

# Agenda

## Planning Committee

Date:	Wednesday, 24 May 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)  Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> 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	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">8 May 2017</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
4	<b>Planning Matters</b>	3 - 126
	<b>DECISION ITEMS:</b>	
5	<b>Unauthorised Advertising Enforcement</b>	127 - 130
6	<b>Saint Anne's on the Sea Neighbourhood Development Plan – Decision to Make Plan</b>	131 - 136
7	<b>Bryning with Warton Neighbourhood Development Plan – Decision to Make Plan</b>	137 - 142
	<b>INFORMATION ITEMS:</b>	
8	<b>List of Appeals Decided</b>	143 - 151

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

**© Fylde Borough Council copyright 2017**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

## Planning Committee Index

### 24 May 2017

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	16/0846	LAND NORTH OF HIGH GATE AND EAST OF, COPP LANE, ELSWICK OUTLINE APPLICATION FOR THE ERECTION OF UP TO 24 NO. DWELLINGS (ACCESS APPLIED FOR AND OTHER MATTERS RESERVED)	Grant	5
2	16/0961	RIVERSIDE, POOL FOOT LANE, SINGLETON, POULTON-LE-FYLDE, FY6 8LY ONE NEW RESIDENTIAL DWELLING	Grant	39
3	16/1007	LAND ADJ TO 15 GRANGE ROAD, ELSWICK, PRESTON, PR4 3UA OUTLINE APPLICATION FOR THE ERECTION OF TWO DWELLINGS (ALL MATTERS RESERVED)	Refuse	47
4	16/1038	LAND WEST OF WEST VIEW, WEST VIEW, ELSWICK, PRESTON, PR4 3UA OUTLINE APPLICATION FOR ERECTION OF UP TO 9 DWELLINGS (ALL MATTERS RESERVED)	Refuse	58
5	17/0036	UNITS 9, 10, 10A, 11 AND 11A PROGRESS BUSINESS PARK, ORDERS LANE, KIRKHAM, PRESTON, PR4 2TZ REORGANISATION OF USES WITHIN PREMISES TO ALLOW FOR RELOCATION AND EXPANSION OF GYM FROM UNIT 11 TO UNITS 10 AND 10A, RELOCATION AND EXPANSION OF BEAUTY/HAIRDRESSING FROM UNIT 11 TO PART OF UNIT 9, AND RE-INTRODUCTION OF OFFICE USE TO UNIT 11 TOGETHER WITH EXTERNAL ALTERATIONS TO THE UNITS TO FACILITATE THE USES - PART RETROSPECTIVE APPLICATION.	Grant	83
6	17/0050	99 BALLAM ROAD, LYTHAM ST ANNES, FY8 4LF ERECTION OF A THREE STOREY APARTMENT BUILDING CONTAINING EIGHT APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING DWELLING	Grant	93
7	17/0077	FYLDE MOTOR SPARES, 13-15 PRESTON STREET, KIRKHAM, PRESTON, PR4 2YA PROPOSED HAND CAR WASH	Grant	116

## 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 (Publication Version) August 2016
- 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 2016
- Strategic Housing Land Availability Schedule (SHLAA)
- 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](http://www.fylde.gov.uk/resident/planning) or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

# Planning Committee Schedule

## 24 May 2017

**Item Number:** 1

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	16/0846	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Halliwell	<b>Agent :</b>	JWPC Ltd
<b>Location:</b>	LAND NORTH OF HIGH GATE AND EAST OF, COPP LANE, ELSWICK		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 24 NO. DWELLINGS (ACCESS APPLIED FOR AND OTHER MATTERS RESERVED)		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	31	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.840704,-2.877174,680m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

The proposal for consideration by Members is an outline application for up to 24 dwellings, seeking matters relating to access only, on land east of Copp Lane, Elswick. The site is allocated as a Countryside Area in the adopted Fylde Borough Council Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policies SP2 of the FBLP and GD4 of the SV, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. Elswick is designated as a Tier 2 Rural Settlement in the SV, capable of sustainably accommodating 50 dwellings over the plan period. When added to committed development this proposal would not exceed the 50 unit target of the emerging policy. 16/1038 (9 dwellings on land west of West View, Elswick) is also to be considered by this Planning Committee, despite being recommended for refusal, if ultimately approved this would result in the 50 unit threshold being exceeded by 5 dwellings. Like the supply figure, the Tier 2 designation of Elswick is to be scrutinised at the Public Examination and may change. Moderate weight should therefore be applied to the interim supply position and Tier 2 status of Elswick. It is also considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, as failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future.

Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The proposed development would result in an expansion of the village in the order of approximately 5% (10% including committed development and 12% if including the West View scheme on this Committee Agenda) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available both within and outside the village. Nor would it have any significant adverse effects on landscape character and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms.

On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms having particular regard to the requirements of the FBLP, SV and NPPF. The officer recommendation is that members support the application, subject to condition and a legal agreement to secure affordable housing and contributions to secondary education provision.

#### **Reason for Reporting to Committee**

The application is a major development which is recommended for approval by Officers. In accordance with the Council's adopted Scheme of Delegation the application must therefore be referred to the Planning Committee for determination.

#### **Site Description and Location**

The application site adjoins the northern village boundary of Elswick, being bound by housing to the south, housing and open fields on Copp Lane to the west, ribbon housing development and open fields to the north and open fields to the east. The site is 1.86 hectares in size and is almost square in form, comprising of a relatively flat overgrown parcel of land with pond to the northern boundary. Trees and hedgerow define the site boundaries.

The site is designated as Countryside in the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

### **Details of Proposal**

Outline planning consent is sought for up to 24 dwellings, seeking approval of vehicular access arrangements only. Detail relating to appearance, landscaping, layout and scale are to be assessed through subsequent reserved matters application(s).

Members should note that the originally submitted proposal sought consent for 36 dwellings on a larger portion of the site. The scheme for consideration is a revision of that original proposal which has reduced both the number of units proposed and the developable area.

The submission indicates that 6 properties are to be accessed via the existing entrance to Highbury Gate, with the remaining 18 units accessed via a new junction with Copp Lane approximately 95m north from Highbury Gate. The design of the new entrance incorporates a footpath which extends along the new access road into the development. Highbury Gate will also be widened to 5.5m with provision of footpaths to either side of the road incorporated into the road layout.

An indicative layout has been submitted, which provides for housing adjacent to the existing village edge, aligning with the end property on Copp Lane (1.06 hectares), and Public Open Space (0.86 hectares) beyond. Housing is sited to ensure that dwellings have a front facing aspect to Highbury Gate, Copp Lane and to the Public Open Space (POS). Housing to the east of the site is shown to have a rear facing aspect to the countryside. The existing pond located to the northern boundary is to be retained as part of the POS provision, along with hedgerow boundaries and trees, except where removal is necessary to facilitate the access arrangement to Copp Lane. LCC Highways have requested that the footpath fronting the application site on Copp Lane be widened to 2m and it should be noted that this would require removal of the hedgerow in its entirety.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Elswick Parish Council** were notified regarding the original proposal on 09 November 2016 and raised strong objection to the proposal on the following grounds:

- Elswick Parish Council strongly objects to this planning application by virtue of its size and scale and feels it is inappropriate for the location of the site and would therefore have a significant adverse impact on the character and appearance of the area.
- **Sustainability** – site is outside the village boundary and contrary to the proposals of the emerging Local Plan. The Development Control Committee decided that Elswick should be defined in the emerging Local Plan as a Tier 2 Smaller Rural Settlement with an allocation of 50 houses in view of the village's extremely low sustainability assessment. Sustainability of the village has further deteriorated with the loss of the bus service to Blackpool and the announcement that the largest employer in the village (Bonds) to close with the loss of 20 jobs. The withdrawal of the bus service and the closure of Bonds is a double blow to the village as a survey undertaken in compiling the Parish Plan showed that most people from

the village are employed in Blackpool.

Elswick has no school, health centre and one small newsagent's. The nearest health centre is 1.5 miles away and supermarket 6 miles away. There is little employment opportunity with most residents travelling to Blackpool or further afield for work. Similar distances have to be travelled for shopping or recreational purposes. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and it is clear that development of this size in Elswick doesn't satisfy the sustainability criteria.

- **Health Centre** - Residents of Elswick rely upon services in Wyre and particularly Great Eccleston. The Health Centre currently has a waiting list of three to four weeks to see a doctor and has no room to expand and no finance to relocate. The senior partner has commented that the current level of planning applications, lodged within a two mile radius of the centre, will require the appointment of a new GP but there is no room in the current centre to accommodate such an appointment. Already over 160 houses have already been approved (but not yet built) and applications have been submitted for a further 330 houses. It is essential therefore that a new Health Centre is built before any new further applications are approved as unlike in urban areas there is no alternative to the health centre, the next nearest doctors surgery being six miles away.
- **Emerging Local Plan Allocation** - Whilst this development of 36 houses would at first seem to fit the number of houses allocated for the village in the emerging Local Plan, planning permission has already been granted for 18 houses and further small applications are awaiting approval which will account for half the number of houses allocated. Two other large applications are also awaiting determination, each for 50 houses. If either or possibly both of these are approved, in addition to this application, the village could be faced with over 160 new houses – more than 3 times the number allocated in the emerging Local Plan. This would increase the size of Elswick by 36%.
- **Neighbourhood Plan** - This application, if approved, will undermine the spirit of Localism that governs the neighbourhood planning process, introduced in the Localism Act 2011. It runs the risk of causing considerable damage to the Neighbourhood Planning Process. Whilst recognising that compiling and receiving approval of a Neighbourhood Plan is a lengthy procedure Elswick, in a short period of time, has made considerable progress. There has been a tremendous response to the Neighbourhood Plan questionnaire with over 30% of households submitting responses. The overwhelming message from the questionnaire is that villagers wish to see the housing allocation in the emerging Local Plan distributed uniformly throughout around the village with several small developments rather than one or more large housing estates, enabling the village to grow whilst retaining its character. The whole purpose of the plan is to give a voice to the community to help them manage their neighbourhood, if this planning application is granted it goes totally against the purpose of the Neighbourhood plan and the Localism Act.
- **Affordable Housing** - The lack of public transport and amenities in the village negates the benefits of affordable housing as any cost savings will be more than offset by higher transport costs, with two cars per household being a requirement. For affordable housing to be sustainable it must be closer to employment and offer multiple transport options.
- **Transport and Traffic** - The Neighbourhood Plan questionnaire has also revealed a number of facts regarding the use of the A585 by Elswick residents. 95% of the respondents said that the Thistleton junctions are dangerous with several mentioning near misses that they have experienced. The survey revealed that there is an average of 1.8 cars per household in the village with over 1000 traffic movements per day by Elswick residents on the A585. People find crossing the A585 at the northerly Thistleton junction a 'nightmare' and turning left at the southerly junction 'highly dangerous'. At both junctions motorists have to wait for breaks in the traffic which are extremely rare, particularly at peak times. The northerly junction is generally used by people crossing the junction or turning right and gaps need to



be found in both directions. This junction is heavily used by people travelling to Blackpool for employment or taking children to school.

Traffic breaks are only needed in one direction at the southerly junction but this junction is not obvious to drivers travelling along the A585 towards the M55 and the speed of the traffic approaching the junction makes turning left from the C classification road an extremely hazardous experience. Excessive waiting times at both junctions encourage frustrated drivers to take chances by pulling out in front of fast moving traffic.

With poor and diminishing public transport services, cars are a necessity in Elswick and virtually all traffic movements involve accessing the A585. This application if approved will add an additional 66 cars into the village and a further 200+ traffic movements at the Thistleton A585 junctions. The A585 is already operating over capacity and we are advised that there are no plans at present to undertake any work on the Windy Harbour to M55 section of the A585 or the Thistleton junctions despite the Highways Agency acknowledging that these junctions are dangerous. The Parish Council understands that the Agency has imposed restrictions on Wyre Borough Councils development plans due to the over capacity on the road and considers that no further development should be approved in Elswick until the capacity of the road is resolved and improvements undertaken at the Thistleton junctions.

With plans having already been lodged for 490 new houses in Elswick, Great Eccleston, Little Eccleston and Inskip the potential additional usage of the A585 will exceed 3000 plus movements a day on a road which is already operating to overcapacity, if all these plans are approved. Elswick Parish Council considers that this is unacceptable and that the cumulative effect of these plans needs to be urgently addressed.

- **Impact** - The site for this development is a central site in the village. If approved it will be visually obtrusive and detrimental to the character of the village.

The Parish Council were also notified of the revised scheme on 7 April 2017, commenting that they maintain their original objections from the previous application (Parish Council letter dated 14.12.16), and request that this application be refused.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

No objection subject to the upgrade of bus stops, footpath widening, financial contribution of £200K spread over 5 years for bus service enhancements and conditions.

**Access** – The Copp Lane access is acceptable since suitable visibility splays can be provided with alterations to the hedge line. The junction would require 6m radii and provision should be made for 2m wide footpath to Copp Lane.

Highbury Gate is unadopted and agreement from the land owner would be required for the new access points serving dwellings. Highbury Gate should be upgraded to adoptable standard and offered for adoption due to the number of dwellings it would serve. This will require 2m footways/service strips on both sides of the road, a 5.5m carriageway and a suitable turning head to allow refuse/emergency vehicles to turn safely and exit back onto Copp Lane in a forward gear. These changes will require some works on the junction of Highbury Gate and Copp Lane. Both these works and the new priority junction would be delivered as part of a s278 agreement.

**Trip Rate/ Traffic Generation** - The trip rates used by the developer show that in the

AM peak 18 vehicle movements would occur (5 in and 13 out) and 18 vehicle movements (12 in and 6 out) in the PM peak.

The trip rates used by the developer are extracted from the TRICS database and can be assumed to be representative for a development of this scale at this location. I would broadly agree with the developers suggested distributions and therefore their conclusion that the impacts of this proposal on key junctions within the local highway network would be limited.

**Pedestrian/ Cycling Considerations** - 2m footways should be provided along the whole length of the site frontage. I would expect to see tactile paving applied at the crossings of the new priority junction and Highbury Gate. The access point on to Copp Lane north of the priority junction (near plot 27) should provide both pedestrian and cycle access. Any scheme, which would be subject to a detailed design process and sign off, would be carried out under a s278 agreement.

**Public Transport** - Recent cuts to the funding of subsidised bus services throughout Lancashire has led to the removal or reduction of public transport services. Service 78 has been withdrawn since the production of the submitted Transport Statement, so the only public services running through Elswick are the 80 and 75A. Service 80 (to Preston) only runs every two hours compared with an hourly service prior to cuts. It is recommended that the hourly service be reinstated in order to provide alternative modes of travel to the car. Service 75A only runs every two hours also, and it is recommended that an hourly service be supported in order to provide alternative modes of travel to the car.

The projected cost of restoring an hourly service (Mon – Sat) for Service 80 would be in the region of £100k per annum and the cost of providing an hourly service 75A running through Elswick would also be around £100k per annum. A contribution of £200k is requested over 5 years. In addition to this the developer should upgrade local bus stops to have raised boarding areas to improve accessibility for a wider range of users. The locations of which would need to be agreed and delivered under a s278 agreement.

**Road Safety** - There are no recorded injury accidents within the last five years at or close to the site access. The road safety record for the village as a whole is relatively good with only four injury accidents in the same period, all resulting in slight injuries. The identified causation factors for these accidents display no common causes and as such it can be concluded that the additional traffic that this proposal puts on the local highway network will not cause adversely severe impacts.

**Construction** - LCC have raised concerns over the effect of HGV's in the area through the Fracking applications. The Transport Statement concludes that the construction phase is unlikely to have a significant impact and the transport network. I would dispute that fact, but nevertheless I would like to see a Construction Traffic Management Plan (CTMP) be produced and include the following:-

- The parking of vehicles by operatives.
- Site visitors.
- The loading, unloading and storage of plant and materials.
- Wheel-washing facilities.
- The routing of delivery vehicles.
- A programme of works (including traffic management measures).

- Road condition surveys.

#### **Revised Scheme:**

- the revision has made provision for the upgrade of Highbury Gate, and whilst supported, the turning head arrangement is not satisfactory and should be amended.
- due to reduced housing numbers within the development, the contribution level sought for bus service enhancement has been revised to £50k lump sum, to be payable prior to occupation of 50% of the development.
- North bound bus stop upgrade.
- Relocation of southbound bus stop outside the site on Copp Lane.

#### **Highways England**

There are known issues with the Thistleton junction near to the application site, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) mainline at peak times. This also results in safety concerns as drivers may seek to enter the A585(T) in inappropriate gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Highways England has undertaken a review of a proposed development comprising 36 dwellings on land off Copp Lane, Elswick. A Transport Statement has been prepared by PSA Design on behalf of Mr K Halliwell to support the development proposals.

They have also undertaken revised trip generation and trip assignment calculations for the proposal, based on the trip rates and distribution which were found to be acceptable for a proposal on Mill Lane, located 500m from the site. Based on these calculations, a total of 10 new trips in the AM peak hour and 12 new trips in the PM peak hour are forecast to use the Thistleton junction when the proposed development is fully occupied. This equates to an additional vehicle every 5 to 6 minutes.

Whilst the TS does not include detailed capacity assessments of the Thistleton junction, considering that the results of the assessments undertaken for the nearby Mill Lane proposal were accepted by Highways England and that the proposed development on Copp Lane is forecast to generate a lower number of trips which would use the Thistleton junction, it is considered that PSA Design is not required to undertake further capacity assessments of the junction. Nevertheless, the conclusions reached by Highways England in its review of the Mill Lane proposal relating to the potential for the forecast queuing on the side roads to influence driver behaviour remain an important safety consideration.

As indicated above, the main access to this development is via the A585(T) Thistleton junction. The A585 carries a high volume of traffic with limited gaps in flow. There is an issue at the junction whereby right turning traffic, both into and out of this priority junction, has a lower gap acceptance than most other locations leading to a higher risk of incidents. Any increase in traffic using this junction will undoubtedly raise this risk. A single development of 36 dwellings will possibly raise the risk only marginally. Indeed, based upon the forecast traffic flow impact of the proposals, in isolation, this proposal is unlikely to result in there being a step-change in the operation of the junction.

As a result, HE do not raise any objection to the application in isolation subject to a

condition requiring a Travel Plan to be adopted that is to be agreed with the Local Planning Authority in conjunction with Lancashire County Council.

However, Highways England has concerns that the incremental development coming forward in this area is, cumulatively, significantly increasing the number of turning movements at this junction, with a corresponding significant increase in risk to safety. This point is particularly relevant given that a development of 90 dwellings has recently been consented by Wyre Council (application ref. 15/00576) at Copp Lane, to the south of Great Eccleston - in the absence of a Local Plan and without consulting Highways England. Furthermore, as referred to above, neither the current nor emerging Fylde Local Plan envisages site allocations of more than 50 dwellings at Elswick. Since November 2016, Highways England has been consulted in two separate applications for residential development within Elswick amounting to 100 dwellings (50 dwellings at Mill Lane [Fylde planning ref. 16/0180] and 50 dwellings at Beech Road [Fylde planning ref. 16/0645]). This is in addition to recent consultations regarding an additional 93 dwellings at Copp Lane, Great Eccleston [Wyre ref. 16/00650/OUTMAJ] in the absence of any Local Plan for Wyre district. Taken with committed development, this has the potential to see approximately 300 dwellings served from this side road junction in what is a rural area.

Consequently, Highways England is of the view that, should this development be granted consent, further speculative development within Elswick would now not be in accordance with the Fylde Local Plan, or the emerging Local Plan that is clearly cogent of the safety issues that affect Thistleton junction.

Where development is in excess of what is contained within the adopted Local Plan, there can be no deemed prior assumption that the SRN infrastructure can safely accommodate the traffic generated by such development. Consequently, and in view of the findings of this review, there is now a need for both applicants and the relevant Local Planning Authorities to seriously consider the need for a safety improvement scheme at Thistleton junction to accommodate further development and how this may be achieved.

In the absence of such an approach (and when viewed against the current situation of there not being an up to date Local Plan for Fylde), as the highway authority for the A585 trunk road, we can only consider development on a case by case basis. We have no option other than to accept that, in isolation, each small development may not have a significant / severe impact. We would however urge Fylde Council to seriously consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved, either via your Local Plan, or any other available planning mechanism such as an SPD or CIL. In turn, Highways England is willing to work with Fylde Council and developers to assist both parties to develop an appropriate improvement of the Thistleton junction to address the safety concerns that are now emerging.

In previous years, Highways England has sought to progress improvements to the layout of the junction, such as full signalisation, or the creation of a roundabout layout. However, such schemes result in significant dis-benefits to the mainline traffic flow of the A585 which, as described above carries significant volumes of traffic throughout the day. As a result, such schemes were not feasible to deliver in the context of Highways England's forward programme of improvements, but may be in the context of a developer-funded scheme. That said, in considering further developments, Fylde Council

should be mindful of the potential impacts such a scheme could have for affecting the efficiency of the A585 trunk road mainline flows and therefore the wider accessibility of the populated areas of Poulton, Thornton and Fleetwood that the trunk road serves. In other words, alterations to the junction prompted by significant levels of un-planned growth within small, rural settlements such as Elswick has the potential to result in dis-benefits (further delays), thus affecting the sustainability of both the current and future economic growth contribution of the facilities and communities within these areas, which the trunk road supports.

#### **Lancashire CC Flood Risk Management Team**

No objection to the proposal, subject to conditions requiring surface water drainage scheme and confirmation of finished floor levels to be submitted as part of any subsequent reserved matters application.

#### **LCC Education Authority**

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 4 secondary school places. However LCC will not be seeking a contribution for primary school places since there is sufficient capacity within existing schools to cater for the demand created (9 spaces).

The contribution relates to £20,303.59 x 4 places = £85,693.08.

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the Secondary education contribution to provide additional Secondary places at Kirkham Carr Hill High School & 6th Form Centre, subject to confirmation over the deliverability of this and the range of other projects that are assigned to this school.

To ensure that the approach is in line with the Community Infrastructure Levy regulations, the County Council confirms that there are already 5 secured Section 106 pooled against Carr Hill High School & 6th Form Centre. However, please note that LCC have requested that a deed of variation be agreed for one of these to remove this pooling option and reduce the number of pooled infrastructure projects sealed against Carr Hill to 4. This deed of variation would need to be agreed prior to the sealing of a S106 for this development.

#### **Greater Manchester Ecology Unit**

Information submitted with the application includes an Extended Phase 1 Habitat Survey, laboratory report for the eDNA testing for great crested newts.

The site is generally of low ecological value with the exception of the pond and small area of woodland to the north of the site together with a number of hedgerows around the site. Should outline consent be granted, any reserved matters application should also retain these features and include a management plan for them. Some hedges are shown for retention, some will be lost and replacement should be provided within the reserved matters application. Sufficient information has been submitted to satisfy that the proposal will not impact on great crested newts.

Conditions requiring biodiversity enhancement and site preparation outside of the bird nesting season are suggested.

**Environmental Protection (Pollution)**

Initial concern was raised to the original submission with regards to proximity of housing to a poultry farm located north east of the application site. In particular concern was raised in relation to odour disturbance for prospective occupants as well as the possibility of stat nuisance complaints against the farm from the new neighbours. An Odour Assessment was requested to ascertain the likelihood of the proposed site being affected by the activities of the poultry farm.

In response to the revised submission the Environmental Protection Officer raises no objection on grounds that there is sufficient separation between the development and poultry farm to mitigate odour impact.

**Environment Agency**

No comment – the proposal is not listed in the ‘When to Consul the EA’ document or in the Development Management Procedure Order/ General Development Procedure Order.

**United Utilities - Water**

No objection to the proposal subject to conditions requiring implementation of drainage for the development in accordance with the Flood Risk Assessment & Outline Drainage Strategy Report – unless otherwise agreed in writing by the Planning Authority, and, submission and approval of a scheme for the management and maintenance of SUDS.

**Natural England**

No comments to make on the application. This does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**The Ramblers Association**

No comment received.

**Environmental Protection (Pollution)**

No objection subject to condition requiring noise, vibration and dust controls during the construction phase to be agreed.

**Lancashire Constabulary**

No objections raised, but do make recommendations in order to prevent the opportunity for criminal and anti-social activity in and around the site including physical security, natural surveillance, car parking, rear gardens.

**Neighbour Observations**

<b>Neighbours notified:</b>	09 November 2016
<b>Amended plans notified:</b>	7 April 2017
<b>Site Notice Date:</b>	11 November 2016 & 12 April 2017
<b>Press Notice Date:</b>	24 November 2016
<b>Number of Responses</b>	<b>10</b>
<b>Summary of Comments</b>	The main concerns raised by residents are summarised below:

- The Village has one small shop and no other facilities.
- The adjoining Village has to be accessed for medical facilities and is oversubscribed with appointments taking at least 3 weeks. Recent attempts to extend have failed due to a lack of finance or opportunity to extend/ alter the property.
- Not sustainable because Elswick has no school, health centre, supermarket, post office or bank, closure of nursery and relies on other adjacent settlements for these services.
- Local schools unlikely to be able to accommodate additional children.
- Improvements to health centre and schools must be conditional to any approval.
- No work in the Village, resulting in the Village becoming a commuter retreat.
- No demand for housing – several houses have been on the market for years and with 19 dwellings already granted consent there is no need for further development.
- Elswick is a Tier 2 settlement, with an allocation of fifty houses in the new local plan. More than half of the fifty houses have already been built/ approved. This application therefore represents a 50% increase in the number of houses allocated and a 17% increase in Village size.
- The layout is more urban than rural in design.
- Loss of green belt, increased size of Village, destruction of Village character and urbanisation. Adverse effect on the countryside views and so will detract from the ambience of the Village.
- Increased traffic heading toward the A585, increased queuing and safety problems especially at Thistleton junction.
- Increased congestion problems at drop off/ pick up times at Copp School.
- Infrequent and reduction to Bus Services means that there is not a sustainable alternative to travel and accessibility is poor
- Will Highbury Gate be widened? The existing road is barely wide enough to accommodate existing housing, particularly at the junction with Copp Lane which does not allow for the passage of vehicles.
- Need for off street parking for housing on Highbury Gate to avoid parking on the road and potential blockages.
- Highway safety problems during construction resultant from heavy vehicles accessing the site.
- Parking requirements will have a negative effect on the environment.
- Proposed access opposite existing housing.
- Inadequate infrastructure to support additional houses. No mains drainage in Copp Lane and area to east suffers inadequate top water drainage. Inadequate drainage would be overwhelmed by heavy rain, no increase of dwellings without addressing basic problems of drainage and sewage.
- Development is adjacent to a poultry farm raising concerns of both noise and odour to new residents.
- The proposed access could hinder HGV access to the poultry farm.
- Asbestos is buried under the site.
- Fencing would need to be erected to secure housing from the poultry farm.
- Existing surface water problems associated with the dyke to the north of the application site – Mayfield House has to pump water away and 36 homes will only compound the issue further.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments

EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

#### **Fylde Local Plan to 2032:**

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
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

#### **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**

The main issues pertinent in the assessment of this proposal are:

- Principle of development.
- Relationship with Surrounding Development.
- Highways.
- Flood risk and drainage.
- Ecology.
- Trees.
- Heritage.

### **Principle of Development**

#### *Policy Context and Site Designation*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the FBLP and SV. Policies SP2 and GD4 are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policies SP2 and GD4.

Notwithstanding this, assessment of principle against the NPPF and other material considerations must be made to determine whether there is sufficient justification to outweigh this position.

#### *Housing Need*

The NPPF emphasises the importance of housing delivery, indeed, paragraph 47 states that a five year supply for market and affordable housing should be maintained by Planning Authorities. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The Planning Authority is currently undertaking the public examination of the new Local Plan, and has been required to update the five year housing land supply position as part of the evidence base. The update indicates a supply equivalent to 5.58 years. On this basis, it may be argued that policies of the development plan which relate to housing supply, including those restrictive policies such as SP2 and GD4, are up to date and not in conflict with the NPPF.

Policy DLF1 of the SV sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period (2011-2032)

with delivery being reliant upon windfall development as opposed to allocated sites. In the absence of any available sites within the Village envelope, this policy would provide support for housing within the countryside area, however this would be subject to a sustainability appraisal of the proposal, which would include impact assessment on the character of the Village and Countryside.

For information, there is committed development within the village on Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). This current proposal would not therefore result in development which exceeds the 50 unit threshold advocated by Policy SL5. There is one other application for 9 dwellings on land to the West of West View, recommended for refusal to this Planning Committee, and would result in exceedance of the 50 unit threshold by 5 dwellings if both were to be approved.

Paragraph 216 of the NPPF indicates that *“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

Whilst the SV and updated 5 Year Housing Supply position are material considerations, they are yet to be examined in public. Representation has been received to the updated 5 year housing supply figure, as well as Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement. Since the SV has unresolved objections with specific reference to housing supply and housing provision in Elswick, relevant policies should only have moderate weight in the decision making process.

The Council approved an application made by Elswick Parish Council to designate an 'Elswick Parish Neighbourhood Area' on 1 August 2016. This will allow the Parish to formulate policies within a Neighbourhood Plan including the location of housing which, if adopted, will become material in the determination of planning applications within the approved Area. Since the Neighbourhood Plan for Elswick is only an emerging document, no weight can be attached to it in the determination of this current application.

In conclusion, due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail.

#### *Does the proposal deliver sustainable development?*

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in this location being availability and accessibility of services, scale of development, and visual impact.

#### *Accessibility and Availability of Services*

Concerns have been raised by local residents and the Parish Council with regards to a lack of services within the Village to support a development of the size proposed. Elswick Parish Council have raised concern to the sustainability of the development, due to the settlement scoring low in the Sustainability Assessments used to inform the emerging Local Plan. This is based upon a lack of

services including health centre, school, post office, supermarket, reduced employment opportunities from loss of Bonds Ice Cream and reduced bus services.

Elswick is an identified settlement within Policy SP1(4) of the FBLP. Elswick is also defined as a Tier 2 settlement in the SV. This is an acknowledgement that Elswick is capable of accommodating sustainable growth, albeit that it may have a dependency on other settlements for some services.

The application site is located to the north of the village on the edge of the settlement boundary of Elswick. Elswick has a number of local services within its envelope and of walking distance from the application site, including a corner shop, two public houses, Church, Village Hall/ Community Centre, children's equipped play area, tennis courts, bowling green and post box. Great Eccleston Copp C of E Primary School is located within walking distance to the north on Copp Lane accessible via a public footpath, the closest secondary schools being Baines, Hodgson Academy and Carr Hill. It is noted that there are few employment opportunities in Elswick with the closure of Bonds Ice Cream, and that residents rely on connections to other villages, including Gt Eccleston, for some services including Post Office and Health Centre.

According to the Lancashire County Council web site, the closest bus stops are located immediately adjacent to the site entrance to the junction of Beech Road/Copp Lane, and north of the site on Copp Lane, accessible on foot by the existing footpath network. These stops provide services 75A and 80. Service 80 runs every two hours to Preston with an hourly service prior to cuts. Service 75A runs every two hours between Preston and Fleetwood. Members should note that a third service, Service 78, has been withdrawn this year. Whilst reduced, the availability of alternative means of transport does provide sustainable access to other settlements for the provision of services not available within Elswick. It is recognised that the infrequency of the bus services would not encourage sustainable travel to work or education.

Concern has been raised by residents with regards to pressure on existing health services with waiting times of up to 4 weeks, education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds.

It is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid new isolated homes in the countryside.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and would not be isolated from them in comparison to existing dwellings within the village envelope. Moreover, additional dwellings would help sustain and could act as a catalyst for the development of local facilities and services. The site is accessible by 2 bus services, providing sustainable connectivity to larger settlements for access to services. Gt Eccleston Copp C of E Primary School is within walking distance and there are other facilities including shops and health care opportunities at Gt Eccleston Village, as well other settlements accessible via the bus services offered. On this basis, the site is considered to be suitably located for access to facilities and services, and is considered sustainable in this regard. Therefore whilst the application would be contrary to Policy SP2 of the FBLP, in this instance there is greater weight to be given to the NPPF and the presumption in favour of sustainable development.

### *Scale of Development*

The scale of development proposed is intrinsic to the scheme design, the NPPF states that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare. Residents have raised concern to the scale of development and how this would alter the village character, acting to 'swamp it' and turn it into a small town.

Elswick Parish Council comment that whilst this development of 36 houses would at first seem to fit the number of houses allocated for the village in the emerging Local Plan, planning permission has already been granted for 18 houses and further small applications are awaiting approval which will account for half the number of houses allocated. Two other large applications have recently been refused and could be the subject of appeals, each for 50 houses with one subject of a resubmitted application. If either or possibly both of these are approved, in addition to this application, the village could be faced with over 160 new houses – more than 3 times the number allocated in the emerging Local Plan. This would increase the size of Elswick by 36%.

The indicative revised layout provides for a density of 13 dwellings per hectare (DPH), based on a site area of 1.86 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements of 30 dph though it is recognised that a large proportion of open space is provided indicatively within the scheme. Discounting the POS provision within the proposal, consideration of the developable area alone indicates a dph of 23. Furthermore, density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area. The application site represents a transition between the village boundary and countryside beyond and on this basis a lower density scheme providing a sense of openness is more appropriate and is supported.

There are approximately 463 dwellings in the village of Elswick. Based on this total, the proposal of 24 units will result in a 5.2% increase in the village size. Cumulatively, when added to approved development within the Village (Bonds Ice Cream - 8 units, Elswick Trading Park - 9 units, and Chapel Farm - 5 units) the village could grow by 10%. An outline scheme for 9 dwellings (ref: 16/1038) to the western edge of the Village is also before this Planning Committee, recommended for refusal, and would increase growth levels to 12% if approved. Both of the large scale applications referred to by the Parish Council at Beech Road (16/0645 - 50 units) and Mill Lane (16/0180 - 50 units) have been refused by the Planning Committee, though it should be noted that the Mill Lane scheme has been resubmitted and is currently being assessed. The potential level of growth relative to this current proposal is small and would not result in an unacceptable scale of growth to Elswick, even in combination with the proposal at West View. With regards to the current Mill Lane scheme, assessment is ongoing and the outcome of this proposal and that at West View will inform its assessment.

The referred figures provide a quantitative context to the level of expansion, and there is no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

### *Visual and Landscape Impact*

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make suitable provision for landscape planting. This reflects guidance contained within the SV and NPPF.

The site is situated to the northern edge of the settlement boundary of Elswick and forms part of an area of open countryside which encircles the village. The site's southern and western boundaries abuts the built up area of the village adjacent to dwellings on Copp Lane and Highbury Gate. Existing dwellings adjacent have a front facing aspect to the application site. Hedgerow and trees form the current boundaries of the site, importantly to the western edge adjacent to Copp Lane. The application site is prominent within the immediate area, being immediately adjacent to Copp Lane which is a heavily trafficked route that provides access to/ from the larger settlement of Gt Eccleston. The site currently provides an important open setting for this side of Elswick both in terms of views in, from a northerly approach along Copp Lane, and when leaving the village environment. Being open and deep in width, the site also acts to isolate the village from ribbon development located to the north, providing a strategic open break between itself and the northerly edge of the village.

The applicant has submitted a Tree Survey and Tree Protection plan which identifies retention of the northern woodland edge and three trees for removal to the south. The pond located to the northern boundary of the site is also shown for retention within this woodland edge on the submitted site plan. The proposed Site Plan indicates retention of majority of the hedgerow on Copp Lane, though a portion of hedgerow must be removed to facilitate the new access arrangement on Copp Lane. In addition, to improve highway safety LCC Highways have requested the existing substandard footpath be widened. These works and that of the new access arrangement are likely to require removal of the hedgerow on Copp Lane and this is considered to erode the countryside character and setting of the village. However given the outline nature of the proposal, replacement planting can be provided adjacent to the new footpath within the reserved matters submission, which in time will establish to soften the development and reinstate this habitat. Accordingly, the most valuable landscape features on the site would be retained or replaced where necessary. Conditions are suggested requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention and replacement of these features.

The illustrative Site Plan splits the application site in two, with housing to the village side of a deep buffer of POS which incorporates the retained pond. This is considered to be a natural expansion of Elswick which aligns with the defined Village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant POS buffer and retained/ replacement natural features that will act as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.

It must be accepted that the proposal will result in the urbanisation of a countryside location with resultant harm to landscape character. Notwithstanding that, this is the case for the majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining the degree of harm arising. The development would diminish openness and would interrupt existing external views of the site where available. Any harm would be minimised by virtue of the development's relationship with existing buildings on the edge of the settlement and retention of existing features. Increased provision of POS within the proposal would act to retain the strategic gap to the northerly ribbon development, albeit of reduced size. It is not considered that the limited visual harm to landscape character would be sufficient to outweigh the benefits of the scheme to a degree which would warrant refusal of the application. Moreover, mitigation would be introduced in order to ensure that any adverse impact in this regard is minimised.

It is important that the parameters of the illustrative Site Plan are provided within any subsequent reserved matters planning application, this can be controlled by condition.

#### *Loss of agricultural land*

Paragraph 112 of the NPPF stipulates that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In addition, Policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough, with Grades 2 and 3a considered the best and most versatile.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map indicates the site to be Grade 2, though is only accurate to about 80ha. Notwithstanding, the application form refers to the site having no existing use and this is evidenced by the general overgrown appearance of the land. The land appears not to be farmed.

The applicant has not submitted any further information to clarify precisely the land categorisation. On this basis it must be assumed that the land is Grade 2 and any redevelopment would result in the permanent loss of the best and most versatile agricultural land. Notwithstanding this, the loss of the Borough's best and most versatile agricultural land for residential development has been allowed at a number of recent appeals and should not be seen as an overriding factor in the planning balance.

#### *Principle of Development – Conclusion.*

The site lies within the Countryside Area and outside the settlement boundary of Elswick as defined by FBLP and SV Proposals Maps. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and Policy GD4 of the SV and is therefore in conflict with this policy.

The SV is yet to be examined in public. Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement, this includes specific objection to any housing provision for Elswick, and conversely request for Elswick to be upgraded to a Tier 1 Settlement capable of accommodating between 100-150 new homes over the plan period. Further to this, the Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter.

Since the SV has unresolved objections with specific reference to housing provision in Elswick and the updated 5 year housing supply figure, relevant policies can only have moderate weight in the decision making process. Sustainable housing development should be supported in order to maintain a 5 year supply, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The application site is considered to be in a sustainable location and would not result in the introduction of isolated homes in the countryside. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. The development represents a rounding off of the defined northern Village Boundary, providing for a deep POS buffer to ribbon development which would restrict any coalescence of development. Outward facing development and retention/ replacement of existing landscape features will provide a transitional buffer between urban and rural and act to enhance the village setting. The site is in a prominent location, replacement of natural features such as the hedgerow on Copp Lane and strengthening of landscaping to the site boundaries is therefore intrinsic to ensure that any harm to landscape character and visual amenity is minimised.

Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of housing in the Borough. Additional benefits occur in this case as the development would deliver up to 30% affordable housing on the site.

On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that principle of development is acceptable.

#### Relationship with surrounding development:

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, and so the relationship between dwellings proposed and neighbours cannot be fully assessed at this time. Notwithstanding, a Proposed Site Plan has been submitted for illustrative purposes, siting dwellings adjacent to existing housing on the periphery of Elswick. The site plan demonstrates that an acceptable relationship to neighbours can be achieved. Further to this, Policy HL2 and GD7 are clear in that amenity of existing residents must be safeguarded and it is expected that any subsequent reserved matters Layout is compliant with these Policies.

The application site lies adjacent to a chicken farm located to the north west. This neighbouring use may give rise to potential odour disturbance to prospective occupants of the development. The submitted revision has provided increased separation between proposed dwellings and this neighbouring use, approximately 70m to the farm boundary and 80m to nearest farm buildings, which will act as mitigation for the odour disturbance. The council's Environmental Protection Officer is satisfied that the separation distance is sufficient to ensure that there would be no adverse

amenity to prospective occupants.

LCC Highways have requested relocation of a bus stop to a position some 15m north of Highbury Gate. This new location is approximately 18m from the frontage of dwellings on Copp Lane and could impinge on the amenity of residents. It is considered that separation between the relocated bus stop and affected houses, as well as the infrequent nature of the two Bus services operating from this stop would act, in combination, to mitigate potential disturbance.

The proposal will intensify use of the site and increase the number of vehicles on the road network. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hour's restriction, wheel wash facility and dust controls.

#### Highways:

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on network impact grounds where the residual cumulative impacts of development are severe. Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Objection has been raised by Elswick Parish Council and local residents in relation to highway safety implications resultant from additional vehicle movements on the surrounding road network, this includes exacerbation of existing problems at the Thistleton junction with the A585.

The revised layout indicates that Highbury Gate will be upgraded (widening to 5.5m and 2m footpath provision) to accommodate 6 dwellings each having driveway access. A new entrance from Copp Lane will be provided to facilitate access to the remainder of the site. The existing footpath network will be extended into the site to both sides of the new access road.

The applicant has submitted a Transport Statement (TS) in support of their original proposal (36 units) which concludes that the proposal should not have a material impact in terms of highway operation or safety. The TS confirms a low number of personal injury accidents in the last 5 years which indicates that the local road network is not inherently unsafe. Reference is also made to availability of public transport, cycle and pedestrians routes in the vicinity. The TS estimates that the proposal will generate a maximum 18 two way movements in both the Am and PM peak hours, resulting in approximately 7 additional trips on any route to the site. Given that the site is accessed via classified roads, the TS considers that construction traffic is unlikely to have a significant impact on the network.

With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the Strategic Road Network (SRN) in this circumstance the A585 trunk road, LCC Highways are responsible for the Local Road Network (LRN).



LCC Highways comment that the new access to Copp Lane is acceptable, subject to the provision of appropriate visibility splays which could be provided through alteration to the hedge line. A 2m footpath is also expected to be provided along the site frontage to provide a safe route to key local destinations. The revised drawing makes provision for improvements to Highbury Gate, but is criticised for having a substandard turning head. With regards to the LRN impact, the Highway Authority comment that trip rates referred to in the TS are representative for a development of this scale and agree with conclusions that network impact would be limited. LCC Highways report that there are no recorded injury accidents within the last 5 years at or close to the site access and road safety for the Village as a whole is relatively good, with only 4 accidents in the same period.

To improve pedestrian safety, LCC Highways have requested that the existing footpath to Copp Lane be widened to 2m. This will facilitate safe access along this part of Copp Lane and is viewed as important bearing in mind this is the only footpath access to the school. The increased footpath width requires removal of the existing hedgerow, though it should be noted that a 50m stretch of hedgerow must also be removed to ensure appropriate visibility for the proposed site access. The existing hedgerow forms part of the character and setting of Elswick. Notwithstanding, the highway improvements associated with the footpath widening would be of benefit to the community of Elswick as a whole and not just prospective occupants of the development, providing a safer pedestrian environment to the school, Church and other services/ facilities located within the Village. There is also sufficient space on site to ensure replacement hedgerow planting. On this basis, the request for footpath widening is considered to outweigh protection of the hedgerow. Footpath widening and replacement hedgerow planting should be required by condition.

There are known issues with the Thistleton junction with the A585, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) at peak times. This also results in safety concerns as drivers seek to enter the A585(T) due to insufficient gaps in moving traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Highways England have undertaken their own assessment of the potential trip generation and SRN impact, based upon conclusions drawn from submissions relevant to the Mill Lane application. It is reported that the development will result in a total of 10 new trips in the AM and 12 new trips in the PM peak hour at the Thistleton junction, equating to an additional vehicle every 5-6 minutes. HE comment that 11 accidents occurred at the Thistleton junction between 2011 to October 2016, 6 of which were in 2016. 9 of the incidents involved vehicles using and making turning manoeuvres at the junction. HE conclude that this is due to inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it and this occurs throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

The TS argues that SRN impact is less than that associated to the larger proposals within Elswick and that on this basis HE should similarly have no objection to this current proposal. This is disputed by HE who comment, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward. Notwithstanding this, HE raise no objection to the proposal on the basis that it would possibly raise the risk only marginally and, in isolation this proposal is unlikely to result in there being a step change in the operation of the junction. In making this judgement, HE gives weight to the fact that the proposal is within the agreed housing allocation for Elswick within the Submission Version Fylde Local Plan. As a result, HE do not raise objection to this application subject to a condition requiring a Travel Plan.

HE have raised concern that the incremental development (over 300 dwellings) coming forward in this area of Fylde/ Wyre Boroughs is cumulatively and significantly increasing the number of turning

movements at the Thistleton junction, with a corresponding significant increase in risk to safety. Reference is made to 90 dwellings approved by Wyre BC on Copp Lane (15/00576) and a further 93 properties at Gt Eccleston (16/0650) – Members should note that this was refused by Wyre BC. As well as two other developments within Elswick (16/0645 50 units on Beech Road, 16/0846 36 units on Copp Lane) refused by this Committee. On this basis HE urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

16/1038 (9 dwellings, west of West View, Elswick) is also on this agenda, recommended for refusal. Similarly, HE have not objected to 16/1038 in isolation, but have raised highway safety concerns in relation to the cumulative impact of incremental development. Both of these current proposals equates to an overall number of 33 dwellings. HE also raised no objection to the Mill Lane (16/0180 - 50 units) and Beech Road (16/0645 - 50 units). In addition, the 93 dwellings at Gt Eccleston referred to by HE as being approved by Wyre BC, was in fact refused. On this basis, it is considered that cumulative impact of the current proposals would be acceptable based on the fact that collectively the number of units proposed would not exceed the 50 figure previously supported by HE for the Beech Road and Mill Lane developments. The implications of any later applications and appeals on these refused application site will need to be assessed at that time.

Elswick is accessible via a reduced bus service. Service 78 has been withdrawn due to cut backs, currently the 80 and 75A services run every two hours compared to an hourly service prior to recent cut backs. . LCC Highways recommend that contributions are provided to reinstate the hourly frequency of the 78 and 80 services and have requested £50k, payable prior to completion of 50% of the development. In response to the Mill Lane application, LCC highways commented that the contribution amount would not cover the full cost of service improvements, though would allow improvement to public transport and establishes the need for improvements which any other developments would be expected to follow. A request for contributions to cover the full cost of service improvement is considered unreasonable and a proportional amount is therefore sought. Members should note that if the full contribution is not secured from other development it is extremely unlikely that LCC would be able to find the shortfall. As such a review of what could be provided would need to be made by the Highway Authority. A request for the upgrade of adjacent bus stops has been made through provision of raised boarding areas and road markings to the north bound stop, and relocation/ improvement of the south bound stop adjacent to the Highbury Gate which can be controlled by condition.

The TS concludes that the construction phase is unlikely to have a significant impact and the transport network. LCC Highways dispute this fact and concerns are raised to the effect of HGV's in the area associated to the Fracking proposals. Whilst not objecting to construction of this proposal, LCC Highways do consider that a Construction Traffic Management Plan (CTMP) would be beneficial to manage the impact of the construction traffic on the highway network. A condition requiring approval of a CTMP is suggested.

Whilst the highway concerns of residents is noted, in light of the LCC Highways and Highways England assessment it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF.

*Parking:*

The planning application is made in outline form with detailed assessment of parking provision being reserved for subsequent application. Policy HL2 and TL5 require that residential development provides for appropriate car parking and it is expected that any subsequent reserved matters

application is compliant with these Policies.

#### Flood Risk and Drainage

The site falls entirely within flood zone 1, as defined on the Environment Agency's Flood Map. Since the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application, this also incorporates an Outline Drainage Strategy Report.

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*. Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere. Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regards to the inadequacy of existing infrastructure and reported flood issues as a consequence to properties on Copp Lane.

The FRA confirms that the site is located within Flood Zone 1, defined as being as very low risk of flooding. Further to this, it is reported that the site is not considered vulnerable to fluvial flooding from adjacent watercourses or the River Wyre. Members should note that the detailed drainage design cannot be determined until reserved matters stage, though an indicative drainage strategy has been outlined in the FRA which refers to attenuated based SuDS (detention basin) discharging into an existing ditch to the northern boundary of the site.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. Such conditions include submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water, detail of finished floor levels, provision of pond/ detention basin prior to main construction phase, and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. On this basis, it is considered that adequate measures can be put in place in order to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

#### Ecology

The site has no specific nature conservation designation in the adopted or emerging Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, refuse consent if significant harm resulting from a development cannot be avoided, and opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy EP15 indicates that development affecting the integrity of a designated European Site will not

be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Policies ENV1 and ENV2 of the SV reflect this current policy position.

An Extended Phase 1 Habitat Survey and EDNA Survey have been submitted with the application. The surveys conclude that existing habitats on site provide foraging and/ or breeding opportunities for a variety of species, but the habitats are relatively common and widespread in the locality. Loss of such habitat is not considered to have a significant impact on the ecological value of the area. It is recommended that habitats of higher value (pond, trees, hedgerow) are retained. Impact to protected species is considered negligible.

The consultant Ecologist agrees with the report findings, stating that the site is of low ecological value, but does recognise the importance of the pond and small woodland habitats to the north of the site and hedgerow. The pond and woodland habitats are indicated for retention on the indicative layout, some of the hedgerows will be lost and replacement planting should be included with any reserved matters submission. Retention and replacement of these habitats should be conditioned for incorporation into the final layout where necessary. Conditions requiring works outside of the bird nesting season and biodiversity enhancement are also advised.

The new access arrangement and request for footpath widening on Copp Lane from LCC Highways is likely to result in removal of the hedgerow adjacent to Copp Lane. Given the highway safety benefits of the footpath widening, loss of the hedgerow is supported, however, to compensate replacement hedgerow adjacent to the new footpath must form part of the overall landscaping submission for the development. This can be controlled by condition.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions. Indeed GMEU have no objection to the proposal subject to condition, and Natural England has no comment to make. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

### Trees

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features.

The application is supported by a Tree Survey which indicates that the majority of trees to the site periphery are to be retained within the development. Three trees are proposed to be felled to the southern boundary adjacent to Highbury Gate, which do afford amenity value and should be incorporated into the final layout if possible. Notwithstanding, loss could be supported subject to replacement planting which would be expected as part of the landscaping of the development.

### Heritage

A barn located to the rear of Chapel Farmhouse situated to the corner of Copp Lane is Grade II Listed. According to the Historic England web site, the property is a *'Cruck- framed barn, probably C17. Cobble, clat-and-clay, and brick walls, corrugated sheet roof. Small 3-bay building. Wagon doorway to middle bay, wall to the right of this of exposed clat and clay on a cobble base, vertical outside but heavily battered inside; left gable wall partly of cobble, other brick. Interior; 2 full cruck trusses damaged by fire c.50 years ago and now terminating above the collars; padstones and spurs survive but other parts of the frame have been altered, removed or replaced.'* However, this property has largely been rebuilt in recent years and so its architectural and historical significance is substantially reduced.

Paragraphs 132 and 133 of the NPPF make clear that any development causing substantial harm or total loss to the significance of a designated heritage asset (including its setting) should be refused, other than in exceptional circumstances. This approach is supported by FBLP Policy EP4 and ENV5 of the SV which states that development which would harm the setting of a listed building will not be permitted.

The Grade II heritage asset is located approximately 80m to the south, on a similar land level to the application site. There are glimpsed views from Plot 1 of the Listed Building, however there are a number of intervening dwellings with landscaped curtilages which currently dilute the setting of the Listed Building. The presence of additional properties within this locality would not unacceptably impinge on this existing situation to any greater extent, particularly given the recent works at the property.

On this basis it is not considered that the development would not have any harmful impact, nor would it diminish significance on the setting of the listed heritage assets, in accordance with the development plan and NPPF.

### Other issues

#### *Open space:*

Policy TREC 17 of the FBLP and ENV4 of the SV supports new residential development subject to the provision of amenity open space (including facilities for children's play where appropriate) in accordance with standards relevant to the number of bedrooms within each dwelling provided. The outline nature of the application means that there can be no clarity on this matter, however the illustrative layout shows a large proportion of public open space within the development.

There is one equipped play area (EPA) serving the needs of Elswick residents, located to the south of the Village on Roseacre Road, and is approximately 490m from the application site. Some existing residents must walk a greater distance to access the facility. This is a substantial distance for families of the development to walk in order to gain access to this facility, provision of such within the scheme would therefore be of benefit to prospective occupants, as well as existing residents. There is sufficient space within the POS to accommodate a play area, such as a Local Area for Play (LAP), and given the lack of facilities within walking distance, the requested is considered justified.

#### *Affordable housing*

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SV requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough.

The Council's Strategic Housing team have commented on the application and support the development subject to provision of 30% affordable housing on the site. Given the Village location of the development, on site provision is considered necessary and appropriate and will be secured by Section 106 Legal Agreement.

### *Education*

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 of the FBLP and INF2 are of relevance and place such a requirement on development.

The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 4 secondary school places of £85,693.08. This amount is based on the revised scheme of 24 dwellings. The contribution will be used to provide additional Secondary places at Kirkham Carr Hill High School and will be required by Section 106 Legal Agreement.

It should be noted that there is no requirement for contribution toward primary school provision since there is sufficient capacity within existing schools to cater for the demand created.

To ensure consistency with the Community Infrastructure Levy regulations, the County Council confirms that there are already 5 secured Section 106 pooled against Carr Hill High School & 6th Form Centre. However, please note that LCC have requested that a deed of variation be agreed for one of these Section 106s to remove this pooling option and reduce the number of pooled infrastructure projects sealed against Carr Hill to 4. This deed of variation would need to be agreed prior to the sealing of a S106 for this development.

### **Conclusions**

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. Elswick is designated as a Tier 2 Rural Settlement in the SV, capable of sustainably accommodating 50 dwellings over the plan period. When added to committed development this proposal would not exceed the 50 unit target of this emerging policy. There is one other application for 9 dwellings on land to the West of West View Elswick (16/1038), recommended for refusal to this Planning Committee, which would result in exceedance of the 50 unit threshold by 5 dwellings if both were to be approved. Like the supply figure, the Tier 2 designation of Elswick is to be scrutinised at the Public Examination and may change. Moderate weight should therefore be applied to the interim supply and Tier 2 status policies. It is also considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The proposed development, would result in an expansion of the village in the order of approximately 5% (10% including committed development and 12% if including the West View scheme on this Committee Agenda) in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available

within the village. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse effects on landscape character or quality and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Boroughs best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough with the added benefit of 30% affordable housing on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms.

The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Development Plan.

### **Recommendation**

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration on completion of a Section 106 agreement that will secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties.
- a contribution and phasing of its payment towards addressing the shortfall of secondary education capacity to serve the occupants of the development. This is expected to be £85,693.08, to provide 4 secondary places at Kirkham Carr Hill High School and 6th Form, with the agreement also clarifying the phasing of its payment.
- a contribution of £50,000, payable prior to occupation of the 12th dwelling on the site, towards enhancements of the local bus services to serve the village and provide connections to neighbouring settlements.

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority that demonstrates that the payment of some, or all, of these would render the development to be unviable.

And that the 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. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
  1. the expiration of three years from the date of this permission; or,
  2. two years from the date of approval of the last of the reserved matters to be approved,

whichever is the later.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:

1. Layout.
2. Scale.
3. External appearance.
4. Landscaping.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:

- 'Pro Map' Location Plan.
- 'Proposed Site Plan' drawing number 5163-006 revision F.

(Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of dwellings.)

and the following Supporting Information:

- JWPC Planning Support Statement.
- PDS Design Transport Statement (ref: T2362 rev O, September 2016).
- Haycock & Jay Associates Extended Phase 1 Habitat Survey (ref: JWP025, June 2016).
- Haycock & Jay Associates EDNA Survey for Great Crested Newts (ref: JWP027, 29th July 2016).
- LK Consult Limited Flood Risk Assessment and Outline Drainage Strategy (ref: FRA 16 1034, November 2016).

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

4. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on amended drawing number 5163-006 revision F 'Proposed Site Plan' in respect of:

- the developable areas of the site.
- the areas to be laid out as public open space.

Reason: To ensure that any application for the approval of reserved matters accords with the parameters shown on the masterplan with respect to the developable and non-developable areas of the site in the interests of ensuring a pattern and layout of development which is sympathetic to the character and setting of the site and to minimise the development's visual impact on the surrounding landscape, in accordance with Policies HL2 and EP11 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.



5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on 'Proposed Site Plan' drawing number 5163-006 revision F. The scheme shall include, but not be limited to, the following details:
1. retention of pond, existing trees, hedgerows and other vegetation on/overhanging the site.
  2. a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development. This shall include provision of a replacement hedgerow located adjacent to the widened footpath on Copp Lane.
  3. the introduction of a landscape buffer, public open space and play area to the north of the built form proposed.
  4. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
  5. the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

The approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development, in accordance with Policies HL2, EP10, EP12, EP14, EP18, EP19 and TREC17 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

6. The reserved matters submission shall make provision for widening of the existing footpath on Copp Lane adjacent to the complete western boundary of the application site to 2m, including the connections to the existing footways at either end of this improved extent, the appropriate surfacing of the footway, the re-planting and on-going maintenance of a replacement hedgerow and the phasing of these works.

Reason: To improve highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2015).

7. Prior to commencement of the development hereby approved, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity, in accordance with Policies HL2 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

8. Prior to the commencement of development a scheme to confirm the foul water drainage arrangements along with the provision of any associated infrastructure such as pumping stations shall be submitted to and approved in writing by the Local Planning Authority. This foul drainage

shall be on a separate system to any surface water drainage. The approved scheme shall be implemented as part of the development and maintained thereafter.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

9. As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Those details shall include, as a minimum:

1. Information about the lifetime of the development, 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, including watercourses, and details of floor levels in AOD.
2. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
3. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
4. Flood water exceedance routes, both on and off site.
5. A timetable for implementation, including phasing as applicable.
6. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
7. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

10. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
2. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to

include details such as:

- a. on-going inspections relating to performance and asset condition assessments;
  - b. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  - c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
3. means of access and easements for maintenance purposes;
  4. A timetable for implementation.

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

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

11. No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

1. a survey of the extent, scale and nature of contamination
2. an assessment of the potential risks to:
  - a. human health;
  - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - c. adjoining land;
  - d. groundwaters and surface waters;
  - e. ecological systems;
  - f. archaeological sites and ancient monuments.
3. where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers, in accordance with Policy EP29 of the adopted Fylde Borough Local Plan (October 2005).

12. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

1. construction vehicle routes to and from the site.
2. arrangements for the parking of vehicles for site operatives and visitors.
3. details of areas designated for the loading, unloading and storage of plant and materials.
4. details of the siting, height and maintenance of any security hoarding.
5. wheel wash facilities.
6. measures for the control of noise, vibration and dust disturbance created during any on site works.

Reason: In the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005).

13. On site works and receipt of deliveries shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, a detailed access design for the new priority junction to Copp Lane and improvements to the Highbury Gate/ Copp Lane junction, including provision of appropriate visibility splays of 2.4m x 43m in both directions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved access scheme and retained thereafter.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2005).

15. Prior to commencement of the development hereby approved, a scheme for the construction of highway works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following:

1. Widening of the existing footpath fronting the application site on Copp Lane to 2m.
2. Gateway enhancement measures on Copp Lane, including improved road signage and road markings.
3. Bus stop improvements, including raised boarding area and road markings to the north bound stop on Copp Lane, and, relocation and improvement (raised boarding area and road markings) of the south bound bus stop on Copp Lane.

The approved scheme of off site highway works shall be implemented in accordance with a phasing plan that is to form part of the details submitted for agreement, and shall be retained thereafter.

Reason: To safeguard highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2015).

16. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied for a minimum of 5 years.

Reason: To encourage the use of sustainable modes of transport by prospective occupants of the development, in accordance with Section 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

17. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the

Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows on or overhanging the which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

18. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

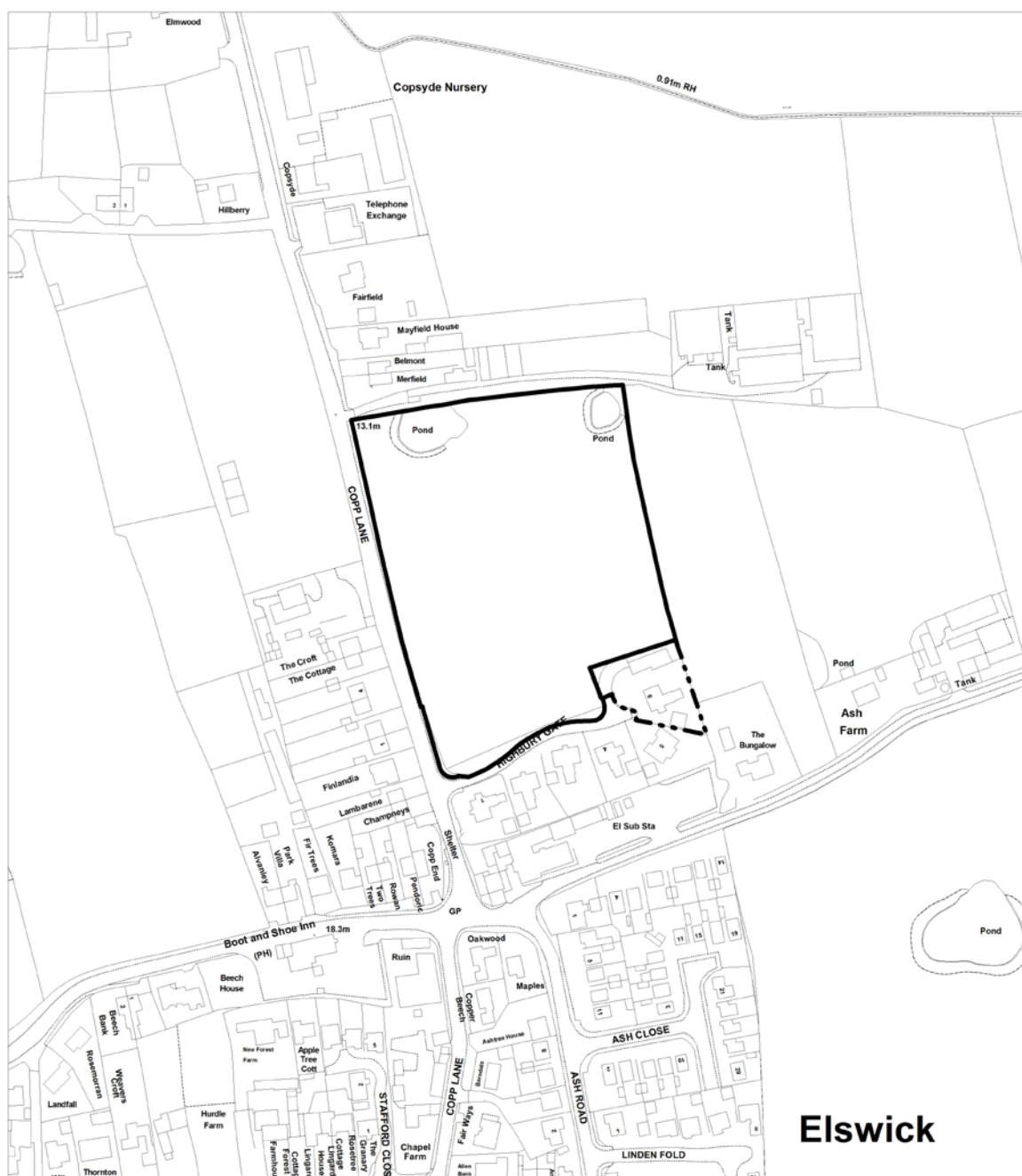
19. Prior to commencement of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan must include:
1. on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond and continued management of this habitat.
  2. replacement trees and hedgerows on the site.
  3. enhancement and management of retained hedgerows and trees on or overhanging the site.
  4. provision of bat and bird boxes within the development.
  5. lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
  6. a five year implementation and management plan.

The approved planting will be implemented in accordance with the approved details during the first planting season after the development is substantially completed. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The approved bat/ bird boxes and lighting shall be implemented prior to last occupation of the development and be retained on the site in perpetuity.

Reason: To ensure adequate mitigation for the loss of habitat resultant from the development, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

20. Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of public open space, play area and amenity landscaping. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that the development is implemented and maintained to a satisfactory degree into the future, in accordance with Policy HL2 and TREC17 of the adopted Fylde Borough Local Plan (October 2005) and with Policy ENV4 of the Submission Version of the Fylde Local Plan to 2032.



**Elswick**

Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0846	Address Land north of High Gate and east of Copp Lane, Elswick	Grid Ref. E.3421 : N.4387	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	16/0961	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Smithson	<b>Agent :</b>	Keystone Design Associates Ltd
<b>Location:</b>	RIVERSIDE, POOL FOOT LANE, SINGLETON, POULTON-LE-FYLDE, FY6 8LY		
<b>Proposal:</b>	ONE NEW RESIDENTIAL DWELLING		
<b>Parish:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	23	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.8491259,-2.9457249,340m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application site is part of the garden to a large detached dwelling on Pool Foot Lane in Singleton. Full planning permission is sought for the construction of a detached two storey 4 bedroomed dwelling. The principle of a new dwelling on this rural site has previously been established under outline planning permission ref. 15/0042.

The dwelling proposed by this application is considered to be of an acceptable scale and design for the locale, and would not unduly impact on the amenity of neighbouring properties. As such the proposal is considered to accord with the relevant policies of both the Fylde Borough Local Plan and the submission version of the emerging local plan (to 2032). Members are therefore requested to approve the application.

#### **Reason for Reporting to Committee**

The parish council's objection is at odds with the officer's recommendation for approval.

#### **Site Description and Location**

The application site is Riverside, Pool Foot Lane, Singleton. In particular the site refers to an area of domestic curtilage adjacent to the existing two storey, 'Georgian' style property. The site forms part of an area previously occupied by a dwelling but demolished following erection of the existing 'Riverside' property. The site is bounded to the west by mature landscaping and open to the east. The roadside frontage contains protected trees covered by TPO 1968 no. 1 (Singleton). The rear of the site is open to the River Wyre estuary and is within designated countryside on the Fylde Borough Local Plan, as altered (October 2005).

The application site has an extant outline planning permission for a new dwelling (ref.15/0042).

### **Details of Proposal**

Full planning permission is sought for the construction of a detached two storey 4 bedroomed dwelling, with attached single storey garage to the south elevation and a single storey kitchen/diner 'annexe' to the north. The dwelling would be sited centrally within the plot, with its Pool Foot Lane frontage approximately in line with that of the neighbouring 'Riverside' dwelling. The external elevations are to be finished in sandstone at ground floor level and white render at first floor. The roof covering is to be natural grey slate and the roof gables are to be clad in cedar.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0042	OUTLINE APPLICATION FOR ERECTION OF DWELLINGHOUSE WITH ALL MATTERS RESERVED	Granted	26/05/2015
10/0468	ERECTION OF OPEN-SIDED TIMBER FEED STORAGE STRUCTURE.	Refused	27/09/2010
04/0379	RESUBMISSION OF APPLICATION 04/0111 FOR MODIFICATION OF PLANNING CONDITION 7 ON APPLICATION 01/210 TO RETAIN EXISTING DWELLING.	Refused	07/06/2004
04/0111	REMOVAL OF CONDITION NO. 7 ON APPLICATION 5/01/210	Refused	30/03/2004
01/0540	CREATION OF WILDLIFE POND	Granted	05/09/2001
01/0210	RE-POSITIONING OF PREVIOUSLY APPROVED DWELLING (APP. NO. 5/96/831)	Granted	23/05/2001
96/0831	NEW DWELLING HOUSE TO REPLACE EXISTING DWELLING	Granted	26/03/1997
94/0423	REPLACEMENT 2 STOREY DWELLING WITH ATTACHED GARAGE AND GAMES ROOM	Withdrawn by Applicant	12/10/1994
92/0145	INSTALLATION OF 3600 LTR SEPTIC TANK AND GRAVEL BED TO SERVE NEW GARAGE AND SUMMERHOUSE.	Granted	28/05/1992
91/0487	ORNAMENTAL LAKE WITH ASSOCIATED LANDSCAPING, SUMMERHOUSE AND A THREE CAR GARAGE FOR PRIVATE USE	Granted	09/10/1991
79/0403	EXTENSIONS TO SIDE AND REAR (LOUNGE & DAYROOM/UTILITY).	Granted	27/06/1979
78/0928	OUTLINE - DETACHED BUNGALOW.	Refused	08/11/1978
78/0829	EXTENSIONS TO FORM LOUNGE AND DAY/UTILITY ROOM.	Granted	27/09/1978
75/0116	DETACHED DWELLING FOR RESIDENTIAL USE TOGETHER WITH GARAGE.	Refused	07/05/1975
74/0841	INTERNAL ALTERATIONS TO FORM NEW BEDROOMS.	Granted	05/03/1975
74/0208	DEMOLISHING EXISTING HOUSE AND REBUILDING LARGER RES. PROPERTY.	Refused	07/08/1974

### **Relevant Planning Appeals History**

None



## **Parish/Town Council Observations**

**Singleton Parish Council** notified on 19 December 2016 and comment:

*“The Parish Council objects to the proposal as the site is in a rural location within the countryside area with no facilities within 1 1/2 miles and no services. The adverse impacts would outweigh any benefits and the building would be against planning policy HL2 and NPPF. The River Wyre is part of the Morecambe Bay SSSI protected area and also is protected under RAMSAR.”*

## **Statutory Consultees and Observations of Other Interested Parties**

### **Lancashire County Council - Highway Authority**

No comments received.

### **Regeneration Team (Trees)**

Does not raise any objection to the application, subject to the imposition of appropriate fencing to protect the trees between the dwellings, and to protect the Beech hedge that has been planted at the site. He also notes the existence of a line of TPO'd trees across the site frontage and that these are not impacted due to the access being existing and the location of the property.

## **Neighbour Observations**

<b>Neighbours notified:</b>	19 December 2016
<b>Number of Responses</b>	None

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
EP11	Building design & landscape character
HL02	Development control criteria for new housing proposals
EP16	Development in or near SSSI's
EP20	Protection of coastline, estuaries and sand dunes

### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity

### **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 the Development**

The principle of a new dwelling on this site within countryside has already been established under outline planning permission ref. 15/0042. Hence the issues to consider in the determination of this application relate to the criteria set out in policy HL2 of the Fylde Borough Local Plan and policy GD7 of the submission version of the emerging local plan (to 2032), which are considered in further detail below.

### **Design and Appearance in the Locale**

The application site is neighboured by two dwellings; 'Riverside', approximately 13 metres to the east, and 'Wayside' which lies approximately 40 metres to the west. Riverside is a large two storey detached 'Georgian' style property featuring a straightforward hipped roof profile, whilst Wayside is a dormer bungalow style dwelling that features a large mix of roof slopes and gables to its front. Approximately 100 metres further along Pool Foot Lane is Pool Foot Farmhouse, which features a traditional dual-pitched roof but with a large twin gable in its western elevation. These three properties in close proximity to each other do not reflect any particular common vernacular along this stretch of Pool Foot Lane and with that in mind it is not considered that the dwelling proposed by this application would create an incongruous building that might otherwise be harmful to the visual amenity and character of the area.

### **Relationship to Neighbours**

The only neighbouring dwelling potentially affected by the proposal is 'Riverside'. The separation distance between the proposed dwelling and Riverside would be approximately 13 metres, with an intervening 1.8 metre high wall. Riverside has first floor side elevation windows (serving bedrooms) that would face towards 4 small first floor secondary windows serving a bedroom in the proposed dwelling. This creates a potential loss of privacy/overlooking into the first floor bedrooms of both properties but given the secondary nature of the proposed windows it is not unreasonable to obscurely glaze these windows to mitigate this impact and an appropriate condition should be attached to the permission if granted.

The dwelling 'Wayside' lies to the west of the application site however the separation distance between the proposed dwelling and Wayside, together with the mature boundary flora along the shared boundary, is sufficient to ensure Wayside suffers no undue detriment to amenity.

### **Access and Parking**

An existing gated access from Pool Foot Lane that currently serves Riverside would be utilised for this development. Riverside has the benefit of two vehicle access points and hence would not be prejudiced by the loss of one. County highways have been consulted on the application but as of the time of writing no comments have been submitted. This notwithstanding it is considered that the use of an existing vehicular access would give no rise to any justified concerns and the associated limited increase in vehicle traffic that would result from this proposal is not considered to be of such a level as to otherwise compromise highway safety on Pool Foot Lane.

### **Ecology**

The application site is located within the 'Buffer zone' of a 'Site of Specific Scientific Interest' (SSSI),

in this instance the 'Wyre Estuary Site of Special Scientific Interest', this forms part of the Morecambe Bay SPA and Ramsar. The application is accompanied by an ecological appraisal which reports the following:

- The presence of two garden ponds and a fishing lake within 250 metres of the site, and noted a significant impact by waterfowl and fish in these ponds which consequently provides an unfavourable environment for Great Crested Newts.
- The residential buildings on the site/near the site are well sealed with negligible potential for roosting bats. Activity surveys identified a low number of 'Pipistrelle' bats foraging around the trees to the west and hedge to the south and over the ponds. These features are all intended to be retained in this development.
- House Martin, Canada Geese, several wader species of birds including Oyster Catcher and Curlew were recorded along the estuary edge.
- No indications of Otter were found and no records of Badger occur within 2 km of the site and no indications of Badger feeding was found on site.
- The area for construction of the dwelling is a regularly mown amenity lawn, as part of the garden curtilage for 'Riverside'. There are a small number of maritime species the management of this area will be maintained as amenity grassland and would not provide suitable habitat for amphibians. The salt marsh to north will not be affected.
- The open aspect and salt marsh is poor habitat for foraging bats. The trees and hedgerow offer better foraging opportunities and this can be retained or opportunities improved with the development proposed and/or their loss compensated.
- Precautionary methods would be adopted if the application was approved for the protection of species and habitats.

Comments received from Natural England for the previous outline permission advised that "*the proposal, if carried out in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Morecambe Bay SPA and Ramsar have been classified*". Hence on this basis, and subject to a precautionary principle being adopted, the proposal is considered acceptable in respect of any protected species and habitat on the site.

#### Other matters

The frontage of the application site, adjacent to Pool Foot Lane, is within an area covered by a Tree Protection Order - TPO 1968 No. 1 (Singleton), and as such an arboricultural constraints appraisal has been submitted with the application. The council's tree officer has been consulted and raised no objections to the proposal subject to appropriate conditions

#### Conclusions

The principle of a new dwelling on this rural site has previously been established under planning permission ref. 15/0042. The dwelling proposed by this application is considered to be of an acceptable scale and design for the locale, and would not unduly impact on the amenity of neighbouring properties. As such the proposal is considered to accord with the relevant policies of both the Fylde Borough Local Plan and the submission version of the emerging local plan (to 2032). The application is therefore 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 - Dwg no. A016/195/S/02 Rev C
- Existing Site Plan - Dwg no. A016/195/S/01 Rev B
- Proposed Site Plan - Dwg no. A016/195/P/01 Rev D
- Elevations & Basic Sections - Dwg no. A016/195/P/03 Rev B
- Proposed Landscaping - Dwg no. A016/195/P/04 Rev C
- Concept Floor Plans - Dwg no. A016/195/P/02 Rev M
- External Drainage Layout - Dwg no. A016/195/P/05 Rev B

Supporting Reports:

- Ecological Appraisal - Produced by Envirotech
- Arboricultural Appraisal - Produced by Bowland Tree Consultancy Ltd

Reason: To provide clarity to the permission.

3. That prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwelling shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwelling and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development

4. 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.

[CLASS VARIABLES

- |     |                             |
|-----|-----------------------------|
| A   | House Extensions.           |
| B&C | Roof Extensions/alterations |
| D   | Porches                     |
| E   | Curtilage buildings         |
| F   | Hardstanding                |
| G   | Chimneys                    |
| H   | Satellite antenna]          |

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.

5. Should any protected species be found during construction works all site works shall cease and

further ecological advice shall be sought from a suitably qualified person and a detailed method statement and programme of mitigation measures submitted to and agreed in writing with the Local Planning Authority. Thereafter those agreed measures shall be implemented.

Reason: To minimise the risk of harm to protected species in accordance with Policy EP19 of Fylde Borough Local Plan, as altered (October 2005) and The Conservation of Habitats and Species Regulations 2010 (as amended). The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006.

6. The first floor bedroom windows shown on the east facing side elevation of the dwellinghouse hereby approved shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. A016/195/P/04 Rev C shall be carried out during the first planting after the development 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 plan. 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.

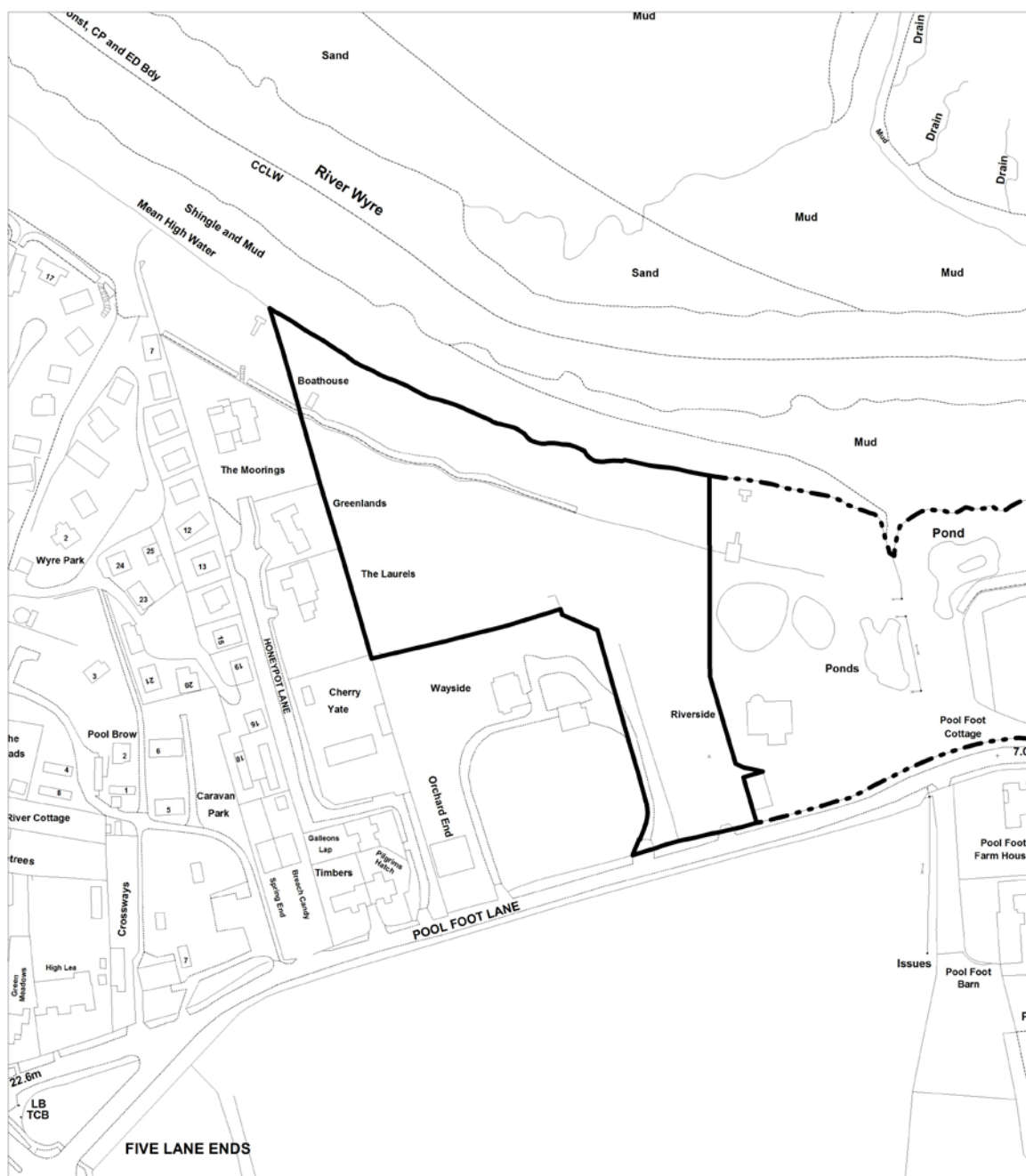
Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP14 and EP9, and the National Planning Policy Framework.

8. No development shall take place until a Construction Exclusion Zone has been formed around those trees located along the western boundary of the site. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed 7 metres distant from the tree trunks. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

9. That prior to the first occupation of the dwelling hereby approved the extent of the curtilage to the northern and eastern boundaries of the site as indicated on the Proposed Site Plan drawing A026/195/P01 Rev D shall be formed on site with the erection of a 1m high post and rail fence or other boundary treatment previously submitted to and agreed in writing by the Local Planning Authority. This boundary shall thereafter be retained to define the extent of the domestic curtilage.

Reason: To appropriately define the domestic curtilage to the property and so ensure that the scale of development in the countryside is minimised in accordance with Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Fylde Local Plan to 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0961	Address Riverside, Pool Foot Lane, Singleton	Grid Ref. E.3378 : N.4397	Scale 0 10 20 30 40 m

**Item Number:** 3

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	16/1007	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr HOLLINGWORTH	<b>Agent :</b>	John Rowe Architecture
<b>Location:</b>	LAND ADJ TO 15 GRANGE ROAD, ELSWICK, PRESTON, PR4 3UA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE ERECTION OF TWO DWELLINGS (ALL MATTERS RESERVED)		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	20	<b>Case Officer:</b>	Claire Booth
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.8379516,-2.8871949,340m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

#### **Summary of Officer Recommendation**

Outline permission, with all matters reserved, is sought for the erection of two dwellings on a parcel of land located adjacent to a ribbon of semi-detached dwellings on Grange Lane, Elswick.

The site is designated as a Countryside Area in the adopted Fylde Borough Council Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032. The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. The need to ensure the Council has a rolling five year supply therefore remains.

The application site is considered to be in an accessible location with shops and community facilities/ services within close proximity. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. Notwithstanding, it is considered that the open nature of the site bounded by a traditional hedgerow to the along Grange Road presently contributes greatly toward the character and setting of Elswick. It is therefore considered that development of the site for residential purposes would result in the further urban encroachment of ribbon development within the countryside to the detriment of the character of the landscape and visual amenity. The visual prominence of the site would only serve exacerbate this harm. With no natural defensible boundaries to the north and west of the site it would be difficult for the LPA to resist other similar proposals which would harm visual amenity. The proposal is not therefore considered to accord with the environmental dimension of sustainable development as advocated within the NPPF.

There is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage.

On balance the adverse impacts of the development in visual and landscape terms would significantly and demonstrably outweigh the limited benefit to housing supply, contrary to the requirements of the FBLP, Submission Version of the Fylde Local Plan to 2032 and the NPPF. The officer recommendation is that members refuse the application.

### **Reason for Reporting to Committee**

The application is brought before Committee to be consistent with the determination of other applications, notably 16/1038 which proposes residential development on an adjoining parcel of land in the same ownership and follows this application on this agenda..

### **Site Description and Location**

The application site is a parcel of agricultural land equating to 790 square metres which is located adjacent to a ribbon of eight dwellings that exist on the north side of Grange Lane, Elswick. The parcel of land is located adjacent to the boundary of 15 Grange Lane, a semi-detached dwelling which is located at the western end of the eight dwellings.

These dwellings extend out from Elswick's main built form on the west of the village. The site is classed as Grade 3 agricultural land with other such land to the north, west and south of the site. The site is part of a larger field which forms part of application 16/1038. The agricultural field is separated from Grange Road by a substantial field hedge.

### **Details of Proposal**

Outline permission, with all matters reserved, is sought for the erection of two dwellings. Detail relating to access, appearance, landscaping, layout and scale are to be assessed through a subsequent reserved matters application(s).

The point of access to the proposed site would be from Grange Road. The section of the hedge along Grange Lane fronting the site would be removed to enable the point of access.

Indicative details submitted illustrate that the site could occupy two detached dwellings with driveways and garden areas.

### **Relevant Planning History**

None to report.

### **Relevant Planning Appeals History**

None



### **Parish/Town Council Observations**

**Elswick Parish Council** notified on 13 January 2017 and comment:

*"Grange Road narrows considerably at the proposed entrance to these dwellings. Agricultural vehicles use this lane and there is no passing or turning point. Construction traffic will compound this situation further.*

*There is nowhere on this lane for parking of vehicles belonging to construction site personnel.*

*The access and egress to the site appears to be poor.*

*Plot 2 is close to the neighbouring property which gives cause for concern regarding damage to existing foundations during construction of the proposed development."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

Lancashire County Council as highway authority has, in principle, no highways objections to this outline application providing the following notes and suggestions are adhered to. The proposed traffic generation for this size and type of development will be very low and will have no detrimental impact on the operation of the local highway network and the location of the site is within 400m of a bus stop (although the continued provision of a bus service to this stop cannot be guaranteed).

I would request that the existing pedestrian footway is extended from the point where it currently ends (at the western boundary of no. 15) westwards for a distance of approximately 20m along the full frontage of the proposed application site, this should be done as a s278 agreement and I request that this be conditioned as part of any planning permissions granted. This would be required to support sustainable transport links and for highway safety reasons and would lead to an objection on these grounds if it was not provided. A revised version of drawing SP01 showing this extended footway will be required for LCC not to object.

The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

I would also like to point out that the highway adjacent to the site is a single track and is only 3m wide, this should be taken into account at reserved matters when the design for access to the development is submitted (this may require vehicle tracking analysis to be provided to show that access/egress of the development can be made). The reserved matters application should also provide a drawing that shows that suitable visibility splays are achievable for the access.

## **Neighbour Observations**

**Neighbours notified:**

13 January 2017

**Site Notice Date:**

17 January 2017

**Number of Responses**

Two representations received. The comments received can be summarised as follows:

**Summary of Comments**

- Raises concern with the narrow width of Grange Road and state that it is already hazardous/ dangerous and state the proposal will make a bad situation worse.
- Advise that the highway West View is very narrow, and although cars park on one side of the road, it is impossible for residents to park on the other side without blocking the road and causing danger.
- Advise that even with parking restricted to one side of West View, it is still dangerous due to farm vehicles and other associated vehicles using the road regularly as an access point.
- Questions where visitors to the properties will park, as Grange Lane narrows at this point so the highway will be blocked and prevent farm tractors and tankers from accessing Grange Lane.
- A neighbour adjoining the site raises concern that the indicative layout indicated that one of the dwellings would be very close to the boundary giving them no space to maintain their concrete fence and wall and car port roof.
- Concerns raised about the impact of excavating and inserting foundations adjacent to the foundations of the boundary fence and wall.
- The front of one of the dwellings indicated would extend in front of a the nearest neighbours lounge window

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL03	Small scale rural housing development
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP25	Development and waste water
NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

### **Fylde Local Plan to 2032:**

S1	The Proposed Settlement Hierarchy
SL5	Development Sites outside Strategic Locations for Devt
H1	Housing Delivery and the Allocation of Housing Land
DLF1	Development Locations for Fylde
H2	Density and Mix of New Residential Development

H6	Isolated New Homes in the Countryside
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**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 residential development

The National Planning Policy Framework (NPPF) emphasises the importance of housing delivery. Paragraph 47 states that a five year supply for housing should be maintained by Planning Authorities.

The Planning Authority is currently undergoing the public examination of the new Local Plan, and has been required to update the Councils' annual required housing number as part of the evidence base. The updated 5 year supply was undertaken prior to commencement of the public examination and the request by the Inspector for work to be undertaken to verify the annual housing number required. Therefore, whilst the current housing supply indicates a supply equivalent to 5.58 years this has not been tested at Examination and may well be revised as a result. Notwithstanding this, Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated. In any event, the Council must continue to approve applications which comprise sustainable development to ensure a deliverable 5 year housing supply is maintained.

Policy DLF1 of the emerging Local Plan (Fylde Local Plan to 2032 Submission Version) sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period (2011-2032) with delivery being reliant upon windfall development as opposed to allocated sites. In the absence of any available sites within the Village envelope, this policy would provide support for housing within the countryside area, however this would be subject to a sustainability appraisal of the proposal, which would include an assessment on the character of the village and the countryside.

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with one of the key issues for a residential scheme in

this location being the availability and accessibility of services.

Elswick is an identified settlement within Policy SP1 of the Fylde Borough Local Plan (FBLP) and is defined as a Tier 2 settlement in the submission version of the Fylde Borough Local Plan to 2032. This is an acknowledgement that Elswick is capable of accommodating sustainable growth, albeit that it may have a dependency on other settlements for some services.

The application site is located to the west of the village on the edge of the settlement boundary. Elswick has a number of local services within its envelope that are within walking distance from the application site, including a corner shop, two public houses, Church, Village Hall/ Community Centre, children's equipped play area, tennis courts, bowling green and post box. Great Eccleston Copp C of E Primary School is located to the north east and there are safe walking routes to the School, though proposed access on foot is reduced by the distance involved particularly during periods of inclement weather. The closest secondary schools being Baines, Hodgson Academy and Carr Hill. It is noted that there are few employment opportunities in Elswick with the closure of Bonds Ice Cream, and that residents currently rely on connections to other villages, including Gt Eccleston, for some services including a Post Office and Health Centre.

In terms of sustainable transport modes available near to the application site, according to the Lancashire County Council web site, closest bus stops are located 130m east on High Street, accessible on foot by the existing footpath network. These stops provide services 75A and 80. Service 75A runs every two hours between Preston and Fleetwood. Service 80 runs every two hours to Preston with an hourly service prior to cuts. Members should note that a third service, Service 78, has been withdrawn earlier this year. Whilst reduced, the availability of alternative means of transport does provide sustainable access to other settlements for the provision of services not available within Elswick, although the reduced frequency of the bus services would not encourage sustainable travel to work or education.

To conclude this section, this site is located adjacent to the western boundary of the settlement of Elswick with the centre of the village of Elswick being approximately 320 metres from the site and a short walk from the site to the facilities in the village which include; shops, pubs, restaurant, nursery school, community centre and access to bus routes. All are achievable (approximately a 4 minute walk) from the development site. Therefore whilst the application site is located within the designated countryside, it directly adjoins the defined settlement boundary of the village and is considered to be in a 'reasonably' sustainable location. The location of the site has been demonstrated to be reasonably accessible with regard to local services and so satisfies this aspect of the NPPF and emerging Local Plan. In principle the proposal for two dwellings on this site is therefore acceptable. Other policies within both adopted and emerging Local Plans and within the NPPF must be complied with and are discussed below.

#### Visual and Landscape Impact

Policy HL2 of the FBLP supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make

suitable provision for landscape planting. This reflects policies and guidance contained within the emerging Local Plan and NPPF.

The site is designated within one of the coastal plain areas of the Fylde as identified in the Lancashire Landscape Strategy. The landscape type is characterised by large geometric agricultural fields allowing long views over the landscape. The Strategy considered that development may disrupt the characteristic spacing of the traditional settlement, and that all built form is likely to be prominent in this relatively open landscape.

The site is situated adjacent to the western edge of the settlement boundary of Elswick and forms part of an area of open countryside which encircles the village. The site is bounded by a field hedgerow to the south along Grange Road and by a post and wire fence to the west. Grange Road is rural in character and due to the relatively flat uninterrupted landscape the few dwellings that exist along the lane are highly visible in the landscape, with the semi-detached dwellings extending westwards from West View along Grange Road appearing as a ribbon of development in the open countryside due to the main built form of the village seen as ending on the east side of West View. In longer range views, from the B5269, and also from Grange Lane when approaching the site in a northerly direction, the existing ribbon of development which exists at the junction with West View is viewed as an urban encroachment in the village as they exist beyond the main built form of the village.

Due to the urban encroachment which occurs as a result of this ribbon of dwellings, the settlement boundary for the village was drawn tightly round these properties to prevent the further spread of development into this important open coastal plain landscape causing further visual harm. The approaches to the village are by way of rural connecting roads passing through open landscape and the settlement has quite strong edges giving the Village a distinctive setting within the landscape. The site forms part of a wider parcel of open land, presenting a sense of wide open landscape beyond the built edge, defining the western edge and setting of the village within the landscape.

The present village boundary in this locality forms a clear demarcation between the urban character of the village and the open landscape beyond with the existing ribbon of development representing the edge of the village. The transition between the two is abrupt. The site therefore contributes to providing an important open setting for this side of Elswick both in terms of views in to, and when leaving the village environment. The site is seen as part of a larger swathe of countryside which historically would have been in one ownership. With no natural defensible boundaries to the north and west of the site, the proposed development would clearly be seen as the continuation of ribbon development to the further detriment of visual amenity.

The impact of development is further exacerbated by the breach of the dominant roadside hedgerow required for vehicular access to the site as that contributes significantly to the rural character of this locality. The development will require the loss of approximately 20 metres of a traditional landscape feature, and possibly more as the lack of an assessment of site access with this outline means that the visibility splays are not known.

Consequently, the loss of part of this hedgerow and the erection of two dwellings would result in the urbanisation of this location, the encroachment of further ribbon development, in this location to the detriment of visual amenity. The associated domestic paraphernalia would further detract from this countryside location.

If approved, the proposal could result in pressure for further development alongside the Grange Road frontage which would lead to consolidation of the ribbon development along the north side of

Grange Road projecting as an urban extension of Elswick into the countryside. Another application has been submitted to the LPA on an adjoining land to the west (application 17/0127 – not yet determined) for a dwelling which substantiates this view. As such, the proposal would extend the residential boundary of village form beyond its current and historic extent, and erode the pattern of Grange Road's development, and its rural character. This erosion would be exacerbated by the loss of part of the roads traditional hedging in enabling vehicular access. Hence, this proposal would result in the incremental erosion of local landscape character and natural features, contrary to the objectives of contrary to Policies H2, EP11, and EP12 of the adopted plan, and Policies GD7 and ENV1 of the emerging plan.

Whilst it is recognised that the proposal will contribute toward the Council's housing supply this contribution would be small. On this basis it is considered that the benefits of housing supply from the proposal are limited, and that this consideration is not sufficient to outweigh the visual harm to the character of the locality.

### Ecology

The site has no specific nature conservation designation in the adopted or emerging Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, refuse consent if significant harm resulting from a development cannot be avoided, and opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy EP15 of the FBLP indicates that development affecting the integrity of a designated European Site will not be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Policies ENV1 and ENV2 of the emerging plan reflect this current policy position.

An Extended Phase 1 Habitat Survey was submitted with the application. The survey concludes that the site is predominantly composed of common improved grassland which is a widespread habitat type. A permanent loss of this habitat will occur, however the negative impact on biodiversity will be small due to the sites its limited ecological value. No protected species are likely to be impacted upon as a result of the development. The survey relates to the site in question and the wider site to the north which is subject to application 16/1038 and recommends enhanced planting for bat foraging and bird nesting and site clearance works and hedge removal being outside of the bird nesting season.

The Council's Ecology consultant agrees with the report findings, stating that the site is of low ecological value, and the site is unlikely to be used by wintering birds associated with any European Designated Site or SSSI. There may be disturbance to nesting birds and conditions requiring works outside of the nesting season is requested, as well as biodiversity enhancement measures.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions. Indeed GMEU have no objection to the proposal subject to condition. The proposal is therefore in accordance with the objectives of the adopted and emerging development plans and the NPPF.

#### Parking provision and highway safety

Members need to note that this application only seeks to secure the principle of development with all other matters, including access, reserved. The issue of whether a safe and useable access can be achieved that will not compromise the safety of users of the local highway network, including Grange Lane, will be assessed at Reserved Matters stage if Members are minded to approve the application.

The point of access has been assessed by the local highway authority who in the first instance require the existing pavement along Grange Lane to be extended from no. 15 Grange Lane along the frontage of the application site, and this could be secured by condition but would impact on the rural character of the lane. They also refer to the single track nature of the lane and that this could impact on the viability of an access to the site for some vehicles and for the visibility splays that can be achieved. There are no Highway objections to the proposed point of access to the development at this stage with the works proposed capable of being addressed by condition if the principle of development was acceptable.

#### Effect on nearby residents

Concern has been raised by a neighbour that the dwellings would extend beyond their dwelling affecting their lounge windows. The layout this neighbour refers to was submitted for illustrative purposes only and these will not be the dwellings finally built due to their footprint and siting being out of scale and character with the neighbouring dwellings. The scale, layout, and appearance of the two dwellings, and their effect on the amenity of nearby residents would be assessed as part of the Reserved Matters. However, in principle, it is considered that two dwellings could be erected upon the site without harming the amenity of nearby residents.

#### Conclusions

The site lies within the Countryside Area and outside the settlement boundary of Elswick, the proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP Policy SP2 and Policy GD4 of the emerging Local Plan and is therefore in conflict with these policies.

As unresolved objections with specific reference to housing provision in Elswick and the updated 5 year housing supply figure exist, relevant policies can only have moderate weight in the decision making process. Sustainable housing development should be supported in order to maintain a 5 year supply, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the Fylde Local Plan to 2032 (Submission Version), it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

Although the Council can currently demonstrate a 5 year housing supply, it is important that a rolling 5 year deliverable housing supply is maintained. Plots that are accessible to local services and amenities should therefore be considered favourably. The application site is considered to be in an accessible location with shops and community facilities/ services within close proximity.

Notwithstanding, the above and the modest benefits engaged by the proposal that would involve two additional houses contributing to the Councils five year housing land supply, these should not outweigh the adverse harm that is identified in terms of the further unjustified encroachment of the countryside which would also set a dangerous precedent for the acceptance of similar proposals which would be more difficult to resist given there are no defensible boundaries to the north and west of the site. On balance the adverse impacts of the development in visual and landscape terms would significantly and demonstrably outweigh the limited benefit to housing supply, contrary to the requirements of the FBLP, the Submission Version of the Fylde Local Plan to 2032, and the NPPF. For these reasons, it is recommended that Members resist the proposal.

### **Recommendation**

That Outline Planning Permission be REFUSED for the following reasons:

1. The proposed development is located beyond the current westward extent of residential development associated with Elswick village, and would extend the existing ribbon of built form of the village beyond its current and historic extent to the detriment of the rural character of the landscape and visual amenity of the wider countryside, and the setting it provides to the village. As such the proposed development fails to adequately address the environmental role of sustainable development set out in the National Planning Policy Framework. The proposal is therefore contrary to Policies HL2, EP10, and EP11 of the Fylde Borough Local Plan, (October 2005), Policies GD7 and ENV1 of the Fylde Local Plan to 2032 (Submission Version) and paragraph 17, as well as those provisions which seek to promote sustainable development, of the National Planning Policy Framework.
2. The application proposes the residential development of an area of greenfield agricultural land that lacks any clear and defensible boundaries to the wider agricultural land of which it forms a part. The grant of a residential planning permission in such circumstances would appear to establish a precedent that would make other proposals elsewhere in the rural areas of the borough more difficult to resist, and so would likely increase the overall visual harm to the rural landscape of the borough contrary to guidance in para 58 and the Plan Making section of the NPPF.





Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/1007	Address Land adj. to 15 Grange Road, Elswick	Grid Ref. E.3416 : N.4382	Scale 0 10 20 30 40 m 

**Item Number:** 4

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	16/1038	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Hollingworth	<b>Agent :</b>	John Rowe Architecture
<b>Location:</b>	LAND WEST OF WEST VIEW, WEST VIEW, ELSWICK, PRESTON, PR4 3UA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF UP TO 9 DWELLINGS (ALL MATTERS RESERVED)		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	20	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	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/@53.8379516,-2.8871949,340m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

#### **Summary of Officer Recommendation**

The proposal for consideration by Members is an outline application for up to 9 dwellings, with all matters reserved, on land west of West View, Elswick. The site is designated as a Countryside Area in the adopted Fylde Borough Council Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

The Council has a reported 5.58 year housing supply, though this figure is yet to be tested at the Public Examination and could alter. Elswick is designated as a Tier 2 Rural Settlement in the SV, capable of sustainably accommodating 50 dwellings over the plan period. When added to committed development this proposal alone would not exceed the 50 unit target of this emerging policy. Application 16/0846 is also to be considered by this Planning Committee, recommended for approval, if approved this would result in the 50 unit threshold being exceeded by 5 dwellings. Like the supply figure, the Tier 2 designation of Elswick is to be scrutinised at the Public Examination and may change. Moderate weight should therefore be applied to the interim supply position and Tier 2 status of Elswick. It is also considered that sustainable housing development should be supported in order to maintain a 5 year supply, irrespective of location, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The application site is considered to be in an accessible location with shops and community facilities/ services within close proximity. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. Notwithstanding, it is considered that the open nature of the site presently contributes greatly toward the character and setting of Elswick, providing a strong village edge. It is considered that development of the site for residential purposes would diminish that openness, would be wholly out of keeping with the existing pattern of development and would adversely harm the character and appearance of the village. The visual prominence of the site would exacerbate this harm. The proposal is not therefore considered to accord with the environmental dimension of sustainable development as advocated within the NPPF.

There is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage.

On balance the adverse impacts of the development in visual and landscape terms would significantly and demonstrably outweigh the limited benefit to housing supply, contrary to the requirements of the FBLP, SV and NPPF. The officer recommendation is that members refuse the application.

#### **Reason for Reporting to Committee**

Due to numerous other sizeable residential developments at Elswick, the Head of Planning and Regeneration considers that the proposal is of public interest and so appropriate that it be presented to the Planning Committee for consideration.

#### **Site Description and Location**

The application site is located to the western edge of Elswick, bound by dwellings on West View to the east and Grange Road to the south. The site is 0.6 hectares and almost square in form comprising of a relatively flat parcel of grassed land used for agricultural grazing purposes. The site is immediately bound by housing to the south and east, and open fields to the west and north which form part of a larger area of countryside enveloping the Village, a tall mature hedgerow forms the northern boundary.

The site is designated as Countryside in the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SV).

#### **Details of Proposal**

Outline planning consent is sought for up to 9 dwellings, with all matters reserved. Detail relating to access, appearance, landscaping, layout and scale are to be assessed through subsequent reserved matters application(s).

Members should note that the originally submitted proposal sought consent for 19 dwellings. The scheme for consideration is a revision of that original proposal which has reduced the number of units proposed, though retaining an identical developable area.

An indicative layout has been submitted which provides for a single access point into the site from West View, approximately 25m from the junction with the B5269 adjacent to the property known as 'Bramble Mead'. 9 detached dwellings are provided in a linear layout around a central access road. With the exception of 2 units, dwellings front on to the new access road and also have a back to back relationship with those existing on Grange Road. Off street parking is provided through provision of attached garaging and driveways spaces. Other than garden space there appears to be no provision of public open space, existing trees and hedgerow to the site periphery are indicated for retention, except where removal is necessary to facilitate the access arrangement.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Elswick Parish Council** notified on 10 March 2017 and comment:

*Elswick is a small dispersed settlement, steeped in history and mentioned in the 1086 Domesday Survey. It is essential that development is carefully considered to safeguard the character of the village. As noted in previous correspondence to Fylde Borough Council, pressure for development in the village at this time is considerable, but has and continues to be resisted by both residents and the Parish Council, the reasons for which are set out below:*

#### **Planning Guidance**

*The Parish Council believes that this application contravenes both the Fylde Borough Councils Local Plan and Emerging Plan:*

#### **1) Fylde Council Local Emerging Local Plan:**

- Chapter 5 clause 5.4 'presumption in favour of sustainable development.... Is a golden thread which runs through both plan preparation and decision making'. The proposed development is not sustainable it has no services and extremely limited transport links.
- Chapter 6 clause 6.8 states that 'the size and connectivity of existing places, along with the level of services available, are key considerations in deciding where to locate development.' Elswick has no services and connectivity is via an extremely limited public transport system of increased road usage. This is not sustainable development. Fylde Borough Councils own assessment deems large scale development unsustainable in Elswick. The clause continues 'local characteristics which could be lost by allowing inappropriate development to take place in unsustainable locations'. Elswick is steeped in history and is mentioned in the 1086 Domesday Survey. In order to protect the history and character of the village it is essential that this planning application has to be considered alongside the three other applications that are currently being assessed by Fylde Borough Council – two for 50 houses and one for 36 houses.
- The proposed development which would increase the main settlement significantly must be considered inappropriate and unsustainable. The emerging plan recognised the lack of amenities and facilities in the village and scored the village as a Tier 2 Smaller Rural Settlement with an allocation of 50 homes, however as noted in the emerging plan as part of the Neighbourhood Plan, it is the Parish Council's intention to allocate suitable sites in and around Elswick to provide 50 homes over the plan period, in addition to the existing commitment.

- Policy GD7 'New Public Open Space should be provided ....' The proposed development appears to provide no new open space.
- Policy GD4 relates to development in the countryside stating that development in the countryside must meet one or more of five set criteria, none of which this planning application adheres to, and as such is contrary to this policy.
- Policy SP2 (Fylde Borough Local Plan as altered: October 2005) resists development proposals in the countryside, except where it falls within one of the five identified categories. The proposed development does not represent one of these exceptions and so is contrary to SP2.
- Paragraph 14 of the NPPF states there is a presumption in favour of sustainable development – this site is not sustainable development. The only circumstance permissible in countryside areas is for affordable housing. A recent survey has indicated that there is no requirement for such in this area.
- The NPPF states that planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. There are no special circumstances.

## 2. Undermining the Neighbourhood Plan:

- As noted in the emerging plan, as part of the Neighbourhood Plan, it is the Parish Council's intention to allocate suitable sites in and around Elswick to provide 50 homes over the plan period, in addition to the existing commitment. Bringing about changes proposed in this scheme will undermine the spirit of Localism that governs the neighbourhood planning process introduced in the Localism Act 2011. If an application of this scale is approved by the Planning Authority, it runs the risk of causing considerable damage to the Neighbourhood Planning Process.
- Elswick Parish Council has been formulating a Neighbourhood Plan and recognises that this is a long process which has been accepted well to date by parishioners. The whole purpose of the plan is to give a voice to the community to help them manage their neighbourhood. The overwhelming message from the questionnaire is that villagers wish to see the housing allocation in the emerging Local Plan distributed uniformly throughout around the village with several small developments rather than one or more large housing estates, enabling the village to grow whilst retaining its character. If this planning application is granted it goes totally against the purpose of the Neighbourhood plan and the Localism Act.

## 3. Size and Scale:

- Fylde Borough Councils own assessment of the village of Elswick in the emerging local plan recognised the lack of amenities and facilities in the village and scored the village as a Tier 2 Smaller Rural Settlement with an allocation of 50 homes. As the proposal is in outline form, there is always the risk that if approved, a further application could be submitted for increased numbers of housing on the same site, which has recently happened in the adjoining village of Little Eccleston (increasing from 25 to 41!). Again, as noted in the emerging plan, as part of the Neighbourhood Plan, it is the Parish Council's intention to allocate suitable sites in and around Elswick to provide 50 homes over the plan period, in addition to the existing commitment. Due to its size and existing amenities, the Parish Council considers that this proposal is inappropriate development.

## 4. Sustainability:

- Elswick scored low in sustainability assessments taken at the beginning of the Local Plan process and has no school, no health centre and only one small newsagents shop. The nearest health centre is 1.5 miles away and the nearest supermarket is 6 miles away. Elswick and has recently lost the bus service to Blackpool, and will be losing the St Annes to Blackpool service. The only bus service will be Fleetwood to Preston on a 2 hourly basis. Some of our students residing in Elswick are facing the real prospect of not being able to travel to college. There is very little employment opportunity/industry in Elswick with most people being employed in Blackpool or further afield.
- This development threatens significant additional burden on the local health services and other local amenities. The village has to rely on services elsewhere, in particularly Great Eccleston in

Wyre, where the local health centre has long waiting lists. To date 150 houses have already been approved in our local area with more proposed. Wyre Borough Council has plans to build 240 houses in Great Eccleston in its emerging local plan and also plans for developments in Inskip. Fylde Borough Council is already in receipt of three further development proposals for Elswick, two for 50 houses each and one for 36, in addition to this proposal.

- The Planning Support Statement details the Interim Housing Policy (Addendum III, Revised 13.02.2013) and the rural option of the IHP criteria which includes negotiation on affordable housing. The Parish Council would like to draw to the Planning Authorities attention that Lancashire County Council is increasingly centralising and targeting services to distinct urban geographical areas. In order to maintain access to services and social networks, particularly for families raising children, transport is essential. Whilst many people are attempting to find affordable housing, by moving into a rural location such as Elswick will result in higher transport costs resulting in a negative effect on any savings made on affordable house costs. For affordable housing to be sustainable it must be closer to employment and offer multiple transport options.

#### 5. Transport and Traffic:

- The Neighbourhood Plan questionnaire has revealed several facts regarding the use of the A585 by Elswick residents. 95% of the respondents said that the Thistleton junctions were dangerous with several mentioning near misses that they had experienced. The survey revealed that there is an average of 1.8 cars per household in the village with over 1000 traffic movements per day by Elswick residents on the A585.
- People describe crossing the A585 at the northerly Thistleton junction a 'nightmare' and turning left at the southerly junction 'highly dangerous'. Motorists are forced to wait for breaks in the traffic (rare at peak times) at both junctions.
- The northerly junction is generally used by people crossing the junction or turning right and gaps need to be found in both directions. This junction is heavily used by people travelling to Blackpool for employment or taking children to school.
- The southerly junction requires traffic breaks in one direction but this is not obvious to drivers travelling along the A585 towards the M55 and the speed of the traffic approaching the junction makes turning left from the C classification road an extremely hazardous experience. Excessive waiting times at both junctions encourage frustrated drivers to take chances by pulling out in front of fast moving traffic.
- With poor and diminishing public transport services, cars are a necessity in Elswick and virtually all traffic movements involve accessing the A585. This application if approved will add an additional 35+ cars into the village and a further 140+ traffic movements at the Thistleton A585 junctions. The A585 is already operating over capacity and we are advised that there are no plans at present to undertake any work on the Windy Harbour to M55 section of the A585 or the Thistleton junctions despite the Highways Agency acknowledging that these junctions are dangerous. The Parish Council understands that the Agency has imposed restrictions on Wyre Borough Councils development plans due to the over capacity on the road and considers that no further development should be approved in Elswick until the capacity of the road is resolved and improvements undertaken at the Thistleton junctions. With plans having already been lodged for 490 new houses in Elswick, Great Eccleston, Little Eccleston and Inskip the potential additional usage of the A585 will exceed 3000 plus movements a day on a road which is already operating to overcapacity, if all these plans are approved. Elswick Parish Council considers that this is unacceptable and that the cumulative effect of these plans needs to be urgently addressed.
- With regard to the site entrance, the Parish Council requests that the Highways Department give particular attention to the ingress and egress of the site due to concerns of poor visibility available for this access.

## **Statutory Consultees and Observations of Other Interested Parties**

### **Lancashire County Council - Highway Authority**

No highway objections, subject to footpath widening on West View.

The development proposal will lead to a relatively low number of vehicle movements throughout the day and around 5 – 6 movements in the peak hours. This level of traffic will have little impact on highway capacity or safety and as such the principle of the development is acceptable.

West View is a relatively lightly trafficked road and a suitable means of access can be provided.

### **United Utilities - Water**

No objection subject to condition.

### **Highways England**

They raise no objection, subject to condition requiring submission of a Travel Plan, with their detailed comments being:

*There are known issues with the Thistleton junction near to the application site, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) mainline at peak times. This also results in safety concerns as drivers may seek to enter the A585(T) in inappropriate gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.*

*Highways England has recently been consulted regarding applications for residential development within Elswick (50 dwellings at Beech Road, 50 dwellings at Mill Road and 36 Dwellings at Copp Lane), which we are not currently aware are committed development. As part of our review of the smallest of these applications (36 dwellings at Copp Lane, Elswick), it was established that the traffic impact of those proposals would equate to an additional vehicle every 5 to 6 minutes using the Thistleton junction within the AM or PM peak hours. This equated to 10 new trips in the AM peak hour and 12 new trips in the PM peak hour using the junction. Consequently, it can be said that these impacts will be approximately one quarter of that for this proposed development of 9 dwellings on the basis that the development is a quarter of the size of the proposed development at Copp Lane (i.e. one vehicle every 30 minutes in the AM peak hour and one every 20 minutes in the PM peak hour).*

*Whilst it is acknowledged that a relatively low number of additional trips are forecast to pass through the junction in each of the peak hours, there are known issues regarding the operation of the Thistleton junction. The results of the assessments undertaken for these nearby development proposals demonstrate that, when viewed as a whole, the junction is shown to operate in excess of its capacity in all base scenarios, i.e. without the addition of the development traffic. In this respect, the addition of the development traffic will not result in any step change in operation of the junction. Furthermore, only the A585 Fleetwood Road arms of the junction form part of the SRN, and these have been demonstrated to operate well within capacity in all scenarios in terms of vehicles turning right onto the side roads.*

*Highways England has consulted its managing agent for the A585 trunk road, regarding safety and known issues at the Thistleton junction. A summary of this discussion is provided below:*

- This section of the A585 is a relatively fast section of the route and drivers exiting the side roads at the Thistleton junction may fail to appreciate how fast approaching traffic is travelling and misjudge the time they have to exit the junction.*
- Highways England has submitted a bid into the 2017/18 programme for a scheme to provide improved signing and a coloured surface treatment at the junction;*
- The junction and its accident record were assessed approximately ten years ago. Options for improvements that were considered included signalising the junction and a roundabout option. However, the delays incurred by A585 traffic were such that they outweighed the accident saving benefits and the improvements were not taken forward.*
- In 2015, options were examined to install a cycle crossing at the junction, with the preferred option being a toucan crossing mid-way between the two side road arms. However this was placed on hold, pending the outcome of the major scheme between the Windy Harbour and Skippool junctions. The A585 Windy Harbour to Skippool major scheme is likely to have an impact on how the junction is used, and so it is Highways England's position that it does not intend to take forward significant alterations to the junction as part of its forward programme at this time until the form of the major scheme has been finalised and has legal approval.*

*The accident record for the Thistleton junction is 11 recorded accidents from 2011 to the present day; six of these alone occurring in 2016. A review of the accident data for this period demonstrates that there is a trend for accidents to occur throughout the day at the junction. This, together with the wider trend for accidents to involve manoeuvres and vehicles pulling out in front of traffic, leads Highways England to take the view that the true causal factor is inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it. The accident analysis supports Highways England's view that inadequate gaps in A585 mainline occur throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.*

*Despite this, and the fact that this is a relatively small development proposal, the development will undoubtedly lead to an increase in usage of the Thistleton junction (and by default, turning movements) at the junction. It can never be successfully argued that an increase in traffic using the junction will not increase the risk of accidents occurring at the junction. Therefore, however small these increases in traffic are, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by Thistleton junction in areas such as Elswick.*

*In the absence of an up to date Local Plan for Fylde, the proposals represent no more than further, piecemeal, incremental development within Elswick. As indicated above, the main access to this development is via the A585(T) Thistleton junction. The A585 carries a high volume of traffic with limited gaps in flow. There is an issue at the junction whereby right turning traffic, both into and out of this priority junction, has a lower gap acceptance than most other locations leading to a higher risk of incidents. Any increase in traffic using this junction will undoubtedly raise this risk. A single development of 9 dwellings will possibly raise the risk only very marginally and is unlikely to result in there being a step-change in the operation of the junction. As a result, our view is that we do not raise any objection to this application in isolation subject to a condition requiring a Travel Plan to be adopted that is to be agreed with the Local Planning Authority in*



*conjunction with Lancashire County Council. Given the need to reduce the level of additional traffic using the A585 Thistleton junction as much as possible, a Travel Plan containing targeted measures for the reduction of vehicle usage from the development would be the only tool available to achieve this, should Fylde Council be minded to grant planning consent.*

*However, Highways England has concerns that the incremental development coming forward in this area is, cumulatively, significantly increasing the number of turning movements at this junction, with a corresponding significant increase in risk to safety. This point is particularly relevant given that a development 90 dwellings has recently been consented by Wyre Council (application ref. 15/00576) at Copp Lane, to the south of Great Eccleston without consulting Highways England. Indeed, Wyre Council has recently approved additional development at this site of 93 dwellings [Wyre ref. 16/00650/OUTMAJ] in the absence of any Local Plan for Wyre district, which Highways England was consulted on.*

*Consequently, Highways England is of the view that, should this development be granted consent, further speculative development within Elswick would now not be in accordance with the Fylde Local Plan, or the emerging Local Plan that is clearly cogent of the safety issues that affect Thistleton junction.*

*Where development is in excess of what is contained within the adopted Local Plan, there can be no deemed prior assumption that the SRN infrastructure can safely accommodate the traffic generated by such development. Consequently, and in view of the findings of this review, there is now a need for both applicants and the relevant Local Planning Authorities to seriously consider the need for a safety improvement scheme at Thistleton junction to accommodate further development and how this may be achieved.*

*In the absence of such an approach (and when viewed against the current situation of there not being an up to date Local Plan for Fylde), as the highway authority for the A585 trunk road, we can only consider development on a case by case basis. We have no option other than to accept that, in isolation, each small development may not have a significant / severe impact. We would however urge Fylde Council to seriously consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved, either via your Local Plan, or any other available planning mechanism such as an SPD or CIL. In turn, Highways England is willing to work with Fylde Council and developers to assist both parties to develop an appropriate improvement of the Thistleton junction to address the safety concerns that are now emerging.*

*In previous years, Highways England has sought to progress improvements to the layout of the junction, such as full signalisation, or the creation of a roundabout layout. However, such schemes result in significant dis-benefits to the mainline traffic flow of the A585 which, as described above carries significant volumes of traffic throughout the day. As a result, such schemes were not feasible to deliver in the context of Highways England's forward programme of improvements, but may be in the context of a developer-funded scheme. That said, in considering further developments, Fylde Council should be mindful of the potential impacts such a scheme could have for affecting the efficiency of the A585 trunk road mainline flows and therefore the wider accessibility of the populated areas of Poulton, Thornton and Fleetwood that the trunk road serves. In other words, alterations to the junction prompted by significant levels of un-planned*

*growth within small, rural settlements such as Elswick has the potential to result in dis-benefits (further delays), thus affecting the sustainability of both the current and future economic growth contribution of the facilities and communities within these areas, which the trunk road supports.*

**Lancashire CC Flood Risk Management Team**

No objection subject to conditions requiring submission of drainage design at the reserved matters stage, management and maintenance of drainage.

**Greater Manchester Ecology Unit**

No objection subject to bird nesting condition and biodiversity enhancement measures.

The site lies within the SSSI Impact Risk Zone for goose and swan functional land. The revised proposal is below the threshold of 10 units identified as a risk by Natural England. In addition the field is small with roads and houses on two sides, making use by wintering birds unlikely.

Only disturbance impact would be to breeding birds. Biodiversity enhancement should also be incorporated into the final design, in compensation for lost habitat.

**Natural England**

The proposal is unlikely to affect any statutorily protected sites.

**Lancashire Constabulary**

2 reported crimes within the last 12 months. No objection, suggestions made to improve the risk of crime and anti-social behaviour from the proposal relative to physical security.

**Neighbour Observations**

<b>Neighbours notified:</b>	10 March 2017
<b>Amended plans notified:</b>	29 March 2017
<b>Site Notice Date:</b>	31 January 2017 & 5 April 2017 (amendment).
<b>Press Notice Date:</b>	26 January 2017
<b>Number of Responses</b>	<b>9</b>
<b>Summary of Comments</b>	Comments received can be summarised as follows:

- Destroy the character of Elswick, visual impact at the entrance/ exit to/ from the Village, people travelling along the High St will see a gable end with the development, whilst people travelling on the B5269 would see the rear of properties.
- Low sustainability due to lack of schools, bus service, one shop, doctors surgery and overcrowded health centre at Gt Eccleston, few employment opportunities further deteriorated by the closure of Bonds.
- Elswick is reliant on Gt Eccleston for some services. This proposal must be assessed against the cumulative effect on these settlements also – 160 houses passed and 330 being assessed in this area.
- Wyre BC have previously objected to large scale development in Elswick on the grounds it would impinge on services, such as the health centre which has 4-6 week waiting lists.
- All ready a substantial number of dwellings approved and others with permission being sought, further detrimental to the environment.
- Contrary to the decision by the Development Management Committee that Elswick is a Tier 2

Settlement, depending on whether the outstanding applications at Mill Lane, Beech Rd and Copp Lane are passed.

- Approval will negate extensive work made on the Neighbourhood Plan – virtually every responded favoured several small developments scattered throughout the Village.
- Increased traffic movement at the junction of West View/ Grange Road, and notorious Thistleton junction on the A585 due to weight of traffic.
- West View is used by residents for parking, as well as Grange Farm. It is used frequently by pedestrians, children, dog walkers, cyclists and horse riding. Heavy farm machinery, HGV delivering feed, and used for animal movements as well as a daily milk tanker all use the road. Due to the narrowness of the road, vehicles frequently have to mount the pavement effecting highway safety of all road users. Increased traffic from the proposal would heighten these concerns.
- Large vehicles using High Street must exceed white line marking to negotiate the s-bend at the junction with West View.
- Surface water and drainage, adjacent houses all flood when it rains.
- Proximity of housing to existing neighbours.
- Devalue existing house prices.
- The plot size will not support 19 dwellings.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

#### **Fylde Local Plan to 2032:**

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure

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

**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**

The main issues pertinent in the assessment of this proposal are:

- Principle of development.
- Relationship with Surrounding Development.
- Highways.
- Flood risk and drainage.
- Ecology.
- Trees.

**Principle of Development**

*Policy Context and Site Designation*

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the FBLP and SV. Policies SP2 and GD4 are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policies SP2 and GD4.

Notwithstanding this, assessment of principle against the NPPF and other material considerations must be made to determine whether there is sufficient justification to outweigh this position.

### *Housing Need*

The NPPF emphasises the importance of housing delivery, indeed, paragraph 47 states that a five year supply for market and affordable housing should be maintained by Planning Authorities. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The Planning Authority is currently undertaking the public examination of the new Local Plan, and has been required to update the five year housing land supply position as part of the evidence base. The update indicates a supply equivalent to 5.58 years. On this basis, it may be argued that policies of the development plan which relate to housing supply, including those restrictive policies such as SP2 and GD4, are up to date and are not in conflict with the NPPF.

Policy DLF1 of the SV sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period (2011-2032) with delivery being reliant upon windfall development as opposed to allocated sites. In the absence of any available sites within the Village envelope, this policy would provide support for housing within the countryside area, however this would be subject to a sustainability appraisal of the proposal, which would include impact assessment on the character of the Village and Countryside.

For information, there is committed development within the village on Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). This current proposal would not therefore result in development which exceeds the 50 unit threshold advocated by Policy SL5. There is one other application for 24 dwellings on land to the West of Copp Lane, recommended for approval to this Planning Committee, which would result in exceedance of the 50 unit threshold by 5 dwellings if both were to be approved.

Paragraph 216 of the NPPF indicates that *“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

Whilst the SV and updated 5 Year Housing Supply position are material considerations, they are yet to be examined in public. Representation has been received to the updated 5 year housing supply figure, as well as Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement. Since the SV has unresolved objections with specific reference to housing supply and housing provision in Elswick, relevant policies should only have moderate weight in the decision making process.

The Council approved an application made by Elswick Parish Council to designate an 'Elswick Parish Neighbourhood Area' on 1 August 2016. This will allow the Parish to formulate policies within a Neighbourhood Plan including location housing which, if adopted, will become material in the determination of planning applications within the approved Area. Since the Neighbourhood Plan for

Elswick is only an emerging document, no weight can be attached to it in the determination of this current application.

In conclusion, due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail.

*Does the proposal deliver sustainable development?*

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in this location being availability and accessibility of services, scale of development and visual impact.

*Accessibility and Availability of Services*

Concerns have been raised by local residents and the Parish Council with regards to a lack of services within the Village to support a development of the size proposed. Elswick Parish Council have raised concern to the sustainability of the development, due to the settlement scoring low in the Sustainability Assessments used to inform the emerging Local Plan. This is based upon a lack of services including health centre, school, post office, supermarket, reduced employment opportunities from loss of Bonds Ice Cream and reduced bus services.

Elswick is an identified settlement within Policy SP1(4) of the FBLP and is defined as a Tier 2 settlement in the SV. This is an acknowledgement that Elswick is capable of accommodating sustainable growth, albeit that it may have a dependency on other settlements for some services.

The application site is located to the west of the village on the edge of the settlement boundary. Elswick has a number of local services within its envelope and of walking distance from the application site, including a corner shop, two public houses, Church, Village Hall/ Community Centre, children's equipped play area, tennis courts, bowling green and post box. Great Eccleston Copp C of E Primary School is located to the north east and there are safe walking routes to the School, though proposed access on foot is reduced by the distance involved particularly during periods of inclement weather. The closest secondary schools being Baines, Hodgson Academy and Carr Hill. It is noted that there are few employment opportunities in Elswick with the closure of Bonds Ice Cream, and that residents currently rely on connections to other villages, including Gt Eccleston, for some services including Post Office and Health Centre.

According to the Lancashire County Council web site, closest bus stops are located 130m east on High Street, accessible on foot by the existing footpath network. These stops provide services 75A and 80. Service 80 runs every two hours to Preston with an hourly service prior to cuts. Service 75A runs every two hours between Preston and Fleetwood. Members should note that third service, Service 78, has been withdrawn earlier this year. Whilst reduced, the availability of alternative means of transport does provide sustainable access to other settlements for the provision of services not available within Elswick, although the reduced frequency of the bus services would not encourage sustainable travel to work or education.

Concern has been raised by residents with regards to pressure on the existing Health Centre at Gt Eccleston (existing waiting times of up to 4 weeks), education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds. Indeed LCC Education comment that there is currently a shortfall of secondary school places and financial contributions for additional secondary school capacity has been requested, contributions toward bus service

improvements have also been requested.

It is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid new isolated homes in the countryside.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and would not be isolated from them in comparison to existing dwellings within the village envelope. Moreover, additional dwellings would help sustain and could act as a catalyst for the development of local facilities and services. The site is accessible by 2 bus services, providing sustainable connectivity to larger settlements. There are other facilities including shops and health care opportunities at Gt Eccleston Village, and other settlements accessible via the bus services. On this basis, the site is considered to be suitably located for access to facilities and services, and is considered sustainable in this regard. Therefore whilst the application would be contrary to Policies SP2 and GD4, in this instance there is greater weight to be given to the NPPF and the presumption in favour of sustainable development.

#### *Scale of Development*

The scale of development proposed is intrinsic to the scheme design, the NPPF states that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare. Residents have raised concern to the size of the site not being able to accommodate the proposed number of dwellings.

Elswick Parish Council raise concern that there is a risk that if approved, a further application could be submitted for increased numbers of housing, as has already happened at Little Eccleston (increasing from 25 to 41). They also refer to the need to assess this current application alongside three other applications (two for 50 houses and one for 36 houses).

The indicative layout provides for a density of 14 dwellings per hectare (DPH), based on a site area of 0.63 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements of 30 dph. Notwithstanding, the density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area. The application site represents a transition between the village boundary and countryside beyond and on this basis a lower density scheme providing a sense of openness is more appropriate and could be supported, albeit it makes a less efficient use of the site area.

There are approximately 463 dwellings in the village of Elswick. Based on this total, the proposal of 9 units would result in a 2% increase in the village size. Cumulatively, when added to approved development within the Village (Bonds Ice Cream - 8 units, Elswick Trading Park - 9 units, and Chapel Farm - 5 units) the village could grow by 7%. An outline scheme for 24 dwellings (ref: 16/0846) to the northern edge of the Village is before this Planning Committee being recommended for approval, and would increase growth levels to 12%. With reference to the three large scale applications referred to by the Parish Council, the 36 unit scheme has been reduced to 24 units (16/0846, as reported above), Beech Road (16/0645) was refused by Members of the March Committee and the previously refused application at Mill Lane (16/0180) has been resubmitted and is currently being

assessed. The potential level of growth relative to this current proposal is small and would not result in an unacceptable scale of growth to Elswick, even in combination with committed development and the Copp Lane proposal. With regards to the current Mill Lane scheme, assessment of this proposal is ongoing and the outcome of this proposal and that at Copp Lane will inform its assessment.

The above figures provide a quantitative context to the level of expansion, and there is no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

#### *Visual and Landscape Impact*

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make suitable provision for landscape planting. This reflects guidance contained within the SV and NPPF.

The site is designated within one of the coastal plain areas of the Fylde as identified in the Lancashire Landscape Strategy. The landscape type is characterised by large geometric agricultural fields allowing long views over the landscape. The Strategy considered that infill development may disrupt the characteristic spacing of traditional settlement, all built form is likely to be prominent in this relatively open landscape.

The site is situated to the western edge of the settlement boundary of Elswick and forms part of an area of open countryside which encircles the village. The site's southern and eastern boundaries abut the built up area of the village boundary adjacent to dwellings on Grange Road and West View. Adjoining dwellings have a rear facing aspect to the proposal, though there are some properties which have a front or side facing aspect to the application site located adjacent to the junction of West View/ High Street. Hedgerow and trees form the current boundaries to the site, importantly to the north and eastern edges. The application site is considered to be in a prominent location, being readily visible on approach from the west and from the main High Street through the Village, as well as more distant views from the north/ north west due to the relatively flat uninterrupted landscape. Part of the character of Elswick is the ability of outward vistas to countryside from main roads within the Village.

The present Village boundary in this locality forms a defensible and clear demarcation between the urban character of the village and the open landscape beyond. The transition between the two is quite abrupt. The site therefore provides an important open setting for this side of Elswick both in terms of views in, and when leaving the village environment. The approaches to the village are by way of rural connecting roads passing through open landscape and the settlement has quite strong edges giving the Village a distinctive setting within the landscape. The site forms part of a wider



parcel of open land, presenting a sense of wide open landscape beyond the built edge, defining the eastern edge and setting within the landscape.

At the present time, the open nature of the site provides an open setting for the approach to and exit from and the Village, with the use of post and wire fence as the western boundary meaning that it is particularly prominent in that aspect as there is nothing to soften views or provide a defensible natural boundary to development in this general location. The development of the site would produce a suburban form that would extend into this important area of open landscape and destroy views on approach. Furthermore, the development would act to diminish existing uninterrupted views of the countryside when exiting the Village from main roads, indeed the indicative layout makes provision for a side gable visible within long distance views of the site from High Street. The present strong Village edge and character of Elswick would be changed in a detrimental way.

Whilst indicative, there are concerns to the layout illustrated. With the exception of two properties, dwellings have a rear facing aspect to the northern approach into the Village and to the south on Grange Road creating a very unwelcoming and poor boundary to what would become a new edge to the village. This visual impact is compounded by the prominence of the application site when viewed externally, with rear garden curtilage and associated paraphernalia and boundary treatments being readily visible from the northern approach and Grange Road to the south. Due to the relatively small size and width of the plot it is highly probable that the reserved matters layout would take similar form.

The applicant acknowledges the visual impact of the development through retention of the existing field boundaries, and this will help to soften the impact of the built form. Notwithstanding this, it would not be sufficient to screen the development from view and it is likely that prospective residents would maintain this hedge line at a low level to take advantage of views out over open fields.

The proposal does not relate to the existing fabric of development and it is considered that the introduction of residential properties and all the domestic trappings associated with them, in this location, would be wholly out of keeping with the existing pattern of development and adversely harm the character and appearance of the surrounding area, exacerbated by the visual prominence of the site, contrary to HL2, EP11, ENV1 and GD7.

The proposal will contribute toward the Council's housing supply, though it is noted that this contribution would be small. On this basis it is considered that the benefits of housing supply from the proposal are limited, and that this consideration is not sufficient to outweigh the visual harm to the character of the locality.

#### *Loss of agricultural land*

Paragraph 112 of the NPPF stipulates that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In addition, Policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough, with Grades 2 and 3a considered the best and most versatile.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food

Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map indicates the site to be Grade 2, though is only accurate to about 80ha.

The submitted Planning Statement refers to the site being Grade 3 Agricultural land, though no supporting information is provided to clarify precisely the land categorisation. Notwithstanding this, the loss of the Borough's best and most versatile agricultural land for residential development has been allowed at a number of recent appeals and should not be seen as an overriding factor in the planning balance.

*Principle of Development – Conclusion.*

The site lies within the Countryside Area and outside the settlement boundary of Elswick, the proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and Policy GD4 of the SV and is therefore in conflict with these policies.

The SV is yet to be examined in public. Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement, this includes specific objection to any housing provision for Elswick, and conversely request for Elswick to be upgraded to a Tier 1 Settlement capable of accommodating between 100-150 new homes over the plan period. Further to this, the Council has a reported 5.58 year housing supply, though this figure is also to be tested at the Public Examination and could alter.

Since the SV has unresolved objections with specific reference to housing provision in Elswick and the updated 5 year housing supply figure, relevant policies can only have moderate weight in the decision making process. Sustainable housing development should be supported in order to maintain a 5 year supply, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result.

The application site is considered to be in an accessible location with shops and community facilities/services within close proximity. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. Notwithstanding, it is considered that the open nature of the site presently contributes greatly toward the character and setting of Elswick, providing a strong village edge. It is therefore considered that development of the site for residential purposes would diminish openness, would be wholly out of keeping with the existing pattern of development and would adversely harm the character and appearance of the surrounding area, the visual prominence of the site would only serve exacerbate this harm. The proposal is not therefore considered to accord with the environmental dimension of sustainable development as advocated within the NPPF.

The contribution that a development of 9 dwellings would make to housing supply is small. On balance the adverse impacts of the development in visual and landscape terms would significantly and demonstrably outweigh the limited benefit to housing supply, contrary to the requirements of the FBLP, SV and NPPF. It is advised therefore that the principle of residential development on the site cannot be supported.

Relationship with surrounding development:

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no

adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, the relationship between dwellings proposed and neighbours cannot therefore be assessed at this time. Notwithstanding, an Illustrative Site Plan has been submitted, siting dwellings adjacent to existing housing on West View and Grange Road. With the exception of the plot located to the rear of Bramble Mead on West View, the site plan demonstrates that an acceptable relationship to neighbours can be achieved. With regards to Bramble Mead, it is expected that increased separation to the development be provided at reserved matters and given the low density of development it is considered that this could satisfactorily be provided. Further to this, Policy HL2 and GD7 are clear in that amenity of existing residents must be safeguarded and it is expected that any subsequent reserved matters Layout is compliant with these Policies.

The proposal will intensify use of the site and increase the number of vehicles on the road network. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hour's restriction, wheel wash facility and dust controls.

#### Highways:

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on network impact grounds where the residual cumulative impacts of development are severe. Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Objection has been raised by Elswick Parish Council and local residents in relation to highway safety implications resultant from additional vehicle movements on the surrounding road network and conflict with other road users, this includes exacerbation of existing problems at the Thistleton junction with the A585.

The revised layout has reduced the number of dwellings proposed from 19 to 9, with access to the site being via an upgrade to the existing field access from West View. The existing footpath network will be continued into the development and off street parking is provided through garaging and driveway spaces. Given the low number of dwellings proposed the applicant has not been required to submit a Transport Statement.

With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the Strategic Road Network (SRN) in this circumstance the A585 trunk road, LCC Highways are responsible for the Local Road Network (LRN).

LCC Highways state that the development is acceptable, commenting that the proposal will lead to a

relatively low number of vehicle movements throughout the day and around 5-6 movements during peak hours. This level of traffic will have little impact on highway capacity or safety and as such the proposal is judged acceptable by the Highway Authority. In response to the Copp Lane application LCC Highways report that road safety for the Village as a whole is relatively good, with only 4 accidents in the last 5 years. Access is not applied for, however it is considered that the presence of a grass verge and footpath provide for satisfactory vehicular visibility when exiting the site to West View. Whilst on street parking may reduce the width of West View, this does not interrupt the passage or free flow of vehicles. The proposal is not considered to generate a significant amount of vehicles or trips to/ from the site, which minimises congestion and queuing at the junction of West View/ High Street resultant from the development.

To improve pedestrian safety, LCC Highways have requested that the existing footpath linking West View to High Gate is widened. This would encroach on a grass verge and be within close proximity of trees. The land may also be outside the control of the applicant. The request for footpath widening is not considered to outweigh protection of the verge/ hedgerow, and in any event would not be reasonable bearing in mind the presence of an existing footpath, reported road safety record of the Village and relative small scale of development.

There are known issues with the Thistleton junction with the A585, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) at peak times. This also results in safety concerns as drivers seek to enter the A585(T) due to insufficient gaps in moving traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Highways England have undertaken their own assessment of the potential trip generation and SRN impact, based upon conclusions drawn from submissions relevant to the Copp Lane application and it is estimated that resultant new trips equates to one vehicle every 30 minutes in the Am peak hour and one every 20 minutes in the PM peak hour. This is reported as a relatively low number of additional trips passing through the Thistleton junction in peak hours. The results of assessments undertaken for other developments within Elswick shows that this junction is currently operating above capacity. Furthermore HE report that highway safety problems at the junction with 11 recorded accidents from 2011, six of which occurring in 2016, and are of the view that this is due to inadequate gap acceptance by drivers. Accidents occur throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

HE comment that despite the small scale of development, the development will lead to an increase in usage and risk of accident at the Thistleton junction incrementally as development comes forward that is served by this junction in areas such as Elswick. Notwithstanding, HE do not raise objection to the proposal in isolation, stating that a single development of 9 dwellings will possibly raise the risk only very marginally and is unlikely to result in there being a step-change in the operation of the junction. A condition requiring a Travel Plan is requested.

HE have raised concern that the incremental development (over 300 dwellings) coming forward in this area of Fylde/ Wyre Boroughs is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety. Reference is made to 90 dwellings approved by Wyre BC on Copp Lane (15/00576) and a further 93 properties at Gt Eccleston (16/0650) – Members should note that this was refused by Wyre BC. On this basis HE urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

16/0846 (24 dwellings, Copp Lane, Elswick) is also on this agenda, recommended for approval. Similarly, HE have not objected to 16/0846 in isolation, but have raised highway safety concerns in relation to the cumulative impact of incremental development. Both of these current proposals equates to an overall number of 33 dwellings. HE also raised no objection to the Mill Lane (16/0180 - 50 units) and Beech Road (16/0645 - 50 units). In addition, the 93 dwellings at Gt Eccleston referred to by HE as being approved by Wyre BC, was in fact refused. On this basis, it is considered that cumulative impact of the current proposals would be acceptable based on the fact that collectively the number of units proposed would not exceed the 50 figure previously supported by HE for the Beech Road and Mill Lane developments.

Elswick is accessible via a reduced bus service. Service 78 has been withdrawn due to cut backs, currently the 80 and 75A services run every two hours compared to an hourly service prior to recent cut backs. LCC Highways recommend that contributions are provided to reinstate the hourly frequency of the 78 and 80 services, at a cost of £200k spread over 5 years. In response to the Mill Lane application, LCC highways commented that the contribution amount would not cover the full cost of service improvements, though would allow a significant improvement to public transport to take place and establishes the need for improvements which any other developments would be expected to follow. A request for contributions to cover the full cost of service improvement is considered unreasonable and a proportional amount is therefore sought. Members should note that if the full contribution is not secured from other development it is extremely unlikely that LCC would be able to find the shortfall. As such a review of what could be provided would need to be made by the Highway Authority. A request for the upgrade of adjacent bus stops has been made through provision of raised boarding areas to improve accessibility for a wider range of users, this can be controlled by condition.

Given the small amount of dwellings proposed, the construction phase is unlikely to have a significant impact on the road network, though it should be noted that LCC Highways have raised concern to the Mill Lane and Copp Lane proposals based on the effect of HGV's in the area associated to the Fracking proposals. Whilst the Highway Authority did not raise objection on construction grounds, it was considered appropriate to manage the impact of the construction traffic on the highway network. A condition requiring agreement of a Construction Traffic Management Plan (CTMP) is suggested.

Whilst the highway concerns of residents is noted, it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF.

The planning application is made in outline form with detailed assessment of parking provision being reserved for subsequent application. Policy HL2 and TL5 require that residential development provides for appropriate car parking and it is expected that any subsequent reserved matters application is compliant with these Policies.

#### Flood Risk and Drainage

The site falls entirely within flood zone 1, as defined on the Environment Agency's Flood Map. A Flood Risk Assessment (FRA) has been submitted with the application.

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*. Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere.

Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regards to surface water problems and flooding of neighbouring dwellings when it rains.

The FRA confirms that the site is located within Flood Zone 1, is not considered to be at risk of flooding, is well drained and an open ditch runs against the northern boundary. Reference is made to a flood incident at the junction of West View/ High Street due to blockages within highway gulleys but no historic records of flooding on site. The FRA concludes that SuDS can be used to prevent greater run off of surface water from the site than currently occurs.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. On this basis, it is considered that adequate measures can be put in place in order to ensure appropriate drainage provision and that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

#### Ecology

The site has no specific nature conservation designation in the adopted or emerging Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, refuse consent if significant harm resulting from a development cannot be avoided, and opportunities to incorporate biodiversity in and around developments should be encouraged.

Policy EP15 indicates that development affecting the integrity of a designated European Site will not be permitted. Policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted. Policies ENV1 and ENV2 of the SV reflect this current policy position.

An Extended Phase 1 Habitat Survey was submitted with the application. The survey concludes that the site is predominantly composed of common improved grassland which is a widespread habitat type. A permanent loss of this habitat will occur, however the negative impact on biodiversity will be small due to its limited ecological value. The most ecologically valuable components of the site are the hedgerows, particularly that on the northern boundary. Small sections of the poorer quality hedgerows will be affected by the development, however a net increase in hedgerow on site will likely result in overall benefits for local wildlife. No statutory or non-statutory designations will be affected by the work proposed. Similarly, no protected species are likely to be impacted upon as a

result of the development. The survey recommends to retain trees/ hedgerow, provide protection during construction, and enhanced planting for bat foraging and bird nesting and site clearance works outside of the bird nesting season.

The consultant Ecologist agrees with the report findings, stating that the site is of low ecological value, and the site is unlikely to be used by wintering birds associated with any European Designated Site or SSSI. There may be disturbance to nesting birds and conditions requiring works outside of the nesting season is requested, as well as biodiversity enhancement measures.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions. Indeed GMEU have no objection to the proposal subject to condition, and Natural England has no comment to make. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

### Trees

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features.

There are a number of trees on the boundary of the application site which, given their visual prominence afford some amenity value at present but have no Tree Preservation Order protection. A Tree Survey has not been provided with the application. Notwithstanding, the Habitat survey does make reference to the importance of trees as a habitat and recommends that existing trees should be retained. The indicative layout locates the developable area away from the site boundary enabling retention of trees and hedgerow, additional planting is also indicated to the site boundary and within the street scene of the proposal.

It is considered that the proposal can provide for the retention of existing trees and hedgerow, subject to condition, in accordance with Policies EP12 and GD7.

### Other Issues

#### *Open space:*

Policy TREC 17 of the FBLP and ENV4 of the SV supports new residential development subject to the provision of public open space (POS) in accordance with standards relevant to the number of bedrooms within each dwelling provided. Policy ENV4 requires on site provision for 10 dwellings or more, or payment by commuted sum where provision of open space would be less than 0.2 hectares. Given the small scale nature of development and on site constraints it is considered appropriate that a contribution of £1000 per dwelling be made to POS, payable by Section 106 Legal Agreement.

#### *Affordable housing*

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SV requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough. This is carried forward in Policy H4 that requires the provision of affordable housing in

schemes of 10 or more homes, and so at 9 dwellings this scheme is below that threshold. However, it is noted that the applicant here is the same as for the adjoining parcel of land that is on this agenda under reference 16/1007 for the erection of 2 dwellings. With the relatively lax density of the development and this apparent subdivision of a wider scheme into 2 parcels to seemingly avoid hitting the affordable housing trigger it is appropriate that this scheme be considered as one where affordable housing should be provided. This would be secured through a s106 agreement, although as none is provided at this time then a reason for refusal on this basis would be appropriate.

### **Conclusions**

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict development within such areas to agriculture, horticulture, forestry or other uses appropriate to a rural area only.

Notwithstanding, since the SV has unresolved objections with specific reference to housing provision in Elswick and the updated 5 year housing supply figure, relevant policies can only have moderate weight in the decision making process and should not be relied upon to either restrict or support housing development in Elswick at this time. Sustainable housing development should be supported in order to maintain a 5 year supply, failure to do so would increase risk of the Council not being able to demonstrate a 5 year supply in the future. Therefore, the principle of housing development should not be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Due to the moderate weight applicable to both the revised housing supply figure and emerging policies of the SV, it is considered that policies of the NPPF with particular regards to sustainable development should prevail.

The application site is considered to be in an accessible location with shops and community facilities/services within close proximity. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. Notwithstanding, it is considered that the open nature of the site presently contributes greatly toward the character and setting of Elswick, providing a strong village edge. It is therefore considered that development of the site for residential purposes would diminish openness, would be wholly out of keeping with the existing pattern of development and would adversely harm the character and appearance of the surrounding area. The visual prominence of the site would only serve exacerbate this harm. The proposal is not therefore considered to accord with the environmental dimension of sustainable development as advocated within the NPPF.

There is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage.

The contribution that a development of 9 dwellings would make to housing supply is small. On balance the adverse impacts of the development would significantly and demonstrably outweigh the housing supply benefits, the proposal should not therefore be considered sustainable development, contrary to paragraphs 14 and 49 of the NPPF. It is advised therefore that the principle of residential development on the site cannot be supported.

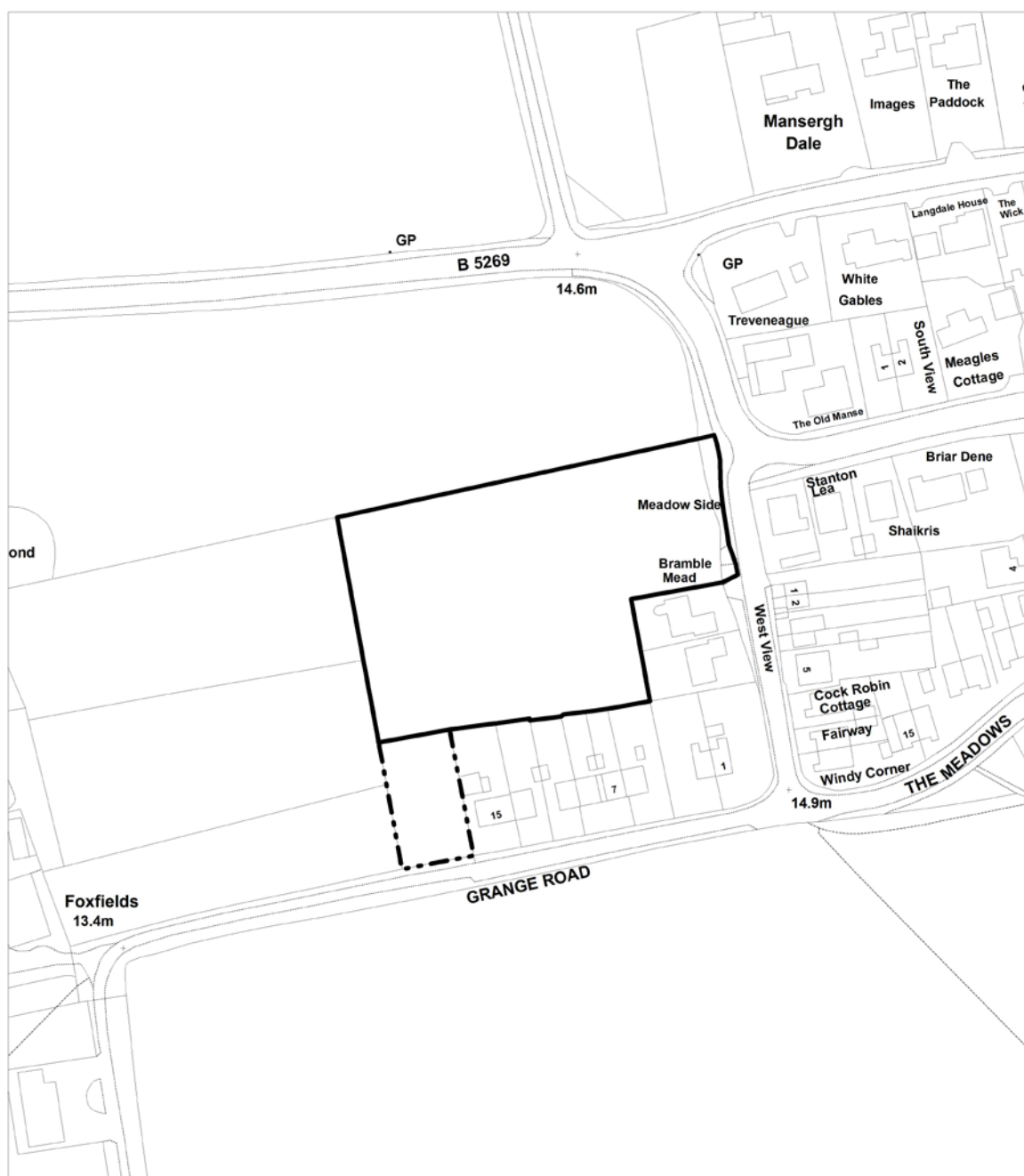


## **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The proposed residential development of this prominent countryside site located to the west of Elswick would detract from the form and character of this part of the village which forms a critically sensitive transitional location on a key approach to the centre of the village where the character of the open countryside predominates. As such proposed development fails to adequately address the environmental role of sustainable development set out in the National Planning Policy Framework. On this basis the proposal is contrary to criteria 2 of Policy HL2, EP10 and EP11 of the Fylde Borough Local Plan (October 2005), GD7 and ENV1 of the Submission Version Fylde Council Local Plan to 2032 and paragraph 17, as well as those provisions which seek to promote sustainable development, of the National Planning Policy Framework.
2. Given the scale of the development proposed in this application and its association by ownership with an adjoining site that is subject to a residential development proposal, the development is of a scale that should make contributions towards the delivery of affordable housing and public open space.

The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of policies TREC17 of the Fylde Borough Local Plan (October 2005), Policies H4 and ENV4 of the Submission Version Fylde Local Plan to 2032 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/1038	Address Land west of West View, Elswick	Grid Ref. E.3416 : N.4383	Scale 0 6 12 18 24 m 

<b>Application Reference:</b>	17/0036	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Progress Business Park	<b>Agent :</b>	Lea Hough Chartered Surveyors
<b>Location:</b>	UNITS 9, 10, 10A, 11 AND 11A PROGRESS BUSINESS PARK, ORDERS LANE, KIRKHAM, PRESTON, PR4 2TZ		
<b>Proposal:</b>	REORGANISATION OF USES WITHIN PREMISES TO ALLOW FOR RELOCATION AND EXPANSION OF GYM FROM UNIT 11 TO UNITS 10 AND 10A, RELOCATION AND EXPANSION OF BEAUTY/HAIRDRESSING FROM UNIT 11 TO PART OF UNIT 9, AND RE-INTRODUCTION OF OFFICE USE TO UNIT 11 TOGETHER WITH EXTERNAL ALTERATIONS TO THE UNITS TO FACILITATE THE USES - PART RETROSPECTIVE APPLICATION.		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7797763,-2.8777959,340m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to Units 9, 10, 10A, 11 and 11A Progress Business Park, an existing employment site on Orders Lane, Kirkham. The site is a former mill site now converted to a range of office and other employment units. This application is submitted on behalf of 'Inspired Energy' which operates from the site and has benefitted from a growth in its staffing levels in recent years and so the scale of their accommodation at this site. The majority of this accommodation is offices, but they also operate a café and a gym with beauty salon. These are aimed primarily at staff, but also provide facilities for other Business Park tenants and the wider community. Planning permission 16/0047 granted consent for these elements.

This current application seeks permission for the reorganisation of the previously approved uses within adjoining units to allow for the relocation and expansion of the gym from unit 11 to units 10 and 10a, relocation and expansion of the beauty/hairdressing use from unit 11 to part of unit 9, and the re-introduction of office use to unit 11. This reconfiguration of the buildings internally will allow an internal access to units 27 and 27A which adjoin unit 11 and have been recently leased by 'Inspired Energy' to assist with a further expansion of the business.

The application also includes alterations to the external fabric of Units 9, 10 and 10A to facilitate the uses. The external alterations and expansion of the gym have taken place and so that part of the application is applied for retrospectively.

Planning permission is needed for this re-organisation as these facilities operate from different units to those that they currently occupy, and are available for use by the general public rather than being purely for the businesses employees.

The site is located outside of the town centre where cafe and beauty uses are promoted, and with the Business Park having an allocation for employment purposes under the Fylde Borough Local Plan the uses are in conflict with that Policy. However, planning permission has previously been granted for the gym/cafe/beauty uses. The cafe side has expanded by an additional 12 covers. The beauty use now occupies a slightly larger area with an additional 10 sqm from that previously approved and now provides a hairdresser. The gym is larger and occupies an additional unit.

The gym is a use that can be found within a town centre, but is also found in out of centre locations and as such is not considered inappropriate within the business park. The cafe and beauty use are town centre uses but are operating on a small scale and principally exist to serve the employees of Inspired Energy as a staff benefit. The continued growth of this business is a welcome boost to the local economy and it is accepted that some supporting facilities are needed to help them attract and retain their workforce at the site.

There are also a number of additional staff employed in the café/salon/gym for which permission is sought and it is considered that these factors outweigh the conflict with Policy EMP2 of the Fylde Borough Local Plan, as altered (October 2005) and the submission version of the local plan to 2032. Accordingly the application is recommended for approval with conditions imposed to ensure that the operation is limited to day time / week day use so it operates alongside the trading hours of Inspired Energy.

#### **Reason for Reporting to Committee**

The application is on the agenda as Kirkham Town Council object to the application for the reasons reported below and under the council's scheme of delegation such applications are to be determined by the Planning Committee.

#### **Site Description and Location**

This application refers to Units 9, 10, 10A, 11 and 11A at Progress Business Park which is a converted mill complex situated off Orders Lane in the defined settlement area of Kirkham. The site contains a series of buildings, mainly of a brick construction and single storey, with areas of hard standing around providing car parking and manoeuvring space. The site is in use as a series of employment uses with some of these being offices. Permission has been granted for the use of Unit 11/11A as a gym and cafe but the majority of uses on the site being storage, manufacturing, car repair, distribution, etc. uses that fall within the lawful B1, B2 and B8 uses that the site as a whole benefits from. The site is allocated as an existing industrial area on the Fylde Borough Local Plan, as altered (October 2005), with that policy supporting the retention of those use classes.

The largest employer on site is Inspired Energy who have grown to occupy a number of units adjacent to the site entrance from Orders Lane. They operate a call centre style business which secures reduced energy prices for customers through collective bargaining with suppliers, and have grown from a handful of staff at the turn of the century to currently employing over 200 staff on the site at present. That growth has been accommodated by expanding into adjacent units on the site and by making more efficient use of the internal space within those units, partly through the

removal of the individual kitchen and toilet facilities that they were provided with when available for individual let and these have been re-located in Unit 11A.

The Progress Mill site is around 150m from the edge of the defined Town Centre, and has some commercial use within the vicinity of the site but otherwise is predominately residential.

### **Details of Proposal**

The application seeks permission for a change of use of Units 9, 10, and 10A and the internal reorganisation of Units 11 and 11A with external changes to Units 9, 10 and 10A to facilitate those uses.

It is proposed that part of Unit 9 is to be used for a beauty salon/hairdressers with the remainder for conference/meeting rooms/office use. Externally the side elevation of Unit 9 has been altered and provided with new fenestration.

Units 10 and 10A are proposed for the gym expansion which includes a boxing ring and changing facilities. Externally these units have been altered and a glazed front elevation provided in place of the previous industrial style sliding doors.

Unit 11 retains the cafe use, with a small increase in the scale and number of covers catered for with the remainder of Unit 11 (previously occupied by the gym) reverting to office use with a new internal access to Unit 27 and 27A recently leased by the applicant.

The external alterations and expansion of the gym have taken place and so that part of the application is applied for retrospectively.

Planning permission is needed for this re-organisation as these facilities operate from separate units to those currently occupied by the Inspired Energy operation and are available for use by the general public.

This is a revised scheme to that which was originally proposed which was for a much larger beauty salon element than is now the case, and did not include any links to adjoining offices.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0047	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF UNIT FROM GENERAL INDUSTRIAL USE (CLASS B2) TO MIXED USE AS CAFE (CLASS A3), GYM (CLASS D2) AND BEAUTY SALON (SUI GENERIS USE) AND FOR INSERTION OF GLAZED FRONTAGE	Granted	16/03/2016
14/0668	RESUBMISSION OF APPLICATION 14/0366 FOR CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Refused	15/11/2014
14/0366	CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Withdrawn	13/08/2014

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0668	RESUBMISSION OF APPLICATION 14/0366 FOR CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION..	Dismissed	07/07/2015

### **Parish/Town Council Observations**

**Kirkham Town Council** notified on 02 May 2017 and comment:

*The council's comments remain the same about the change of industrial use to a mixed use with or without the beauty salon.*

*The comments were:*

- *17/0036 KTC strongly object to this application on the following grounds*
- *This development is impacting on the main street. Along with Aldi and Sainsbury's at Mill Farm Kirkham town centre is being seriously affected.*
- *Progress Industrial Park is not a retail/leisure park and use should not be changed to such. To do so reduces the industrial units available to small businesses in the area.*
- *KTC have received complaints from neighbouring houses about the increase of constant traffic, parking issues and access and egress which will only increase with the change of use.*
- *It is approximately two years since Fylde Council refused a similar application. A decision which was upheld by the Government Inspector.*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

They initially objected to the proposal on the basis that the increased scale of the beauty element would bring additional visitors to the site. Now that area has been reduced to be broadly equivalent to the existing authorised extent of beauty use and so the area reverting back to an office use they have confirmed a lack of highway objection to that element of the application.

They also comment that the part of the application to be changed to a gym will have no impact on the peak hours as the peak time in gym vehicle generation is between 6 and 7pm, this is after the PM employment peaks which occur between 4 and 6pm depending on land use.

They refer to the lack of detail about the additional on-site parking spaces that are referred to in the submission, and ask that these are secured prior to any decision.

### **Neighbour Observations**

<b>Neighbours notified:</b>	10 February 2017
<b>Amended plans notified:</b>	07 April 2017
<b>Site Notice Date:</b>	10 February 2017

<b>Number of Responses</b>	1 letter received
<b>Summary of Comments</b>	<ul style="list-style-type: none"> <li>• Happy for the cafe/salon/gym to be re-classed</li> <li>• Parking needs to be addressed, cars spread everywhere blocking access to other businesses</li> </ul>

### **Relevant Planning Policy**

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

SP01	Development within settlements
EMP2	Existing business & industrial uses

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
GD8	Demonstrating Viability

#### **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) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

This application seeks permission for the change of use of units with a B1, B2 and B8 Uses to a mixed use including D2 Use (gym), Sui Generis Use (beauty salon) and A3 uses (cafe), with these uses already authorised within the application site but reorganised and extended in this submission.

### **Policy Background**

The site is designated as an Existing Employment Area under Policy EMP2 of the Fylde Borough Local Plan. This states that *"Land in Class B uses will be retained in that class."* It also designates uses to the various employment sites allocated across the borough with those for the Progress Mill site being Class B1, B2, and B8. As this application involves a move away from those uses the scheme is in conflict with that Policy, albeit that the principle of this has been previously accepted at this site by the grant of planning permission 16/0046.

As members will recall the submission version of the Fylde Local Plan to 2032 has recently been subject to the first part of its examination in public. That document refers to Progress Mill under Policy EC1 which states that *"Within the existing business and industrial areas, listed below, land and premises in Class B Business and Industrial uses will be retained in that use class unless it is demonstrated to the satisfaction of the Council that there is no reasonable prospect of the site being used for employment purposes."*

Policy GD8 of the local plan to 2032 refers to viability and is also relevant to this application. The

preamble to the policy refers to allowing changes of use, subject to compliance with the parameters set out in the policy, to enable the council to make a fair and robust assessment of whether there is a justifiable case for whatever change of use is proposed.

The National Planning Policy Framework is also a material consideration in the determination of the application and promotes economic growth as an important aspect of sustainable development. Paragraph 22 of the Framework refers to local planning authorities avoiding the long-term protection of sites allocated for employment uses where there is no prospect of that use coming forward.

#### Assessment against Development Plan

Planning legislation requires that applications are determined in line with the development plan unless there are material considerations which dictate otherwise and so outweigh the Local Plan policy position. These are addressed in the following sections of this report.

The uses involved in this application are not ones that fall within class B1, B2 or B8, with the café and beauty salon elements being uses that would be more appropriately located in a town centre. A strict following of Local Plan policies would see the application refused due to the conflict with development plan policy as the establishment of these uses in locations outside of the town centre will compete with those in that location and so potentially weaken the vitality of that Centre. However, this matter was assessed as part of the consideration of the earlier application when it was considered that the uses provided facilities to enhance the attractiveness of working for 'Inspired Energy' at Progress Mill in Kirkham and provided employment themselves. The scale of that business is significant and has expanded since the 2016 application to employ over 200 people on this site. As such it is reasonable that some supporting facilities are available.

In this application the cafe use remains in Unit 11 but is expanded in physical terms by 15 square metres and by an additional 12 covers. In respect of the beauty salon this is to be relocated to the front of unit 9 and expanded by an additional 20 square metres. As a consequence of the relocation of the beauty salon the rear of unit 11 is to be reverted back to office use and an internal link provided to the adjoining units 27 and 27a which have been recently acquired by the applicant and are to be used for additional office space. Accordingly the beauty salon and cafe uses are a small scale expansion of the existing uses.

Whilst the scale of the gym has increased to two full units and is a use that can be found in a town centre, but more often are found in out of centre locations. The expanded facility has increased the number of employed in the gym by a further three members of staff and overall the uses has provided employment for an additional eight full time staff and four part time.

The premises are located within an industrial estate location where they do not present as an obvious location for a café or beauty salon to be found. Their hours of opening are in line with the office opening hours of 'Inspired Energy' and so whilst open to the public during office hours do not compete with other town centre businesses of this type in the evening and at weekends.

This must restrict their attractiveness to customers from off the Business Park, and so the level of real competition that they provide to those uses that are in a town centre location.

#### Link to Inspired Energy

The relationship between this proposal and the wider Inspired Energy operation on the site is an



important factor to the applicant and in the consideration of the proposal. The café was first introduced as that business decided to address part of its needs for more space to accommodate the business growth by removing the various kitchen facilities from within their offices, to prevent staff eating at their desks and to site them in this central 'works canteen' facility, which due to the arrangement of premises on the site is in a separate unit and so needs planning permission. In the majority of offices of this nature and scale there would generally be a canteen in part of the building that provided that function and so would not require permission as it was ancillary to the main use even if it were to be open to external customers.

The Inspired Energy business has grown rapidly in recent years, and so has needed more space to provide for the growing employment. This space has been provided by extending and refurbishing adjacent units and so they are now a key tenant on the Progress Mill site and so support its retention as a location for start-up businesses to locate. As Inspired Energy has grown it has brought obvious benefits to the local economy through the wages that are paid to staff (many of whom live locally) and the expenditure that they will make in the local economy that is not related to the café/gym/salon uses available on this site.

The applicant advises that the gym provides opportunities for young people to train and the boxing facility has links with local schools.

The availability of the café/gym/salon facilities as a support to the staff at Inspired Energy is an important consideration in the assessment of this application given the importance that this business has to the trading position of the Progress Business Park and to the local economy.

#### Other Matters

To facilitate the café and gym/salon uses the industrial units have been altered internally and externally and have had their industrial doors removed and glazing panels inserted to the frontages of units 10 and 10A and to the side elevation of Unit 9. The glazed frontage to Unit 11 was approved under the previous application. These changes are of a suitable design and do not lead to any particular concerns.

LCC Highways have been consulted and have not raised any particular concerns in respect of parking issues although this is a concern raised by neighbours and the Town Council. The applicant has advised that 'Inspired Energy' employees are instructed not to park on the highway and the site operators of the business park are to look at providing additional parking within the site. In addition a revised plan has been provided through the determination of the application that confirms that there are 90 spaces the areas around the site that are to be allocated to Inspired Energy staff (and customers of the gym/beauty salon), which is a significant increase over the current situation as a consequence of their expansion into further units and by a reorganisation of the parking areas. This number of spaces is well in excess of the level prescribed by the parking standards which is 65 spaces if it were all to be an office operation, but is considered appropriate here given the concerns over parking provision expressed by the Town Council and the impact that off-site parking could have on neighbouring amenity.

There are no issues in respect of noise or smells from the changes of use so no issues for neighbours in this respect.

Planning conditions are proposed to limit the extent of the uses to daytime only when the Inspired Energy business operates.

## Conclusions

The application relates to a revision of the location and expansion of the retrospective changes of use of units within the business park.

These uses are in conflict with the adopted and submission version of Local Plan policies which seek to retain the site in Class B uses. However, it is considered that there are sufficient material considerations to outweigh that policy conflict and accordingly the application is recommended for approval. These considerations are:

- The previous approval
- The small scale expansion of the cafe and beauty uses and the operating hours of these businesses
- The location of units is within an active employment site which is unattractive for off-site visitors looking for a cafe/beauty salon
- The café operates in a way that its principle purpose is to support the employment at Inspired Energy, and it is only through the facility being located in a separate unit rather than part of their business use that means it needs planning permission.
- The gym use is not a town centre use, and is a use that is now commonly found on employment areas such as this and its use has been previously accepted on this site. The uses have been established as the owners of Inspired Energy see them as an important facility in the recruitment and retention of their staff. As this is an important local employer which is increasing its workforce, it is important that the council also supports this business in this way
- The uses proposed are narrow in their focus and with the local employment that Inspired Energy provides there must be a significant wider expenditure in the local economy from their presence at Progress Mill
- There remains 12 vacant units of various sizes across the Business Park which retain the availability for traditional employment uses from becoming established on the site.
- The presence of the facilities on the site may provide an incentive to businesses to locate here their rather than a competing business park elsewhere in the area
- Business Parks such as Progress Mill tend to be served by lesser quality catering arrangement, such as 'burger vans', which would have the same potential for impact on similar facilities located in the town centre but bring visual and odour amenity issues and would remove some parking areas.

It is clear that there are a range of material considerations that weigh in favour of the grant of planning permission in this case. Against that is the local plan policy and the decision of the Inspector in dismissing a previous appeal against the café use.

Having regard to the previous approval and the limited expansion of the out of centre uses, it is your officers view that the proposal is an acceptable one that will not cause any significant harm to the town centre of Kirkham, and that the presence of Inspired Energy on the site is one that should be wholeheartedly supported due to the employment and economic benefits it brings to the town.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

### Approved plans:

- Location Plan - drawing no. BS.16-058(A)-01
- Plan of vacant units - drawing no. BS.16-058(A)-05
- Proposed floor plan - drawing no. BS.16-058(A)-03 REV. B
- Proposed elevation plan - drawing no. BS.16-058(A)04
- Proposed car parking plan - drawing no. BS.16-058(A)-06

### Supporting Reports:

- Design and Access Statement - Lea Hough Chartered Surveyors

Reason: To provide clarity to the permission.

2. That the areas indicated as being for the respective office, gym, cafe, and beauty salon uses hereby approved shall be limited to those areas indicated on the site plan approved as condition 1 only.

Reason: To retain an appropriate control over the extent and location of the uses in the interests of the appropriate control of operations within this designated employment site and to ensure that there is no undue impact on the vitality of Kirkham Town Centre.

3. That the hours of operation of the cafe and beauty elements hereby approved shall be limited to between 07:00 and 18:00 hours on any day.

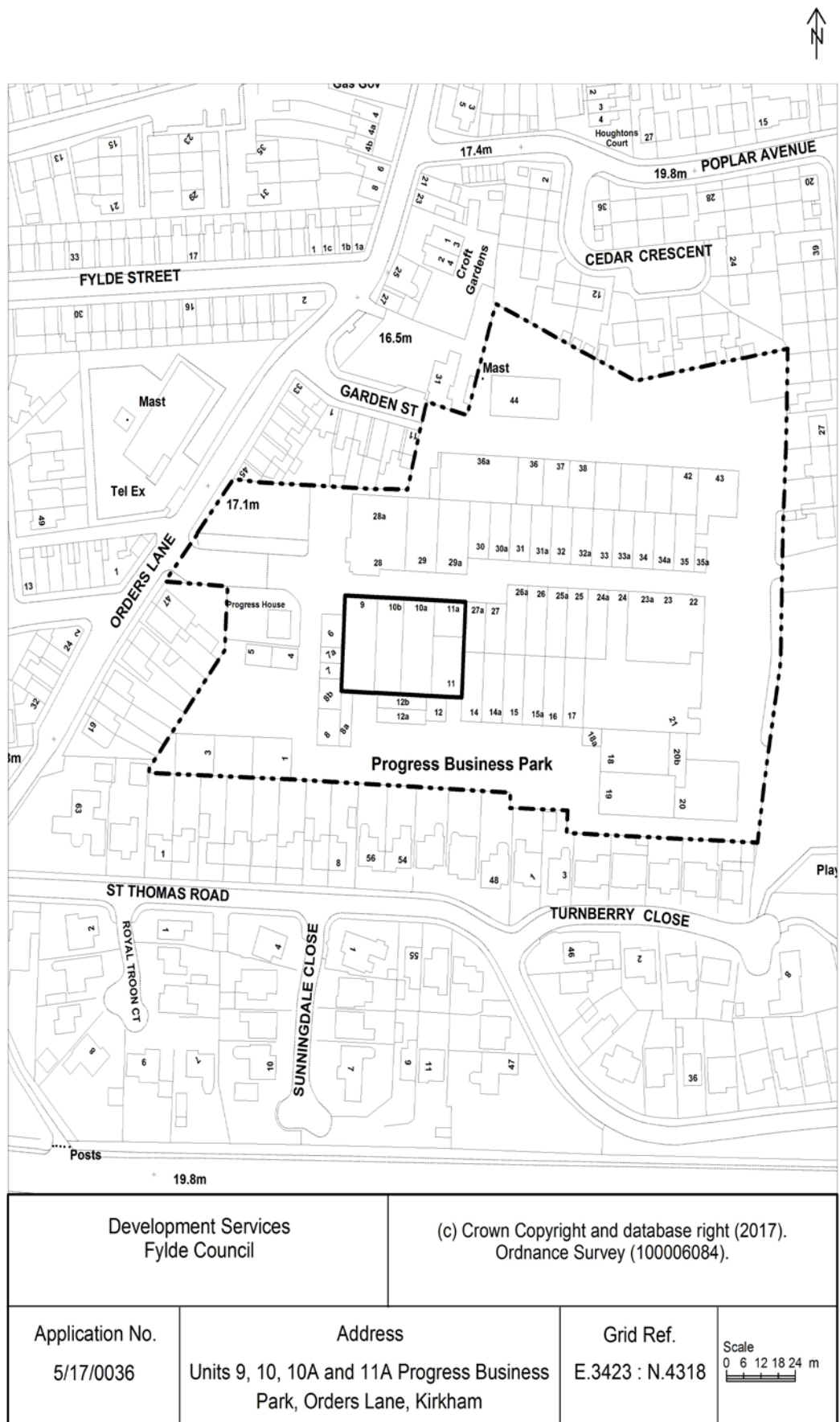
Reason: To provide an appropriate control over the hours of operation of this aspect of the development to ensure it is linked to the operation of the adjacent office use and so does not impact unduly on the operation of other such facilities located in Kirkham Town Centre.

4. That the hours of operation of the gym element hereby approved shall be limited to between 0700 and 20:00 hours on any day.

Reason: To provide an appropriate control over the hours of operation of this aspect of the development in the interests of residential amenity.

5. That prior to the first use of the space vacated by the relocation of the gym and beauty salon from Unit 11 (as identified on plan BS 16-058(A)/03 Rev B) the car parking spaces indicated on plan BS.16-058(A)-06 shall all be made available for the use of the occupiers of units 9, 10b, 10a, 11a, 11, 27a, 27, 14, 14a, 28, 28a, 29, 29a and 30. These spaces shall remain available for the occupiers of these units unless an alternative parking strategy to provide for the parking arrangements of these units is agreed in writing with the Local Planning Authority, with those spaces then to be provided and remain available.

Reason: To provide an appropriate level of parking for the office units that benefit from the reorganisation which is the subject of this application in the interests of highway safety within and around the Business Park and the amenity of neighbouring residents.



**Item Number:** 6

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	17/0050	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Purcell Developments	<b>Agent :</b>	
<b>Location:</b>	99 BALLAM ROAD, LYTHAM ST ANNES, FY8 4LF		
<b>Proposal:</b>	ERECTION OF A THREE STOREY APARTMENT BUILDING CONTAINING EIGHT APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING DWELLING		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Design improvements		

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

<https://www.google.co.uk/maps/@53.7465644,-2.9588305,341m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The site is a 1935 Art Deco dwelling located within the settlement of Lytham opposite Green Drive Golf Club. The proposal is to demolish this property and erect a modern apartment block housing eight apartments.

The development is considered acceptable in principle as it is for a residential use within the settlement boundary. The loss of the existing dwelling as a non-designated heritage asset weighs against the development, but it is considered that its loss is acceptable given that the building that replaces it is of high architectural quality and also contributes to the borough's housing supply. The design of the proposed dwelling, whilst modern, would not have a detrimental impact on the street scene. Although it is significantly different in style the individual design, in contrast to the traditional properties seen along Ballam Road, will add a more contemporary feel to an area that is not within a conservation area. The proposal will not have an undue detrimental impact on the neighbouring properties with regard to loss of light or overlooking and there are no highways or drainage objections.

Taking the above into account the proposal is considered to comply with the NPPF and Policies SP1 and HL2 of the Fylde Borough Local Plan and is therefore considered recommended for approval.

#### **Reason for Reporting to Committee**

The Head of Planning and Regeneration has agreed to a request for the application to be determined at Committee from a ward councillor (Cllr Thomas).

### **Site Description and Location**

The application site is a detached property, known as Greedridges, located on the west side of Ballam Road, south of the junction with Lilac Avenue, opposite Green Drive golf club. The site is 0.19 ha and is approximately 1.3km from Lytham town centre and is located within the settlement boundary. The property was constructed in 1935 in the Art Deco style. Externally the dwelling has a flat roof and is painted completely white. Its east front elevation facing the road has a curved wall that houses the staircase, and to the south has a wraparound single storey flat roof element which forms a roof terrace from the first floor. The property has decorative detailing under the ridge line and three chimneys. To the rear the dwelling has a single storey flat roof rear extension. To the south of the dwelling the property has a flat roof garage which is connected to the dwelling by a wall containing an arched doorway. The height of the dwelling to the flat roof is 7.5m high and to the top of the chimneys is 10m high.

The property has two vehicular accesses with the front boundary formed by a beech hedgerow. The north boundary is formed by a hedgerow and fence, the south by a hedgerow and planting, and the west by a 2m high wall. A large number of trees and bushes are located with the dwellings curtilage. The house is set within large grounds and there are residential dwellings to the north, south and west. Within this area of housing to the west of Ballam Road are 26 dwellings accessed either from fronting Ballam Road or off Lilac Avenue, Laurel Avenue and Laburnum Avenue. The neighbouring dwellings are a mix of traditional style houses and more contemporary style houses, including some with flat roofs, and predominately timber, all set within sizable plots. The neighbouring dwellings fronting Ballam Road are of a traditional inter-war period style with some reflecting the Arts and Crafts movement in their design, and within this area of 26 dwellings are a mix of styles including modern new build dwellings. Opposite the site is the golf club and its club house to the south of which is a wooded area. Behind the area within which the dwellings are located to the west is the Lytham Hall Historic Park and Garden.

### **Details of Proposal**

The plans originally submitted were for the demolition of the existing dwelling and the erection of a three storey apartment building containing nine apartments with associated car parking and landscaping. Officers raised a number of issues with the development that they felt needed to be overcome in order for any application to be viewed favourably. These included issues around visual impact, impact on neighbours and car parking. Therefore following discussions with the applicant's agents the plans were amended to change the design of the building by reducing the mass and bulk of the building by removing one of the upper floor penthouses. The development as proposed is therefore for the demolition of the existing dwelling and for the erection of a three storey building containing eight apartments.

The proposed apartment building will be three storeys, with the top floor containing one penthouse apartment. The proposed building is a modern design which has a flat roof and features extensive use of glazing in the upper floor. The dwelling is set back further from the road than the dwelling currently at the site and is approximately 17m from Ballam Road. It is set in 9.5m in from Lilac Road but covers a greater area to the south and west than the existing dwelling increasing the amount of footprint covered on the site. The dwelling features a prominent curved stair and lift tower in the centre of the front elevation. Also within the front elevation is an integral garage at ground floor. The second floor apartment is set back 3.5m from the front elevation with a terrace located in that space. Within the first floor elevations to the west, north and south are covered, integral terrace areas. The top floor which has one penthouse in it is set back from all elevations and is

predominately glazed and has roof terraces to all sides. It is proposed that the ground floor of the building be a smooth soft white render finish. The first floor which overhangs the ground floor by 1m is to be proposed to be constructed in Siberian larch cladding set horizontally, with a black wood stain finish. The top floor will be glazed with an aluminium frame. The windows and doors will be grey coated aluminium.

The site will be accessed via a single vehicular access which is in the location of one of the existing accesses, with the other existing access to be closed off. The beech hedgerow that forms the current front boundary will be removed and re-planted slightly further into the site to allow for improved sight lines. A total of 16 car parking spaces are proposed in front of the building with some planting proposed around them. A low level timber bin store will also be located in the front garden.

The changes between the scheme originally submitted and that described above are that the height of the stair and lift tower has been reduced with the remaining penthouse has been set back from the elevations and there has been a reconfiguration of terraces and windows together with a reduction in transparent glazing. The number of solar arrays to the roof has also been reduced. At first floor the plans were amended to introduce additional screening at first floor in the south elevation. Other amendments included reducing the hard surfaced areas to the front and removing a proposal to park to the side and so take access from Lilac Avenue so that the site is only accessed from Ballam Road. The reduction in the number of units meant those spaces were not required. One of the double garages within the building has been replaced with an internal bike store negating the need for the one in the front garden which has been replaced with planting. Pedestrian access to Lilac Avenue has also been removed so that the impact to the character of that road is reduced. Finally, the entrance gates onto Ballam Road have been removed from the application.

### **Relevant Planning History**

Application No.	Development	Decision	Date
77/0143	EXTENSION TO FORM GARDEN ROOM.	Granted	28/03/1977

### **Relevant Planning Appeals History**

None.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

*No objections.. The main highway concerns raised during pre-application advice have been satisfactorily addressed as submitted in the current transport technical statement accompanying this application. They request conditions in relation to the closure of the existing access and the paving of the amended access.*

#### **Greater Manchester Ecology Unit**

##### **Summary**

*No significant ecological constraints were identified by the developer's ecological consultant. Minor issues relating to invasive species and nesting birds, were identified which can be resolved via condition and or informative.*

##### **Bats**

*The buildings to be demolished were assessed for their bat roosting potential. No*

*evidence of bats were found and the buildings assessed as very low risk. I have no reason to doubt the findings of this assessment. I recommend the following informative is applied to any permission. Whilst the buildings to be demolished has been assessed as very low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.*

#### Nesting Birds

*A number of trees are proposed for removal, 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 is applied to any permission. No works to trees or shrubs 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.*

#### Invasive Species

*Three species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were found on the site rhododendron, monbretia and variegated yellow-archangel, though it is possible the rhododendron are ornamental variety rather than R. ponticum. It is an offence to introduce or cause to grow wild any plant listed under this schedule. I recommend a condition along the following lines is applied to any permission.*

*Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for rhododendron, monbretia and vaiegated yellow archangel should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.*

#### Ecological Mitigation

*Seven mature and early mature trees are proposed for removal primarily ornamental and non-native species with six new trees proposed as part of the development. This potentially represents a minor biodiversity loss at the site level particularly in the short term whilst the trees mature. The use of native species would however provide adequate mitigation in the long term given the species to be lost. I would therefore recommend that all six trees are native species such as silver birch, mountain ash, oak and beech. I am happy for this detail to be conditioned along the following lines.*

*Prior to commencement of development. The content of the plan should include native trees for mitigation of loss of trees on the site. The approved plan will be implemented in accordance with the approved details.*

#### **Lancashire CC Flood Risk Management Team**

The development is not listed in the 'when to consult the LLFA' document or in the DMPO 2010.

#### **Regeneration Team (Trees)**

*Mature offsite trees in the garden of Watchwood House are protected by Woodland 30 of the 1951 No 7 Fylde Council TPO. The proposal should not affect these in a direct way but these large trees will be south of the proposed apartments and tree resentment*



issues around shading and deprivation of views are foreseeable. There is a suggestion to remove one of the line of attractive Himalayan birches to make way for a bin store that itself is located in an undesirable location. The trees are notable for their pleasing form and attractive white bark – they are a good medium-sized ornamental species - and these make an offer beyond the property to the private road serving Lilac Avenue. I would wish to see these retained and protected in their entirety; development should not result in losses or in any compromise to their root protection areas for example by the creation of a new access and parking areas off Lilac Avenue.

## **Regeneration Team (Landscape and Urban Design)**

### Site context:

*The approach to Lytham from the north via Ballam Road is through an open, agricultural landscape and the transition towards the denser urban fabric of the settlement is a gentle one from this direction. Urban, residential development is softened by the expanse of Lytham Green Drive Golf Course to the east and mature vegetation in the gardens of the large detached houses which are located in generous leafy plots to the west, creating a semi-rural character. This is reinforced by the side streets of Laurel, Laburnum and Lilac Avenues, which are characterised by single track driveways with no white lines and wide mown grass verges.*

*The site comprises an imposing white-painted house, initially constructed in the 1930's, set within a large garden of mixed native and ornamental species. The garden is largely enclosed around the boundaries by small mature and semi-mature trees and shrubs which have little landscape or visual value when set within the context of the existing road scene and the house is very visible. The existing trees along Lilac Avenue are semi-mature Birch, with some Cherry and a Fir tree and there are four semi-mature Ash along the western boundary, to the rear of the property. However, there are two mature Beech trees located in the neighbouring garden to the south of the site, which have significant landscape value and do provide a degree of screening in views from the south towards the dwelling.*

*The frontage of the site along Ballam Road is enclosed by a dense Beech hedge, around 2-2.5m in height. The hedge is well maintained and provides visual continuity of the green corridor which exists along the road, although the property is still very visible over the top of the hedge.*

### The proposals:

*The proposed development would be significantly larger than the existing building. The elevations illustrate the construction of a contemporary, modernist development using high quality materials, which would not be visually incompatible with development in this area. However, the proposals leave little external space in which to accommodate a building of this size and maintain the leafy, semi-rural character of this side of Lytham.*

*The proposed scheme would result in the loss of several trees and the Beech hedge along the front of the site. The loss of trees along Lilac Avenue would not have significant impact on the overall landscape quality of Ballam Road or Lilac Avenue, their character, scale or pattern. Neither would the loss of the trees materially affect the composition of the landscape or views in this area. However, the loss of the Beech hedge to the front of the site would have a significant impact on these factors, particularly in the short term*

*and the proposed size of the dwelling may impact on the root zones and canopies of the Beech trees in next door's garden.*

*The location of the bin store and covered bike store close to the boundaries at the front of the site leaves insufficient space to effectively mitigate their impact on views from the road or neighbouring properties. The large expanse of hard surface required to accommodate the necessary car parking spaces does not contribute to the setting of the proposed building from Ballam Road.*

#### **United Utilities - Water**

No objections to the application subject to conditions in relation to the disposal of surface water from the site.

#### **Regeneration Team (Heritage)**

##### Original Proposal

*The building has special architectural and historic interest and is a non-designated heritage asset. It should be retained so that it can continue to contribute to the historic character of the area around Lilac Avenue, Laurel Avenue and Laburnum Avenue. The creation of flats as a conversion development, as opposed, to demolition, could allow funds to be spend on appropriately sensitive repairs.*

##### Revised Proposal

The conservation officer was re-consulted following the submission of an heritage appraisal and commented as follows;

##### Significance of the heritage asset : Summary

*The house is a good example of a modernist design, also known as art deco. It has been discovered, through research, that it won 'house of the year' in a national competition in 1934. The house was also featured in a national newspaper of the time, noted as being in the vanguard of a bold new architecture. This is rare surviving example of this type of art deco in the locality and as such, could be said to have high evidential value being a local example of a prevalent 'national architectural style'. Its recognition at the time is of note.*

*From correspondence submitted, as a result of neighbourhood consultation, the building appears to be well regarded in view of its presence and appearance and whilst of course in private use, is an integral part of the locality. From this perspective it appears to have a high degree of 'communal value'*

*From a local perspective, the house could be said to house has significant historical value, within Lytham.*

##### Aesthetic value

*Greenridges does indeed present a distinctive facade to Ballam Rd and has a coherent art deco exterior with characteristic embellishments. It is set within a large open plot that was typical of all houses of this type in this era. The windows, whilst not original, could be replaced and are not a crucial alteration that detracts significantly from the overall aesthetic styling of the building. As such, the house retains significant aesthetic value as an example of art deco domestic design.*

*Although there have been some limited external alterations, the original design is largely*

*intact and whilst it contrasts with other buildings in the vicinity, it sits well in the street scene in view of the relationship of plots of varying sizes and the presence of mature vegetation and landscaping.*

*In the course of the application being with the Council, the building was presented to the Expert Panel that is assisting with the compilation of local lists of buildings. The view of the Panel was that the building was a good example of its type and from the information given, was a strong candidate for local listing. However, it should be pointed out that there has been no consultation in respect of any intention to locally list and the matter has not been formally presented to Committee. As such the building is not on the local list at this time. The building should therefore be considered as a non-designated heritage asset and as such deserves special attention to be paid to its loss when considering the planning balance.*

*The architectural and historic aspect is one of the many considerations that will no doubt be material to the determination of the application including the quality of its replacement.*

#### Conclusion

*The building has architectural and historic interest and is a non-designated heritage asset. Its value lies in it representative of a style of building that is rare in the locality and evocative of the era in which it was constructed. Its retention, for these reasons, could be justified. It makes visual contribution to the suburban character of Ballam Road and the Lilac Avenue, Laurel Avenue, and Laburnum Avenue development.*

*It is not known whether it would be possible to convert the building to apartments or what its structural condition is, although the applicant alleges that it has structural defects. This would need to be investigated if considered a determining issue.*

### **Lytham Civic Society**

#### Initial Comments

*Greenridges is a good art deco survival, at least on the exterior, and deserves to be Locally Listed. Depending on its interior it could be considered for national Listing. It was featured in the Architects Journal as House of the Year in 1936. The massing of the front elevation incorporating the curved staircase well is a strong art deco design feature. Its position is important at the gateway to Lytham. It sits at the edge of the Laburnum and Lilac Avenues low density development of individual housing from the mid 1930s. Its loss would be to the detriment of the area. The house stands in its own space. The proposal to build apartments on the site would set an unfortunate precedent. It would be an anomaly in an area of high quality low rise residential assets. Its proximity to the single storey Watchwood Lodge would also mark it as inappropriate in the area, however good the design. The Lodge marks the edge of the Listed inner parkland of the Grade One Listed Lytham Hall.*

#### Comments on Revised Proposal

*In spite of alterations being made to modify various aspects of these plans we are not happy in principle with a multi occupancy building on this site. This is an area of individual houses at the gateway to Lytham and we believe that the development of flats changes the character of any area. Such development inevitably sets a precedent as has been the case in areas of the promenade. The building would be very obtrusive in the area, partly because it will need to be elevated due to flood risk. There would be traffic*

*problems with the extra volume generated. We agree with other objections put forward by residents who are seeing the possibility of unwanted and unplanned change in their surroundings. Citizens have every right to challenge this.*

### **Neighbour Observations**

**Neighbours notified:** 27 January 2017

**Amended plans notified:** 20 April 2017

### **32 letters received in relation to original plans**

A number of these responses are from the same address but different persons living within it. One letter has been received from a planning agent writing on behalf of 19 properties who have also written in individually.

24 objecting with the following matters raised:

- The existing dwelling is Art Deco and should be retained.
- Increase in traffic and highways safety.
- Flats and design out of character with area.
- Building work will create disruption.
- Loss of privacy.
- Drainage and flooding.
- Height out of character.
- Does not contribute to affordable housing.
- Loss of trees.
- Impact on ecology.
- Birds likely to fly into glass.
- Increase in land levels.
- 3 storey development would be an unwelcome precedent.
- Increase in noise from an extra 7 families on site.
- Access from Lilac Avenue inappropriate.

8 supporting with the following matters raised:

- Complementary to the location and size of plot.
- In harmony with surroundings.
- Development well within the 30mph area.
- Development will not be detrimental to the gateway of Lytham.
- House has been marketed extensively and no one wants to buy it.
- Member of golf club – won't cause any issues to exit.
- Numerous houses in area have been demolished and replaced.
- House was not house of year but as 'the house of tomorrow' in an advert for the company Henley cables.

### **13 letters received in relation to the revised plans**

All 13 object with the additional points raised being:

- Another accident has happened recently near the site.
- Maintain objections previously raised.

- Three storeys unacceptable, two storeys would be ok.

### **Relevant Planning Policy**

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

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
TREC17	Public Open Space within New Housing Developments
EP11	Building design & landscape character
EP30	Development within floodplains

#### **Fylde Local Plan to 2032:**

S1	Proposed Settlement Hierarchy
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
ENV2	Biodiversity
ENV5	Historic Environment

#### **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) (England and Wales) Regulations 2011 as amended.

### **Comment and Analysis**

The main issues to be considered when determining this application are;

- Principle of residential development
- Loss of the existing dwelling/Heritage issues
- Design and visual impact on character of the area
- Impact on residential amenity
- Highways issues
- Flood risk and drainage
- Other issues

#### **Principle of residential development**

The principle of development of the site for a residential use is acceptable. The site is located within the settlement of Lytham, within walking distance of the town centre and train station in an area which has residential properties and therefore a development of this nature accords with policy SP1 of the Fylde Borough Local Plan and Policy S1 of the emerging Fylde Local Plan to 2032 which direct development to established settlements. There are no local or national planning policies that preclude the development of the site and the principle of developing the site residentially is therefore acceptable.

The proposal will also result in a net increase of 7 dwellings which will help the Council deliver its

housing needs, with the mix of 2 and 3 bedroom apartments also adding to the choice of dwelling sizes and types available in the area. This is in accordance with the strategic principle to increase the supply of housing in Fylde. New residential development has been accepted in this area, both in the form of replacement dwellings in this area, and to the north where a residential development of 12 dwellings is under construction. The application can therefore be considered to be in a sustainable location and an appropriate for use for the area. This weighs in the applications favour in the overall planning balance.

#### **Loss of the existing dwelling/Heritage issues**

The existing dwelling is a detached house built in 1935 in the Art Deco style. It is not nationally listed, is not located within any conservation area, and it is not on a local list. The council's Conservation Officer responded to the original consultation to say that it would be a candidate for the local list. As such it is considered to hold some heritage value and its loss as a consequence of this proposal is a key issue for consideration.

#### **Applicant's Position**

A Heritage Appraisal of the dwelling has been submitted to examine this aspect of the application. The purpose of a heritage appraisal is that it seeks to understand the historical development of a place and set out its significance. The appraisal considers both the internal and external condition of the building to assess its value as follows:

- With regard to its evidential value which derives from the potential of a place to yield evidence about past human activity. The report states that as we have a good understanding of Greenridge's construction and use and we have an awareness of previous land use. They conclude that the site has a low potential to yield information of national significance about past human activity and as such has a low evidential value.
- With regard to its historical value which is derived from the ways in which past people, events and aspects of life can be connected through a place to the present site or its evolving place in a local community. The report comments that historic values tend to be illustrative or associative. It states that the historic value of the building has suffered from losses and alterations, with the external appearance of the building altered through the loss of original windows and addition of decorative blocks. Internally losses such as the fireplace mean that there are few surviving features such as built in cupboards. They consider the building to be of low illustrative value as an example of a Moderne style house.
- With regard to its associative value the report states that because of the connection to the large National electric company W T Henley, which is still operating today as a manufacturer of Electrical Distribution Equipment, the house has a medium associative value. William Thomas Henley became the head of a manufacturing company which notably installed lines of Telegraph Cable including from London to Manchester, Dublin to Belfast, and Liverpool to Manchester. The company was in its early years in 1936 and therefore there is some historical value in the potential survival of his cables within Greenridges.
- With regard to the buildings aesthetic value which is derived from the ways in which people draw sensory and intellectual stimulation from a place, the report states Greenridges has a medium aesthetic value when considering the alterations which detract from its aesthetic significance. It states that the building has a few striking details however the layout of the house and form is simple and conforms to a traditional plan of living and service areas, rather than more fluid and open spaces that was evidenced in the more statement Modernist houses.
- With regard to Communal value which derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experiences or memory the report

states that it has low communal value as it is a private dwelling and always has been, the views of the house are fleeting and that the houses in the area are a collection of styles and ages. Greenridges is more simplistic than some of the other dwellings in the area but it was likely a distinctive building when it was built surrounded by more traditional designs. However today there are a large selection of different buildings in the area which adds to the interest and appeal.

The report concludes that:

*“Greenridges was built in a Modernist style in the 1930’s and represents this period of architectural style and interest. It has some surviving features that add to this interest including the staircase and its detailing, the surviving electric wall lights, and the coved ceiling, however much has been altered both externally and internally. The heritage significance of the site is judged to be low overall due to substantial alteration and loss of integrity – in design, character and historic features.*

*The Historic England Listing selection guide makes the two following points for consideration when assessing the significance of a Modernist house*

*:*

*‘Exteriors should be little altered.’*

*‘Lack of alteration to the principal spaces is a key factor in determining designation, as is plan.’*

*At Greenridges, the removal of the original windows and alterations to the roof terrace detract from the external appearance and design of the house. The windows and original railings contributed to the horizontal detailing of the house that was a typical design feature in 1930’s architecture. The plan-form of the building has been altered and the room use and design also. This has also resulted in new decorative schemes as is often common in private houses due to the taste and decision of the owner as to how they wish to live.*

*There is an extensive literature about modernist and post-war houses in England, and the celebrated houses of the 1930’s have long been accorded considerable respect and many have been listed too. This has meant that a number have already been protected from such alterations and as a result of this they present a full example of the original exterior and interior design.*

*There are no statutory criteria for local listing, but Historic England state that local character and distinctiveness are both important criteria. As the Fylde Borough Council does not currently maintain a Local List and no selection criteria have been made public, any future proposals for local listing cannot not be taken into account at this stage. Greenridges is a non-designated heritage asset of limited heritage value, due to the extensive alterations that have been carried out in the past. The original design is of interest, but was not architect-led or innovative for its time. Future development on the site may seek to enhance this significance, although it should be noted that a restoration scheme is unlikely to be successful without clearer evidence of the original appearance. A replica or pastiche would not be preferable to a new, high-quality design. Any future redevelopment of Greenridges should seek to improve our understanding of the site through a Level 4 recording survey (Historic England, 2016) and proposals would need to be justified in terms of public benefit, as required by national planning policy.”*

#### Conservation Officer Poistion

The views of the council’s Conservation Officer and response to the heritage statement are reported in the consultee section of this report. These conclude that the house is of significant value as a heritage asset of high evidential, historical and aesthetic value and as such should not be significantly altered or demolished. It is explained that the house was referred to in a national

newspaper and as such has historical value. It is stated that it has significant aesthetic value and that it is a candidate for the Council's local list of heritage assets. Until such time the property remains a non-designated heritage asset and as such deserves some special attention. The comments conclude:

*The building has special architectural and historic interest and is a non-designated heritage asset. It should be retained so that it can continue to make its strong contribute to the historic character of the area around Ballam Road and Lilac Avenue, Laurel Avenue, and Laburnum Avenue. The creation of flats as a conversion development, as opposed to demolition, could allow funds to be spend on appropriately sensitive repairs / redecoration. The house is an iconic building of historic and architectural interest that makes a strong contribution to the area and it should be retained.*

#### Conclusion

Whilst the applicants have supplied an appraisal which indicates that Greenridges is of limited value due to the extensive alterations that have taken place in the past which have diminished its aesthetic and historical value, the Council's conservation officer is of the view that the dwelling is of significant value as a heritage asset of high evidential, historical and aesthetic value and as such should not be significantly altered or demolished.

The NPPF para 135 with regard to non-designated heritage assets states that; *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Whilst the value of the private residential dwelling can be debated it is clear that it is a non-designated heritage asset and as such its loss must weigh against the development proceeding in the planning balance to be assessed later in this report.

#### **Design and visual impact on the character of the area**

Paragraph 58 of the NPPF indicates that planning policies and decisions 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (1), (2), (3), (4) and (8) of FBLP 'Policy HL2 – Development control criteria for new housing' states that applications for housing will be permitted where it is:

- Is acceptable in principle and is compatible with nearby and adjacent land uses
- Would be in keeping with the character of the locality in terms of scale, space around



buildings, materials and design.

- Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
- Would not adversely affect the amenity and privacy of neighbouring properties.
- Would not prejudice the future development of a larger area of developable land.

The Submission Version of the Fylde Local Plan to 2032 'Policy GD7 – Achieving good design in development' criteria (a), (c), (d), (g), (h) and (j) state that development will be expected to be a high standard of design, taking into account the character and appearance of the local area, including;

- a) Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area;
- c ) Ensuring the layout, massing, scale, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed layout relates well to the surrounding context
- (d) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption
- (g) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the area
- (h) Taking to opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality design that responds to its context and using sustainable natural resources where appropriate
- (j) Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces are of a high quality and respect the character of the site and local area.

The proposal is for the demolition of a non-designated heritage asset which weighs against the application in the overall planning balance. The design of the proposed replacement building and how it will impact on the character of the area are other factors in this balance. The above policies consider whether the development is of an appropriate scale, density, in character with the area, visually attractive and good architecture and whether or not the development makes a positive contribution to the character and local distinctiveness of the area through high quality design are the factors to be assessed. The development is described in full in the details of the proposal section above, but to summarise the application proposes a three storey apartment building containing eight apartments. The proposal will have a flat roof with the second floor constructed in glass and set back from the main elevations. The building will be finished in render and larchwood stained black.

With regard to the size of the building and its scale and density, the building proposed is larger than the existing dwelling on the site. However the development benefits from being on a large plot and is set back from Ballam Road by 17m and 9.5m from Lilac Avenue, with a distance of 19.7m to the dwelling to the south. Therefore whilst the building is larger it cannot be said to dominate the plot in terms of floor area, and sufficient open space exists around the dwelling to retain the open character between dwellings in this area. The open aspect as viewed along Lilac Avenue is particularly important and here the existing landscaping is now retained and addresses the concerns raised with the initial submission to a point where the development will not prejudice this character.

With regard to the height of the building the existing dwelling is 7.5m to its main flat roof, and the proposal is 7.5m to the top of its first floor, with the top of the penthouse 9.5m in height. This is 2m higher than the existing dwelling but as the penthouse is set back from the road by a further 3.5m, so will be 20.5m from the highway in total it is not considered that the scale of the dwelling and its

visual impact on the area would be unacceptable. The density and scale of the development are considered acceptable as the open space areas are retained, without prejudicing the character of the surrounding area along Ballam Road and Lilac Avenue and the scale reflects the height of dwellings in the surrounding area.

With regard to the proposed layout the building sits in the most appropriate location on site for its relationship with neighbours and on the street scene. The existing beech hedge will be removed to achieve appropriate visibility at the access, but replanted so that character will be retained. There will be an increase in hard standing in the front garden to meet parking requirements, and whilst this is not completely in character there are other dwellings in the area that now have large areas of hard standing in front of them, and this area will not be widely visible because of existing trees and the hedgerows.

With regard to the design of the building it is officer's opinion that it represents a high quality piece of architecture that has been carefully designed to make the most efficient use of the land and integrate into its surroundings on Ballam Road. The design of the proposed building is a modern/contemporary design and could be considered to be of its time. The use of glazing on the second floor, the large amounts on the first floor and the different materials proposed break up the elevations and add visual interest. The recessed and covered terraces have been well integrated into the overall design of the building and sit comfortably within the elevations without drawing the eye or dominating the building. The setting back of the second floor penthouse gives the effect of it floating above the main structure of the building and helps to reduce the overall bulk and mass of the building.

Overall it is considered that the development complies with policy GD7 of the Local Plan to 2032 in respect of its density, scale, layout and materials. With respect to the character of the area, the proposal is clearly different to the Arts and Crafts style of the three dwellings to the north but this is also the case with the existing dwelling which is of its own design and different to those dwellings. Furthermore there are other dwellings in the area that are of a modern design or are not traditional, including the recently constructed dwelling at 1 Laurel Avenue which fronts Ballam Road which is a contemporary design which features extensive glazing, 3 Laurel Avenue which is a timber clad two storey dwellings set in two blocks, 5 Laurel Avenue which is a flat roof white render building of modern appearance. Other dwellings in the area are more traditionally designed but a number are of relatively new construction. The use of large amounts of glazing, render and timber cladding is not unusual in the area.

The Councils urban design officer has commented that the proposal would not be visually incompatible with the area. The NPPF paragraph 60 also states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness'*. It is therefore considered that whilst this design will look different to others in the area that the principle of a modern design is not unacceptable. Furthermore it is considered that due to the high standard of architecture proposed that it would not have a negative impact on the street scene and would offer an enrichment to the visual amenities and interests of the area. The property would appear as an individually designed building which is in itself a feature or character of the area. Therefore whilst it may appear 'different' it would not appear incongruous in the wider street scene. As such the design of the building and its impact on the character of the area is considered acceptable and in accordance with national and Local policy quoted at the head of this section.

### **Overall Balance on the Principle of development, heritage and design matters**

The application will result in the removal of a non-designated heritage asset, and therefore, in accordance with the Framework, the demolition of the building needs to be balanced against the scale of any harm or loss and the significance of the heritage asset. The applicants view is that the existing dwellings is of limited value whilst the Councils Conservation officer values it highly.

Whilst the value of the individual dwelling can be debated in an historical sense it is Development Management officers opinion that given the dwelling is not a designated heritage asset and that there have been alterations which have diluted its value over time, that its loss could be accepted if a scheme was proposed that could in time be viewed as having significant value as an example of exemplary contemporary architecture and would contribute to and enhance the area. The proposed development is a piece of modern architecture that will contribute positively to the area and be viewed as a building of outstanding design. In addition the development can be considered to be sustainable development due to its location, with the quantum of development on the site increased will boost housing supply, and provides economic benefits through its construction. It is considered therefore that the benefits of allowing the scheme will outweigh the loss of the existing dwelling and therefore the principle of this development is acceptable.

### **Impact on residential amenity**

The proposed development is for the demolition of a single dwelling house and the erection of a larger building which will contain eight apartments. The development will therefore be in the same use but there will be an intensification of that use. The current dwellings sits in a large plot with dwellings to the north, south and east, and so consideration needs to be given to whether or not the development will have an unacceptable impact on the amenity of these dwellings.

To the north of the application site is 101 Ballam Road, whose frontage is towards Ballam Road and whose side elevation faces the application site. Currently there is a distance of approximately 27m between the two dwellings. The application site has a number of ground floor windows and one first floor window serving the curved staircase facing 101 Ballam Road. 101 Ballam Road itself has two first floor side elevation windows facing the application site. The height of the existing dwelling to the flat roof is 7.5m and 10m to the top of the chimney. As proposed there will be a distance of 26.4m between the two buildings. Facing the 101 Ballam Road are a number of windows in ground floor, in the first floor there will be windows serving kitchens and living rooms, and recessed, covered balconies. To the top of the first floor the building has a height of 7.5m – the same as the existing dwelling. At first floor there is a glazed penthouse which is set back from the north elevation by 4.5m which contains living accommodation and an external terrace. Normally a distance of 21m is required between primary elevations (front/rear) and therefore this distance exceeds those requirements and there will be no unacceptable impact on residential amenity. There are also a number of trees between the two dwellings that will help filter views.

To the rear of the application site is 1 Lilac Avenue which has been constructed close to the boundary between the two dwellings. Its side elevation faces the rear of the application site and its front faces Lilac Avenue. Currently there is a distance of 24m between the two main two storey elevations of the dwellings. The application site has a number of windows in its rear elevation facing this dwelling and 1 Lilac Avenue has two small first floor windows in its side elevation facing the application site. At ground floor behind a 2.4m brick wall is a garage and kitchen window and side elevation of a conservatory. The proposed building will be 14.3m from 1 Lilac Avenue, this is an acceptable distance for a rear elevation to side elevation relationship in terms of loss of light. With regard to overlooking the development has been designed to prevent any unacceptable overlooking from the development. At ground floor there are a number of windows which will create no overlooking. At first floor facing the dwelling are two windows serving bedrooms and a recessed,

contained terrace and windows from a living room. At second floor the penthouse is set back 3.2m from the main elevation and has windows within it serving bedrooms and a terrace. There will be no unacceptable overlooking between the proposal and 1 Lilac Avenue due to the lack of primary windows in the side elevation of 1 Lilac Avenue, the positioning of the recessed balconies, the use of the rooms and the setting back of the penthouse to achieve an appropriate separation between this neighbouring property and the principle garden areas. The scheme has been revised to reduce the amount of transparent glazing in this west elevation at first floor to achieve this satisfactory relationship.

To the south of the application site is Watchwood House which has a long side elevation facing the application property. Currently there is a distance of 25.5m between the two dwellings. The application site has a number of first floor windows and a roof terrace facing Watchwood House. Watchwood House has two small first floor windows and at ground floor kitchen and dining room windows facing the application site. There are a number of mature trees and planting between the two dwellings. The proposed building will be 19.1m from the side elevation of Watchwood House at its nearest point, which is an acceptable relationship and well in excess of the 13m separation normally sought between main and side elevations. With regard to overlooking from the application site to Watchwood House at ground floor there are a number of windows serving living rooms and bedrooms which will not create any overlooking due to the intervening boundary treatment. At first floor there are windows serving bedrooms and living rooms as well as a recessed, contained terrace. At second floor due to the removal of one of the penthouses, the accommodation is set back 9m so will be 27.6m from Watchwood House. The terrace in front of this area will be enclosed by a fence to prevent complete use of this area. It is considered that at such distances and with the use of obscure glass in the south penthouse elevation there will be no unacceptable overlooking. Thus the development will not have an unacceptable impact on the residential amenity of surrounding dwellings.

### **Highways issues**

The application has been submitted with a Transport Technical Note provides full details of the process access arrangements for the site and confirms that the site is well located for access to Lytham centre and other outlying areas by public transport, walking and cycling. In accordance with Lancashire County Council's comments at pre-application stage the existing two-point access system has been reduced to only one entrance/exit point, and an initially proposed gate has been removed to ensure that highway safety is not compromised by vehicles waiting for this to open to enter the site.

The application as originally submitted included two parking spaces on Lilac Avenue for one of the ground floor apartment as well as a new pedestrian access through to Lilac Avenue. These have been removed at officer's request, partly because of the impact on the street scene here but also because those spaces would result in additional highways movements off Lilac Avenue which was not considered desirable due to the restricted visibility available at its junction with Ballam Road. The parking spaces are now all accessed from an improved access from Ballam Road, with the hedge removed and replanted further back into the site to improve sightlines. A cycle store is proposed to be contained within the building to promote the attractiveness of cycling.

It is considered that the 16 car and cycle parking spaces provided on site are sufficient to meet the requirements of the 8 flats. LCC Highways have raised no objections to the application and only require conditions in relation to the closure of the existing access and the paving of a new one. Therefore, it is considered that the proposed development is acceptable and accords with the Framework, and relevant policies of the adopted and emerging Local Plans.

### **Flood risk and drainage**

The Framework and the adopted and emerging Local Plan identify that development should be directed away from areas at the highest risk of flooding and when determining applications, LPAs should ensure flood risk is not increased elsewhere. The Flood Risk Assessment (FRA) which accompanies the application confirms that the site is within Flood Zone 3 and is therefore deemed to be at 'high' risk of flooding. As such the application the FRA also includes a sequential test assessment of whether the development could be located elsewhere on land that is not at such a risk of flooding. As a significant area of Lytham falls within Flood Zone 3 no alternative sites have been found. Previously the Council have considered that the search area of the sequential test should be the whole of Borough as housing is a Strategic matter, but recent appeals including at Coppice Farm have confirmed that for minor scale developments such as this that are not of strategic importance that a more local search area is appropriate as per the guidance in the NPPG. Having looked at this submission officers consider that sufficient assessment has been made to ensure that the sequential test is met.

Details of a scheme for the provision and implementation of surface water drainage strategy are also outlined in the FRA. The FRA indicates that the pre development impermeable area is 0.065ha and that its existing discharge rate is 9.1 l/s into a public sewer and that the development would increase the impermeable area to 0.11 ha but that run off would be restricted to 5 l/s. United Utilities have accepted this rate and have no objections to the development. The connection point for this development will remain the same as existing but attenuation will be provided to reduce run off rates. This will be done by using an underground tank with an attenuation volume of 10 cubic metres to ensure there is no flooding during any rainfall event upto 1 in 100 years. Other form of suds include the provision of permeable sub-base car parking and a rain garden within the landscaped area which will act as an infiltration point for surface water.

As such the development will not be subject to an unacceptable risk of flooding; create an unacceptable increase in the risk of flooding within the development site, or elsewhere; nor adversely affect the water environment as a result of an increase in surface water run-off. Overall, the FRA demonstrates that the development is in accordance with the Framework, Policies EP24, EP25 and EP30 of the existing Local Plan and Policy GD7 of the Submission Version of the Local Plan in respect of flood risk as it is not at risk of flooding from external sources and will not increase flood risk elsewhere.

### **Other issues**

#### Planning obligations

As the development is less than 10 units it cannot be asked to make contributions towards education, affordable housing or any other off site works/schemes as it does not meet the triggers for their provision in the Local Plan.

#### Arboriculture and landscaping

The Tree Survey Report and accompanying landscaping reports confirm that 5 trees will be removed on the site to enable the development and additional car parking, including one category B tree with new trees being planted to negate against this loss. Tree protection measures will also be adopted during the development phase of the building to ensure that the retained tree species are safeguarded. The Tree Officer has raised some concerns about the loss of one of the trees but as a similar species is proposed to replace that tree and as he does not deem it worthy of a TPO it could be removed without requiring the Council permission in any case, as such its loss and replacement is acceptable. The landscape officer raised concerns over the loss of the Beech tree however that is to be replanted and moved back into the site to retain that soft frontage. The amount of hard standing

in front of the building has also been reduced as a consequence of the revised plans, as well as an increase in the amount of landscaping. As such there are no tree or landscaping issues.

### Ecology

The application has been submitted by an appropriate Ecological Survey Assessment and Bat Survey which outlines that the proposed development is acceptable and will have no adverse effect on any nature conservation sites. This has been considered by the Council's ecology consultant who agree that there are no significant ecological constraints at the site with only minor issues with regard to invasive species. They state that whilst the building has been assessed for bats and has very low risk that an informative is recommended that if a bat is found all work is ceased. With regard to the removal of trees that this should be done outside of the nesting season and that this should be conditioned. As an invasive species was found on site it is recommended a condition requiring a method statement detailing its eradication is placed on any permission. They also recommend that native trees be used to replace those lost. The development therefore is in accordance with the Framework, Policy EP19 of the existing Local Plan and Policy ENV2 of the Submission Version of the Local Plan in respect of the natural environment and the scheme will not have a significant adverse effect on the site's ecological features.

### Conclusions

The proposal is the demolition of a 1935 Art Deco dwelling and the erection of a modern apartment block housing eight apartments. The development is considered acceptable in principle as it is for a residential use within the settlement boundary. The loss of the existing dwelling weighs against the development but it is considered that its loss is acceptable given that the building that replaces it is of high architectural quality and also contributes to the Authorities housing supply. The design of the proposed dwelling, whilst modern, is not considered unacceptable and would not have a detrimental impact on the street scene. Although significantly different in style the individual design, in contrast to the traditional properties seen along Ballam Road, will add a more contemporary feel to an area that is not within a conservation area. The proposal will have no detrimental impact on the neighbouring properties with regard to loss of light or overlooking and there are no highways or drainage issues. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP1 and HL2 of the Fylde Borough Local Plan and is therefore considered acceptable.

### Recommendation

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 21/01/2017, including the following plans:
  - Elevations as existing – 237448-110
  - First floor and roof plan as existing – 237448-102 Rev A
  - Sections as existing – 237448-120
  - Demolition – site and location plan – 237448 – 201
  - Site and location plan as existing – 237448-100 Rev A

- Landscape levels – PL1655-VW-00501 Rev 01
- Softworks – PL1655-VW-004-01 Rev 03
- Hardworks and Boundaries – PL1655-VW-003-01 Rev 04
- Tree retention and removal plan – PL1655-VW-002-01 Rev 04
- Illustrative Sections – PL1655-VW-006-01 Rev 02
- Illustrative sections (bin store) PL1655-VW-006-01 Rev 02
- Ground floor plans as proposed – 2374480-202 Rev B
- First floor plan as proposed – 237448-203 Rev B
- Second floor and roof plan as proposed – 237448 – 204 Rev B
- Elevations as proposed – 237448-210 Rev A

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

3. Prior to commencement of the construction of the development hereby approved, samples of the materials to be used in the construction of the external surfaces (including elevations, roof, windows, doors, balconies, bin store and hard standing) of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the development has a satisfactory appearance to accord with Policy HL2 of the Fylde Borough Local Plan.

4. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

5. Prior to the commencement of development a method statement detailing eradication and/or control and/or avoidance measures for rhododendron, monbretia and vaiegated yellow archangel should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

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

6. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

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

7. The existing access (south of Ballam Road) shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the

Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new improved access into the site off Ballam Road)

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

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. The proposed window[s] identified as '5' on drawing number 210 A shall be glazed with obscure glass of a type to be agreed with the Local Planning Authority and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

Reason: To safeguard the amenities of the occupants of adjoining residential premises.

11. The integral garages indicated on the plans listed in condition 2 of this permission shall be used for the purpose of housing a motor vehicle and cycle storage respectively and shall be retained available for those uses as indicated at all times thereafter.

Reason: To ensure that there is adequate vehicle and cycle parking provision retained on site as required by Policy HL2 of the Fylde Borough Local Plan.



12. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the as shown on the approved plans listed in condition 2 of this permission prior to the first occupation of any dwelling hereby approved. These areas shall thereafter be retained for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

Reason: To provide satisfactory off-street parking in the interests of neighbouring residential amenity and highway safety as required by Policy HL2 of the Fylde Borough Local Plan.

13. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified in the arboricultural survey.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;
- The washing out of any containers used on site.

HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must (a) be agreed in advance with the Local Planning Authority and (b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

Reason: To ensure that tree root damage and damage to the aerial parts of retained trees is avoided so that the trees' health and visual amenity is not diminished by development activity.

14. Any trees removed without the consent or trees damaged or becoming severely diseased during the development period shall be replaced during the next planting season with trees of such a size and species as may be agreed with the Local Planning Authority.

Reason: To safeguard the visual amenities of the neighbourhood.

15. Prior to the commencement of any development on the site a written schedule of building recording and analysis shall be prepared by an appropriately qualified person, and shall be submitted to and agreed in writing by the Local Planning Authority. The works must then be carried out in accordance with this schedule and the final report produced and submitted to the Local Planning Authority no later than 3 months following first occupation of any dwelling.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site in accordance with Policy EP21 of the Fylde Borough Local Plan and guidance in para 169 of the NPPF

16. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) Construction vehicle routes to and from the site.
- b) Arrangements for the parking of vehicles for site operatives and visitors.
- c) Details of areas designated for the loading, unloading and storage of plant and materials.

- d) Details of the timing of deliveries to the site associated with construction works
- e) Details of the timing of construction activities that are likely to generate noise audible outside of the site
- f) Details of the siting, height and maintenance of any security hoarding.
- g) Wheel wash facilities.
- h) Measures for the control of noise, vibration and dust disturbance created during any on site works.

Reason: In the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005).

17. All landscape works shall be carried out in accordance with the approved details shown on landscaping proposal plan PL1655-VW-004-01 prior to the occupation of any part of the development or in accordance with a program to be agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

Reason: To ensure a satisfactory standard of development and in the interest of the character of the area as required by Policy HL2 of the Fylde Borough Local Plan.

18. Prior to the occupation of the dwellings hereby approved the access and visibility splays shown on approved plan 237448-202 Rev B shall be implemented in full.

Reason: In the interests of highway safety

19. Prior to the first occupation of the dwellings hereby approved the off site works detailed in the Mott MacDonald Transport Technical Note shall be implemented in full.

Reason: In the interests of highway safety

20. Prior to the commencement of any development confirmation of the ground and slab levels for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved levels.

Reason: To ensure that the development minimises the potential flood risk and does not adversely impact on the character of the area.

21. Prior to the commencement of development full details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved scheme.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0050	Address 99 Ballam Road, Lytham St Annes	Grid Ref. E.3367 : N.4281	Scale 0 6 12 18 24 m 

**Item Number:** 7

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	17/0077	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Jaf	<b>Agent :</b>	
<b>Location:</b>	FYLDE MOTOR SPARES, 13-15 PRESTON STREET, KIRKHAM, PRESTON, PR4 2YA		
<b>Proposal:</b>	PROPOSED HAND CAR WASH		
<b>Parish:</b>	KIRKHAM NORTH	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	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/@53.7825091,-2.8693612,170m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to an area of land within Fylde Motor site that is a long-established site for car sales and repairs within Kirkham town centre and its conservation area.

Planning permission is sought for the use of a small area to the rear of the site as a commercial hand car wash area. No associated built development (e.g. screens, etc.) is proposed by the application but some engineering works are proposed to install a new drainage channel to connect into the existing foul water drainage system. No objections have been raised by county highways or United Utilities. The proposed car wash is considered to be an appropriate and acceptable form of development on this established car sales and repair site and accords with the relevant policies of the Fylde Borough Local Plan. Members are requested to approve the application.

#### **Reason for Reporting to Committee**

The officer recommendation is for approval and so is in conflict with the views of the Town Council, and so it is necessary for the application to be determined at Committee.

#### **Site Description and Location**

The application site is a long established vehicle sales and repair garage located on the north side of Preston Street in Kirkham Town Centre, approximately 40 metres east of the roundabout junction with Church Street.

#### **Details of Proposal**

Planning permission is sought for the use of an area to the rear of the site (20m x 8m) as a

commercial hand car wash area with the capacity to accommodate 2 or 3 vehicles at any one time. No associated built development (e.g. screens, etc.) is proposed by the application but some engineering works are proposed to install a new drainage channel to connect into the existing foul water drainage system.

### **Relevant Planning History**

No relevant planning history to report.

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

*Kirkham Town Council recommend refusal on this application on the grounds that access and egress is not adequate and the street is already full with parked cars. If LPA are minded to grant the application then KTC recommend the condition that it complies with current environmental agency regulations for the treatment and disposal of contaminated waste water and the water does not run across pedestrian walkways*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

No highways objections

#### **United Utilities - Water**

No objections raised but advice provided regarding the possible requirement for drainage consents from UU

### **Neighbour Observations**

<b>Neighbours notified:</b>	03 March 2017
<b>Site Notice Date:</b>	09 March 2017
<b>Number of Responses</b>	None

### **Relevant Planning Policy**

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

SP01	Development within settlements
EP03	Development within conservation areas
EMP3	Business & industrial uses outside defined area

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
ENV5	Historic Environment
EC2	Employment Opportunities

#### **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**

The application site is a long established car sales and repair garage. The proposed use of part of the site as a commercial hand car wash is closely related to this use in its general nature and is considered to be acceptable in principle. Hence the main issues to consider are the potential impacts on neighbour amenity and the public highway.

With regard to neighbour amenity the proposed location of the car wash would abut the shared boundary with three commercial properties located on Church Street. The closest residential neighbour would be No.4 Church Street, which has its rear boundary approximately 14 metres distant from the car wash. Given that the proposed car wash would not involve the use of any compressors, jet wash or other machinery that may otherwise create a noise nuisance it is not considered that neighbour amenity would be unduly affected by the proposal.

With regard to potential highway safety issues the car wash would likely result in an increase of vehicular traffic to and from the site. However the car wash would utilise the existing vehicular access and egress points associated with the principle garage use of the site, which provide good sightlines in both directions along Preston Street. It is also set well back from the road so that any queuing vehicles at peak times could be accommodated within the site without impacting on the highway. County highways have been consulted on the proposal and have raised no objections. As such the proposal is not considered to raise any undue concerns regarding highway safety.

## **Conclusions**

The proposed commercial hand car wash is considered to be an appropriate and acceptable form of development on this established car sales and repair site and to accord with the relevant policies of the Fylde Borough Local Plan. Members are requested 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. This consent relates to the following details:

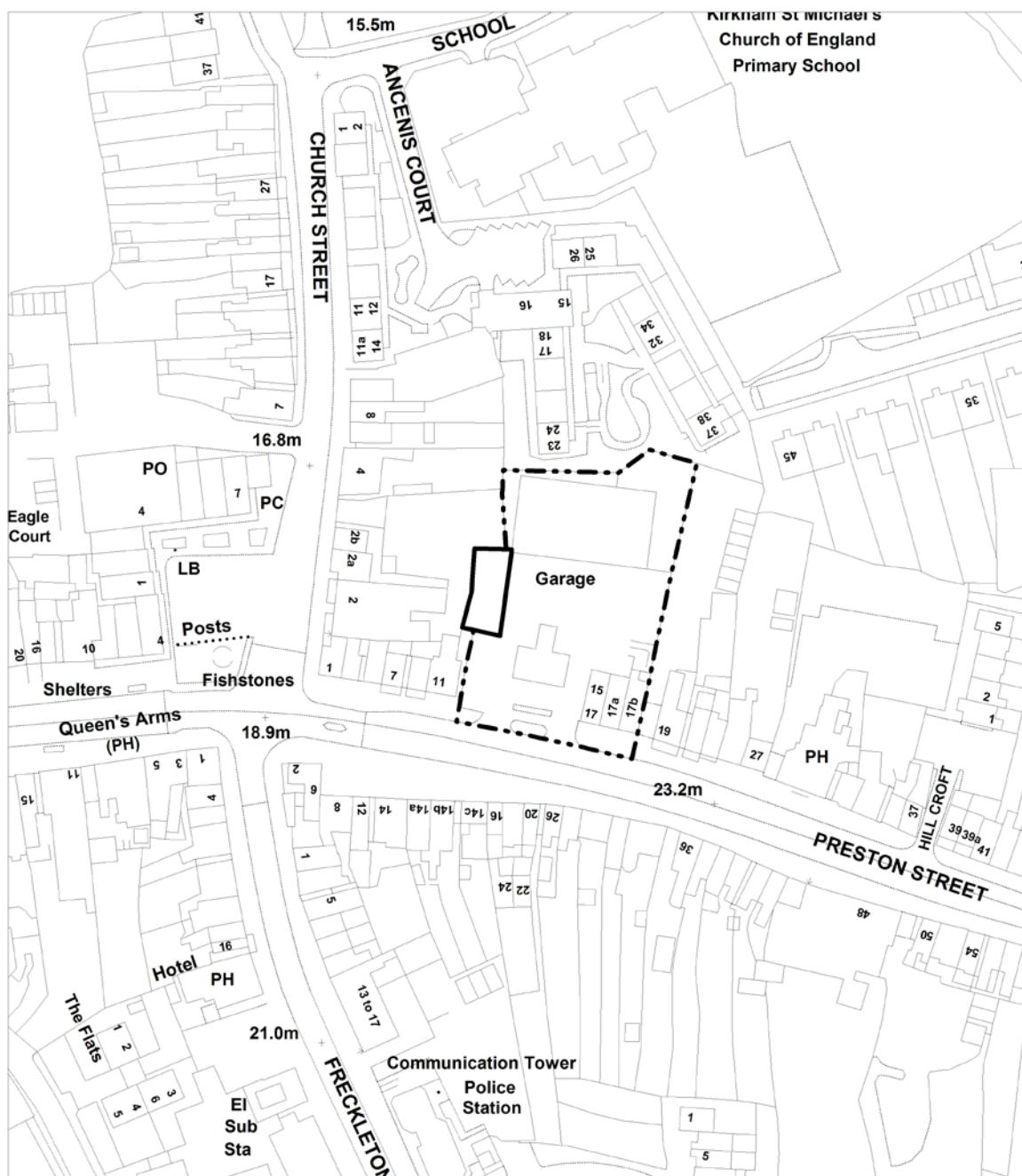
Approved plans:

- Location Plan - Dwg no. 411-DWG-01
- Proposed Site Plan - Dwg no. 411-DWG-03

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The car wash use hereby approved shall not include the use powered jet washers or similar equipment unless previously agreed in writing by the Local Planning Authority.

To preserve the amenity of neighbouring properties



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0077	Address Fylde Motor Spares, 13-15 Preston Street, Kirkham	Grid Ref. E.3427 : N.4321	Scale 0 6 12 18 24 m 



**Item Number:** 8

**Committee Date:** 24 May 2017

<b>Application Reference:</b>	17/0124	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mr England	<b>Agent :</b>	Alan Jones Chartered Surveyors
<b>Location:</b>	MOSS SIDE FARM, LYTHAM ROAD, WESTBY WITH PLUMPTONS, LYTHAM ST ANNES, FY8 4NB		
<b>Proposal:</b>	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND FOR THE PURPOSE OF SITING STORAGE CONTAINERS		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Claire Booth
<b>Reason for Delay:</b>	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/@53.7647606,-2.9460437,681m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to land associated with Moss Side Farm which is a former far located to the side of Moss Side rail halt and accessed from Lytham Road. Following the cessation of agricultural activity at the site the farm buildings have been converted to a range of employment related uses. This application relates to the retrospective siting of a bank of shipping containers alongside the existing buildings and their use for storage purposes.

The site is in the Countryside where adopted and emerging Plan policies are supportive of rural uses, but also of uses that support the expansion of existing businesses where that can be accommodated without harming normal planning interest such as highway safety and visual amenity. In this case the containers are not attractive structures, but are not readily visible from any off-site location, are remote from neighbouring dwellings, and are served off a well-constructed access to the highway network. Accordingly it is considered that the proposal is acceptable when tested against these policies and so Members are recommended to grant planning permission.

#### **Reason for Reporting to Committee**

The officer recommendation for approval conflicts with the views of the Parish Council.

#### **Site Description and Location**

The application site is situated to the west of Wrea Green village in a small hamlet known as Moss Side.

Moss Side Farm extends to approximately 160 Hectares, but the original main farm activities have now ceased due to the decline of agriculture following the Foot and Mouth outbreak in 2001. The farmstead site now has a mixed use of, inter alia, small industrial units, units for storage and

distribution, and storage containers. The remaining land is rented out as grazing land to local farmers, whose milk is also transported to and stored in the yard, with retrospective planning permission granted in 2015 for the change of use of part of the yard to a milk distribution depot.

The farm is located in a countryside area, as defined on the Proposals Maps accompanying both the adopted Fylde Borough Local Plan, as altered (October 2005) and emerging Local Plan; Fylde Local Plan to 2032 (Submission Version). Within the Lancashire Landscape Character Assessment (2000), the area of the containers are within a character area called the Mosslands but is on the boundary of a landscape character type referred to as 'Coastal Plain'.

### **Details of Proposal**

Retrospective permission is sought for 41 storage containers located so they abut the south elevation of a former agricultural building. In the main the storage containers are laid in two lines of 18 with the short end of the containers running in a north to south direction. A third line abuts the second southernmost line of containers where the short ends of containers 38 - 40 are orientated in a similar north - south direction.

The final container (Container 41) was positioned at the rear of containers 31-36 and was orientated at 90 degrees to the other containers with the short ends facing east and west respectively. Following a discussion with the Agent, this container has been reoriented to match the main group of containers and placed next to the existing group.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0683	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF PART OF FORMER FARMYARD TO MILK DISTRIBUTION DEPOT	Granted	01/02/2016
13/0586	PROPOSED EXTENSION TO EXISTING STORAGE BUILDING	Granted	04/11/2013
13/0398	RETROSPECTIVE APPLICATION FOR GENERAL STORAGE BUILDING	Granted	12/08/2013
13/0211	PROPOSED EXTENSION TO EXISTING STORAGE BUILDING	Withdrawn by Applicant	06/06/2013
05/1054	OUTLINE APPLICATION FOR ERECTION OF STORAGE BUILDING	Granted	22/03/2006
03/0987	CHANGE OF USE OF AGRICULTURAL BUILDINGS TO COMMERCIAL STORAGE	Granted	04/02/2004
A/97/0004	AGRICULTURAL DETERMINATION FOR TEMPORARY TRACK FROM MOSS SIDE LANE TO MILL LANE	Permission not required	23/05/1997
A/97/0003	AGRICULTURAL DETERMINATION FOR UNCOVERED FORAGE STORE	Not development (section 64 determ.)	11/07/1997
93/0765	EXTENSION TO EXISTING AGRICULTURAL STORE	Granted	05/01/1994
92/0336	ERECTION OF NEW BUILDING TO REPLACE EXISTING STOCK BUILDING	Granted	17/06/1992

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 24 February 2017 and comment:

*The plan was considered intrusive to the agricultural area. It was noted that the containers could be planned in a more compact fashion around the existing premises. The parish council, therefore, recommends REFUSAL.*

### **Statutory Consultees and Observations of Other Interested Parties**

None to report.

### **Neighbour Observations**

<b>Neighbours notified:</b>	24 February 2017
<b>Number of Responses</b>	None received
<b>Summary of Comments</b>	Not applicable

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
SP09	Diversification of rural economy

#### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
EC2	Employment Opportunities
GD7	Achieving Good Design in Development

#### **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**

Policy SP2 generally restricts development in open countryside areas such as this with some exceptions, such as the conversion of an existing building, development essentially required for the purposes of agriculture, horticulture or forestry, and development essentially needed for the continuation of an existing enterprise, facility or operation of a type and scale which would not harm the character of the surrounding countryside. The proposal does not strictly comply with the

exceptions listed above, or those listed within the equivalent Policy G4 of the emerging Plan, however, the National Planning Policy Framework (NPPF) does seek to promote and support economic growth in rural areas and requires LPA's to take a positive approach to sustainable new development.

This is a rural farm site which has diversified from agriculture and now has authorised employment uses within Class B2 and Class B8 uses. It provides employment locally through the businesses which operate from within the site. Its expansion is supported by saved Policies SP8 and SP9 of the adopted Local Plan and Policy EC2 of the emerging Local Plan, provided there are no other material considerations to indicate otherwise.

#### Visual impact

The containers are located immediately adjacent to the southern elevation of existing former agricultural buildings that are much taller than the single storey containers, and as such are seen as an extension of the existing nucleus of buildings. The containers are simple in form and low in height and thus do not have an assertive presence in the landscape. The concerns of the Parish Council were considered and acted upon, with Container no. 41 having been repositioned to run parallel to the other containers in the group, i.e. the short ends of the container face northwards and southwards to consolidate the group. Consequently, the proposed siting of these structures on a permanent basis is not considered to have an adverse visual impact on the surrounding countryside.

The site is well screened from the highway and nearby residential properties located to the north-west. However, the site is open to the Preston to Blackpool Railway Line, however views from this aspect are relatively fleeting and are against the background of the larger buildings and other associated uses on the site. For these reasons the containers are not considered to cause a significant adverse visual impact on the wider countryside.

#### Neighbour impact

There are no residential neighbours close to the site of the containers and so there is no impact upon on their amenity from the storage use.

#### Highways, access and parking

The use of the storage containers does not impact on the general vehicular access or turning facilities within the complex. Ample space for parking, turning, loading and unloading will remain. As such there is no reason for refusal on the grounds of highway safety or reduction in parking or manoeuvring space.

#### Conclusions

The adopted and emerging Local Plans, along with the National Planning Policy Framework, are generally supportive of the expansion of businesses within rural areas subject to compliance with other policies within the plans. The containers erected, including the re-siting of one of the containers, do not have an adverse effect on visual amenity and do not detract significantly from the rural character of the landscape. The use also does not adversely affect the safe use of the highway.. For these reasons, the retrospective proposal is recommended as follows:

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the revised plan received by the Local Planning Authority on the 20 April 2017 referenced as;

- Dwg. No. B15-1559.01 Revision A

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

2. Notwithstanding the provisions 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), the containers hereby approved shall be used for Class B8 Storage purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0124	Address Moss Side Farm, Lytham Road, Westby	Grid Ref. E.3378 : N.4300	Scale 0 10 20 30 40 m 

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PLANNING COMMITTEE	24 MAY 2017	5
<b>UNAUTHORISED ADVERTISING ENFORCEMENT</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

A number of local councillors have been concerned for some time about unauthorised advertising.

Advertising is controlled by specific regulations. Traditionally, these regulations are enforced when there is a complaint. This means that there is little objective overview of advertising enforcement. Prosecution of advertising offences is resource-intensive and often does not result in a significant sanction.

The report proposes a consultation exercise leading to the development of an action plan to target enforcement to the areas or types of advert that are regarded as most problematical. It also recommends that the council use alternatives to prosecution such as direct action and community protection notices with fixed penalties as more effective alternatives to prosecution.

### RECOMMENDATIONS

1. Consult local people and businesses about what the council should do about unauthorised advertising, including the matters summarised in paragraph 17 of the report.
2. Report the results of the consultation to a future meeting of the committee.
3. Where appropriate, use direct action powers under the Town and Country Planning Act 1990 or community protection notices under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with unauthorised advertising where informal engagement has proved impractical or ineffective.

### SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### BACKGROUND AND DESCRIPTION

1. Some members of the council have been concerned that there is too much unauthorised advertising in parts of the borough and that in some areas it detracts from the community work taking place to make locations look good for In Bloom and other awards. They feel that traditional approaches to enforcement have not been effective. Some of the advertising is attached to highway structures such as lamp posts. Lancashire County Council, as highway authority, give little priority to advertising enforcement, even where the advertising obstructs the highway. This report considers the scope of the problem and proposes some responses to it.

### SCOPE OF THE PROBLEM

2. The display of advertisements is subject to a separate consent process within the planning system. An advertisement is unlawful if it requires, but does not have, consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.
3. The definition of “advertisement” is very wide. For planning purposes, ‘advertisement’ is defined in section 336(1) of the Town and Country Planning Act 1990 as:

*“any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”*

Some additional detail on the meaning of the term ‘advertisement’ is provided in the Regulations.

4. A comprehensive approach (that is, zero tolerance of all unlawful advertising) would be impossible, even if it were desirable.
5. The traditional approach is to only take action against unlawful advertising if a complaint is received from a member of the public, and, if informal warnings are not effective, to prosecute those responsible for the unlawful advert through the magistrates’ court. This traditional approach brings problems both at the instigation stage (deciding whether to take action) and at the determination stage (the final outcome of the process).
6. **Problems at the instigation stage:** Not acting unless there is a complaint from a third party leads to uncoordinated action. The fact that one person is motivated to complain about a particular advert does not mean that that advert is necessarily more damaging to amenity than other unlawful advertising. Nor does a lack of public complaint about a particular advert mean that it is not damaging to amenity or public safety. Relying on public complaints does not allow an objective view of the impact of an unlawful advert, or a cluster of unlawful advertising. Nor does it adequately safeguard against complaints which are motivated by commercial or other irrelevant considerations.
7. **Problems at the determination stage:** Prosecutions are resource-intensive. They must be prepared on the basis that the prosecuting authority will have to prove its case in court. The prosecutor cannot assume that the defendant will plead guilty. Prosecutions require meticulous preparation of evidence and representation in court by a solicitor or barrister. Witnesses, such as the planning enforcement officer, must be available to attend court and give evidence. This takes time and preparation, which in turn keeps those officers from other tasks.
8. Penalties for unauthorised advertising offences in magistrates’ courts are usually light or nominal. Magistrates spend much of their time dealing with crimes of violence and dishonesty. It is difficult to persuade them that displaying an unauthorised advert is a serious matter. Even if they plead guilty, defendants invariably mitigate by drawing attention to comparable unauthorised advertising which has been displayed without attracting enforcement action. It is very uncommon for an offence to be met with a substantial fine: conditional discharges or minimal fines are more usual.



## AN ALTERNATIVE APPROACH

9. An alternative approach would look at targeted enforcement and non-court based disposal.
10. **Targeted enforcement:** Instead of being driven by complaints, enforcement would be driven by a hierarchy of priorities: or, to put it more simply, by hotspots. An action plan would set out where the need for enforcement was strongest. The action plan should be developed with the community and elected members, so that the priorities it identifies would command wide support. Priorities might be identified by types of advert (for example, A-boards), or by specific areas (for example, the Square), or by types of advert in specific areas (for example, A boards in the Square)<sup>1</sup>. The narrower the focus, the more targeted the enforcement. The focus should be informed by the mischief which is sought to avoid (for example, damage to amenity by proliferation of signs, danger to pedestrians etc.).
11. Targeted enforcement would enable officers to give advance warning of formal action over the targeted area, explain why enforcement action is to be taken and justify why a particular advert is the subject of enforcement.
12. **Non-court based disposal:** Two alternatives to court-based disposal exist which avoid the cost, complexity and length of prosecutions. These are **Direct Action** to remove or obliterate the advert, and **Community Protection Notices**.
13. The local planning authority can take **Direct Action** pursuant to section 225 of the Town and Country Planning Act 1990, to remove or obliterate any placard or poster which is displayed in contravention of the regulations. The authority must give two days' notice of its intention to do so. Direct Action powers (with different notice requirements) also exist<sup>2</sup> in relation to structures used to display advertisements, walls or building persistently used to display advertisements and other surfaces visible from places to which the public have access.
14. **Community Protection Notices**, pursuant to sections 43 and 53 of the Anti-Social Behaviour Crime and Policing Act 2014, can be served on anyone whose behaviour has a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature, and is unreasonable. This could, in appropriate circumstances, include unlawfully displaying an advert. A Community Protection Notice could require the person responsible to remove the offending advert. If a Community Protection Notice is breached (and has not been appealed), failure to take the action required by it (for example, remove unauthorised advertising) can result in the issue of a fixed penalty notice of £100.
15. Both of these alternatives to court-based disposal are speedier and less resource-intensive than prosecution, and are likely to be more effective. Of course, prosecution is always an option, and failure to pay a fixed penalty notice can be met by prosecution.

## NEXT STEPS

16. Under the new approach, prioritisation of advertising enforcement should reflect community concerns. There therefore needs to be meaningful consultation with local people and businesses about unauthorised advertising. The consultation could cover:
  - Whether there is a significant concern about advertising
  - What types of advertising cause the most concern
  - Which places where advertising is present cause the most concern
  - What the effect of increased enforcement would be on businesses
  - Whether there is a wish to see more formal enforcement
17. Consultation would be mainly online, but other media could be employed as well. As businesses would be most affected by any enforcement activity, it will be particularly important to engage businesses, particularly

---

<sup>1</sup> The identity of the advertiser or the goods and services promoted by an advert are not relevant in terms of the regulations, so an action plan could not take account of those matters.

<sup>2</sup> Town and Country Planning act 1990, section 225A.

those that might be directly impacted, in the consultation exercise preferably using existing networks or business partnerships.

18. The results of the enforcement exercise will be reported back to a future meeting of the committee, with (if the consultation suggests it is appropriate) recommendations about the content of an action plan. The action plan would then be drafted and presented for consideration and adoption by another meeting of the committee.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	The council has a power, but not a duty, to take action as outlined in the report to deal with unauthorised advertising.
Community Safety	None arising from this report
Human Rights and Equalities	Taking enforcement action against adverts may engage article 10 of the European Convention on Human Right (freedom of expression). The right protected by article 10 is a qualified right and public authorities can interfere with it if they can show that their action is lawful, necessary and proportionate in order (among other things) to protect public safety, prevent disorder or crime or protect health.
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ianc@fylde.gov.uk & Tel 01253 658506	13 April 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	24 MAY 2017	6
<b>SAINT ANNE'S ON THE SEA NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION TO MAKE PLAN</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Following the recent Referendum result (90% of residents voted 'Yes' to using the Saint Anne's on The Sea Neighbourhood Plan to help decide planning applications in the neighbourhood area), the Local Planning Authority (LPA), should within 8 weeks of a positive referendum 'make' the said Plan.

Once 'made' the Saint Anne's on The Sea Neighbourhood Development Plan (the Plan) will then form part of the Development Plan, meaning it will be a material consideration when considering development proposals.

### RECOMMENDATION

1. That Planning Committee 'make' the Saint Anne's on The Sea Neighbourhood Development Plan and bring it into force as part of the Development Plan for Fylde.

### SUMMARY OF PREVIOUS DECISIONS

#### **Full Council – 02 March 2017 - Saint Anne's on The Sea Neighbourhood Development Plan – Examiner's Report and Progression to Referendum**

Members of Full Council agreed to accept the Independent Examiner's modifications and draft Decision Statement and proceed the St. Anne's on the Sea Neighbourhood Development Plan to Referendum on 04 May 2017.

#### **Development Management Committee – 12 October 2016 – Saint Anne's on The Sea Neighbourhood Development Plan – Examiner's Report and Progression to Referendum**

Development Management Committee agreed to accept the Independent Examiner's modifications and recommend to Full Council to agree to the draft Decision Statement and proceed the St. Anne's on the Sea Neighbourhood Development Plan to Referendum.

#### **Development Management Committee – 29 July 2015 – Consultation on pre-submission draft June 2015**

Development Management Committee agreed to submit comments as part of the formal consultation response to the Town Council as part of the Regulation 14 consultation process.

#### **Development Management Committee 19 December 2012 – Delegated Powers for Neighbourhood Area Applications**

Development Management Committee resolved the following powers to be delegated to the Director of Strategic Development:

Power to designate an area as a Neighbourhood Area under section 61G(1) of the Town and Country Planning Act 1990 where the relevant body that has applied for the designation is a parish council, the designation is in accordance with that application and the area to be designated consists of the whole of the area of that Council.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### INTRODUCTION

1. Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council as the LPA has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of consultation, examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the LPA's responsibilities under Neighbourhood Planning.
2. Once a Neighbourhood Development Plan has successfully passed all stages of preparation, including Independent Examination and positive Referendum, it is 'made' by the LPA and forms part of the local authority's Development Plan, meaning the policies contained within it are a material consideration when determining planning applications.

### BACKGROUND

3. On the 12 April 2013, St. Annes Town Council requested that their Parish boundary be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan be prepared. The application was approved on the 12 July 2013. The Town Council then submitted their Submission version Plan to the Council and during this process, an Independent Examiner, was formally appointed. Following on a Public Hearing, which took place on the 7 June 2016, the Examiner submitted his final report and concluded that subject to the suggested modifications the Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting with the Basic Conditions, and should proceed to Referendum.
4. A Referendum must take place within 56 working days of the Decision Statement being agreed and published, with an additional 65 working days if the poll can be combined with another poll. The Referendum took place within 43 days of the Decision Statement being agreed and in combination with the County Council elections. A majority of residents who turn out to vote, must vote in favour of the Neighbourhood Development Plan (50% plus one vote) before it can be 'made'. After a successful Referendum the LPA within eight weeks must bring the Plan into legal force.
5. Therefore on Thursday 04 May 2017, a Referendum on the Saint Anne's on The Sea Neighbourhood Plan took place with residents being asked '**Do you want Fylde Borough Council to use the Neighbourhood Plan for Saint Anne's on The Sea to help it decide planning applications in the neighbourhood area?**'.

Do you want Fylde Borough Council to use the Neighbourhood Plan for Saint Anne's on The Sea to help it decide planning applications in the neighbourhood area?		
Response	Votes	% of total
Yes	6765	90%
No	755	10%
Turnout	36.6%	

6. Once a Neighbourhood Development Plan has been positively supported by a majority of those voting following a Referendum, a Local Authority under The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, paragraph 18A, must 'make' the Plan within 8 weeks of the date of the Referendum. Residents voted overwhelmingly to 'make' the Plan (see table above), and as such the Saint Anne's on The Sea Neighbourhood Development Plan now needs to be formally 'made' by Fylde Borough Council to come into full legal force, and thereby enable it to become part of the Development Plan for the area it covers.

## CONCLUSION

7. The Neighbourhood Development Plan meets the basic conditions and its consultation and promotion process is compliant with legal and procedural requirements. The Council is satisfied that the making of the Saint Anne's on The Sea Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' the Plan if more than half of those voting in the Referendum upon the Plan have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum held on Thursday 04 May 2017.
8. It is therefore recommended that the Planning Committee 'make' the Saint Anne's on The Sea Neighbourhood Development Plan, which will then form part of a suite of documents that make up the Development Plan, and will be used to help determine planning applications in the parish of Saint Anne's on The Sea.

IMPLICATIONS	
Finance	There is provision for the cost of the development of Neighbourhood Plans within the Council's approved revenue budget, funded by specific government grants for this purpose. However this may not cover the full cost of all emerging neighbourhood plans. As is usually the case additional costs will be met, where possible, from existing approved budgets. However, should this not be possible a subsequent funded budget increase to the Council's current approved budget may be necessary.
Legal	The Local Planning Authority is required to accord with the Regulations at relevant stages of the process. There will be a potential need for legal input at relevant stages, which will have time resource issues. There is a potential for judicial review if the Council do not agree with all the modifications suggested by the Examiner.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	The Neighbourhood Development Plan should promote the principles of sustainable development. The submitted Neighbourhood Development Plan is also supported by a Sustainability Report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sara Jones	01253 658420	11/05/2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Declaration of Poll Result	May 2017	<a href="http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/">http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/</a>
Notice of Referendum	April 2017	<a href="http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/">http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/</a>
Information Statement	April 2017	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/st-annes-sea-town-council-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/st-annes-sea-town-council-neighbourhood-plan/</a>
Saint Anne's on The Sea Neighbourhood Development Plan	March 2017	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/st-annes-sea-town-council-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/st-annes-sea-town-council-neighbourhood-plan/</a>

Attached documents

Appendix 1: Notice of Referendum

Appendix 2: Declaration of Poll Result

# NOTICE OF REFERENDUM

## Fylde Borough Council

### Saint Anne's on The Sea Neighbourhood Plan Area

### Referendum on the adoption of the Saint Anne's on The Sea Neighbourhood Plan

1. A referendum will be held on Thursday 4<sup>th</sup> May 2017 to decide on the question below:

**"Do you want Fylde Borough Council to use the Neighbourhood Plan for Saint Anne's on The Sea to help it decide planning applications in the neighbourhood area?"**

2. Applications to be included on the register of electors for this election must be received no later than Thursday 13<sup>th</sup> April 2017
3. Applications, amendments or cancellations of postal votes must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Tuesday, 18<sup>th</sup> April 2017.
4. Applications, amendments or cancellations to vote by proxy at this election must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Tuesday, 25<sup>th</sup> April 2017.
5. Applications to vote by emergency proxy at this election on grounds of physical incapacity or for work/service reasons must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Thursday, 4<sup>th</sup> May 2017. The physical incapacity must have occurred after 5 pm on Tuesday, 25<sup>th</sup> April 2017. To apply on the grounds of work/service, the person must have become aware that they cannot go to the polling station in person after 5 pm on Tuesday, 25<sup>th</sup> April 2017.

Dated Friday 24 March 2017

Tracy Morrison  
Counting Officer

# DECLARATION OF RESULT OF POLL

## Fylde Borough Council

### Referendum on the Neighbourhood Plan for Saint Anne's on The Sea

I Tracy Morrison, being the Counting Officer at the above referendum held on Thursday 4 May 2017, do hereby give notice that the results of the votes cast is as follows:

Question		
<b>Do you want Fylde Borough Council to use the Neighbourhood Plan for Saint Anne's on The Sea to help it decide planning applications in the neighbourhood area?</b>		
	Votes Recorded	Percentage
Number cast in favour of a <b>Yes</b>	6765	90 %
Number cast in favour of a <b>No</b>	755	10 %

The number of ballot papers rejected was as follows:	Number of ballot papers
A      want of official mark	0
B      voting for more than one answer	6
C      writing or mark by which voter or proxy could be identified	1
D      unmarked or void for uncertainty	120
Total	127

Electorate: 20882

Ballot Papers Issued: 7647

Turnout: 36.6%

And I do hereby declare that more than half of those voting have voted **in favour of** the Neighbourhood Plan.

Dated **Friday 5 May 2017**

Tracy Morrison  
Counting Officer



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	24 MAY 2017	7
<b>BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION TO MAKE PLAN</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Following the recent Referendum result (90% of residents voted 'Yes' to using the Bryning with Warton Neighbourhood Plan to help decide planning applications in the neighbourhood area), the Local Planning Authority (LPA), should within 8 weeks of a positive referendum 'make' the said Plan. Once 'made' the Bryning with Warton Neighbourhood Development Plan (the Plan) will then form part of the Development Plan, meaning it will be a material consideration when considering development proposals.

### RECOMMENDATION

1. That Planning Committee 'make' the Bryning with Warton Neighbourhood Development Plan and bring it into force as part of the Development Plan for Fylde.

### SUMMARY OF PREVIOUS DECISIONS

#### **Full Council – 06 February 2017 – Bryning with Warton Neighbourhood Development Plan – Examiner's Report and Progression to Referendum**

Members of Full Council agreed to accept the Independent Examiner's modifications and draft Decision Statement and proceed the Bryning with Warton Neighbourhood Development Plan to Referendum on 04 May 2017.

#### **Development Management Committee – 18 January 2017 – Bryning with Warton Neighbourhood Development Plan – Examiner's Report and Progression to Referendum**

Development Management Committee agreed to accept the Independent Examiner's modifications and recommend to Full Council to agree to the draft Decision Statement and proceed the Bryning with Warton Neighbourhood Development Plan to Referendum.

#### **Development Management Committee 20 January 2012 – Neighbourhood Development Plan Update**

For information purposes the planning policy team produced an indicative timetable for the five emerging Neighbourhood Development Plans in the Fylde Borough.

#### **Development Management Committee 19 December 2012 – Delegated Powers for Neighbourhood Area Applications**

Development Management Committee resolved the following powers to be delegated to the Director of Strategic Development:

Power to designate an area as a Neighbourhood Area under section 61G(1) of the Town and Country Planning Act 1990 where the relevant body that has applied for the designation is a parish council, the designation is in accordance with that application and the area to be designated consists of the whole of the area of that Council.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### INTRODUCTION

1. Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council as the LPA has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of consultation, examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the LPA's responsibilities under Neighbourhood Planning.
2. Once a Neighbourhood Development Plan has successfully passed all stages of preparation, including Independent Examination and positive Referendum, it is 'made' by the LPA and forms part of the local authority's Development Plan, meaning the policies contained within it are a material consideration when determining planning applications.

### BACKGROUND

3. On the 17 July 2013, Bryning with Warton Parish Council requested that, their parish boundary be designated as a Neighbourhood Area. Following a six week consultation the Neighbourhood Area application was approved on the 25 October 2013. The Submission version of the Plan was submitted to the Council and was subject to a six week consultation period, but was delayed pending the outcome of the Blackfield End Farm planning appeal. After receiving the appeal decision (which was significantly delayed) Fylde Council, an Independent Examiner was appointed, his final report concluded that subject to the suggested modifications the Plan was capable of meeting the legal requirements, including meeting with the Basic Conditions, and should therefore proceed to Referendum.
4. A Referendum must take place within 56 working days of the Decision Statement being agreed and published, with an additional 65 working days if the poll can be combined with another poll. The Referendum took place within 60 days of the Decision Statement being agreed and in combination with the County Council elections. A majority of residents who turn out to vote, must vote in favour of the Neighbourhood Development Plan (50% plus one vote) before it can be 'made'. After a successful Referendum the LPA within eight weeks must bring the Plan into legal force.
5. Therefore on Thursday 04 May 2017, a Referendum on the Bryning with Warton Neighbourhood Plan took place with residents being asked '**Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?**'.

Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?		
Response	Votes	% of total
Yes	943	90%
No	103	10%
Turnout	35.77%	

6. Once a Neighbourhood Development Plan has been positively supported by a majority of those voting within a Referendum, a Local Authority under The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, paragraph 18A, must 'make' the Plan within 8 weeks of the date of the Referendum. Residents voted overwhelmingly to 'make' the Plan (see table above), and as such the Bryning with Warton Neighbourhood Development Plan now needs to be formally 'made' by Fylde Borough Council to come into full legal force, and thereby enable it to become part of the Development Plan for the area it covers.

## CONCLUSION

7. The Neighbourhood Development Plan meets the basic conditions and its consultation and promotion process is compliant with legal and procedural requirements. The Council is satisfied that the making of the Bryning with Warton Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' the Plan if more than half of those voting in the Referendum upon the Plan have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum held on Thursday 04 May 2017.
8. It is therefore recommended that the Planning Committee 'make' the Bryning with Warton Neighbourhood Development Plan, which will then form part of a suite of documents that make up the Development Plan, and will be used to help determine planning applications in the parish of Bryning with Warton.

IMPLICATIONS	
Finance	There is provision for the cost of the development of Neighbourhood Plans within the Council's approved revenue budget, funded by specific government grants for this purpose. However this may not cover the full cost of all emerging neighbourhood plans. As is usually the case additional costs will be met, where possible, from existing approved budgets. However, should this not be possible a subsequent funded budget increase to the Council's current approved budget may be necessary.
Legal	The Local Planning Authority is required to accord with the Regulations at relevant stages of the process. There will be a potential need for a legal officer input at relevant stages, which will have time resource issues. There is a potential for judicial review if the Council do not agree with all the modifications suggested by the Examiner.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	The Neighbourhood Development Plan should promote the principles of sustainable development. The submitted Neighbourhood Development Plan is also supported by a Sustainability Report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sara Jones	01253 658420	11/05/2016

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Declaration of Poll Result	May 2017	<a href="http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/">http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/</a>
Notice of Referendum	April 2017	<a href="http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/">http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/</a>
Information Statement	April 2017	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>
Bryning with Warton Neighbourhood Plan	March 2017	<a href="http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/">http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/</a>

Attached documents

Appendix 1: Notice of Referendum

Appendix 2: Declaration of Result of Poll

# NOTICE OF REFERENDUM

## Fylde Borough Council

### Bryning with Warton Neighbourhood Plan Area

### Referendum on the adoption of the Bryning with Warton Neighbourhood Plan

1. A referendum will be held on Thursday 4<sup>th</sup> May 2017 to decide on the question below:

**"Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?"**

2. Applications to be included on the register of electors for this election must be received no later than Thursday 13<sup>th</sup> April 2017
3. Applications, amendments or cancellations of postal votes must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Tuesday, 18<sup>th</sup> April 2017.
4. Applications, amendments or cancellations to vote by proxy at this election must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Tuesday, 25<sup>th</sup> April 2017.
5. Applications to vote by emergency proxy at this election on grounds of physical incapacity or for work/service reasons must reach the Electoral Registration Officer at Town Hall, Lytham St. Annes, Lancashire, FY8 1LW by 5 pm on Thursday, 4<sup>th</sup> May 2017. The physical incapacity must have occurred after 5 pm on Tuesday, 25<sup>th</sup> April 2017. To apply on the grounds of work/service, the person must have become aware that they cannot go to the polling station in person after 5 pm on Tuesday, 25<sup>th</sup> April 2017.

Dated Friday 24 March 2017

Tracy Morrison  
Counting Officer

# DECLARATION OF RESULT OF POLL

## Fylde Borough Council

### Referendum on the Neighbourhood Plan for Bryning with Warton

I Tracy Morrison, being the Counting Officer at the above referendum held on Thursday 4 May 2017, do hereby give notice that the results of the votes cast is as follows:

Question		
<b>Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?</b>		
	Votes Recorded	Percentage
Number cast in favour of a <b>Yes</b>	943	90 %
Number cast in favour of a <b>No</b>	103	10 %

The number of ballot papers rejected was as follows:	Number of ballot papers
A      want of official mark	0
B      voting for more than one answer	1
C      writing or mark by which voter or proxy could be identified	0
D      unmarked or void for uncertainty	11
Total	12

Electorate: 2958

Ballot Papers Issued: 1058

Turnout: 35.77%

And I do hereby declare that more than half of those voting have voted **in favour of** the Neighbourhood Plan.

Dated **Friday 5 May 2017**

Tracy Morrison  
Counting Officer

## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	24 MAY 2017	8
<b>LIST OF APPEALS DECIDED</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 6/4/17 and 12/5/2017.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

# LIST OF APPEALS DECIDED

The following appeal decisions were received between 6/4/2017 and 12/5/2017. Copies of the decision letters for appeals 1 and 2 are attached.

Rec No: 1  
 02 December 2016 15/0885 WESTBROOK NURSERIES, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EB  
 RETENTION OF MOBILE HOME FOR USE AS HOLIDAY ACCOMMODATION WITH ANCILLARY DEVELOPMENT OF DECKING TO SIDE, ROOF STRUCTURE TO MOBILE HOME, AND SURROUNDING LAND TO SUPPORT HOLIDAY USE  
 Written Representations RT

Appeal Decision: Dismiss: 04 May 2017

---

Rec No: 2  
 27 January 2017 16/0209 THE BEECHES, ROSEACRE ROAD, ELSWICK, PRESTON, PR4 3UD  
 OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLINGHOUSE INCLUDING FORMATION OF NEW ACCESS OFF ROSEACRE ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)  
 Written Representations RC

Appeal Decision: Dismiss: 05 May 2017

---

Rec No: 3  
 07 April 2017 16/0568 CORNAH ROW FARM, FLEETWOOD OLD ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HE  
 OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 19 DWELLINGS (INCLUDING 6 AFFORDABLE) FOLLOWING DEMOLITION OF EXISTING FARM BUILDINGS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED (REVISED RESUBMISSION OF APPLICATION 15/0829)  
 Informal Hearing RC

Appeal Decision: Withdrawn: 04 May 2017

---



---

## Appeal Decision

Site visit made on 10 April 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 4<sup>th</sup> May 2017**

---

**Appeal Ref: APP/M2325/W/16/3156547**

**Westbrook Nurseries, Division Lane, Lytham St. Annes, Lancashire FY4 5EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Whiteley against the decision of Fylde Borough Council.
  - The application ref 15/0885, dated 29 January 2016, was refused by notice dated 20 April 2016.
  - The development proposed is to reuse the existing mobile home/chalet at Westbrook Nurseries as sustainable, eco-friendly green tourist holiday accommodation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the time of my site visit, the proposed development had already commenced. I have determined the appeal on this basis.

### Main Issues

3. The main issues are as follows:
  - Whether the development would be inappropriate development in the Green Belt;
  - The effect of the development on the openness of the Green Belt; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Background*

4. The appeal site has an extensive planning history. It has been used for horticultural use for many years and there have been a number of planning permissions that have been granted at various times for a caravan/mobile home to be occupied in connection with this use. In 1999<sup>1</sup> permission was granted for the permanent occupation of the mobile home, subject to a condition restricting its use to solely that of Mr and Mrs Webster.

---

<sup>1</sup> LPA Ref 99/0058

5. In 2011, the appellant was granted planning permission to vary the condition on planning permission 11/0532 to allow him, his wife and his children to occupy the mobile home. This was granted subject to a condition restricting his use of it to two years to enable him to re-establish the horticultural use. Following this two year period, a further planning application<sup>2</sup> was submitted for the permanent retention of the mobile home, which was subsequently refused.
6. In 2015 an enforcement notice was issued and upheld on appeal<sup>3</sup>. The notice was served on the basis that condition no 1 attached to planning permission 11/0532, which states *'This permission shall enure solely for the benefit of Mr Peter and Mrs Jillian Whiteley, and their dependant children, and shall be limited to the period expiring on 31 December 2013, immediately on the expiry of which the mobile home/caravan the subject of this permission shall be removed from the site and the land restored to its original condition, unless in the meantime a further planning permission has been granted'*. The requirements of the notice are to remove the mobile home from the land and restore the land to the condition it was in before the mobile home and any previous caravan or mobile home was sited on it.

### *Inappropriateness*

7. The appeal property is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 89 and 90 of the Framework list a number of exceptions to this. Policy SP3 of the Fylde Borough Local Plan as Altered (the LP) 2005 is similarly restrictive of development in the Green Belt and provides a list of exceptions. These exceptions are largely similar to the exceptions set out in the Framework. Accordingly, I find that Policy SP3 is generally consistent with the Framework and attribute it significant weight.
8. I have had regard to the appellant's argument that the previous use and the current use both fall within the same use class. However, a dwelling house and holiday let accommodation are two separate use classes, C3 and C1 respectively, for the purposes of planning. Moreover, as the property no longer benefits from a lawful residential use, I have not considered the proposal on the basis of a change of use of the existing property.
9. Policy TREC6 of the LP specifically restricts the development of holiday chalet sites within the Green Belt, and the supporting text to this policy states that such development in the Green Belt is inappropriate. The proposed development is seeking the retention of the property for use as holiday accommodation. Whilst it only involves one holiday let unit, it is nevertheless a holiday chalet site.
10. Neither the exceptions set out in paragraph 89 or 90 of the Framework, nor Policy SP3 of the LP, refer to holiday accommodation. Accordingly, I find that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. As such, it would conflict with Policy SP3, TREC6 and the provisions of the Framework.

---

<sup>2</sup> LPA Ref 13/0757

<sup>3</sup> Appeal Ref APP/M2325/C/15/3006154

---

*Openness*

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
12. The appeal site is adjacent to a narrow lane with a high hedge screening much of the site from immediate public views. The appeal property has had a number of additions, some of which the appellant confirms were carried out by previous owners whereas others were undertaken by himself. The most notable additions are a brick plinth around the base, a pitched roof and a decked area. These have resulted in the property having a more permanent and substantial appearance than that of a typical mobile home. In particular, the pitched roof is significantly higher than the original flat roof and as a consequence it is more visually prominent in the landscape.
13. The design of the roof has been informed by the local vernacular and results in the property appearing more of a cottage than a mobile home. Therefore, even though the property is more visible in the landscape, it is more sympathetic to the surrounding semi-rural environment than the more intrusive and incongruous design of a typical mobile home. However, based on the evidence before me, there is no extant planning permission for a mobile home, or any other residential use, on the site. Therefore, I do not consider that the assessment of the effect of the proposal on the openness of the Green Belt should make a comparison with the original mobile home, as that is no longer authorised. Therefore, notwithstanding the previously authorised use of the site for the siting of a mobile home, the proposal introduces an intrusive form of development onto what would otherwise be a vacant site that makes a positive contribution to the openness of the area.
14. In addition to the intrusiveness of the development, I find that the erosion of three-dimensional space arising from the overall size of the property would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework. Accordingly, I attribute significant weight to the effect it would have on openness.
15. I conclude therefore that the development would lead to a significant loss of Green Belt openness and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

*Other Considerations*

16. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the conflict with the purposes of including land within it so as to provide the very special circumstances required to justify a grant of planning permission.

17. Much of the appellant's case centres around the argument that there has been a residential use on the site for over 65 years and the existing property should be factored into account. However, as the existing property no longer benefits from planning permission it is unauthorised and there is no longer a lawful residential use on the site. Therefore, whilst there is no doubt the property exists, and has done for some time in some form or another, I do not accept that it should be considered in the same light as an authorised development. To do so would run contrary to the spirit of the development plan and undermine the Council's position in dealing with unauthorised development in general.
18. I have had regard to the environmental benefits of the proposal by providing eco-friendly tourist accommodation, which, from the supporting letters, is popular and has returning visitors. The condition of the overall site has been significantly improved during the appellant's ownership of the site, and improvements to biodiversity have been actively promoted. The appeal site is in a quiet, peaceful location and I can understand the attraction it has for many visitors. The appellant and his family clearly have intentions to further improve the site, developing both the tourist and horticultural business.
19. In addition, I acknowledge that the holiday let provides additional income to the appellant in addition to the horticultural business. Furthermore, the visitors to the holiday let would make a positive contribution to the local economy.
20. I also appreciate that the materials used in the additions to the property have been sustainably sourced and that if it was to be removed it would likely be sent to the landfill.
21. I note that other developments have been carried out/are being undertaken within the vicinity of the site. However, the details of these schemes and the Council's consideration of them are not before me. Therefore, I cannot draw any direct comparison with the appeal proposal. In any event, I have considered the proposal based on an assessment of its individual merits.
22. Whilst the proposal clearly offers environmental and economic benefits, I do not find that, individually or cumulatively, these benefits amount to very special circumstances that would outweigh the harm it has on the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the Green Belt purpose of safeguarding the countryside from encroachment, which carries substantial weight. As such, the proposal fails to comply with saved Policy SP3 of the LP and the Framework.

### **Conclusion**

23. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

---

## Appeal Decision

Site visit made on 18 April 2017

**by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 5 May 2017**

---

**Appeal Ref: APP/M2325/W/16/3161525**

**The Beeches, Roseacre Road, Elswick, Lancashire PR4 3UD.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs John Iredale against the decision of Fylde Borough Council.
  - The application Ref 16/0209, dated 23 March 2016, was refused by notice dated 9 June 2016.
  - The development proposed is outline application for the erection of a single dwelling house.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The appeal seeks outline planning permission, with all matters reserved except for access. I have considered the appeal on this basis.
3. The Council produced An Interim Five Year Housing Supply Statement based on its most recent housing supply figures. This was submitted following receipt of the appeal. I gave the appellant the opportunity to comment on this document and have taken the response into consideration in my determination of the appeal. I also sought the views of both main parties as to whether written representations remained the most appropriate procedure for determining the appeal.
4. In addition, prior to determining the appeal I requested an extract of the Policies Map of the Fylde Borough Local Plan 2003 (LP) setting out the settlement boundary of Elswick. A copy of this plan was circulated to the appellant for information. I have been referred to a number of policies within the emerging submission version of the Fylde Local Plan to 2032 (eFLP). I note that the Plan is currently under examination. However, as I have not been furnished with any information relating to the extent to which there are unresolved objections to these emerging policies, I am only able to accord them limited weight.

### Background and Main Issue

5. The main issues are whether the proposed development would provide a suitable location for market housing, having regard to the policies of the

development plan and national planning policy and whether the proposed development would occupy an accessible location.

## **Reasons**

### *Planning Policy*

6. There is no dispute between the main parties that for the purposes of this appeal Fylde is able to demonstrate a five year supply of deliverable housing sites. The appeal site lies within the large garden of The Beeches which, together with a number of other dwellings and a farmstead, forms a group of buildings which falls outside of the defined settlement boundary as defined by the saved policies of the LP. Thus, in planning policy terms, the appeal site is considered to be located in open countryside. This notation is continued within the eFLP.
7. Saved Policy SP2 of the LP, restricts development in the countryside to that which is essential to the operation of agriculture, horticulture, forestry or other uses appropriate to a rural area, the reuse of buildings, the redevelopment, reuse or refurbishment of large sites and minor extensions or essential development to allow the continuation of an existing use which would not harm the character of the surrounding countryside. Emerging policies GD4 and H6 of the eFLP set out similar updated criteria to take into account the provisions of the Framework.
8. The proposed development for market housing, does not fall into any of the above categories, albeit, I note that the appellant wishes to retire to the property. Therefore, the proposed development would be in conflict with saved Policy SP2 of the LP. I am aware that this policy predates the publication of the Framework. However, it is generally consistent with Paragraph 55 of the Framework and I am therefore able to accord it substantial weight.
9. Similarly, given my conclusion that the proposed market housing would be contrary to saved Policy SP2 of the LP, it would be by definition, contrary to the first criterion of saved Policy HL2 of the LP. This requires that the principle of the housing would be acceptable.
10. In addition, the proposed development would not be consistent with emerging Policies GD4 and H6. However, due to the limited information which I have been given on the extent to which there are any objections, I have accorded these limited weight.

### *Accessibility*

11. As set out above the appeal site lies within a group of housing outside of the settlement of Elswick. At the time of my site visit, which took place in the sunshine and during daylight, I was able to walk into the village ,past the wildflower meadow and sports facilities, and noted a number of pedestrians doing likewise. However, to access the facilities within Elswick or to catch a bus elsewhere, future occupiers would be required to walk some 240 metres before reaching a street light, and around 380 metres before finding a pavement. Whilst I accept that for the occupants of existing properties this is already the case, and such a situation is not unusual within rural areas, the lack of pavement and street lighting together with the speed at which traffic could travel given the relative width of the road, would make it an unattractive route for pedestrians or cyclists. In coming to this conclusion, I have taken into

account that there have been no reported accidents nearby. Nonetheless, I consider future occupiers would be largely reliant on the private car to meet their day to day needs, and whilst they may take advantage of the facilities within Elswick, they would be likely to travel further. Such an approach would be contrary to a core land use principle of the Framework which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

12. I have been referred to the planning permission granted for the site known as Tiny Paws. However, whilst I have been given some details relating to the case, I am not fully aware of the particular policy or site specific aspects and can draw no direct comparison. Moreover, I have considered the proposal before me on its own merits.

#### *Other matters*

13. The appeal proposal is in outline with all matters reserved other than access. Consequently, it is not possible for me to weigh in the planning balance matters such as the potential environmental credentials, or quality of any subsequent design.
14. I note that the appeal site lies within the approved boundary for Elswick Neighbourhood Plan. However, I have not been provided with any details of relevant policies within the Neighbourhood Plan. Consequently, I have not been able to take this into account in my consideration of the appeal.
15. I appreciate that no objections were raised by statutory consultees. However, these matters do not overcome or outweigh the conflicts with policy outlined above.
16. I am aware that there is uncertainty as to whether Elswick should be considered to be a Tier 1 or Tier 2 settlement and the levels of housing which should be allocated within or adjacent to the village. However, in the absence of detailed information into the progress of this aspect of the eFLP I have accorded these matters negligible weight in my consideration of the merits of the appeal.

#### **Conclusion**

17. The proposal would make a modest but positive contribution to the housing supply of the area. As such I would accord it moderate weight in favour of the proposal. However, I have found the appeal to be in clear conflict with the policies of the development plan, the emerging plan and that of the Framework. These harms clearly outweigh the moderate benefit identified. Consequently, I dismiss the appeal.

*L. Nurser*

INSPECTOR