs within Fylde. All properties are to allocated through MyHomeChoice Fylde Coast and will be marketed to be let 3 months prior to site completion.

Neighbour Observations

Neighbours notified:	07 August 2018
Amended plans notified:	12 October 2018
Site Notice Date:	30 August 2018

Press Notice Date: 16 August 2018
Number of Responses No comments received.

Relevant Planning Policy

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
GD7	Achieving Good Design in Development
ENV4	Provision of New Open Space

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

Principle of Development

When considering the principle of development regard must be had to the Development Plan, with determination of the application in accordance with this plan unless material consideration indicate otherwise. The statutory development plan and material considerations in this case comprises the Fylde Local Plan to 2032 and the National Planning Policy Framework.

The principle of the development of the site for a residential use is acceptable as it is located within the settlement of Freckleton as defined by the Local Plan to 2032, which under policy S1 is identified as a Local Service Centre. The site is also allocated as a non-strategic housing site through policy H1 and is a piece of brownfield land that previously contained sheltered accommodation. The Local Plan directs developments to within settlements and, therefore, the principle is acceptable.

Design, layout and visual impact

The design and layout of the dwellings is outlined in the details of the proposal paragraph above. The development has been amended from the original proposal which included development side-on to Naze Lane and has been amended to one that fronts the highway.

Policy GD7 of the Local Plan to 2032 refers to achieving good design in development, requiring development to be a high standard of design and taking account of the character and appearance of the area with several criteria which applications need to adhere to. Not all of the criteria are relevant to every application but the policy requires development to have an appropriate density, and that the layout, siting, scale and design relate well to the surrounding context.

The proposed design is considered to have an acceptable design. The dwellings consist of three

different house types and bungalows. Whilst differing in design the dwellings are similar in appearance, with all to be constructed in red brick with small areas of rendering. Red brick is the predominant material in the area so the development will relate to existing buildings in the area and reflect the existing character. The other materials proposed are acceptable and will help to add visual interest to the development.

The dwellings at the front of the site are appropriately spaced and set back from Naze Lane and will thus sit well within the street scene and have an acceptable visual impact. The side elevation of plot 1 will be the most prominent, and this features a dual aspect property and brick boundary wall. Within the site the two pairs of semis face the open space which is appropriate with the bungalows at the rear of the site of similar design to the dwellings and will be constructed in the same materials. The design of the dwellings, their layout and the visual impact they have on the character of the area are acceptable and will not be detrimental to the amenities of the area, thus complying with policy GD7.

Impact on residential amenity

The development will not have a detrimental impact on the residential amenity of neighbouring dwellings. The site was previously occupied by Naze Court which had a frontage to Naze Lane and extended to the rear of the site, with this development reducing that footprint and massing significantly. The four units fronting Naze Lane are appropriately set back from the road and measure approximately 18 metres from the side elevation of the dwelling opposite, 1 Wyndene Grove. There will therefore be no overlooking or loss of light created to this dwelling. The dwelling to the west of plot 4, 4 Naze Lane, will be 13m away, side to side elevation, between which is a substation and some shrubbery. The side elevation of plot 4 has a first floor window within it which serves a landing and can, therefore, be conditioned to be obscure glazed and will not overlook this property. There will not be an unacceptable loss of light to this dwelling. 4 Naze Lane has four pitched roof dormer windows in this side roof plane facing plot 1 but it is not considered that these would create significant overlooking other than in a typical urban residential situation.

The rear elevations of plots 5 and 6 are 13m away from the side elevation of 47 Clitheroes Lane which is a bungalow with no first floor windows and the rear elevations of plots 7 and 8 are 15m from the side elevation of 49 Clitheroes Lane which is also a bungalow with no first floor windows. At these distances for rear to side elevations it is not considered that there will be any unacceptable overlooking or loss of light.

Plots 9, 10, 11 and 12 are all bungalows. They are 17m from the side elevation of plot 8, plot 9's side elevation is 20m from the rear elevation of 55 Clitheroes Lane and their rear elevations are approximately 24m from the rear elevation of 12 Further Ends. These distances are all considered to be acceptable and these three bungalows will have no impact on the amenity of adjacent properties.

Highways Issues

There are no highways issues with the application. The Highway Authority have assessed the proposal and have no objections to the scheme. The development will not create any unacceptable levels of traffic that would impact on the existing highway network, the access to the development, the internal layout and the level of parking are all acceptable. Conditions have been agreed with the applicants with regard to a construction management plan being submitted prior to the commencement of development, and a condition will be put on any approval requiring the parking spaces to be available prior to first occupation. As such there are no highways issues with the proposal.

Flood Risk and drainage

The site is not located in a flood zone. However a flood risk assessment has been submitted. United Utilities have been consulted and have no objections but require a condition that the development is carried out in accordance with the FRA.

Planning Obligations

The application has been submitted with an affordable housing statement which indicates that the dwellings will be available for affordable rent and the units will remain affordable in perpetuity. The Council's affordable housing officer has stated that the development would provide additional affordable housing for rent and be built to the required standard, and the permission needs to secure the development as affordable housing in perpetuity. It is considered that a legal agreement is not necessary to secure the dwellings as affordable however a condition requiring more details is appropriate.

The site as a whole already benefits from a large area of public open space which is proposed to be subject to additional landscaping and seating areas. Therefore, whilst Policy ENV4 of the Local Plan to 2032 seeks financial contributions towards off site open space provision given the existing open space available at the site which is to be upgraded, the fact that the development covers the footprint of a previous more intensive development and the availability of nearby POS on the Memorial Playing Fields it is considered that in this instance no contribution towards additional off-site POS should be sought.

Conclusions

The application involves the development of 12 affordable residential dwellings on a brownfield site within the settlement of Freckleton. It is considered an acceptable form of development in this location and is in accordance with the relevant policies of the Fylde Borough Local Plan. As such members are recommended to approve the application.

Recommendation

That Planning permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5 November 2014, including the following plans:
 - Location plan 2784 P.01A
 - Proposed site layout 2784 P.02P
 - House Type A 2784 P.03A
 - House Type B 2784 P.04A
 - House Type C 2784 P.05A
 - House Type D 2784 P.05A

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

3. The development hereby approved shall comprise of not less than 100% affordable housing and shall not commence until a scheme for the provision of the affordable housing 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 in accordance with the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- proposals for the management of the affordable housing and the arrangements for the transfer of the affordable housing to an affordable housing provider if any of the affordable housing is to be so transferred;
- the tenure of the affordable dwellings
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and that the dwellings remain affordable in perpetuity;
- the occupancy criteria to be used to assess eligibility of potential occupiers of the affordable housing and the mechanism for the application of such occupancy criteria.

Reason: To ensure the dwellings are provided as affordable housing and that they remain affordable in perpetuity to meet locally identified need as required by Policy H4 of the Fylde Local Plan to 2032.

4. No development shall take place until samples/full details of the following has been submitted to and approved in writing by the Local Planning Authority;
- a. External surface materials to be used in the construction of the dwellings;
 - b. Hard surface treatments within the development;
 - c. Boundary treatments.

The development shall be carried out using the approved materials.

Reason: In the interests of visual amenity as required by Policy GD7 of the Fylde Local Plan to 2032.

5. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Local Plan to 2032 Policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

6. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels,

means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

7. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

8. Construction and demolition work shall be restricted to 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturday and no work on Sundays or Bank Holidays.

Reason: To protect neighbouring amenity

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. LRD29146, Dated July 2018) which was prepared by Sutcliffes. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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

10. The private car parking and manoeuvring areas shall be marked out and available in accordance with the approved site plan, prior to occupation of the associated dwelling and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas as required by Policy GD7 of the Fylde Local Plan to 2032.

11. No development shall take place until details of a Construction Management Plan for the highway construction and future maintenance within the site shall be submitted to and approved in writing

by the Local Planning Authority, in consultation with (LCC) Highways, and be adhered to throughout the construction period. The Plan shall provide for:-

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used.
- e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

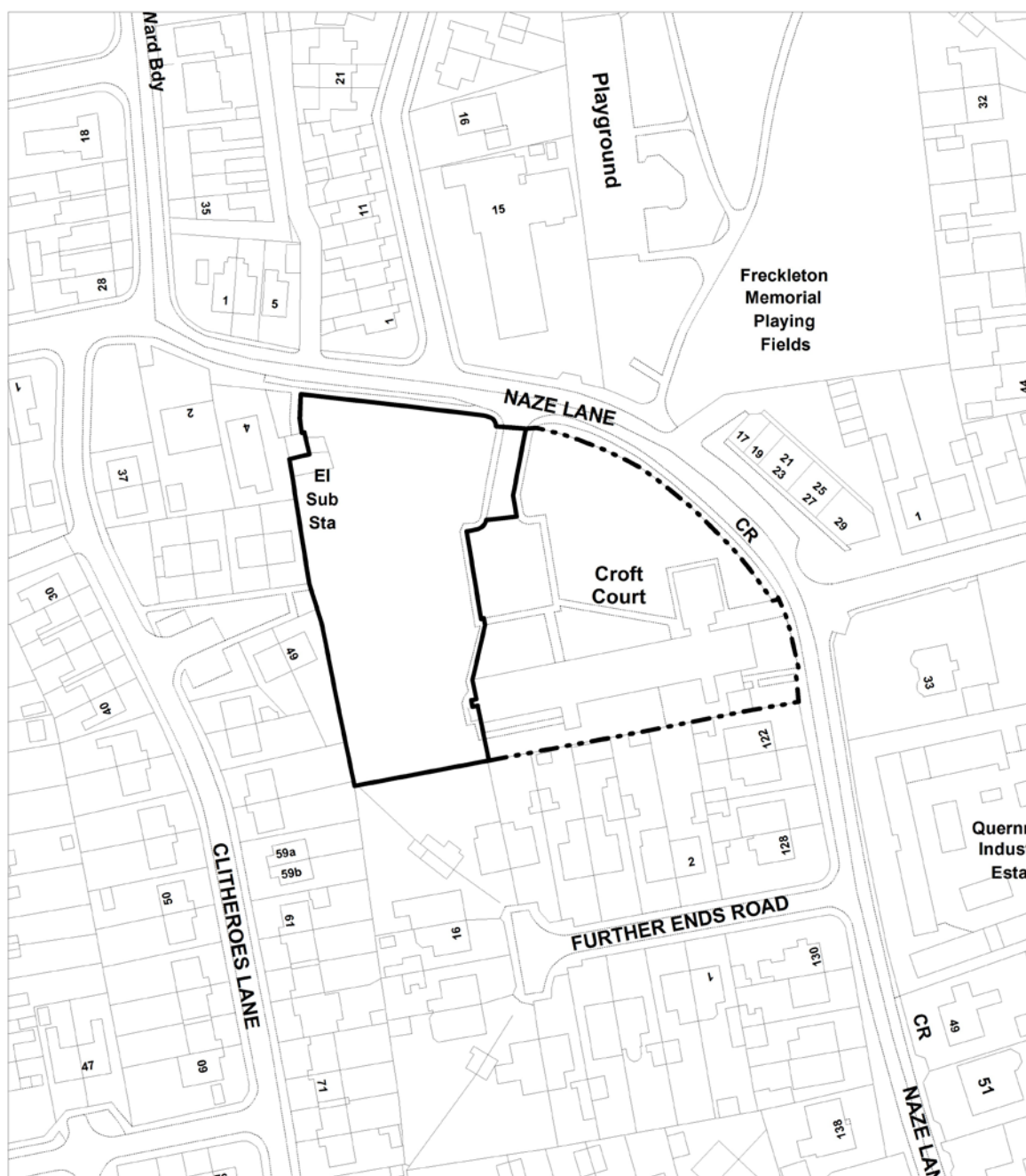
Reason: In the interest of highway safety; to reduce the impact of development on the surrounding highway; to ensure a satisfactory appearance and safety of the highways infrastructure serving the approved development; and safeguarding the visual amenities of the locality.

12. Obscure glazing shall be provided in the first floor side elevation windows serving bathrooms or landings of the dwellings hereby approved and shall thereafter be retained.

Reason: To safeguard the privacy of adjoining residents

13. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development)(England) Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0618	Address Naze Court, Naze Lane, Freckleton	Grid Ref. E.3428 : N.4287	Scale 0 6 12 18 24 m

Item Number: 10

Committee Date: 07 November 2018

Application Reference:	18/0646	Type of Application:	Full Planning Permission
Applicant:	Mr Maclaughlin	Agent :	Homeplan Designs
Location:	BEACH TERRACE CAFE, SOUTH PROMENADE, LYTHAM ST ANNES, FY8 1NW		
Proposal:	SINGLE STOREY SIDE AND REAR EXTENSION TO CAFE		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7446872,-3.0260797,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to the Beach Terrace Cafe which is located on the edge of the Fairhaven Road car park in St Annes and is in council ownership, hence the need for Committee consideration. The application seeks permission for a function room extension to the existing building on the seaward side.

The principle of the extension is supported by the policies of the local plan which promote daytime and evening business, leisure, cultural and heritage based tourism in these areas. Whilst the site is close to specially designated sites on the dunes and estuary the development can be carried out without harm to these sites. Accordingly the development is considered to be in compliance with the relevant policies of the Fylde Local Plan to 2032 and is recommended for approval by Members.

Reason for Reporting to Committee

This application is to be considered at Committee as the council is the land owner and under the scheme of delegation such applications are to be determined by members.

Site Description and Location

The application site is the Beach Terrace Cafe, South Promenade, Lytham St. Annes. In particular the application relates to a single storey building situated adjacent to the Fairhaven Road Car Park to the east side, the historic park and gardens to the north side and sand dunes to the south and west sides of the building.

The site is within the settlement of Lytham St. Annes but is adjacent to the historic promenade gardens, a Biological Heritage site, a Site of Special Scientific Interest, the Ribble & Alt Estuary SPA and Ramsar sites as designated on the Fylde Borough Local Plan, as altered (October 2005) and these

designations are carried forward in the submission version of the plan to 2032.

Details of Proposal

This application seeks permission for a single storey side/rear extension to the existing conservatory extension.

The new extension measures 4.3 metres in width by 8.84 metres in length and is designed with a flat roof and provided with a 'lantern light' to an overall height of 3.6 metres.

The extension is to be constructed with a render finish to match the existing building and it is intended that the extension will provide a function room to enhance the facilities at the café.

Relevant Planning History

Application No.	Development	Decision	Date
03/1115	PROPOSED SINGLE STOREY REAR/SIDE EXTENSION AND ALTERATION TO FRONT TO PROVIDE ACCESS	Granted	19/01/2004
87/0705	EXTENSION TO THE EXISTING CAFE PREMISES	Granted	24/02/1988
87/0190	ALTERATION TO ELEVATION	Granted	02/05/1987
85/0051	ERECTION OF SINGLE STOREY CAFE.	Granted	27/02/1985
85/0662	ERECTION OF FLAGPOLE/FLAG.	Granted	06/11/1985
85/0663	ERECT SUN LOUNGE - EXTENSION TO CAFE.	Granted	06/11/1985

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 06 September 2018 and comment:

"Support - Meets St. Anne's on the Sea Neighbourhood Plan section E6 - supporting tourist economy."

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

"As it is some distance away from residents and is a detached building any noise issues should be mitigated by the structure of the new build. However, I would ask that:

- a. *All outside areas are closed to patrons from 21:00;*
- b. *All doors and windows shall remain closed during the performances of amplified entertainment.*
- c. *Unless permitted by a Temporary Event Notice the premises shall close at 00:00."*

Greater Manchester Ecology Unit

"Summary

The proposed development is adjacent to the Lytham Foreshore Dunes and Saltmarsh BHS site and within 300m of the Ribble Estuary SSSI and Ribble and Alt Estuaries SPA

Ribble and Alt Estuaries SPA

The Ribble and Alt Estuaries is a European designated site. As part of the judgement on the integrity, the decision taker must consider the way in which it is proposed to carry out the project and whether conditions or other restrictions would help to ensure that the site integrity was not adversely affected. In practice, this means that the planning authority should identify the potential risks so far as they may be reasonably foreseeable in light of such information as can reasonably be obtained. In this instance the planning authority is the decision maker or competent authority and is required to make a judgement whether the development is likely to have a significant effect on the Estuary.

The development is around 330m from the designated site and involved a minor extension approximately 40sqm to the existing café over existing hard standing. This falls significantly below the threshold of 0.2ha for commercial developments that would trigger the need for consultation with Natural England based on the SSSI impact risk zones for the Ribble Estuary SSSI which has the same boundary as the SPA in this location.

Whilst the SSSI guideline is not necessarily sufficient to judge there is no risk of an impact on the European site, I am satisfied in this instance that there is negligible risk for a development of this scale and nature having a negative impact on the SPA. I am satisfied that an appropriate assessment can be screened out.

Lytham Foreshore Dunes and Saltmarsh BHS site

The development site is enclosed on three sides by the Biological Heritage site. No direct impact are proposed, with the development restricted to hardstanding, but the red edge site overlaps the BHS, and will have to be crossed to enable the development. There is therefore likely to be indirect impacts during construction. These should be minimised by restricting the area of the BHS that needs to be crossed to access the site and ensuring appropriate restoration of any damage. Given the scale of the development I am happy for the detail to be conditioned along the following lines.

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect and restore the Lytham Foreshore Dunes and Saltmarsh BHS from damage has been supplied to and agreed by the LPA. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details."

Natural England

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Natural England's advice on other natural environment issues is set out below.

European sites - Ribble and Alt Estuaries Special Protection Area

Ribble and Alt Estuaries Ramsar

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise

you to record your decision that a likely significant effect can be ruled out.

Ribble Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. “

Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. They highlight that this may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and is encouraged to liaise with the landowner on this in the first instance.

Neighbour Observations

Neighbours notified:	No neighbours notified due to separation from application site
Site Notice Date:	13 September 2018
Number of Responses	None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP06	Historic parks & gardens
EP16	Development in or near SSSI's
EP17	Devt in or near Biological & Geological Heritage Sites
EP20	Protection of coastline, estuaries and sand dunes
TREC08	Tourism Development on the Seafront

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
ENV1	Landscape
ENV2	Biodiversity
EC6	Leisure, Culture and Tourism Development
ENV5	Historic Environment

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St. Annes on Sea Neighbourhood Plan

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks permission to extend an existing cafe on council owned land adjacent to the

dunes and the historic parks and gardens on St. Annes sea front.

Principle of development

The site is within the settlement of Lytham St. Annes Policy SP1/GD1 supports development in these areas.

Policy TREC8 of the Fylde Borough Local Plan permits the development of new tourist and leisure facilities providing that these are appropriate for a seafront location, respect the character of the area and do not prejudice the visual and other amenities of the seafront and nearby residential properties.

Policy EC6 of the Fylde Local Plan to 2032 promotes *St. Annes as a classic seaside resort, based on its tourism heritage, the seafront, promenade and Ashton Gardens, its Victorian architecture and pier (a). Supports the high quality regeneration of The Island Sea Front Area at St. Annes and the protection of seaside resort facilities to support wider tourism, culture and the local economy (c).*

Therefore whilst the principle of the development is considered to be acceptable having regard to the above policies, the site abuts site specially designated for their ecological and historic importance and so regard should be had to other policies of the plan which refer to these sites as well as general development control criteria.

Impact on visual amenity

Following the establishment of the town of St. Annes in 1875 by The Land Building Company of St. Anne's, the Promenade Gardens were laid out by Messrs Pulham and Sons in response to the growth of the holiday trade in nearby Lytham and Blackpool. The gardens were constructed with rock from Derbyshire and Clitheroe with the principal features being the ornamental lake, stepping stones and footbridge. The gardens are planted with of a mix of alpine and herbaceous plants which are maintained by the council and the gardens are statutory listed Grade II.

The application site is opposite the gardens at the eastern end and is an existing building with a hipped roof which is render finished which has a long standing use as a cafe. The proposed extension is to the side elevation which is on the opposite side of the building to the historic gardens and is an extension to an existing conservatory type extension on the dunes side.

Due to the location of the extension there will be limited views from the gardens or the footpath, the main views will be from the dune side of the building. However, given the design and scale of the extension the development will not result in a detriment to the visual amenity or the character and appearance of the statutory listed historic gardens.

Ecology and environmental impact

Whilst this area is not within any special designation it is within the consultation zone of the SSSI and adjacent to the Biological Heritage site and Ribble & Alt Estuary SPA and Alt Estuary Ramsar sites and so advice has been sought from Natural England and the council's ecological consultants.

The Ribble & Alt Estuaries Ramsar and Special Protection Area (SPA) forms part of the chain of western SPAs that fringe the Irish Sea. The site is important for the movements of wintering birds between this site and Morecambe Bay, the Mersey Estuary, the Dee Estuary and Martin Mere. Important populations of waterbirds occur in winter, including swans, geese, ducks and waders. The

SPA is also of major importance during the spring and autumn migration periods, especially for wader populations moving along the west coast of Britain. The larger expanses of saltmarsh and areas of coastal grazing marsh support breeding birds during the summer.

The site is also adjacent to the Lytham Foreshore Dunes and Saltmarsh Biological Heritage site, designated for its Coastal Habitats, Flowering Plants and Ferns, Butterflies and Moths, Mosses and Liverworts and Molluscs.

The extension is proposed to cover an area currently paved with flag stones and providing external seating in association with the cafe use. The extent of built development will not project further into the designated areas. As a result the consultees on the application are not objecting to the proposal.

Notwithstanding this the extension has potential for harm to the designated sites as a result of the storage of building materials and the succession of workers trampling the adjoining designated sites during construction. Accordingly the recommendation for this application will include a condition that a scheme is agreed for the management of the site to prevent such damage.

Impact on neighbours

The extension to the cafe is proposed for use as a function room to expand the existing facilities on offer. Whilst the site has no immediate neighbours there are residential properties on South Promenade and Fairhaven Road opposite the site that are around 70m distant. The planning permission over the existing café does not include any restrictions over its opening hours, although their website indicates that 9am – 5pm are the usual trading hours. Clearly these hours could be changed and with the potential for a function room to be used late into the evening it is considered prudent to impose conditions to restrict the hours of use as suggested by the environmental protection officer. Notwithstanding this, the site is adjacent the car park area and so residents will currently experience some disturbance from the use of this facility and the general tourism use of the area, and in this context it is not considered that the proposal will cause any undue impacts on residential amenity.

Conclusions

This application seeks permission for a function room extension to the existing Beach Terrace Cafe on South Promenade. The principle of the extension is supported by the policies of the local plan which promote daytime and evening business, leisure, cultural and heritage based tourism. This proposal is for an expansion of an existing business situated on the Promenade which can be carried out without harm to the character and appearance of the nearby historic and specially designated sites and without detriment to neighbour amenity. The scheme is accordingly considered to be in compliance with the policies of the Local Plan and is recommended for approval by Members.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

- Location Plan - 'Homeplan Design'
- Proposed floor plan and elevation plan - drawing no. HP/2536Bb PL / 18 / 05.1

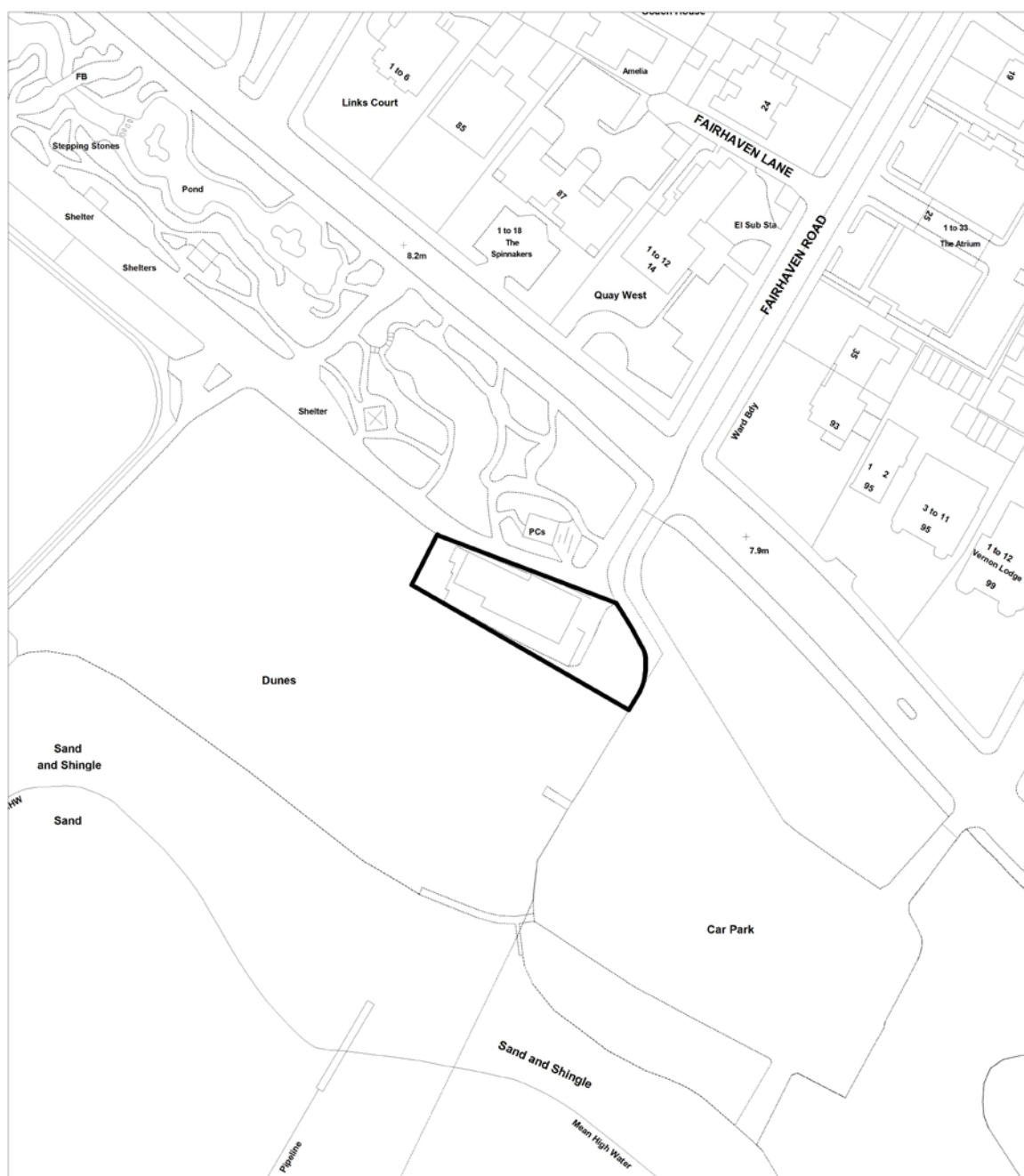
Reason: To provide clarity to the permission.

3. No development, site clearance or earth moving shall take place or material or machinery brought on site until a method statement to protect and restore the Lytham Foreshore Dunes and Saltmarsh BHS from any damage that may occur during the development has been supplied to and agreed in writing by the local planning authority. All measures are to be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: In the interests of the protection of the nearby Lytham Foreshore Dunes and Saltmarsh BHS site in accordance with Policy EP20 of the Fylde Borough Local Plan as altered (October 2005), Policy ENV2 of the submission version of the Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. The premises shall only be open for trade or business between 08:00 hours to 00:00 hours Monday to Sundays and Bank Holidays and there shall be no use of outside areas beyond 21:00 hours on any day. All doors and windows shall remain closed during the performance of amplified entertainment.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Policy EP27 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD7 of the emerging local plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0646	Address Beach Terrace Cafe, South Promenade, Lytham St Annes	Grid Ref. E.3324 : N.4280	Scale 0 6 12 18 24 m

Item Number: 11

Committee Date: 07 November 2018

Application Reference:	18/0661	Type of Application:	Full Planning Permission
Applicant:	Mr & Mrs Chamberlain	Agent :	Abito Architects
Location:	LAND REAR OF RIDGEWAY COURT, SHEPHERD ROAD, LYTHAM ST ANNES		
Proposal:	REDEVELOPMENT OF LAND TO CREATE GARAGE SITE COMPRISING NINE SINGLE STOREY GARAGES WITH ACCESS FROM SHEPHERD ROAD		
Ward:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	11	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7559311,-3.0095884,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for the erection of nine garages to the rear of residential properties on Shepherd Road. Whilst garages originally formed part of the approval for the development of the Shepherd Court flats these were never built. It is considered that the development is acceptable with regard to visual and neighbour amenity and will not compromise highway safety or result in flooding. Accordingly the proposal complies with the policies of the FLP32, the St. Anne's Neighbourhood Development Plan and the aims of the NPPF subject to conditions and is recommended for approval by Members.

Reason for Reporting to Committee

The application is on the agenda as the Town Council have objected to the proposal and under the council's scheme of delegation such applications are to be determined by Committee given the officer support for the development.

Site Description and Location

The application site is Land to the rear of Ridgeway Court, Shepherd Road, St. Annes. In particular the proposal relates to an 'L' shaped area of land between nos 2-16 Ridgeway Court and the allotment gardens to the east side. There are two flat roof garages on site with the remainder of the site being overgrown scrub land.

The site is within the settlement of Lytham St. Annes as designated on the Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of 9 no. single, flat roof garages arranged on the site in 3 group of 3 garages. Three garages in an attached row to the south side with two further

blocks of three garage in a staggered format.

Each garage measures 6 metres in length by 2.8 metres in width by 2.8 metres in height. The garages are to be constructed in facing brick with upvc garage doors.

Access is between 59 Shepherd Road and 1 & 2 Ridgeway Court.

Relevant Planning History

Application No.	Development	Decision	Date
08/0238	MODIFICATION OF CONDITION 4 ON APPLICATION 07/1116	Granted	16/05/2008
07/1116	ERECTION OF 2 NO. DETACHED, SINGLE STOREY GARAGES	Granted	19/12/2007
06/0228	ERECTION OF 2 NO. GARAGES	Granted	06/07/2006
03/0745	OUTLINE APPLICATION FOR 16 GARAGES TO THE REAR OF RIDGEWAY COURT	Refused	23/09/2003
98/0090	OUTLINE APPLICATION FOR TWO DETACHED DWELLINGS WITH GARAGES	Refused	22/04/1998
92/0364	ERECTION OF TWO GARAGES	Granted	15/07/1992
91/0154	ERECT 3 BRICK GARAGES.	Refused	24/04/1991
83/0841	OUTLINE: ERECTION OF 16 GARAGES AT REAR.	Refused	04/01/1984

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 21 August 2018 and object to the application, raising the following points:

- *On the application form there is a water course within a metre of the allotment site which drains the allotments and Elswick Place and beyond.*
- *Proposed size of garages is below the recommendations from L.C.C (See Highways letter). If there are 9 garages there will be considerable reduction in the area that can deal with surface water over intensive development for the size of the site.*
- *Concern of security garage Number 7 could compromise security of allotments as it is so close to the boundary fence.*
- *If the application were to be approved the applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.'*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They state:

"LCC Highways does not have any objections regarding the proposed redevelopment of land to create garage site comprising nine single storey garages with access from Shepherd Road and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the

site.

The recommended minimum internal single garage size to be 6m x 3m and this includes integral garages. The size of the proposed garages are 6m x 2.7m."

They then request a condition to ensure that a turning facility is provided within the site and maintained at all times given the hazard that reversing vehicles can cause.

Environment Agency

"Environment Agency are not required to formally comment on the above application as it does not meet any of the criteria in the 'When to Consult the Environment Agency' document or in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015."

Cllr Ford

He refers to the proximity to the allotments, which he advises are owned by St. Anne's Town Council and that he maintains one of them.

He highlights that the Town Council have failed to persuade the landowner of this site to address issues of overgrown blackberries and other invasive plants.

He also refers to the lack of any drainage arrangements for the existing garages which allow water to runoff to ground. This may contribute to the flooding that occurs on his plot and neighbouring ones.

He also expresses concerns over the surface to be used on the site to ensure future weed growth and drainage issues do not occur.

Neighbour Observations

Neighbours notified:	21 August 2018
Site Notice Date:	24 August 2018
Number of Responses	1 letter received
Summary of Comments	<ul style="list-style-type: none">• if this raises the level of the ground could increase flooding on allotments• concerns over security for allotment site• use of garages has not been made clear• difficult to see benefits• will increase foot traffic, increases risk of accidents• what's going to be stored in garages• will access be 24 hr• who has responsibility• who is responsible for noise and dirt levels• potential infestation• air pollution due to rubble• will gardens be fenced off• will CCTV be installed

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St. Anne's on Sea Neighbourhood Plan

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks permission for the erection of 9 garages on land situated to the rear of Ridgeway Court and in front of the allotment gardens.

Principle of development

Policy GD1 of the Fylde Local Plan to 2032 (FLP32) directs development to settlement areas and so the proposal is in compliance with this policy in respect of the location of the development and is therefore acceptable, subject to other policies of the plan.

Policy GD7 of the FLP32 refers to the general principles of good design, with the relevant sections being:

Development will be expected to be of a high standard of design, taking account of the character and appearance of the local area....

- b. Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.*
- c. Ensuring the siting, layout, massing, scale, design, materials architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.*
- g. Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*
- p. The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.*

Policy DH1 of the St Anne's Neighbourhood Plan advises: 'Development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards'.

Background

The original permission for the Ridgeway Court flats was granted on 29th July 1963, the application included a scheme for garages on the land applied for in this application. A condition of the approval required that the garages were built and made available for the residents of Ridgeway Court, this condition was never complied with and the land has remained vacant.

Since the original approval several applications for garages on this land have been submitted with mixed success. The reasons the applications were refused referred to the loss of the pleasant character of the land and the impact on neighbours.

With the exception of the two garages approved on the site the land has remained vacant and overgrown.

Impact on visual amenity

The development proposes the erection of nine flat roof garages arranged in three blocks with one group of three being in a terrace on the south boundary of the site of with two further blocks in a stepped arrangement located centrally and to the west side of the plot.

Whilst only views of the existing two garages will be obtained from Shepherd Road, the proposed garages will be clearly viewed from the rear of the Ridgeway Court properties and from the allotment gardens. With the exception of the existing two garages, the proposed plot is undeveloped and consists of overgrown scrub, weeds and brambles with central areas of hardcore. It does not offer anything to enhance the visual amenity of the area and presents problems for nearby land users.

The proposed garages are comparable in scale to the existing garages on this site and the garages on the adjacent site to the rear of the shops on Singleton Avenue. Their arrangement differs from previous refusals in that they are arranged in stepped groups which allow residents views around the garages through to the allotment gardens.

The development is enclosed on three sides and so are screened from wider views and from Shepherd Road. As a consequence of their location, scale and design they are not prominent or discordant features in the local context and the proposal will not cause detriment to the visual amenity of the area and therefore complies with Policy GD7 of FLP32 and DH1 of the St. Anne's Neighbourhood Plan.

Impact on neighbour amenity

The Ridgeway Court properties are subdivided into ground and first floor flats. The occupiers of several of the ground floor properties will be screened from the proposed development by existing high timber fences which separate their rear garden areas from the alleyway their bin storage area and the development land. Those at first floor will have views over the garage roofs to the allotment gardens beyond. Those occupiers of ground floor flats without fencing would have views of the rear elevation of the garages however, habitable room windows at the ground floor level would have 9 metres separation distance. Given the scale of the development it is considered that this separation is acceptable and will not result in overshadowing or loss of privacy for the occupiers of either ground or first floor occupiers of the Ridgeway Court flats.

Neighbours also refer to noise issues in their comments on this application. Noise and disturbance

also formed part of the reasons for refusal on earlier applications.

It is accepted that the residents may experience some noise during construction of the garages however, this is covered by Environmental Protection legislation which have powers to control noise.

It is accepted that users of the garage will cause some increase in general noise and disturbance as the site is currently a vacant plot of land but this should not be at a level to result in a loss of amenity and is not expected to be at a level which warrants a refusal of the application. Conditions to restrict the use of the garages are suggested as part of this recommendation to restrict the use of the buildings to domestic use and to ensure that they are not used for any commercial purposes.

Subject to condition the development is considered to be acceptable and in compliance with the criteria of Policy GD7 of the FLP32.

Highways

Criterion p. of Policy GD7 refers to highway impacts and Policy T5 to parking standards. LCC Highway Engineers have been consulted as part of the application process and have not raised any objections to the scheme. They refer to the size of the garages and advised that internally they should be 3 metres wide rather than 2.7 metres indicated to meet the minimum size for a garage. However, this is the size they utilise for a garage when it is located in a residential estate context and so likely to be subject to additional domestic storage needs for a dwelling, and is sought to ensure they provide a realistic parking space for the vehicle. The reduced width of these garages will hamper their usability, but would still allow cars to be parked within then as it is wider than a standard car parking space is 2.4 metres which allows for doors to be open and passengers to enter/exit. The garages whilst being capable of containing a vehicle may also be used for the storage of domestic items.

Accordingly it is considered that the development is acceptable and complies with the criteria of Policy GD7 and Policy T5.

Drainage

A drain is situated centrally within the allotment gardens and part of the area surrounding the drain and in other areas along Shepherd Road and some of the surrounding streets are susceptible to surface water flooding as indicated on the Environment Agency's website.

Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding. As the wider area is also indicated as being at risk from surface water flooding the drain is not specifically the cause. Notwithstanding this the NPPF paragraph 156 requires that *'Strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.'*

Policy CL2 of FLP32 advises that *'Development must utilise Sustainable Drainage Systems (SuDs) whenever practical; and reduce discharge to greenfield run-off rates wherever feasible...*

The applicants have submitted drawings to indicate that a SuDs method of paving is to be provided

for the areas surrounding the garages. This method of surfacing will prevent further flooding as a result of the increase in hard surface materials in this area. The development proposed is not for a vulnerable land use (such as a residential or a holiday caravan site) and with this surfacing should not impact on flood risk. Accordingly the application is considered to comply with Policy CL2 and the aims of the NPPF.

Conclusions

This application seeks permission for the erection of garages to the rear of residential properties on Shepherd Road. Whilst no end user has been identified the applicants have advised that these are for 'residents'. It is considered that the development is acceptable with regard to visual and neighbour amenity and will not compromise highway safety or result in flooding. Accordingly the proposal complies with the policies of the FLP32, the St. Anne's Neighbourhood Development Plan and the aims of the NPPF subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

- Location Plan - drawing no. 018-06 (00) 01
- Proposed site and drainage plan - drawing no. 018-06 (01) 06 REV. A
- Proposed floor plans - drawing no. s 018-06 (01) 07 & 018-06 (01) 08
- Proposed elevation plans - drawing no. 018-06 (02) 01

Reason: To provide clarity to the permission.

3. The materials of construction and/or finish in respect of the garages hereby approved shall match those of the existing garages entirely to the satisfaction of the Local Planning Authority.

Reason: To ensure visual harmony in respect of the overall development in accordance with Policy GD7 of the Fylde Local Plan to 2032, Policy DH1 of the St. Anne's Neighbourhood Development Plan and the aims of the National Planning Policy Framework.

4. The layout of the development shall include turning provisions to enable vehicles to enter and leave the highway in forward gear at all times.

Reasons: In the interests of highway safety in accordance with Policies GD7 and T5 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

5. The surfacing and drainage of site for the development hereby approved shall be constructed as indicated on Abito Architects drawing no. 018-06 (01) 06 REV. A as listed in condition no. 2 of this approval.

Reason: To ensure an appropriate drainage and to prevent surface water flooding, in accordance

with Policy CL2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. The garages hereby approved shall be for the parking of vehicles and domestic storage only. No trade or business or wholesale or retail sales shall take place at the garages including the sale of motor vehicles and no power tools or machinery shall be used on the site.

Reason: In the interest of neighbour amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0661	Address Land rear of Ridgeway Court, Shepherd Road, Lytham St Annes	Grid Ref. E.3334 : N.4293	Scale 0 6 12 18 24 m

Item Number: 12

Committee Date: 07 November 2018

Application Reference:	18/0680	Type of Application:	Change of Use
Applicant:	The Trustees of the Tymark Pension	Agent :	Shepherd Planning
Location:	14 STATION ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3AD		
Proposal:	CHANGE OF USE OF GROUND FLOOR PREMISES FROM RETAIL SHOP (USE CLASS A1) TO A SELF-CONTAINED ONE-BEDROOM FLAT (USE CLASS C3) INCLUDING ASSOCIATED EXTERNAL ALTERATIONS TO FRONT, SIDE AND REAR ELEVATIONS OF BUILDING		
Ward:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7883684,-2.8843044,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application property is an end terrace property located within the settlement area of Wesham. The application proposes the conversion of a retail unit to a residential use as a one bedroom flat. The site is not located in any specially designated area to retain its use for any commercial purposes. The conversion is capable of being undertaken without detriment to visual or neighbour amenity or highway safety and therefore complies with the requirements of the local plan policies. Accordingly the scheme is recommended for approval by Members.

Reason for Reporting to Committee

This application is on the agenda as the views of the Town Council are contrary to the officer recommendation and under the council's scheme of delegation such applications are to be determined at Committee.

Site Description and Location

The application site is a two storey end of terrace property situated on the west side of Station Road at its junction with Rawlinson Street. The property is in an A1 retail use on the ground floor with the first floor and roof space in use as a single self-contained flat. The other properties in this row are residential dwellings other than that at the opposite end of the terrace which is currently in use as a Pharmacy at ground floor level.

The property has had several changes of use being previously used as a betting shop (A2 Use) and as a hot food take-away (A5 Use) but is currently vacant.

The property is within the settlement of Kirkham and Wesham as designated on the Fylde Borough Local Plan and this designation is carried through in the Local Plan to 2032.

Details of Proposal

This application seeks permission for a change of use of the ground floor retail unit (A1 use) to use as a one bed, self-contained flat (C3 use) together with external alterations to the existing shop front to replace the single display window with two windows, a replacement window to the side elevation, the opening up of a former doorway to the side elevation and the removal of the shop fascia.

Relevant Planning History

Application No.	Development	Decision	Date
11/0714	RESUBMISSION OF APPLICATION 11/0082 FOR RETROSPECTIVE APPLICATION FOR EXTERNAL FLUE	Granted	20/01/2012
11/0081	ADVERTISEMENT CONSENT FOR 2 EXTERNALLY ILLUMINATED FASCIA SIGNS AND ONE NON ILLUMINATED PROJECTING SIGN.	Granted	03/05/2011
11/0082	RETROSPECTIVE APPLICATION FOR EXTERNAL FLUE TO REAR	Refused	28/04/2011
10/0783	RESUBMISSION OF APPLICATION 10/0626 FOR CHANGE OF USE FROM BETTING SHOP TO HOT FOOD TAKEAWAY	Granted	20/12/2010
10/0626	CHANGE OF US FROM BETTING SHOP TO HOT FOOD TAKEAWAY	Granted	01/11/2010
08/0748	VARIATION OF CONDITION 3 ON APPLICATION 07/1205 TO ALLOW OPENING FROM 9AM MON - SAT.	Granted	29/09/2008
08/0364	NEW SATELLITE DISH	Granted	11/08/2008
07/1205	CHANGE OF USE TO BETTING SHOP.	Granted	11/01/2008
02/0354	NON-ILLUMINATED HOARDING SIGN	Refused	05/07/2002
02/0353	EXTERNAL STAIRCASE & DORMER EXTENSION BOTH TO REAR	Granted	01/07/2002
01/0180	SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO SIDE AT GROUND FLOOR	Granted	25/04/2001

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 29 August 2018 and comment:

“The Council object to the proposal the reasons being:

- *the loss of amenities within the Town*
- *the position of premises”*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

"LCC Highways does not have any objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site."

They do request that a secure cycle parking facility is provided to promote sustainable forms of transport and propose a condition to require this to be provided.

Neighbour Observations

Neighbours notified:	29 August 2018
Site Notice Date:	14 September 2018
Number of Responses	None received
Summary of Comments	

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
H3	Conversions and Change of Use to Residential

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks permission for the change of use of a vacant shop to a one bed, self-contained flat on the ground floor of the premises.

Principle of development

The application site is within the settlement of Wesham but is not allocated for any other purposes in either the Fylde Borough Local Plan (now revoked) or the Fylde Local Plan to 2032 (now adopted). Policy GD1 of the latter plan is applicable and supports development in settlement areas.

It is also important to assess it against the development management criteria of policy H3 and GD7 of the now adopted local plan, which in this instance are those relating to sustainability of the location, neighbour amenity, alterations to the building and access/parking.

Sustainability

The application site is within one of the main settlements in the borough which combined with Kirkham provides easy access to the main community facilities and services that future occupiers of the flat would require. Good public transport facilities are opposite the site, bus stops and the train station and Kirkham town centre are all within easy walking distance. Hence the site can be considered to be in a sustainable location in all respects.

Impact on visual amenity

The proposed change of use also includes other development works to facilitate the change of the property from a shop to a residential use. The loss of the shop front is to be replaced with two smaller windows, an existing window replaced and a doorway re-opened up to the side elevation of the property. The new windows will occupy the existing shop front opening and as a consequence will not line up with the windows on the first floor. However, this approach will result in the minimal amount of new brickwork required and so the alterations will be less obvious thereby retaining the overall character and appearance of the host building and the wider area.

Neighbour amenity

The main issue to consider in this instance is the potential impact of the conversion on the existing occupiers of the flat above and adjoining dwelling.

The proposed conversion provides a separate ground floor access to the property from the access to the first floor flat which is achieved via an external staircase from the rear yard area. Privacy for the future occupier(s) of the ground floor flat is provided by an existing wall which sub-divides the yard into two areas to serve both as amenity space for the ground floor and the staircase to the first floor. Some overlooking maybe experienced by the occupiers of the ground floor from users of the staircase however, these are likely to be fleeting glances and not detrimental to the overall enjoyment of the new created flat.

The use of the ground floor will result in less noise and general disturbance for the occupiers of adjacent residential occupiers than experienced from its current use as a retail shop or its previous uses as a take-away and betting shop.

Accordingly the proposal is acceptable with regard to the amenity of occupiers of adjoining residential properties.

Access and parking

The site is within a sustainable location and as such has easy access to public transport. LCC Highway Engineers have been consulted on the proposal and have no objection subject to provision of cycle storage facilities.

Accordingly the proposal is acceptable with regards to its impact on highway safety.

Other matters

The application is on the agenda as the Town Council have objected to the *"loss of amenities within the Town and the position of premises"*.

Whilst this may result in a loss of a local facility the town is well served by other similar uses in particular, the nearby Co-Op store, Village Stores, Off Licence and an Aldi supermarket at Mill Farm. As previously reported the unit is not in an area protected by any designation to retain its use for any commercial use and so the principle of the conversion is acceptable. There is no policy support in the Fylde Local Plan to resist the establishment of residential properties in accessible settlement locations such as this.

Conclusions

This application proposes the conversion of a retail unit to a residential use as a one bedroom flat. The change of use is acceptable in principle and will provide a variation in the type of housing currently being developed in the area which will suit some sectors of the market.

The conversion is capable of being undertaken without detriment to visual or neighbour amenity or highway safety. Accordingly the scheme is considered to comply with the policies of the local plan and the aims of the National Planning Policy Framework and is recommended for approval by Members.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission / consent relates to the following details:

Approved plans:

- Location, floor and elevation plans - drawing no. -PR-01 (18-434)

Supporting Reports:

- Design and Access Statement - Shepherd Planning August 2018

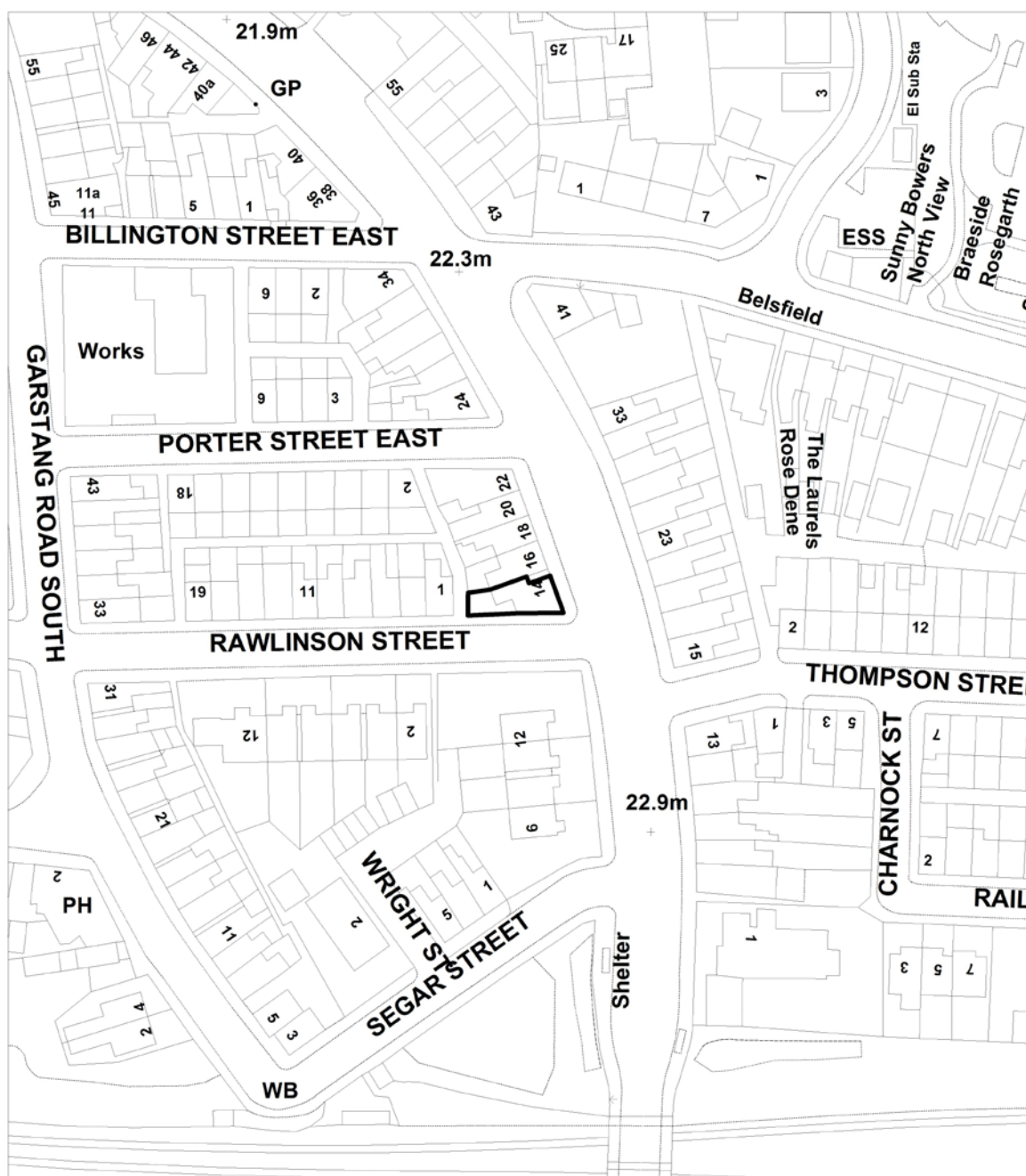
Reason: To provide clarity to the permission.

3. The materials of construction and/or finish in respect of the works hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

Reason: To ensure visual harmony in respect of the overall development in accordance with Policy GD7 of the Local Plan to 2032 and the aims of the National Planning Policy Framework.

4. Prior to first occupation of the flat hereby approved a scheme for cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented and retained in its approved form thereafter.

Reasons: To promote this sustainable forms of transport in accordance with Policy T4 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0680	Address 14 Station Road, Wesham	Grid Ref. E.3418 : N.4327	Scale 0 5 10 15 20 m

Item Number: 13

Committee Date: 07 November 2018

Application Reference:	18/0740	Type of Application:	Householder Planning Application
Applicant:	Mr K Velivela	Agent :	
Location:	223 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1ES		
Proposal:	RETROSPECTIVE APPLICATION FOR INSTALLATION OF 1.9M HIGH GATES TO CLIFTON DRIVE ACCESS AND ARCH-TOPPED PANELS OVER EXISTING FRONT BOUNDARY WALL TO GIVE OVERALL HEIGHT OF 1.65 METRES.		
Ward:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	7	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7451353,-3.0166817,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application property is a detached bungalow property located on Clifton Drive South on the approach to St Annes town centre. Planning permission was recently granted to revise the frontage of the property to allow a vehicular access point to be provided, but in undertaking those works a solid gate was formed across the opening and fencing panels added to the top of the wall that runs across the remainder of the frontage. This application seeks retrospective planning permission for the retention of these gates and fencing.

Whilst it is evident that the materials and craftsmanship in the construction of these gates and the associated fencing panels are of a high quality, they have a solid design, height and extent across the frontage of the property that is harmful to the generally open and spacious nature of the streetscene and the majority of other properties in this prominent approach to the town centre. The introduction of this discordant feature is at odds with the character and appearance of boundary treatment on neighbouring properties is in conflict with the obligations of Policy GD7 of the Fylde Borough Local Plan. Accordingly the application is recommended for refusal by Members.

Reason for Reporting to Committee

The application is presented to Committee for a decision following a request from two of the Ward Councillors (Councillors Little and Donaldson).

Site Description and Location

The application site is 223 Clifton Drive South, Lytham St. Annes. In particular the application

relates to a detached bungalow on the north side of Clifton Drive South. The location of the property is one where there is a varied mix of bungalows and larger two and three storey properties which establish a somewhat mixed character to the streetscene. The site is located within the settlement of Lytham St. Annes as designated on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the installation of timber and wrought iron gates and fencing panels. The gates are half solid timber with the lower half decorative open metal work, to an overall height of 1.9 metres.

The fencing panels are also a mix of solid timber and wrought iron which are fixed on top of the existing brick boundary wall to an overall height of 1.65 metres and run for the full frontage of the property at either side of the central gated entrance point.

The gates and fence panels are in situ and so the application is applied for retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
17/0830	WIDENDING OF EXISTING PEDESTRIAN ACCESS TO PROVIDE VEHICULAR ACCESS (4 METRES IN WIDTH), PROVISION OF GATE POSTS AND GATES TO 1.6 METRES IN HEIGHT AND REPLACEMENT BOUNDARY WALLS TO 0.8 METRES HIGH TO FRONT BOUNDARY.	Granted	08/12/2017
13/0784	PROPOSED FORMATION OF VEHICULAR ACCESS TO FRONT	Granted	04/03/2014

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 21 September 2018 and confirm that they have no observations, but raise concerns over:

- Accuracy and completeness of information provided in application form
- Poor quality of site plan
- Conflicting information provided regarding the materials.

Statutory Consultees and Observations of Other Interested Parties

None.

Neighbour Observations

Neighbours notified: 21 September 2018
Number of Responses: None received

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD
STANP	St. Annes on Sea Neighbourhood Plan

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

This application seeks planning permission for the installation of timber and wrought iron gates to the front boundary of the application property. The development has been carried out and so the application is made retrospectively.

Members may recall an earlier application, no. 17/0830 which was presented to Committee on 6 December 2017 relating to the formation of the access point, the re-building of the boundary wall with the provision of gate posts. This application was approved and it is following the construction of this access that the fencing and gates were installed.

Principle

The application site is located within the settlement area under Policy GD1 of the Fylde Local Plan to 2032. In these areas the principle of residential and associated development is acceptable subject to the normal planning criteria as examined below with reference to Policy GD7 of the Plan.

The St. Anne's on Sea Neighbourhood Development Plan is also a material consideration.

Design and Appearance in Streetscene

The character of Clifton Drive and in particular this section of Clifton Drive South is formed by the wide spacious road which is flanked on either side by substantially sized properties. These properties are garden fronted and set well back from the road with the predominant nature of their front boundary being a low brick wall with many properties having overhanging soft landscaping in the form of trees and shrubs. This form of boundary treatment together with the landscaping creates a pleasant, green and attractive boulevard approach to the town centre.

The introduction of tall solid boundaries will conflict with this and detract from the pleasant character. There are a number of examples where this has occurred and these take a range of forms. In the least harmful cases a small section of open railings to the top of walls will still allow the properties and garden planting to contribute to the general streetscene, whereas in other cases substantial harm is caused by the introduction of high and lengthy expanses of solid walls / fences / gates that obscure these features and present a stark appearance to the streetscene.

The works undertaken here are regrettably nearer the more harmful end of this spectrum as they are solid and relatively high and so prevent views to be appreciated of the property and garden behind them. They result in a discordant and harsh feature, interrupting the spacious and open character of the streetscene to the detriment of the visual amenity of the area.

The policy test for this application is Policy GD7 of the newly adopted Fylde Local Plan to 2032. This makes a general statement that *“Development will be expected to be of a high standard of design, taking account of the character and appearance of the local area”* and then introduces a series of specific requirements. Of these *“h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.”* and *“i) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context...”* are pertinent to this application.

Policy DH1 of the St. Annes neighbourhood plan requires that *‘All development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods’.....*

It is considered that the works undertaken here fail to comply with these requirements.

Relationship to Neighbours

Due to the location of the gates and fencing the development does not compromise the residential amenity for any of the occupiers of neighbouring properties.

As such the proposal has an acceptable relationship to its neighbours in this regard and complies with the requirements of Policy GD7 in that regard.

Parking and Access Arrangements

The works do not compromise the operation of the driveway and so there are no concerns over this aspect of Policy GD7.

Other Matters

The applicant has provided evidence of gates and fencing at another property on Clifton Drive North, which are of a similar design to that installed at the application site which are stated to be higher than those applied for in this application. Planning permission was granted for this fencing referred to under application 14/0424. Whilst there are similarities in the approved style of fencing to that in this application, the approved panels are not as deep as those in this application and the resultant appearance is not as harsh due to evidence of soft landscaping retained on the approved site. The local context to that property is also less open and spacious than that at the application site.

Conclusion

The application property is a detached bungalow property located on Clifton Drive South on the approach to St Annes town centre. Planning permission was recently granted to revise the frontage of the property to allow a vehicular access point to be provided, but in undertaking those works a solid gate was formed across the opening and fencing panels added to the top of the wall that runs across the remainder of the frontage. This application seeks retrospective planning

permission for the retention of these gates and fencing.

Whilst it is evident that the materials and craftsmanship in the construction of these gates and the associated fencing panels are of a high quality, they have a solid design, height and extent across the frontage of the property that is harmful to the generally open and spacious nature of the streetscene and the majority of other properties in this prominent approach to the town centre. The introduction of this discordant feature is at odds with the character and appearance of boundary treatment on neighbouring properties is in conflict with the obligations of Policy GD7 of the Fylde Borough Local Plan. Accordingly the application is recommended for refusal by Members.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The fencing and gates subject to this application are located close to the highway in a prominent location along Clifton Drive South. As a consequence of their extent, height and solid design the gates and fencing have a stark and enclosing impact on the predominantly open and spacious nature of the area to the detriment to the visual amenity and open character of the street scene. As such the proposal is contrary to the requirements of design principles h) and i) of Policy GD7 of the Fylde Local Plan to 2032, Policy DH1 of the St. Anne's on the Sea Neighbourhood Development Plan and the emphasis of the National Planning Policy Framework on achieving good design in development.



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0740	Address 223 Clifton Drive South, Lytham St Annes	Grid Ref. E.3330 : N.4281	Scale 0 6 12 18 24 m

Item Number: 14

Committee Date: 07 November 2018

Application Reference:	18/0752	Type of Application:	Variation of Condition
Applicant:	Fylde Council	Agent :	
Location:	TOWN HALL, SOUTH PROMENADE, LYTHAM ST ANNES, FY8 1LW		
Proposal:	VARIATION OF CONDITION 3 AND 6 OF PLANNING PERMISSION 11/0257 TO PROVIDE FOR REVISED EXTERNAL WORKS DRAWING WITH REVISED PARKING LAYOUT, REDUCED EXTENT OF LANDSCAPING, AND NEW CIVIC GARDEN FEATURE; AND TO ALLOW PARKING AREA TO BE AVAILABLE FOR PUBLIC USE WHEN NOT REQUIRED FOR TOWN HALL BUSINESS		
Ward:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	5	Case Officer:	Andrew Stell
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7495683,-3.0330218,175m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the revision of the external works and the wording of a condition that controls the use of the parking area at the Town Hall building. These works were originally consented through a planning permission granted in 2011 and are submitted as a s73 application to revise the details of that permission. The remaining works having already been implemented through the several phases of the Town hall refurbishment in recent years leaving only these external works outstanding. As Fylde Council is the landowner and applicant it is necessary for this application to be considered at Committee.

The works proposed will revise the parking arrangements and enhance the landscaping area around the Town Hall. These will bring logistical benefits to the operation of the parking area and pedestrian access to the building, and will bring visual benefits through the enhancement of the quality of the planting to both the Inner Promenade and St Annes Road West frontages.

The works are therefore considered to comply with the relevant design guides in Policy GD7 of the Fylde Local Plan to 2032 and will enhance the setting to the Town Hall and its contribution to the town centre which are the key tests in the St Annes Neighbourhood Plan for this scheme. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

The application relates to council property and so it is to be considered by the Planning Committee in accordance with the Scheme of Delegation.

Site Description and Location

The Town Hall is located on a prominent site on the corner of South Promenade and St Annes Road West opposite the town's pier. The Building is of the Victorian era and its design is attributed to Porritt. Due to its prominent location the site can be viewed from the Promenade, the beach, the pier and The Square. The site, which is roughly square, is bounded on two sides by highways along which runs a low cobble and brick wall of traditional construction. To the north, south and east of the site there are modern multi story apartment blocks, whilst the beach and pier are located to the west of the site. Some of the apartments in the adjacent apartment blocks immediately adjacent to the site have secondary windows that overlook the application site.

The building is not located in the Conservation Area and is not nationally listed, but it has been included on the local list of buildings of architectural and historical importance. It is located within the settlement and town centre of St Annes in the adopted and emerging Local Plans and is currently in employment / civic use.

Details of Proposal

Planning permission was granted under reference 11/0257 at the 15 June 2011 meeting of the then Development Management Committee for a scheme of extension and alteration of the Town Hall building. These works have been undertaken in a series of phases and are now largely completed where they relate to the building itself. The external works have yet to be undertaken beyond some remedial works at the removal of the site cabins. The 2011 planning permission included an external works landscaping scheme and this application seeks to revise that to introduce a re-design of the parking arrangements, a revised approach to the landscaping, the introduction of a ceremonial area around a relocated flag pole, the establishment of a Civic Garden to the side of the Council Chamber, and other minor changes. This application is submitted under s73 of the Town and Country Planning Act and proposes to replace the approved landscaping scheme for that submitted with this application.

A further element of the application is to revise the controls available over the use of the parking areas. These are currently controlled by condition 6 so that their *"use is solely for the purposes of car parking for staff and councillors, visitors and/or delivery / collection vehicles."* The proposal is to revise this to allow the use of these areas for general parking use when not required for use associated with Town Hall operations.

Relevant Planning History

Application No.	Development	Decision	Date
11/0257	PROPOSED EXTENSION AND ALTERATIONS TO TOWN HALL BUILDING INCLUDING: FIRST FLOOR OFFICE EXTENSION TO SOUTH EAST CORNER, SECOND FLOOR LINK EXTENSION BETWEEN TOWN HALL AND CHASLEY BUILDING , RE-ROOFING WORKS, ALTERATIONS AND REPLACEMENT OF WINDOWS AND DOORS, IMPROVEMENTS TO EXTERNAL ENTRANCES AND CAR PARKING, AND INTERNAL RE-MODELLING AND REFURBISHMENT	Granted	16/06/2011
08/0592	ERECTION OF FOUR STOREY OFFICE BUILDING	Granted	23/10/2008

	TO FORM EXTENSION TO TOWN HALL, REFURBISHMENT OF GROUND FLOOR OF TOWN HALL AND ALTERATIONS TO FORECOURT AND PARKING AREA		
08/0598	CHANGE OF USE OF FIRST AND SECOND FLOOR OF EXISTING TOWN HALL BUILDING TO EIGHT RESIDENTIAL APARTMENTS	Approved with 106 Agreement	13/10/2008

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 12 October 2018 and comment that they have '*no specific observations*'.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Raise no objection to the proposal commenting that "*the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.*"

They refer to the widening of the existing opening to St Annes Road West that will provide the exit point to that road and highlight that this should be properly constructed using the standard agreement between a developer and the local highway authority. This can be introduced as a note to the decision.

Neighbour Observations

Neighbours notified:	12 October 2018
Site Notice Date:	15 October 2018
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
ENV5	Historic Environment

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Comment and Analysis

As this application is submitted to vary the condition on an extant planning permission it is determined as a new application, and with the dated nature of the original permission there have been a number of policy changes that will require assessment in this application.

Policy Background

As Fylde Council adopted the Fylde Local Plan to 2032 at the Council meeting on 22 October 2018 it is now the development plan for the borough and so the starting point for the assessment of this application. The site is located within the settlement of Lytham St Annes where Policy GD1 supports development, and is within the defined town centre of St Annes where Policy EC5 applies and supports development that will enhance the economic vitality of these areas. The site is not in the conservation area, but the building is on the list of Locally Important Heritage Assets and so it needs to be assessed against policy ENV5 which examines heritage asset related development. Finally, this Plan contains a general design policy in GD7 which addresses matters such as parking requirements and landscaping around buildings and so will be a key test for the application.

With the site being within St Annes the St Annes on the Sea Neighbourhood Plan is part of the development plan and so needs to be considered in the decision. The key elements of this are Policy DH1 which promotes high quality design to ensure St Anne's distinctiveness, and Policy E1 which encourages development in the town centre area to be of a high quality and to not impact on highway safety and neighbouring amenity.

Level and Layout of Parking Provision

At present the site provides 33 staff / councillor spaces, 6 visitor spaces, 4 mobility spaces, 1 longer space for the Mayoral vehicle and a delivery bay.

The proposal provides 33 staff / councillor spaces, 5 visitor spaces, 4 mobility spaces, a relocated delivery bay and a double width space to allow parking of any Mayoral vehicle.

The provision of parking is acceptable in number, particularly given the accessible location of the building to the town centre bus and rail connections, and the availability of parking arrangements elsewhere in close proximity to the site. Whilst the separation between the two banks of spaces on the St Annes Road West spaces is below standard, these spaces are all existing and so there is no worsening of the arrangements by providing new sub-standard spaces.

The reduction in visitor parking from 6 spaces to 5 is considered to be an acceptable consequence of the development particularly given the accessible location of the Town Hall allowing visitors to utilise other transport means, and the increasing amount of council business that is undertaken online which means that the number of visitors to the Town Hall is reducing.

The delivery bay facility that is currently sited to the front of the reception will be relocated to the side of the St Annes Road West frontage where deliveries can be received via the front or side entrance, and so this improves the logistics of the operation of the Town Hall and allows the visitor spaces to be located in this most convenient proximity to the entrance.

The scheme includes a revision to the access and egress arrangements to retain the single access point near the junction of St Annes Road West and Inner Promenade but with a single exit at the far end of each frontage. The existing exit point in the centre of the St Annes Road West frontage is to be removed from vehicular use and reconfigured as a pedestrian entrance with a block-paved

surface to direct pedestrians to the main door and highlight to drivers that this route has pedestrian priority. This is an enhancement to the operation of the site for pedestrians and vehicles. The provision of a cycle hoop alongside the existing parking machine will also assist in the accessibility of the site as the existing facility for customers is not visible and so is poorly used as a result.

These works are therefore considered to comply with criterion j) of Policy GD7 of the Fylde Local Plan to 2032 relating to the layout of parking areas and criteria p), q) and r) of that Policy which relate to highway safety matters.

Visual Impact of Development

The Town Hall has two frontages, one to Inner Promenade and one to St Annes Road West. The current situation is that the Inner Promenade frontage is heavily landscaped with a frontage hedge and bushes behind across the whole of the frontage. Conversely the St Annes Road West frontage is entirely hard surfaced and so present a bland aspect to the general streetscene.

The proposal will address both of those issues. With regards to the Inner Promenade frontage the area of landscaping will be reduced in area and the level of planting within it reduced. The public face of this area is currently provided by a hedge that runs inside the boundary wall. This is to be removed as it is over-mature and is to be replaced with a new hedge. Behind that, the landscaping will be reduced in area but will be more ornamental to provide greater visual interest. The works in this area will also allow the improved setting to the ceremonial flagpole so that it can be more effectively used on civic occasions. The works will also enhance the appearance of the frontage through the better surfacing and treatment to the councillor / staff entrance and around the bin storage area to the rear.

With regards to the St Annes Road East frontage there are to be areas of landscaping introduced to soften the edges of the parking areas at the site access and exit points and improved surfacing and other treatments to the main public entrance and the staff entrance with a windbreak introduced to the former to assist with improving its use in high-wind conditions.

These works are therefore considered to comply with design guide k) of Policy GD7 of the Fylde Local Plan to 2032 relating to the layout and landscaping of developments.

Operation of Parking Provision

The current wording of condition 6 is unhelpful in that it requires the parking on site to be used *“solely for the purposes of car parking for staff and councillors, visitors and/or delivery / collection vehicles.”* This is a narrow focus that does not reflect the fact that the Town Hall car park is well located to the main shopping and tourism area of St Annes. It is logical that it should be made available for parking when not in use for council business, and so this application seeks to add clarity to this by replacing the wording of this condition to allow that to happen. This seeks to ensure that the car park is more appropriately controlled so that it is available for council business through the weekdays and when weekend events such as weddings are held at the Town Hall, but is available for use by the general public outside of those times.

Other Matters

With the building being on the local list it is important to consider the heritage implications of the works. The remaining works involved in this application are improvements to the paving and accessibility to the various entrance points with the windbreak to the main entrance, and the enhanced landscaping. These works are enhancements of the functionality of the building and will not harm its heritage importance. The external works will help enhance the setting of the building and create no conflict with the heritage importance of it overall.

The nature of the application requires that the conditions for the existing permission are to be reproduced in future decisions where necessary. However, with the advanced stage of the project the majority of these are no longer relevant and so the conditions suggested in this decision will be limited to those which confirm the extent of the permission and which require the implementation and operation of the various external aspects which the scheme relates to.

Conclusions

The application relates to the revision of the external works and the wording of a condition that controls the use of the parking area at the Town Hall building. These works were originally consented through a planning permission granted in 2011 and are submitted as a s73 application to revise the details of that permission. The remaining works having already been implemented through the several phases of the Town hall refurbishment in recent years leaving only these external works outstanding. As Fylde Council is the landowner and applicant it is necessary for this application to be considered at Committee.

The works proposed will revise the parking arrangements and enhance the landscaping area around the Town Hall. These will bring logistical benefits to the operation of the parking area and pedestrian access to the building, and will bring visual benefits through the enhancement of the quality of the planting to both the Inner Promenade and St Annes Road West frontages.

The works are therefore considered to comply with the relevant design guides in Policy GD7 of the Fylde Local Plan to 2032 and will enhance the setting to the Town Hall and its contribution to the town centre which are the key tests in the St Annes Neighbourhood Plan for this scheme. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission / consent relates to the following details:
 - Location Plan – Lancashire County Council drawing dated 24/03/2011
 - Proposed Ground Floor Office Layout – Fylde Council Drawing TS1009/12D
 - Proposed First Floor Office Layout – Fylde Council Drawing TS1009/13C
 - Proposed Second Floor Office Layout – Fylde Council Drawing TS1009/14C
 - Proposed Basement Office Layout – Fylde Council Drawing TS1009/15C
 - Proposed West Elevation – Fylde Council Drawing TS1009/20B
 - Proposed North Elevation – Fylde Council Drawing TS1009/21B
 - Proposed South Elevation – Fylde Council Drawing TS1009/22B
 - Proposed East Elevation – Fylde Council Drawing TS1009/23B
 - Proposed Bridge Sections – Fylde Council Drawing TS1009/25B
 - Proposed Drainage Layout – Fylde Council Drawing TS1009/28
 - Main Staircase Screens - Fylde Council drawing TS 1009/140 Rev A
 - Front Door Details – T A Anders Ltd drawing AG_FTH_005
 - Car Park Reconfiguration and Civic Garden - Fylde Council drawing TS 18003/01 Rev B

Reason: To provide clarity to the permission.

2. That prior to the commencement of any works on the enhancement and extension of the external area of the Town Hall site full details of the surface materials to be used in its finished appearance

shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in full accordance with this approved schedule of materials.

Reason: To ensure an appropriate finished appearance to the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and Policy DH1 of the St Annes Neighbourhood Plan.

3. Prior to the commencement of any works on the enhancement and extension of the external area of the Town Hall site full details of the landscaping works to be undertaken including the species, density of planting, phasing of planting and ongoing maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be undertaken in accordance with the approved schedule and phasing and shall thereafter be maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

Reason: To ensure an appropriate finished appearance to the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and Policy DH1 of the St Annes Neighbourhood Plan.

4. Prior to the commencement of any works on the enhancement and extension of the external area of the Town Hall site details of a secure cycle facility for Town Hall visitor use shall have been submitted to and approved in writing by the local planning authority. This facility shall be provided prior to the first use of any part of the revised parking areas approved under this planning permission and retained thereafter.

Reason: To increase the opportunities and attractiveness for sustainable transport movements to be used to access the site in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

5. Prior to the commencement of any works on the enhancement and extension of the external area of the Town Hall site details of the number, location and timing of implementation of electric vehicle re-charging facilities shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the agreed phasing and retained in an operational condition thereafter.

Reason: To support the shift towards sustainable transport choices in accordance with criterion i) of Policy T4 of the Fylde Local Plan to 2032.

6. Prior to the commencement of any works on the enhancement and extension of the external area of the Town Hall site details of the design to the paving and signage to surround the ceremonial flag pole as shown on the plan approved under condition 1 of this permission shall have been submitted to and approved in writing by the local planning authority. This facility shall be provided prior to the first use of any part of the revised parking areas approved under this planning permission and retained thereafter.

Reason: To ensure an appropriate finished appearance to the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and Policy DH1 of the St Annes Neighbourhood Plan.

7. Prior to the commencement of any works to develop the Civic Garden element of the development details of the design to the paving, seating, windbreak, gates and bin store gates within and around the Civic Garden shall have been submitted to and approved in writing by the local planning authority. This facility shall be provided in accordance with these approved details.

Reason: To ensure an appropriate finished appearance to the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and Policy DH1 of the St Annes Neighbourhood Plan.

8. Prior to the construction of any windbreak facility to the main entrance to the building facing St Annes Road West details of the design and materials of this windbreak shall have been submitted to and approved in writing by the local planning authority. The windbreak shall thereafter only be constructed in accordance with these approved details.

Reason: To ensure an appropriate finished appearance to the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and Policy DH1 of the St Annes Neighbourhood Plan.

9. Prior to its first use the car parking area shall be laid out as shown on the Car Park Reconfiguration plan listed in condition 1 of this planning permission with the respective visitor, mobility, delivery and standard parking bays appropriately indicated for their respective purposes. These areas shall remain available for the parking of vehicles at all times thereafter, with the parking areas available for public use when not required for Town Hall related business.

Reason: To provide an appropriate level and arrangement of parking on site to accord with Policy GD7 of the Fylde Local Plan to 2032.

10. That within 1 month of the closure of the central access / exit point to St Annes Road West to vehicular traffic that access / exit point shall be physically and permanently closed to vehicular traffic and the footway and kerb to the vehicle crossing reinstated, and the northern access / exit point St Annes Road West shall be widened with its vehicular crossing and kerb amended as shown on the plan listed in condition 1 to this permission. All highway works shall be undertaken to the Lancashire County Council specification for the Construction of Estate Roads.

Reason: To provide an appropriate standard of construction of the access points and to maintain the integrity and safety of the adopted highway network in accordance with Policy GD7 of the Fylde Local Plan to 2032



Development Services Fylde Council		(c) Crown Copyright and database right (2018). Ordnance Survey (100006084).	
Application No. 5/18/0752	Address Town Hall, South Promenade, Lytham St Annes	Grid Ref. E.3319 : N.4286	Scale 0 6 12 18 24 m

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	7 NOVEMBER 2018	5
FYLDE COUNCIL TREE PRESERVATION ORDER 2018.07: WHITETHORN MEWS, LYTHAM ST ANNES FY8 3XE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Planning Committee are asked to confirm this Tree Preservation Order following consideration of the comments received during the consultation on the Order. The council's constitution requires that when an objection is received the decision whether to confirm the Order is to be made by the Planning Committee.

RECOMMENDATION

1. That the committee confirms the Tree Preservation Order so that it becomes permanently effective. If the Order is not confirmed within six months it 'lapses', and the trees in protected may be felled.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

The Town and Country Planning Act 1990 prescribes a "General duty of planning authorities as respects trees".

Section 197 defines a duty in respect of trees:

Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

The council is therefore obliged by statutory legislation to consider the preservation of trees in planning applications and to use planning conditions to secure new tree planting in development.

1.2 Tree Preservation Orders.

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs).

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

1.3 Changes to TPO procedures from 6th April 2012.

In 2012 the government introduced what it described as “a consolidated and streamlined tree preservation order system.” One of the notable changes was the removal of sections 199 and 201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made and no consultation is allowed for.

2. Background to making the Tree Preservation Order.

2.1 The Tree Officer was notified by a resident on 20th June 2018 of an intention to hard-prune and possibly fell some of the landscaping trees around Whitethorn Mews. The amenity value of the trees was assessed and as a result of that assessment, an Area classification TPO was issued on the same day.

Area classification TPOs are intended as a stop-gap: the effect is to prevent any work to the trees until either more is known about the reality of a threat or a more refined Order can be issued that itemises the trees as individuals or groups.

The Order was served on all residents of Whitethorn Mews.

2.2 Objection Period.

A statutory twenty-eight day objection period applies to new TPOs.

All persons notified of the TPO were required to make any representations or objections before 20th July 2018.

3.0 Objection.

An objection, in the format of a statement and petition with twenty-three signatories from Whitethorn Mews was delivered by hand by the coordinator of the objection, to the Tree Officer on 15th July 2018. A copy is attached as Appendix one.

Prior to the formal objection and exchange of emails between coordinator of the objection and the Tree Officer took place. These are attached as Appendix two.

3.1 Summary of Objection.

Objection centres on five points:

1. Lack of consultation before issuing the Order;
2. Removal of individuals' responsibility to manage their own trees;
3. No threat of poor tree management exists because the residents would employ professional contractors;
4. Shading from trees to properties 18, 20, 26 and 28.
5. The threat of potential root damage to the foundations from trees six metres distant.

4. Response to the objection.

Consultation: the council is not required to consult with tree owners before serving a Tree Preservation Order. The legal provisions in section 199 of the Town and Country Planning Act 1990 that once allowed for this process – which was seldom used because it effectively ‘tipped off’ the tree owner before the TPO was made - were removed by the introduction of Statutory Instrument 605 (“ the 2012 TPO Regs”) so that all Orders are issued with immediate effect.

Removal of individuals’ responsibility to manage their trees: tree preservation orders make no effect on tree owner’s responsibilities towards tree management. The Order allows the council to control the nature and extent of tree work to prevent excessive pruning or felling. This point was explained in the email to the objection coordinator on 22nd June 2018. See Appendix two.

No threat of tree removal or excessive pruning: in essence this tenet challenges the expediency of the TPO since it claims the trees are in responsible management and no threat exists. The Tree Officer’s advice is that he had been forewarned of an intention to prune the trees and possibly remove some that were causing shading. Taken in good faith the Order was expedient. Comments later in the objection regarding excessive shading imply that tree work or removal was definitely intended.

The adjacent development has seen some extreme and unprofessional tree work that has affected the wellbeing and longevity of the trees.

Expediency however is not defined in the legislation or accompanying guidance and the deployment of pro-active tree preservation is allowed for by the legislation. . Expediency in the form of a known threat is not essential.

Responsibly administered, a tree preservation order can do no harm to the tree owner but will steer tree management towards best practice, so preserving visual amenity. It can be seen as a benefit because one outcome of a TPO is the necessary input of a council tree expert.

Shading from trees to number 18, 20, 26 and 28: The Tree Officer accepts that circumstances arise where shading of primary rooms from trees may justify pruning. As explained in his email response on 22nd June, the TPO need not outlaw all tree work but provides the council with a means to control the nature and extent of it. It is accepted that in one location three whitebeams (misidentified in the objection as hornbeams) grow in close proximity to the building. The Tree Officer’s view is that crown reductions or a possible removal of one tree might be acceptable but that the TPO is necessary to prevent wholesale felling or bad management such as “topping”, which has occurred elsewhere at this development.

Potential foundation damage from tree roots: tree roots are known to have the potential to lift lightly-loaded structures such as garden walls but current research indicates the compressive forces of a heavily-loaded structure such as a house are extremely resistant to tree roots. The Tree Officer takes his guidance on this from the Research for Amenity Trees No 8 publication “*Tree Roots in the Built Environment*” (DCLG 2006). It is considered highly unlikely that these medium-growth amenity trees will damage house foundations.

Comments about underground services and tree roots should be seen as speculative. No evidence of a problem has been submitted, and the occurrence is uncommon.

5. Conclusion.

The deployment of an Area tree preservation order was intended as a rapid response to a rumoured threat to these amenity trees. The trees themselves appear to form part of the original landscaping for Whitethorn Mews and were planted for their visual amenity. They exist to soften the built form.

It is considered that it was correct to protect the trees and that the Order should be confirmed so that it can become permanent. Without confirmation, it will lapse on 20th December 2018 and the trees will be unprotected. Precedent for poor tree work exists in nearby Linden Mews.

The confirmed Order will require modification so that the Area classification is removed and a detailed TPO is made that breaks the trees down into individuals or groups.

The Tree Officer agrees that in certain respects some tree work should be permitted but does not support wholesale pruning or removal. It is appropriate to control tree work at Whitethorn Mews through a tree preservation order.

Members are therefore asked to confirm the Order without modification which will provide protection to the trees pending modification of the order as set out above.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	The legal implications are contained within the body of the report
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	The making of the tree preservation order that is the subject of this report has been prepared and considered in accordance with relevant legislation. There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental Impact	The provision and retention of trees is a key component in ensuring a healthy and sustainable environment and is in line with the draft Tree & Woodland Strategy for Fylde Borough.
Health & Safety and Risk Management	Potential damage from the trees that are the subject to this order is addressed in the body of the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	mark.evans@fylde.gov.uk & Tel 01253 658460	October 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2018 No 7		Town Hall, St Annes

Attached Documents

Appendix 1 – Objection and petition

Appendix 2 – emails

Objection and petition. (Names redacted)

Dear Sir,

Fylde Council Tree Preservation Order 2018.07: Whitethorn Mews, Lytham St Annes, FY8 3XE.

Further to receipt of your letter, dated 20th June 2018, we note that you have put a preservation order on trees situated in Whitethorn Mews.

There has been no consultation or discussion with any of the residents, a number of whom own the trees. No consideration has been given to the feelings and opinions of the residents.

This order would mean that any responsible individual could not trim or shape their own privately owned trees. Why has a blanket order on Whitethorn Mews been made and not Linden or Holly Mews or even the Fylde? Why should Fylde Council remove individuals' responsibility?

Nobody in Whitethorn Mews has suggested cutting down any trees, we all like trees, but some trees are causing problems and require managing and everybody agrees that any work should be carried out by responsible and qualified tree surgeons.

In particular, outside numbers 18, 20, 26 and 28 there are three Hornbeam trees where the growth is taking light from these properties and the roots are showing signs of damage. Investigations should be made to identify any problems under the grass as these Hornbeam trees are capable of causing foundation damage.

These trees are approximately six metres from the property foundations and trees of this type should not have been planted this close to property as the builders associations and insurers recommend, as no doubt your tree officers will know.

There is strong evidence that the roots from these trees, which are showing through the grass, could very well be damaging the foundations and any pipes underground, close to the property.

We therefore wish the council to come and investigate these problems. We in turn will get expert advice from two qualified arborists. We look forward to your speedy visit.

The undersigned, and others, strongly object to this preservation order.

Appendix 2:

emails from 20th and 22nd June 2018. (Names/addressed redacted.)

Dear Mr Wallbank,

I am a long time resident of Whitethorn Mews, having received the notice about tree preservation, in the Mews, this is ridiculous to say they can't be loped, why on earth is that, surely anyone with any sense can see these trees do need pruning, they were never meant to get so big. I have been in the residents house, who has three trees in his garden, inside is so dark, he informs me in the morning they have to have the light on in their sitting room, surely this isn't right. At no 4 the tree needs pruning, the branches hit your car as you drive past, more so when it rains. I do not know how a tree surgeon came to look at the trees, next thing we know there's a preservation order on them. I find this quite bizarre as the council probably haven't even been in Whitethorn Mews in the years I've been here. Looking forward to your reply.

Regards

Dear Mrs.

The effect of the Tree Preservation Order is to prevent any work taking place without the council's consent. This doesn't necessarily mean that no work will be permitted, but it does mean that the nature and extent of the work will be controlled by the council so that the trees are not damaged or removed.

Pruning for necessary clearance such as pedestrian and vehicular access would be consented so long as clearly specified on an application form.

The TPO was made at the requests of others who live in the Mews and who value the trees.

If you wish to make an objection to the Order please do so in writing in the format prescribed in the letter that accompanied the TPO.

Kind regards,

Alan Wallbank
Tree and Landscape Officer
Fylde Borough Council

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PLANNING COMMITTEE	7 NOVEMBER 2018	6
SUBSTITUTE VACANCY - PLANNING COMMITTEE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Following the appointment of Councillor Nixon to the Planning Committee at Council on 22 October 2018 there is a vacancy in the pool of planning substitutes.

In accordance with Standing Order 23(c) of the Rules of Procedure of the Constitution, the Committee is asked to nominate a member to take the place of Councillor Nixon and serve as potential substitute on the Planning Committee. It must be acknowledged that the member appointed will be required to undertake the necessary training.

RECOMMENDATION

Members are invited to nominate a member to fill the vacancy as a substitute member at the Planning Committee in accordance with Standing Order 23(c) of the Rules of Procedure of the Constitution.

SUMMARY OF PREVIOUS DECISIONS

Council – 22 October 2018

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

- Following the appointment of Councillor Jayne Nixon to the Planning Committee, at Council on 22 October 2018, there is a vacancy in the pool of planning committee substitutes and the committee is asked to fill the vacancy in accordance with Standing Order 23 of the Rules of Procedure of the Constitution.
- Council Procedure rule 23(d) allows the Committee to name up to ten councillors to serve as Reserve Planning Members.
- Only a Reserve Planning Member can act as a substitute at a meeting of the Planning Committee.

4. The Committee can only name as a Reserve Planning Member a councillor whom they consider (i) has a sufficient level of experience or training to enable them to contribute to the work of the committee; and (ii) is willing and available to frequently attend meetings of the committee (whether or not acting as a substitute).
5. If the committee decide to appoint a member who has not had the sufficient level of experience or training, then appropriate arrangements will be put in place to ensure that the elected member concerned is offered a comprehensive 121 training package.
6. The Committee is asked to name a councillor to replace Councillor Nixon as Reserve Planning Member to bring the number of Reserve Planning members to ten.

IMPLICATIONS	
Finance	None directly arising from this report.
Legal	None directly arising from this report.
Community Safety	None directly arising from this report.
Human Rights and Equalities	None directly arising from this report.
Sustainability and Environmental Impact	None directly arising from this report.
Health & Safety and Risk Management	None directly arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sharon Wadsworth	democracy@fylde.gov.uk	23 October 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Constitution	2018	Fylde Council Website

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	7 NOVEMBER 2018	7
LIST OF APPEALS DECIDED			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The council received no appeal decisions between 29/9/18 and 26/10/2018.

SOURCE OF INFORMATION

Development Services

INFORMATION

There were no appeal decisions received between 29/09/2018 and 26/10/2018.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on any appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473