



Agenda

Planning Committee

Date:	Wednesday, 12 February 2020 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

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1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 22 January 2020 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
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Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

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

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

Planning Committee Schedule

12 February 2020

Item Number: 1

Committee Date: 12 February 2020

Application Reference:	19/0248	Type of Application:	Full Planning Permission
Applicant:	Fairhaven Homes	Agent :	Sunderland Peacock and Associates
Location:	259 INNER PROMENADE, LYTHAM ST ANNES, FY8 1AZ		
Proposal:	DEMOLITION OF EXISTING DWELLING AND ERECTION OF A FIVE STOREY BUILDING TO PROVIDE 18 APARTMENTS INCLUDING ASSOCIATED LANDSCAPING AND CAR PARKING		
Ward:	FAIRHAVEN	Parish:	Fairhaven
Weeks on Hand:	47	Case Officer:	Andrew Stell
Reason for Delay:	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7390909,-2.9958538,168m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Introduction

The application was on the agenda for consideration at the 18 December 2019 meeting of the Planning Committee. At the meeting there was a debate on the application before a resolution was passed to defer the decision to enable:

- *a committee site visit to be undertaken to allow Committee members to gain a better appreciation of the scale and design of the building in its local context and its contribution to the local area*
- *officers to progress discussion with the applicant and secure clarity on a number of the matters which remain outstanding and are cited as such in the report on the agenda*

The site visit has been arranged to proceed the February Committee meeting and as progress has been made on a number of the matters that were identified in the report and December Committee discussion, the application is re-presented to this meeting for a decision. This Introduction section of the report provides details on the progress that has been made since the December meeting and reports some additional representations that have been received. The December report is reproduced below the introduction for context to the recommendation.

Revisions to Proposal

The Late Observations report explained that revised plans were presented to the Council between the publication of the agenda and the committee meeting. These introduced a series of changes as follows:

- The refuse storage area that was previously shown to the front of the proposed building has been relocated to the rear of the building where it would sit alongside the communal garden area to the Ribble Point flats, with the cycle store located to the front
- The side facing bedroom windows have been revised in design to have a projecting oriel form with windows only to the front facing aspect thereby removing the potential for direct views over the building and communal rear garden area to the Ribble Point side
- The top floor balcony to the side is now shown with side louvres to reduce the potential for overlooking of the garden area to 261 Inner Promenade

Since the December Committee a minor update to the site plan has been received which indicates that parking can be increased from the previous 18 spaces by the addition of an extra space, with further details of the proposed landscaping expected by the Committee meeting.

The details that have been presented have been considered by officers and it is considered that they adequately address the neighbour amenity concerns that are raised in the agenda report regarding the proximity of the original refuse store to Ribble Point balconies, the restricted occupier amenity issues that were created though the need to ensure some side facing windows preserved neighbour amenity, and the potential for overlooking of neighbouring properties from the balcony. The additional parking space is also a benefit given that this was an aspect that local residents and the highway officer referred to in their representations on the application.

As such it is now accepted that the submitted scheme provides an acceptable relationship to neighbour amenity and to future occupier amenity and so accords with Policy GD7 of the Fylde Local Plan to 2032 in that regard.

Drainage

At the time of the December meeting the applicant had not provided any details of their drainage proposals for consideration, with this omission also preventing an assessment of the potential implications of the development on the ecological designations in the Ribble Estuary.

A Drainage Strategy report and associated drainage plans has since been received, and been the subject of consultation with the Lead Local Flood Authority. The Strategy reports that the site is currently drained so that the foul and surface water drainage connect to a combined system in Inner Promenade. The submission then assesses the various options in the drainage hierarchy for the surface water drainage of the site and concludes that only a connection to the sewer is viable, with this being designed so that the surface water from the site is free drained using porous materials to the car parking areas, stored on site and then released to the public sewer at a controlled rate for the roof areas, with that designed to deliver betterment over the existing situation as required by legislation. The foul drainage is to be handled separately on site, but will also connect to this combined sewer off site.

The Lead Local Flood Authority have confirmed that this arrangement is appropriate and so they raise no objections subject to a condition being imposed to secure the final design of this, its implementation, and its future maintenance.

Given the availability, and acceptability, of this information to the consultee it is considered that the proposed arrangements address the concerns expressed in the December report and their implementations should be the subject of a series of conditions in the eventual decision.

Ecology

Whilst the site is not part of any designated site, and does not support any protected species, it is close to the Ribble and Alt Estuary Special Protection Area, Ramsar site, and the Ribble Estuary Site of Special Scientific Interest. As a consequence, Natural England highlighted that there was a potentially for it to be hydrologically linked to those areas. With the absence of any drainage proposals with the initial submission they took a precautionary approach and advised the council that the application should not be favourably determined until drainage information had been received and assessed, and that a Habitats Regulation Assessment was required. Accordingly, this was one of the matters that was highlighted as being outstanding in the December report.

Since that meeting the drainage information has been provided as discussed above. In addition, a shadow Habitats Regulation Assessment has been submitted. This runs through the various ecological implications of the development and concludes: *“that the project will have no significant adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation either alone or in combination with other projects.”*

The views of Natural England and the council’s Ecological consultants (GMEU) have been sought on this document. GMEU have confirmed that they concur with its conclusion, whilst the views of Natural England are outstanding at this time.

On this basis the officer recommendation should be to delegate the authority to the Head of Planning and Housing to adopt the shadow HRA in its original or a revised form, and impose any necessary conditions to secure ecological mitigation for the development. This would then ensure that there are no outstanding ecological implications from the development and so the concerns of the December report are resolved.

Representation – collective for Ribble Point residents

An extensive submission was made by the planning agent representing the residents of Ribble Point prior to the December Committee and so was reported in the Late Representations Schedule along with officer commentary. For completeness these are repeated here, followed by comments of the planning officer, with the bullet points in the agent's original comments replaced by numbers to assist with this.

1. *First and foremost the application recommendation to the Planning Committee, without redress to any cited planning conditions and based upon an incomplete final proposal from the developers for consideration, is contended to be not sufficiently authoritative at this stage to secure a decision of the Committee to defer final judgement of the application to the chief officer under delegated powers. Indeed, the front summary of the report advises that there are a number of areas where “further information and discussions are required with the developer, and as such would make any decision on the application at this stage premature. The summary goes on state that the Committee’s views upon the scale and design of the development in this location needs to be understood. This is a somewhat unusual stance of the officers and reading from that is that there remains a good degree of subjectivity about the officer’s judgement upon the proposals and that the Committee could quite clearly take an opposing view. It is also noted that the reason for reporting the application to the Committee is that “it is necessary to present the application for a decision.” And as such the final decision upon the application should remain in that domain and not be delegated to officers.*
2. *The residents agree with the comments made by the Civic Society in that the approved*

development [and the extant permission until next year] was for just 7 flats. It is a bigger development and one having greater impact upon its surroundings. This echoes comments made on behalf of Ribble Point in the initial objection grounds.

- 3. In regard to another comment made at the initial objection stage, the Committee Report relates that it was alleged that the juxtapose of the proposed building against that of Ribble Point would be very dominant upon that Ribble Point. That comment also related to the resultant wider view of the built development [if approved and constructed] in street picture along Inner Promenade and from the grounds of Fairhaven Lake. The application site is in a very prominent location. The text in the report upon that the element of the proposed building adjacent Ribble Point should be reduced in scale to address the impacts put forward, was supported by a sketch revision of the front elevation lowering eaves and ridge height adjacent to Ribble Point - which is not referred to. In urban design terms this alternative solution was pro-active advice to assist the planning department in arriving at a better resolution for the outward, front facade of the building should it ultimately be approved. It offers a vastly preferable solution to that currently proposed should Committee be minded to agree to the officers's recommendation about further discussions with the developer or subsequently approve the development themselves. In this light, the Committee members are urged to ask to request sight of the sketch proposal during the case officer's presentation of the application for their information.*
- 4. The report considers a satisfactory development has been arrived at, but that it is not a "clear-cut position". A number of aspects of the report are presented in that same vein which undoubtedly means that there is scope for the members of the Committee to take an alternative view upon it from the subjective one expressed in the Committee Report - without any due sanction from determining the application contrary to the express requirements of the Development Plan.*
- 5. The Committee Report relates, in a very comprehensive and detailed manner, the planning history to this site. There is an approval but also a withdrawn application and an appealed refusal that was dismissed. The extant 2017 permission only establishes a principle of development on the site akin to that which was approved and not for the currently proposed building. The dismissed appeal application was at the time an attempt to bring forward a building that as it happens replicated the scale and mass similar to that now proposed. Though the determining Inspector concurred that the redevelopment of the site for flats was probably inevitable and would not be an unacceptable principle in some form, it is contended that the Inspector would have found the current scheme unacceptable upon the same basis and that the level of development achieved in the approved, extant scheme was sufficient and acceptable within the street picture and in relation to its neighbours.*
- 6. Upon the consideration of the proposed development in the street scene to Inner Promenade, it is noted that it is felt the current building on site, given its size and scale, does provide "visual relief in the street scene in longer views of the sitegiven the taller buildings around it." Also that the building is out of scale with those taller buildings, but surely that should be the other way around given the longevity of the original building and the introduction of the larger apartment blocks. The site, the writer feels, is more akin to forming part of Granny's Bay, being almost exclusively made up of "large four storey flatted buildings". The site in presenting itself as providing a transition in development terms, as the report refers to, ought not to be regarded as a mere platform for this larger 5 storey development than that which has already been accepted by the Council just because it is seen as a transition up to scale of Ribble Point. Ribble Point itself now with the building along the Granny's Bay frontage are now themselves 'historic' developments in their own right that ought not to create any precedent for what is now proposed above that which*

was previously approved which was sufficient development for the site then and is still considered to be. The case officer has asked for members views in regard to the scale and nature of the development in this location, and accordingly it is urged that that consensus of a view is that the proposed development at the current time exceeds that which ought to be acceptable on this site.

7. The report relates the design of the refused / appealed 2007/2008 application as “brutal” but in reviewing that, that only really applies to particularly the side elevations. The front elevation was far from that presenting the development in more of a traditional approach with 3 elements of bays and then upper glazed segments to each bay, while the proposed building was further away from Ribble Point. Again committee members need to see comparative street elevations to both the 2007 application and the current one. Though that appeal decision is 11 years old and weighted against a previous local and national guidance, it is far from obsolete. The Inspector’s comments, which retain weight, were that it was not the design of the building that was the main issue [the side elevations apart] but that it would introduce represent a consolidation of apartment buildings on this stretch of the Promenade and thereby “diminish the visual quality of the area.” He also felt that the width of the building on the frontage [and the current building is wider] was exaggerated and made it appear cramped on site. He failed the development against the then local plan policy strand HL2[2] on account of it being harmful to the character and appearance of the area. These points, it is argued, remain valid critiques that could be applied to the current development. It is not considered that the current building is “smaller” than the refused / dismissed development, and as such that comparative analysis is essential.
8. Under ‘density and massing’ the officers accept that the proposed development features greater frontage width, projects forward of Ribble Point and loses the stagger of buildings back to nos. 261/263, and they accept that there would be implications for the resultant view in the street scene - while the higher massing of the building in the street scene [beyond the extant permission] will be significant. But the conclusion is, on balance, that there would not be a resultant harmful impact. It is not clear though why the development would not be harmful for it is certainly has the same credentials warranting refusal as in the 2007 application. Again the writer concedes that a contrary view could be taken by the members, and that as with a number of areas of the report appears to suggest that the recommendation of approval to Committee is very finely balanced. Committee could and should take such an opposing view and refuse planning permission.
9. In regard to parking though this is perhaps seen as a lesser issue than the urban design impact, but a single car space per flat assumes a downsizing that incorporates a single vehicle ownership per flat unit, while there is no visitor car parking. A traffic engineer’s view from LCC is that the scheme warrants 150% parking, albeit supporting that need for visitors as opposed to 2nd car ownership. Though in theory, there is adequate street parking and parking too on Fairhaven Lake car park, the former is heavily utilised by locals and visitors using the locality for leisure in the summer months - while the car park is fee based and would visitor and second car parking. The requirement for the provision of an acceptable level of on site parking for this development is also, it is argued, finely balanced and requiring some further consideration by the Committee members.
10. The report argues that the amenity for the users of the rear garden area at Ribble Point will not be prejudiced as a result of the dense, high conifer hedge now in situ on the boundary, but one would expect users of that garden area to feel a sense of the enormous visual dominance of the side of the five storey masonry building as opposed to the soft landscaping in place on the boundary. Flat developments have limited private open space areas anyway and these areas

ought not to be prejudiced. The determining Inspector previously referred to the high hedge and saw it as important in 'softening' the bulk of the building - but it could not now be retained.

11. *The report refers to a need to consider the obscuration of bathroom and secondary bedrooms in the proposed side elevation to safeguard privacy facing Ribble Point. There are two issues here; first is the principle of obscuring any bedroom windows really acceptable; and two the application proposals need to demonstrate what is proposed and if it is to be the utilisation of oriel windows within those window spaces these will need to be shown as proposed and should not be the subject of a planning condition.*
12. *In the conclusion section, the report reaffirms that this is a full, detailed application. As such it should reflect all matters to be determined by the decision maker which in this case should be the Planning Committee. Given what the officers request of the members in seeking their view upon the principle of the scale and design of the application building in its location before any further work is undertaken to complete the application process, which is as has been stated quite an unusual standpoint, then there can be no decision in regard to delegated the proposal at this stage. The full application here does not have full and complete details, and as such the only decisions available to Committee are to defer the application with a view to having it returned to Committee after further discussions with the applicants and with a final submission OR to refuse the application now at this stage upon the view sought of members, should that view be a negative one. And that refusal would be upon the impact of the scale and mass of the development, at five storeys in the proportions proposed on a restricted site area, affording a cramped development and one having an unduly adverse impact upon the setting of the site at this juncture upon Inner Promenade with immediate and wider views of the development in juxtaposition to its neighbours.*

Officer Response to Additional Representation from Ribble Point:

1. In this section the comments argues that the decision to delegate the resolving of a number of matters to officers is inappropriate and that the decision on the application remain with Committee if the scheme is to be considered favourably. The officer report explains the reason for the recommendation being to allow a number of matters to be resolved but that Committee's view on the principle of the use and scale and design of the building are sought before additional officer and applicant time is spent on resolving these matters. This is not an unusual approach to take, and whilst the level of outstanding issues is wider than in most cases these are not considered to be of significance and so Committee are advised to follow the recommendation in the agenda report.
2. The support for the Civic Society position is noted with the points raised all addressed in the agenda report.
3. This refers to the scale of the proposed building and highlights that a sketch provided by the planning consultant which was not referenced in the agenda papers. This sketch was provided and does provide an alternative form of development to the application site, albeit one that would reduce the level of accommodation provided. The agenda report provides commentary on the scale and design of the building as proposed and its impacts on the street scene and the neighbouring land uses. As such there is no need to provide further comments on the desirability of an alternative scheme.
4. The consultant highlights that there are elements of the report where a subjective view is proposed. This is a normal position and allows Committee to assess these aspects as part of

their overall decision on the application.

5. The comments refer to the weight to the planning history. These are covered in the agenda report and explain the appealed scheme and the scheme now proposed in sufficient detail.
6. In this section the report is criticised for describing the application site as being part of the Granny's Bay streetscene. The factual situation is that the site is closer to Granny's Bay than the Ribble Point development and so cannot be a boundary to that streetscene. Reference is also made to the desirability of supporting a smaller development on the application site, but this is not for consideration at this time.
7. The consultant highlights the relevance of the appeal decision, and argues the similarity of the current proposal to that under consideration at that time. The agenda report explains the differences in the scheme and the policy position since the appeal, but highlights that the appeal decision is a material consideration in the determination of the current application. The weight to be applied to this is limited however, due to the time, the differing policy position and the difference in the schemes under consideration.
8. This section relates to the difference between the 2007 appeal scheme and the current one in assessing the relationship to the Ribble Point development. The relevant assessment is of the actual impacts of the current scheme and the agenda report covers these matters in appropriate detail and the conclusions are sound.
9. The consultant requests that Committee give consideration to the arguments that are presented regarding the shortage of parking within the scheme in the comments of the local residents and the highway authority. The parking matters are covered in appropriate detail within the agenda report with the availability of visitor space in the area a factual matter.
10. Here the consultant describes the conifer hedge as a soft landscaping feature that can not be compared to the impact of the building. The building will be closer but has a greater separation and lighter finish than the dense hedge in place. The report remains valid in respect of its assessment of the impacts between these features.
11. The comments regarding the amenity consideration of the occupiers of some properties within the development are a matter that the agenda report highlights and explains needs to be addressed through future design negotiations with the agent. The agenda recommendation covers this point.
12. This refers to the conclusion section which is identical to the Summary and so covered in point 1 to this Late Observations section.

Additional representation from 261 Inner Promenade

The owner of the property has written to query the validity of the officer assessment of the impact on that property without any visit having been made to it.

Officer Response to Additional Representation from 261 Inner Promenade

The officer site visits included a visit to the ground floor flat of No. 261, and so it is considered that the assessment is informed by appropriate site visits as this part of the property must be the one

that could suffer the greatest potential impact.

January 2020 representation from individual Ribble Point resident

They object to the application on the basis that it involves development at an over-density. In support of this they refer to the minimum density of 30 dph referenced in the Fylde Local Plan to 2032 and that this does not mention a maximum density but they suggest it should be 50dph as referenced in a government document. They refer to the density in this scheme being 133 dph which is much higher than the existing highest density in the area of 68 dph. They argue that if this is accepted it will become a target density for all future schemes in the area which will cause massive parking problems. He asks that the application be refused to allow the applicant the opportunity to have it tested at an appeal.

Comments on January 2020 individual Ribble Point representation

The density of the development quoted is 133 dph as referenced on the section of the officer report which deals with density matters. The acceptability of this is discussed in that section and it is concluded that it is acceptable to have a higher density provided it does not lead to any planning harms, and it is considered that there are no overriding harms in this case. The approval of this scheme would not set a precedent for all other schemes as they need to be assessed on their own merits in accordance with planning law.

Officer Recommendation

As a consequence of the above, the officer recommendation can be revised as there is now greater clarity in regard to a number of matters that were unresolved in December. This revised recommendation is as follows:

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters being resolved to his satisfaction:

1. *The adoption of the shadow Habitats Regulation Assessment as the council's own following agreement that it is adequate for that purpose with Natural England;*
2. *The completion of a S106 Agreement is to secure:*
 - a) *provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032*
 - b) *a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032*
 - c) *a financial contribution to be agreed (and the phasing of the payment of this contribution) to cover the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010*

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;

3. *The finalisation of a series of Planning Conditions that the Head of Planning and Housing considers are necessary to appropriately control the development. The December report features a suggested list of subjects to be covered by conditions. These have now been worked up into a list of conditions and are included at the foot of the original report.*

Original Report

The following is the original report as presented on the December 2019 agenda.

Summary of Officer Recommendation

The application site is a detached two storey dwelling located in a residential area of Lytham St Annes opposite Fairhaven Lake. The building is not locally or nationally listed and is not in a conservation area. The application is submitted in full and proposes the demolition of the existing building and the erection of a 5 storey building providing 18 flats, with the majority 2 bedroomed. External parking areas and refuse store are provided with these served off a revised access point to Inner Promenade.

The site is within the settlement area and so the redevelopment of the site for a more efficient form of use is in accordance with Policy GD1 and DLF1 of the Fylde Local Plan to 2032. The scale of the building involves a significant increase over the existing, but the site is located at a transition point where the more domestic scale dwellings towards St Annes give way to the larger flatted developments towards Lytham and with this context, particularly the large building of the Ribble Point dwellings to the immediate west, it is considered that the scale of the development is acceptable.

The other key planning implications of the design, relationship to neighbours, and parking provision have all been carefully assessed and it is considered that they are acceptable. As such the officer recommendation is to support the application in principle. However, there are a number of areas where further information and discussions are required with the developer and so the recommendation is to delegate the decision to the Head of Planning and Housing to allow these to be progressed. These relate to: the provision of a surface water plan so that the potential implications for the Ribble Estuary SPA can be assessed, a number of relatively minor design queries that remain to be resolved, the securing of affordable housing (either on-site or off-site) to comply with the requirements of Policy H4, the provision of open space enhancements in the area to comply with policy ENV4, and the drafting of a series of planning conditions. Whilst it would be usual for these matters to have been progressed to a conclusion prior to presenting the application to Committee, having regard to the planning history of the site, officers are keen to understand Members view on the principle of development of a building of this scale and design in this location prior to committing the additional time with the developer to resolve these issues, although there are no indications that they will not be resolvable.

Accordingly, it is expected that the scheme will be capable of revision and progression to a point where it fully accords with the requirements of the Fylde Local Plan to 2032 and so it is recommended that the decision to grant permission on conclusion of the outstanding matters be delegated to officers.

Reason for Reporting to Committee

The application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application is located on the northern side of Inner Promenade within the settlement area of Lytham St Annes. It currently contains a detached two storey dwelling that faces onto Fairhaven Lake with gardens to the front and rear and a driveway entrance to the front. The surrounding land uses are all residential with the 5 storey flats at Ribble Point to the west, a semi-detached Victorian style dwelling to the east that is converted into flats and 3 storey dwellings on Clifton Drive South to the rear.

Details of Proposal

The proposal is to demolish the existing dwelling and clear the site to enable the erection of a 5-storey building providing a total of 18 flats with a revised single access point to Inner Promenade and parking areas to the front and rear. The application is submitted in full.

The accommodation is in a single building with a generally rectangular footprint of 17m in width and 25m in depth although the upper floors are wider as they cantilever over part of the ground floor. The ground floor accommodation provides 4 flats with 2 x 2 bed and 2 x 1 bed along with refuse store and plant rooms. The first, second and third floors each provide 4 flats with 3 x 2 bed and 1 x 1 bed, and the upper floor provides 2 x 2 bed units. This gives a total of 13 x 2 bed flats and 5 x 1 bed flats.

This building is designed with the main habitable windows to the units to the front and the rear elevations, with predominantly secondary windows to the sides. The materials are a mixture of brick and rendered panels, with a tiled roof and large elements of glazing to the front and rear elevations, including a series of balconies.

Parking is provided to the front and rear from a single repositioned access point with a total of 18 spaces provided. A cycle store is provided to the rear, a bin store to the front and a separate pedestrian access is sited more centrally on the front elevation. Landscaped areas are provided across the site frontage and to the sides of the front forecourt area.

The application is submitted with a suite of supporting documentation including a planning statement, flood risk assessment, and a bat survey.

Relevant Planning History

Application No.	Development	Decision	Date
17/0010	PROPOSAL ERECTION 4 STOREY BUILDING TO PROVIDE 7 NO. APARTMENTS WITH GARAGE BLOCK TO REAR (RESUBMISSION OF 15/0708)	Granted	09/03/2017
16/0445	PRIOR APPROVAL FOR DEMOLITION OF DWELLING HOUSE AND ASSOCIATED GARAGE AND OUTBUILDINGS	Approve Prior Determination	11/07/2016
15/0708	ERECTION OF FOUR STOREY BUILDING WITH BASEMENT TO PROVIDE EIGHT APARTMENTS	Withdrawn by Applicant	03/01/2017

07/1231	WITH UNDERGROUND GARAGING AND ALTERED VEHICULAR ACCESS FOLLOWING DEMOLITION OF EXISTING DWELLING DEMOLITION OF EXISTING DWELLING & REPLACEMENT WITH 9 APARTMENTS & ASSOCIATED GARAGING	Refused	12/03/2008
04/0212	GROUND & FIRST FLOOR EXTENSIONS TO FRONT & REAR ELEVATIONS & ADDITIONAL TWO FLOORS OF ACCOMMODATION	Granted	25/06/2004

Relevant Planning Appeals History

Application No.	Development	Decision	Date
07/1231	DEMOLITION OF EXISTING DWELLING & REPLACEMENT WITH 9 APARTMENTS & ASSOCIATED GARAGING	Dismiss	21/08/2008

Parish/Town Council Observations

Not in a parished area.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Landscape and Urban Design)

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Regeneration Team (Heritage)

Lancashire County Council - Highway Authority

Their comments on the application do not raise any objection to the development, but qualify that position with the need to address issues regarding car parking and off-site improvement works. The points raised in their consultation response are summarised as follows:

1. Inner Promenade features limited waiting on the opposite side of the road to prevent overnight parking, and has no waiting at anytime on the same side.
 - The pedestrian refuge that exists outside the site should be improved to feature tactile paving.
 - The two nearest bus-stops to the site on Clifton Drive South should be improved to quality bus standard with raised kerbs
 - The building should be adapted to include 2 electric charging points
 - The parking should be increased to provide a further 6 spaces to serve the needs of visitors in addition to the 18 for the flats, and should include in this number a mobility space to the front and rear.
 - The plans should demonstrate that a refuse vehicle can enter and leave the site in forward gear.

They then suggest a series of their standard conditions which are intended to secure these works and the proper implementation of the parking and access arrangements.

Natural England

They refer to the proximity to the Ribble & Alt Estuaries Special Protection Area (SPA), Ramsar site, and Ribble Estuary Site of Special Scientific Interest (SSSI), and comment:

We request that a HRA is submitted to enable us to provide comments. We note that no detail has been provided with regards to surface water and foul drainage. The application site appears to be hydrologically connected to the designated site. You need to be confident that the application will not impact the designated site.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

Greater Manchester Ecology Unit

They confirm that there are no significant ecology issues within the development site, but highlight the proximity to the SPA. They then conclude that due to the separation of the development from this site by the road and Fairhaven Lake and its car park and that the site is already developed, they believe that any post development impacts will be negligible.

They refer to the comments of Natural England regarding the potential for the site to be hydrologically linked to the SPA. They conclude that the risks of this contamination are limited but highlight that the law (as set by case law) confirms that these risks need to be established and then assessed at the time of a decision and so a HRA is likely to be required to enable the scheme to be progressed to a planning permission. This can only be established through the submission of drainage information which is currently missing from the supplied information.

They concur with the bat survey and do not believe that this is a significant issue, but suggest that a note be added to ensure that the demolition is undertaken with suitable precautions.

They refer to the moderate bird nesting potential of the front garden and request that a condition be imposed to ensure that this area is not cleared in the nesting season to avoid the potential for offences under the Wildlife and Countryside Act.

Lancashire CC Flood Risk Management Team

Whilst no comments have been received at this time, the scheme does not currently provide any details of the surface water drainage proposals. This information has been requested and it is agreed that the comments will be provided by the LLFA on receipt.

Strategic Housing

They have been consulted on the application and have confirmed that there is a significant demand for affordable housing in the borough, with 2576 applications on the MyHomeChoice lettings scheme looking for accommodation in Fylde. Of these around half are seeking accommodation of the 1 or 2 bed scale that is proposed in this development. Having explained that the Housing Team advise that:

“There is a high demand for affordable housing in Lytham and a limited supply and so affordable housing should be provided as part of developments wherever possible. Therefore there will be a requirement for affordable housing to be delivered on this site.

The planning proposal comments that an off site contribution of £50k per unit would be made. With the high level of demand for 1 and 2 bed units within Fylde this would not be acceptable and we would be looking at the outset for an affordable housing provider to work with the Developer to deliver affordable homes as part of this development. I expect that there would be significant RP interest in working on delivering affordable housing as part of this scheme."

Local Education Authority

The County Council have provided comments on the application in their role as the local education authority using their approved methodology for assessing the need for school places from a development and the generating of contributions from developments to address any shortfalls in provision that are identified.

They have assessed the scale of the development and conclude that it is likely to generate 1 additional primary school place over that which exists from the 4 bedroomed house that currently stands on the site. They conclude that there is sufficient capacity in local schools to accommodate this additional place and so make no request for primary education contributions from the development.

They undertake the same exercise in relation to secondary education and conclude that there is likely to be no net increase in scale place demand from the development compared to the existing situation. As such so make no request for secondary education contributions from the development.

Fylde and Wyre CCG

They have been advised of the application but have not, to date, made any comment on it.

United Utilities

Raise no objections to the development subject to standard conditions relating to the need for the site to be drained to separate systems and the surface water drainage follows the drainage hierarchy. They also request that the future management arrangements for the surface water drainage scheme be secured through condition.

Lancashire Fire Service

They have made general comments about the need for new residential development to provide suitable access for fire tenders and a capacity of hydrants near to all dwellings.

Lytham St Annes Civic Society

We lament the loss of one of the few remaining villas surrounding Fairhaven Lake. It is of particular interest and charm in the Arts & Crafts style with a distinctive sundial of 1927. We would like to see the latter incorporated in any new development.

Although we objected to demolition on the previous application we understand that permission was granted for seven apartments. This is a much bigger development and will have a much bigger impact on its surroundings, and we prefer the previous plan. There seems to be very little green landscaping due to parking needs. We also feel that a terracotta roof rather than dark grey would allow the building to blend in better with existing adjoining properties.

Neighbour Observations

Neighbours notified:	25 March 2019
Site Notice Date:	28 March 2019
Press Notice Date:	04 April 2019
Number of Responses	13 letters have been received from 10 properties (6 in Ribble Point, 3 other Inner Promenade neighbours, and 1 from Clifton Drive). A planning consultant has also responded as a collective representative of the occupiers of the neighbouring Ribble Point development.

Summary of Comments All correspondence received is opposed to the development.

The points made by the planning consultant are summarised as:

Planning History

- There has been a previous appeal for a scheme of 9 flats on the application site that was refused by Fylde Council and dismissed on appeal. This remains a relevant consideration
- There is a planning permission for the erection of 7 apartments in a 4 story block which represents a fallback position for the applicant.
- There is a demolition consent in place allowing the building to be demolished and so this is not an issue for consideration now.

Submitted Details

- The application is deficient as there is no Transport Assessment, no Design and Access Statement, no comparative analysis of the scheme to its predecessors, no sun-path analysis, no topographical survey to indicate the existing building levels, and no details of the proposed landscaping.

Streetscape Comments

- The existing property is an attractive Arts and Crafts style dwelling that sits comfortably in its plot whereas the proposed development is significantly larger in its height, frontage width and has no stagger to the front elevation to reflect the character of the existing streetscene
- The proposed eaves height to the new building will be higher than that of the Ribble Point on that side, which fails to respect the efforts made by the designers of Ribble Point to give it a domestic scale. The scale of the submission development represents a very significant increase visually upon what currently exists upon site. This will give the new building a very dominating appearance, and so the consultant suggests that this element of the building should be of a reduced scale to address that impact.

Landscaping Comments

- The details provided are only symbolic but sufficient to conclude that the majority of the landscaping on the site will be lost.

- Inadequate compensatory planting for this is proposed.
- The 2008 appeal inspector criticised the scheme for a failure to provide suitable landscaping to soften the bulk of the building, and that remains the case with this submission.
- That decision also referred to the lack of open space around the building, and that issue is repeated with this scheme which has only parking around the building.

Parking

- The limited provision of parking spaces on site is inadequate and will lead to on-street parking in an area where this is already a high degree of such parking and where it is limited, particularly in summer.

Local Plan and Policy Implications

- The consultant refers to the requirements of Policy GD7 relating to the design of new development and argues that the scheme is in conflict with a number of the criteria of this Policy.
- Reference is then made to the compliance with the New Flat Development policy that was adopted in 1989. The consultant argues that his scheme is relevant for the consideration of this scheme despite its age, and then highlights that he believes it fails to accord with Policy 2a of this document which requires that developments conform to existing streetscape character particularly with regard to building lines and plot density.

Precedent

- Reference is made to the 2008 appeal decision, and particularly the Inspector's view that this property and its neighbours provide an element of domestic scaled properties that give an element of relief from the larger flatted developments that exist in the wider area. He argues that this remains a failing of the current proposal
- Reference is then made to the NPPF and its focus on delivering well designed development that respond to the local character of an area, and whilst there are many flatted developments in that area, this is not the traditional character that should be emphasised in new development.
- He highlights that the 2008 Inspector agreed that whilst the delivery of housing in accessible locations was a key benefit, this does not outweigh other considerations, and so he asks that this application be refused as it is not of a suitable scale and design for this site.

The points made by the individual residents are summarised as:

- The parking proposed on site is inadequate and will lead to a large amount of overspill parking on Inner Promenade. This is compounded by the lack of any provision for servicing vehicles within the site.
- There will be significant overlooking of the rear garden area to

Ribble Point

- The building will lead to a loss of light to the flats in the rear part of Ribble Point and the side elevation
- The refuse store is inadequate in its size and inappropriate in its location so it will lead to noise and odour issues to the nearby flats.
- Bats are regularly seen in the area so may roost in the existing building or trees.
- The scale of the building is overly large for the plot and the surrounding area. The site has permission for 8 flats and this is a more appropriate number
- Concerns over the potential structural implications for the older dwellings at the east of the site due to the likely use of piling to construct the flats.
- The loss of another one of the original properties from the area is highly disappointing and a loss of the heritage of the borough.
- The scheme will lead to significant overlooking and loss of privacy to the properties to the rear on Clifton Drive though the height of the building and the use of balconies
- There will be a removal of a significant area of garden and its replacement with hard surfaced parking areas which harms the habitat of wildlife and the drainage in the area.
- The building was regarded as a fine example of local architecture by a previous Inspector and remains so. It should be preserved as a reminder of the borough's heritage.
- There is no detail of how the affordable housing requirements of the development are to be satisfied.
- The design of the building does not reflect the local architectural standards
- The building will lead to a loss of privacy and light to the flats in the building at 261 Inner Promenade

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
S1	The Proposed Settlement Hierarchy
GD1	Settlement Boundaries
H2	Density and Mix of New Residential Development
GD7	Achieving Good Design in Development
H4	Affordable Housing
ENV4	Provision of New Open Space
INF2	Developer Contributions

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The application site is located within the settlement of Lytham St Annes as designated by Policy GD1 of the Fylde Local Plan to 2032 (referred to as FLP32 hereafter). The justification to that policy explains that land within the settlement should generally be treated as suitable for development.

The FLP32 sets the development needs of the borough in the Plan period in Policies S1 and DLF1. Policy S1 confirms that Lytham (including Ansdell) is a Key Service Centre and so an area where “a range of housing and employment opportunities will be promoted and delivered.” Policy DLF1 expands on this by allocating the borough’s housing needs through a settlement hierarchy and confirms that the majority of future growth is to be focussed in the four Strategic Locations for Development, with Lytham St Annes being one of these. These policies set the context for the principle of residential development on the site.

The details of this are assessed through the other policies of the FLP32, principally Policy GD7 which sets out a series of design criteria that new development is to satisfy. The policies of the Housing Chapter of FLP32 are also relevant with Policy H2 looking at the density and mix of development, and policy H4 securing the provision of affordable housing. There are also various policies associated with the delivery of appropriate infrastructure, drainage, ecology and the other key material considerations for a scheme of this nature which will be referred to where relevant in the remainder of this report.

Planning History

The planning history of a site is a key material consideration in the assessment of a planning application. In this case there are two relevant recent decisions, and a more historic one which members need to be aware of.

Most recently a planning permission has been granted under reference 17/0010 for the demolition of the existing dwelling and the erection of a 4-storey detached building providing 7 apartments with a rear garage block providing the parking arrangements. This is an extant permission that can be implemented at any time up to March 2020, subject to the prior discharge of a number of pre-commencement conditions. This confirms that the principle of the loss of the existing building and the redevelopment of the site for a more intensive form of residential development is established as this permission provides a fall-back option for the developer at the present time. Prior to that the council approved a Demolition Determination application under reference 16/0445 which confirmed that the building could be demolished, and so reinforces that aspect.

More historically, an application was refused in 2008 for an application for the erection of a building that provided 9 apartments on the site in a 4-storey building under reference 07/1231. That decision was subject to an appeal which was dismissed. The Inspector concluded that the site was a suitable one for development, but that the details of the scheme presented were unacceptable. He was particularly critical of the bulky nature of the development that was created by the 4-storey scale and proximity to the site boundaries which he felt harmed the outlook from the adjacent Ribble Point development and the appearance of the building in the streetscene. Whilst this decision is now quite dated and was made against a different local plan and national policy framework, it raises issues that remain relevant to the consideration of this application and so which will be discussed in the remainder of this report.

Principle of Residential Development

With the site being an existing residential property within the settlement where residential uses are found on all developed sides it is appropriate that a residential re-use of the site is acceptable in principle. This is confirmed by the recent planning history that confirms the redevelopment of the site is acceptable providing that there is a suitable design, scale and other details to the proposed development. Accordingly the principle of the development is acceptable.

Scale of Proposed Development in Streetscene

The existing building is a two-storey house with a traditional scale and appearance. It sits between a larger 3 storey building at Nos. 261/263 to the immediate east and an even larger 4-5 storey building at Ribble Point to the immediate west. The site is within the transition between the more domestic scaled properties that front the majority of Fairhaven Lake to the west, and the much larger redeveloped flatted buildings that front Granny's Bay to the east. In many respects the two-storey scale of the existing property is out-of-scale with that taller buildings around it, although that does help with visual relief of the streetscene in the longer range views that are available looking back at the settlement from across Fairhaven Lake.

Given the position of the building to the east of Ribble Point and the scale of the other buildings to the east of this site, it seems appropriate to read this site as forming part of that Granny's Bay streetscene. The scale of development in that area is almost exclusively of large 4 storey flatted buildings with these taking a range of styles but predominately having a significant bulk on their respective plots with flat roofs to the buildings and balconies to accentuate their use as flatted buildings.

With regards to the planning history, the extant permission is for a 4 storey building, albeit one with a reduced height to that proposed here as it provides accommodation in its roof. The earlier scheme which was refused for reasons of its bulk and scale had a height that replicated that of the Ribble Point development but was wider than the current proposal which meant that its height was even closer to the boundary with that property and so would intensify the scale of development in the area.

The proposal is for a 5 storey building and so provides an additional floor of accommodation over the neighbouring buildings. This is achieved by reducing the ground floor level of the building slightly, and by providing the flats with a minimal internal ceiling height. The resultant building has a staggered ridge line with the higher element to the Ribble Point side and sitting below the ridge to that building, and the lower part of the ridge sitting below the ridge of the building at 261/263 to the other side. This is a conscious effort by the architect that attempts to prevent the building from dominating the scale of these adjacent buildings. Further efforts are made on this by providing the building with a depth of roof that reflects the scale typically found on a dwelling, by incorporating elements of relief to the front elevation with a pair of forward projecting gables, by using a mix of materials to the front elevation, and by adding vertical and horizontal features to the front elevation to break up its appearance.

The result of this work is that it is considered that the building has a scale that is not unduly tall in its context, and will not appear as an overly dominant feature in the near views available from Inner Promenade or the more distant views available from across Fairhaven Lake. However, officers accept that this is not a clear-cut position, and it is with this in mind that the report is presented for consideration at this stage when a number of the peripheral issues around the decision remain to be finalised. If members do not agree with the recommendation of officers and feel that the building is overly intensive and bulky for the site then this will allow that decision to be made without

spending time negotiating these more finer details. Nevertheless the officer view is that the proposal meets the requirement of Policy GD7 criterion d) with respect to the scale of the development relating well to its surrounding context.

Design of Proposed Development

The existing building has an Arts and Crafts led design with a large Rosemary tiled roof above a rendered building with stone detailing. The approved flatted development from 2017 has a similar design approach but with an increase in scale and the use of a series of balconies and other more modern features. The refused scheme from 2008 was more brutal in its design and followed the approach found in many of the other flatted buildings in Granny's Bay with a symmetrical form of vertically positioned windows and balconies.

The development now proposed is a combination of these two approaches: it features the vertically aligned windows to the front elevation of the majority of other buildings in the wider area, but introduces a series of roof arrangements with projecting gables and dormers to add some articulation to the front elevation. This is enhanced through the varying heights to the windows, the relief provided by a pair of forward projecting gables, the use of materials, and the larger scale to the roof.

This approach is carried through to the rear elevation, albeit in a simpler form. The vertical windows remain but this also features some relief through a staggered rear elevation and through the use of dormers to the roof, a range of materials, and some balcony features. The side elevations feature limited window openings, although there is a large glazed area that illuminates the internal staircase to the eastern side elevation and a range of materials are used.

One slightly unusual design feature is that the upper floors have a greater width than that offered by the ground floor, with that achieved through the use of a cantilevered construction to the eastern side that is towards 261 Inner Promenade. This reduced ground floor width allows for the provision of a vehicle access to the rear and is positioned at a full storey above the driveway level. In itself, this creates a rather awkward 'lob-sided' appearance to the front elevation of the building but it is masked by the provision of a gate to the front elevation that will obscure this cantilever feature when closed so that it will read as a more natural form of construction. With this gate being used it is considered that the appearance of this cantilevered section will not be so harmful that a refusal of the application could be justified, although a condition is required to ensure that this gate is constructed and has an appropriate closing mechanism to ensure it remains closed when not in active use.

The Inspector in 2008 was critical of the design approach taken in some of the flatted developments in the wider area which he felt had not integrated successfully with the traditional character of the area. He did however, note that where more modern buildings had utilised traditional features this helped them integrate more successfully except where their scale and massing undermines that design approach. In this case the building is a large one, albeit smaller than that considered in 2008, and features a design that makes successful use of elements that assist with integrating it into the streetscene which is dominated by the Ribble Point development and the wider flatted schemes to the east. As such it is considered that the current proposal provides a design solution that meets the requirement of Policy GD7 criterion d) with respect to the design of the development relating well to its surrounding context

Density and Massing of Proposed Development

One of the reasons that the Inspector dismissed the appeal against the refusal of the 2008 scheme was that he found the building in question to be harmful due to being larger and more bulky than

the prevailing character of development in the area. This proposal is smaller in height than that previous scheme despite the additional floor of development and is narrower to retain a more balanced width on the plot. It is clearly a larger building than the 2017 approval, and features a frontage width that projects forward of the Ribble Point building whilst that earlier scheme had a more pronounced stagger to follow the 'building line' in the area which is created by the pair of semis at 261/263 being set back from the other dwellings in the block. This creates some implications for the streetscene view when approaching from the east, and in the relationship to the neighbour at No. 261. That latter impact will be assessed later in the report, but the streetscene impact is considered to be adequately mitigated by the use of a slight stagger to the relevant front corner with that supported by a series of windows and vertical material changes to the visible side elevation of the building that mean it will not appear as a blank and solid corner when viewed from that aspect. It is undeniable that the massing of the building in the streetscene will be significant, but the key test is whether this is a harmful impact and on balance it is considered that this is not the case with the scheme, although again this is an area where officers accept that a contrary conclusion could be reached.

With regards to the density of development, Policy H2 of the FLP32 requires: *"Developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area."* The Policy then suggests a minimum density of 30 dwellings per hectare should be applied. In this case the application site has an area of around 0.135 Ha., and so with a scheme for 18 dwellings this delivers a density of 133 dwellings per hectare. It is not untypical for flatted developments such as this to deliver such high densities and the policy recognises this and refers to the need for such developments to not create highway safety or parking issues, be carefully designed, be orientated towards the street and provide sufficient amenity space for its residents.

Subject to these elements being satisfied, as are addressed elsewhere in the report, the density of development is acceptable. Indeed, with the site being located at a highly accessible location in a Key Service Centre and close to a range of shops, leisure, health, education and other amenities it is highly suited to a high density development. That being said, this does bring some concerns as the scale of the building and its parking arrangements mean that the site is fully developed with little space for landscaping and so could indicate that a slightly lesser density may be appropriate should Members believe the scale of the building to be overly large.

Policy H2 also makes reference to the mix of bedroom sizes in new residential developments and promotes the provision of smaller units to meet the identified demand and shortfall of such accommodation. With this scheme providing wholly 1 and 2 bedroomed units it satisfies that policy objective also.

The other elements of Policy H2 (provision of elderly accommodation in schemes over 20 units, the development on gardens, and the provision of custom and self-build homes) are not relevant to this proposal due to the scale and nature of the scheme. Accordingly, the proposal is considered to comply with all elements of Policy H2 and with the density requirements in Policy GD7 criterion d).

Access and Parking Arrangements

The policy position with regards to this element of the assessment of the application is provided in para 109 of the NPPF, in various criteria of Policy GD7 of the FLP32, and in the policies of the Transport Chapter to that Plan.

The existing dwelling on site is accessed from a single width driveway to Inner Promenade with that leading to a driveway that runs alongside the house to a garage located to the rear. This provides

ample parking spaces on site for the single dwelling. The proposal is to relocate the access on the site frontage with parking provided to the front and rear of the building.

The relocation of the access on the frontage is a simple change, and with the wide character of Inner Promenade, its function as one of the main connecting routes between Lytham and St Annes, and the good visibility that is available it is not considered that there are any issues with the geometry or location of the revised access position. There are also no concerns with the capacity of that road to take the additional vehicle movements inherent in a development of this scale. A series of conditions are appropriate to ensure that the revised access is properly delivered with a suitable detailed design and construction. The proposal will therefore comply with the requirements of Policy GD7 criterion q) in this regard.

The local highway authority refers to a series of measures to promote pedestrian connectivity, the attractiveness of access to bus services, and the provision of electric vehicle charging points on site. These are all appropriate suggestions for a development of this nature and should be secured through the imposition of a series of conditions to any approval to ensure that they are implemented at an appropriate stage of the development. The proposal will therefore comply with the requirements of Policy GD7 criterion r) in this regard.

The one area of the local highway authority's comments that cannot be addressed by condition is their suggestion regarding parking provision. In their consultation reply they suggest that the parking provision on-site is increased from the 18 spaces that are provided to 24 spaces, with the additional 6 spaces being designed to accommodate the needs of visitors to the site. The level of parking provided is an issue that several residents have also raised in their comments on the application.

Whilst the potential for increasing on-site parking has been discussed with the applicant, the scheme remains with the 18 spaces initially proposed and so provides one space per residential unit. The scale of the scheme on the site means that it is not physically possible for additional parking to be provided, but it is also not considered to be necessary by your officers. The level of parking provided ensures that each of the flats that is proposed has a single parking space, and with the accommodation provided being 1 and 2 bedroomed flats and the accessible location of the site to local services in Ansdell and other neighbouring parts of Lytham and St Annes, it is considered that this is adequate in this context.

The provision of visitor spaces for a development can be helpful where there are significant parking pressures in the area around the site, or there is a lack of any available spaces in that area. However, that is not the case here as the circumstances around this site are that there are extensive areas of on-street parking available and the re-developed Fairhaven Lake Car Park will be operational prior to the development of this scheme. These areas are specifically designed to accommodate the parking needs of visitors, and whilst they are subject to pressures at the peak holiday season, there are very few occasions during the year where a visitor would not be able to park in a convenient walking distance to this site. On this basis the local highway authority's suggestion that visitor parking spaces are required in the scheme is not one that officers can support, and is certainly not one that would lead to the parking levels being in conflict with the policies of the Fylde Local Plan to 2032, or resulting in the harm that is needed for a scheme to be in conflict with the NPPF. This is set out in para 109 and states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

As such it is officer view that there are no access or parking reasons that could justifiably be used to

oppose the development.

Relationship to Neighbours

One of the key assessments with any planning application is how the works that are proposed relate to the neighbouring land uses, and with this proposal having residential neighbours on both sides and to the rear it is critical that these relationships are all carefully assessed. The perceived impact on the occupiers of the neighbouring Ribble Point flats was one of the issues that the 2008 Inspector found to be a failing with that earlier scheme and so that emphasises the importance of the assessment of these relationships.

Policy GD7 criterion c) requires that the amenity of neighbouring uses is not adversely affected by development and so this provides the relevant policy test for this assessment. Looking at the neighbouring relationships in turn:

Ribble Point

This is a four-storey apartment block located to the immediate west of the application property. It has a main part of the building with a rectangular footprint and a central rear 'outrigger' feature. The nearest part of the main building is set around 5m from the boundary with the application site at the nearest point. This features a series of non-habitable stairs windows and some secondary windows to the flats themselves that are obscurely glazed. The rear part of the building is two storeys with the first floor providing a flat with habitable windows that face across the rear gardens to Ribble Point towards the application site at a separation of around 13m.

The application proposal sits generally alongside the main body of the Ribble Point building with a staggered construction that places it around 1m inside the boundary at the closest point. This means that the prominent conifer hedge that currently runs along this boundary within the application site will be removed and the building will be visible from some of the flats at Ribble Point and from the rear garden area. This was an area that the Inspector criticised in the 2008 decision as he felt that the scheme under consideration at that time would cause an overbearing outlook to the occupiers of these flats.

Having considered the relationship of the new development to the Ribble Point development from within its grounds and one of the outrigger flats it is not considered that there will be any undue massing impacts suffered by the occupiers of this development. The majority of the proposed building is alongside the side of the Ribble Point building, and so will represent a typical relationship where the side of one large building sits alongside the side of another. The flat in the rear outrigger of Ribble Point will maintain a generally open outlook across the application site as its windows are generally faced in that direction, and the amenity in the rear garden area will not be significantly affected by massing due to the existing use of this area being compromised by the dense conifer hedge which runs along this boundary to a height of around 6m and the separation of the proposed building from this area.

With regards to privacy impact, the side elevation of the new development will feature some windows with a single second bedroom and two bathrooms on each floor. The position of these is such that they generally face the side elevation of the main Ribble Point building but will need to be conditioned to be obscured to ensure that there is no undue overlooking impacts caused as a consequence of their position within 1m or so of the site boundary if they are retained in their current form. Given that this involves some bedrooms in the proposed building the implications for occupier amenity is considered in a subsequent section of this report, and is a matter of on-going discussion with the applicant.

The rear elevation of the new development features a series of habitable windows at all floors and includes balconies which will enable a wider angle of vision to be obtained. However these windows are directed over the rear parking area of the application site such that only angled views are available of the garden area of Ribble Point with no direct views available into any of the flats. These garden areas are already overlooked by the flats within Ribble Point itself and there is no possible harm caused to the users of this area from the development that is proposed, although a condition is appropriate to ensure that a side wall is added to the balconies to ensure that no directly sideways views are available to the flats themselves. This will require some design to ensure that the large balcony feature to the upper floor does not offer any side facing views as this would be in a position where it would lead to unacceptable overlooking of the outrigger flat to Ribble Point as the separation of around 22m is inadequate for a relationship where buildings of this height are involved.

261 Inner Promenade

This is a semi detached building providing accommodation over 3 floors that is divided horizontally into two flats and has a series of side facing windows that face onto the application site. The proposal has been viewed from the ground floor flat which features a window that serves the dining room to the flat along with the bathroom window and other windows to the hall and a storage area. The side elevation also features a larger window that serves the stairs and landing to the first floor flat. Of these the ground floor dining room window is the only primary window to a habitable room.

At present the dining room faces to the roof of the garage to the application property and whilst this is relatively close to the window, given the driveway width separation between the building at 261 and the application site boundary, the design and scale of the garage ensure that the garage has no harmful impact on the amenity available in this room.

The approved scheme from 2017 changes that as it involves the erection of a three storey building with a separation of around 3m from the side boundary with 261 and with a depth that reflects that of 261 and so was across the dining room window to this flat. This has a significant massing impact on the window and establishes a position whereby the amenity of the occupiers of this flat is compromised to a degree by the extant, but unimplemented, development. The assessment to make now is not therefore whether the current proposal is more harmful than the current situation, but how the proposal relates to the approved scheme given that this represents a fall-back to the applicant.

The scheme that was originally proposed when the current application was submitted changed the relationship further as it involved the formation of a full 5 storey building across this window, at a similar separation distance. This was considered to be unacceptably harmful to the amenity of the occupiers of 261 and so a revision has been proposed. This retains the depth of the building and its width at ground floor, but removes the rear corner of the development so that the element of the building that faces this window is now set in from the boundary by just over 4m to give an overall separation of around 7.5m. Whilst the application continues to provide a 5 storey building that is across the dining room window to this flat, the increased separation will reduce the massing impact to a degree that is considered acceptable given the fallback position that is established by the 2017 approval, and the orientation of the affected window. This is again accepted as a marginal conclusion in the overall assessment of the application.

There are a series of windows in the side elevation of the proposed building that face this property which serve the kitchens to the flats that are on this side of the building at all floors. However these are all at a high level in the rooms that they serve so that there is no prospect of any overlooking of the windows and garden to this neighbour. The exception to this is the upper floor

as this has a side facing balcony, and so creates a potential for overlooking of the garden area to this property. Whilst this is not a usual relationship, the height of this balcony and the arrangement of the neighbouring property mean that the overlooking will be largely over the roof to the building, its driveway and the far parts of its garden. However, there will be some clear views over the main part of the garden and so a design change relating to the use of louvered screens to this balcony is under discussion with the applicant. Assuming that a suitable conclusion to these is reached then the proposed scheme will not lead to any undue overlooking of this neighbour.

The position of the building on the plot and its scale means that there is a potential for the front corner to create an impact to the front elevation of the flats in No. 261 as it is well forward of that property. However, the separation distance involved and the open aspect enjoyed by the property to the front is such that any harms caused by the development are minimal and do not create an undue impact on the residential amenity that is available.

Clifton Drive

The rear boundary of the application site is shared partly with a garage to the Ribble Point development which wraps around the development site, and partly with the garden to 58 Clifton Drive which is a detached dwelling on that road. The proposed development clearly has no impact on the garage element, but there is the potential for it to impact on the property to the rear and its neighbours.

The proposed development features accommodation over 5 stories to the rear with habitable accommodation provided in all floors and featuring bedrooms and lounges. There are also a number of balconies, include a large area on the upper floor flat.

The council has an adopted Supplementary Planning Document which offers guidance on the development of flatted buildings in the borough, and whilst it is dated as it was adopted in 1989 its guidance in separation distances remains helpful. This suggests that where a 2 storey property (as at Clifton Drive) faces a 5 storey development (as proposed here) then the separation distance that is appropriate to ensure that there is no undue loss of light or massing impacts is 42m, as opposed to the 21m that is generally sought as a minimum where 2 storey developments face each other.

At this site the distance from the rear of the dwelling at 58 Clifton Drive to its rear boundary is around 26m, although that is reduced by a rear outrigger. The distance of the proposed flats to the rear boundary is 18m which gives a combined separation of 44m which exceeds the minimum set out in the SPD. This distance is split relatively evenly between the two sides such that the flats is not relying wholly on the separation on the Clifton Drive side of the boundary. The separation that is available to the neighbours to No. 58 are greater as a consequence of the angle of view.

It is therefore concluded that the separation that is available to the neighbours to the rear is sufficient to ensure that no undue privacy loss will be suffered by their occupiers, and that the proposed development will not lead to any undue massing or other impacts that could compromise their residential amenity to an unacceptable degree.

Summary

Given the above commentary it is officer opinion that having viewed the proposal from the key vantage points, and considered the impacts that it causes carefully, there are no over-riding impacts on the amenity of the occupiers of neighbouring residential properties from this development. It complies with the requirements of Policy GD7 criterion c) in that regard.

Amenity of Occupiers

There is a single flat on each of the upper floors that has a second bedroom window on the side elevation that is set just inside the site boundary and faces Ribble Point development. A clear glazed window in this location would not be acceptable due to the overlooking of the Ribble Point site, and an obscurely glazed window to address that would unacceptably compromise the amenity available to the occupiers of these flats. This is an aspect that would be contrary to criterion o) of Policy GD7 which requires that new development provides a high standard of amenity for its occupiers. This is an area that is under active discussion with the applicant who has proposed the use of an angled window to allow forward facing views only from these bedrooms. This is likely to be a viable solution as it will ensure that the rooms have a view, but that this is only over the publicly viewable front garden areas of Ribble Point and so will not compromise privacy in that building. The final details of this are outstanding at the time of writing this report and so it is an area that officers would resolve prior to any decision on the application.

Provision of Affordable Housing

Policy H4 of the FLP32 requires that any development of 10 units or more contributes towards affordable housing provision, with that contribution set at 30% of the overall scheme. The Policy then sets out further details of this, including a requirement that priority be provided to delivering affordable housing on-site wherever the council believes that it is appropriate.

Further clarification on the implementation of Policy H4 has been provided in a Supplementary Planning Document on affordable housing. This was approved for consultation purposes at the 11 September 2019 meeting of the Planning Committee and that consultation has commenced. Whilst this document is only in a draft form, it must be given weight in the assessment of planning applications of this nature as it provides an indication of the council's approach to delivering the requirements of Policy H4.

The application involves a net increase of 17 dwellings over the existing single property on site and so clearly exceeds the trigger for affordable housing provision in Policy H4. As 30% of 17 dwellings is 5 dwellings then this number of properties should be provided if the scheme is to meet its affordable housing obligations on site. The supporting Planning Statement submitted with the application claims that it is not appropriate to provide affordable housing on site, and so instead refers to the provision of a financial contribution towards off-site provision of affordable housing. Policy H4 does allow for off-site contributions, but requires that this is at 43% of the development to account for the affordable housing obligation of the site where the housing is to be provided. In this case that percentage equates to 7 units with the planning statement suggesting a contribution of £50,000 for each of these be made, providing it doesn't unduly impact the viability of the development as a whole.

The views of the council's Housing Services Manager as set out in her consultation response are that there would be Registered Provider interest in delivering affordable housing on site. Whilst there are general concerns over the management obligations for this form of affordable housing as part of a larger flatted development, the advice provided is that this is not unsurmountable and so officers recommend that any approval of this development should be subject to a legal agreement that requires the provision of 5 of the units as affordable housing. Policy H4 explains that whilst flats are not generally used for delivering affordable housing, the decision is one for the council and with the high levels of demand for units of this size, and particularly for delivery of affordable housing in Lytham, then this option should be pursued at this site.

The tenure of the affordable housing would form an element of that legal agreement and should be predominantly affordable rent given the overwhelming need for that tenure in Lytham, although

other tenures such as shared ownership or discounted market sale properties could make up the balance providing the units are appropriately priced to make them affordable. The provision and tenure of affordable housing is an aspect that is the subject of on-going discussion with the applicant and is a further element that could be delegated to officers to resolve if Committee were minded to support the principle of the development.

The submitted details with the application suggest that its affordable housing obligations should be met through the payment of a commuted sum to the council, in the event that it is not unviable, at the level of £50,000 per affordable unit needed (i.e. £350,000). That level of contribution has been sought previously in schemes of this nature, but with the progress that has been made on the Affordable Housing SPD it is appropriate to use the approach set out in that document in the event that off-site provision is acceptable in this location. The SPD calculates the contribution based on the cost of delivering an equivalent unit in that area, and requires the applicant to undertake some discussions with a series of Registered Providers to establish the value of the on-site affordable to establish the level of an appropriate commuted sum. The applicant has been directed to this SPD also in the event that the provision of on-site affordable housing is ultimately not achievable.

The applicant has raised a query with the viability of the development, but has not provided any evidence of this that the council can assess. Should they provide that then this is an area that will be examined as is normal in such cases. Irrespective of this the guidance in para 64 of the NPPF requires that at least 10% of a major scale development is affordable in all cases and so this will need to be delivered or the scheme will be contrary to that guidance which would justify a reason for its refusal.

For the development to meet its affordable housing obligations under Policy H4 of the Fylde Local Plan to 2032 it will be necessary for a s106 agreement to be entered into prior to the grant of any planning permission that requires 5 of the units to be provided as affordable housing, with at least 3 of these as affordable rent.

Putting aside any other consideration of the principle of development, if the Committee resolve to support the scheme it would be appropriate for the provision of affordable housing to be delegated to the Head of Planning and Housing to enable officer discussions with the applicant. These are likely to be focused on:

- The desirability of on-site provision of affordable housing in this scheme
- The number and tenure of units to be provided
- The potential for off-site provision to be accepted in the event that on-site provision is not achieved
- The extent of that commuted sum to accord with the requirements of Policy H4 and the draft affordable housing SPD
- Any assessments of the impact on the viability of the development that the provision of this affordable housing creates
- The use of a reason for refusal relating to a conflict with Policy H4 should the scheme not provide an appropriate level of affordable housing

Provision of Public Open Space

The increased scale of the development on site will inevitably increase the population on the site, and so the demand for the use of open space. This is an aspect that is covered by Policy ENV4 of the FLP32 which sets out an amount of open space to be provided per bedspace in new developments, and links with Policy INF2 which sets out a series of infrastructure works that the council can require new developments to provide to meet the need raised by that development.

In this case there is no on-site open space provided, and no on-site amenity space available given that the whole of the external areas is given over to the parking arrangements. This would not normally be an acceptable situation, but in this location there is a ready access to open space facilities on the area around Fairhaven Lake and with the availability of a pedestrian island of Inner Promenade to allow that to be access it is considered that this provides a reasonably well located existing open space area to serve the development.

The Policy does enable the provision of financial contributions to enhance the quality of the open space that serves the development, and with this area being so accessible to the development it is appropriate that this scheme makes a financial contribution towards its enhancement. The FLP32 relies on a not-yet-produced SPD to calculate the payment of such commuted sums, but the council has previously used a sum of £1,000 per unit for this and that is an appropriate and proportionate contribution in this case also. This should be secured through a clause in a s106 agreement should Committee support the development and would amount to £17,000 in total based on the net increase in the number of dwellings resulting from this scheme. With that in place the scheme will comply with FLP32 policy and will provide its residents with an appropriate access to suitable open space.

Provision of Education Places

Policy INF2 of the Fylde Local Plan to 2032 contains an obligation for developments that increase the calls on a range of infrastructure and services to make contributions towards addressing any identified shortfalls in that service.

Lancashire County Council as local education authority have assessed the application and conclude that whilst it is expected to generate an additional primary school place over the existing dwelling on site this can be accommodated within the surrounding schools. As such no contribution request for primary education is made. There is not expected to be any increase in secondary school pupil yield from the development and so no funding requests are made for that provision either.

Given these views of the local education authority it is not considered that any funding requests for education capacity are required from this development.

Provision of Health Capacity

The provision of health infrastructure is an element that is specifically mentioned in Policy INF2, but until recently the Fylde and Wyre Care Commissioning Group (as the local NHS agency) have not been in a position where they had any adopted documents that could support such requests. However, they have recently adopted such a policy and so it is likely that funding requests from the CCG where capacity in local GP practices is overly stretched will become a regular feature of the council's planning decisions.

In this case the CCG have not offered any comments on the application, with a reminder having been sent to them on the recent presentation of their policy document. With the lack of any request having been received it is assumed that there are no concerns over health capacity in the vicinity of this site.

Ecology Matters

There are two potential areas of ecological importance in the assessment of this application: the implications for the nationally and internationally important estuary, and the implications at a local level should there be any protected species present on the site.

Looking at the implications for the Ribble Estuary first, the comments from Natural England highlight that the council should undertake a Habitats Regulation Assessment and refer to the absence of any documentation of this nature with the application. They also describe the site as appearing to be hydrologically connected to the designated site.

The council's ecological consultant takes a more pragmatic view on the likely risks of pollution to the SPA due to the physical features that separate the site from the Estuary and the current developed state of the site. However, they agree that the absence of any drainage information with the application means that the council cannot be satisfied, to the degree that is legally required, that the development will not harm this protected area.

This is an area that has recently been raised with the applicant as he has been advised of the need to provide the surface water drainage proposals for the site so that they can be assessed for their adequacy as a drainage solution, and to inform the further ecological assessment of the scheme. It is understood that these have been commissioned and so should be available for assessment shortly. With the previously developed nature of the site it is almost certain that there will be an on-site storage facility and restricted outflow to a sewer but as yet this detail is outstanding.

Assuming these are provided and are acceptable in both respects there will be a need for a Habitat Regulations Assessment to comply with legislation, and will need to consult Natural England on this document. Whilst it is not expected that this will raise any hydrological or other concerns from the proposal this is a legal requirement and a further element that it would be appropriate for the Committee to delegate to the Head of Planning and Housing.

The protected species that could be present on the site are bats, and the application is supported with an ecology report that includes a bat survey. This survey highlights the limited potential of the area around the site to support a large bat population due to its urban character and absence of ideal bat habitat, the general good maintenance standard of the building which provides limited opportunities for bats to enter the building, and the undisturbed dust/cobwebs inside the building which indicate an absence of the disturbance that would occur if bats were present. The survey concludes that there were no signs of historic bat use of the site, and that the building has only a no real roosting potential. As such they advise that there are no bat impacts from the development. This survey has been presented by an appropriately qualified person and makes clear conclusions that are supported by photographic evidence to support the points made, and as such it is accepted that there is not likely to be any impacts on the local bat population as a consequence of the development.

Drainage Matters

The site is located in Flood Zone 1 so is at the lowest risk of flooding, with the on-going sea defence works designed to safeguard the area from coastal flooding into the future. It is obviously previously developed with the existing property and gardens to the front and rear, and whilst the proposed development increases the extent of hard-surfacing, and so the potential rate of run-off from the roofs and parking areas, this is not considered to be a significant issue in a location such as this with the scale of the site that is to be developed. However, there are no details on how the surface water is to be managed and so it has not been possible for the Lead Local Flood Authority to offer any comments on the application at this stage. This is a matter that should also be the subject of an officer delegation along with the provision of a condition that requires details the agreed scheme to be implemented to ensure that the appropriate level of containment on site can be implemented during the development.

With regards to the foul water drainage, the site is conveniently located for the sewer network and

so it is not considered that there are any concerns over this aspect of the site's drainage.

Heritage Implications

The property is an attractive 2 storey dwelling of a style that is typical of the area with rendered walls and a large tiled roof. It is one that has been considered for inclusion on the Local List of Heritage Assets, but was not considered of sufficient merit for inclusion on that list. It is not national listed and is not in a conservation area. As such the application site is not a designated, or a non-designated, heritage asset.

There are no nationally listed buildings in the vicinity of the site, but there are some locally listed buildings. The nearest is 253 Inner Promenade which is at the prominent corner with Beach Avenue, with others at the RSPB centre on Fairhaven Lake and 277 Inner Promenade. These buildings are seen in a wider context with the application site, but given the large variance in the scale, design, materials and form of the buildings in this part of the borough it cannot be concluded that there is a single over-riding style that should be respected on heritage grounds. As such it is not considered that the scheme will raise any heritage implications and there is no conflict with Policy ENV5.

The Lytham St Annes Civic Society have made reference to the loss of the building, and other details of the development, including that the sun-dial is an interesting feature that should be retained. This has been discussed with the applicant and a condition is proposed that seeks its retention within the development.

Other Matters

The Fire Service have provided comments on the application which refer the developer to the relevant standards for the design of estate roads and the distances that residential properties can be constructed from a fire hydrant to ensure that there is access for the fire service if needed in the future. With the scheme involving a flatted development that is located in close proximity to the road with a double-width driveway these matters are all addressed in the submission and there are no concerns over fire service access..

Conclusions

The application site is a detached two storey dwelling located in a residential area of Lytham St Annes opposite Fairhaven Lake. The building is not locally or nationally listed and is not in a conservation area. The application is submitted in full and proposes the demolition of the existing building and the erection of a 5 storey building providing 18 flats, with the majority 2 bedroomed. External parking areas and refuse store are provided with these served off a revised access point to Inner Promenade.

The site is within the settlement area and so the redevelopment of the site for a more efficient form of use is in accordance with Policy GD1 and DLF1 of the Fylde Local Plan to 2032. The scale of the building involves a significant increase over the existing, but the site is located at a transition point where the more domestic scale dwellings towards St Annes give way to the larger flatted developments towards Lytham and with this context, particularly the large building of the Ribble Point dwellings to the immediate west, it is considered that the scale of the development is acceptable.

The other key planning implications of the design, relationship to neighbours, and parking provision have all been carefully assessed and it is considered that they are acceptable. As such the officer recommendation is to support the application in principle. However, there are a number of areas where further information and discussions are required with the developer and so the

recommendation is to delegate the decision to the Head of Planning and Housing to allow these to be progressed. These relate to: the provision of a surface water plan so that the potential implications for the Ribble Estuary SPA can be assessed, a number of relatively minor design queries that remain to be resolved, the securing of affordable housing (either on-site or off-site) to comply with the requirements of Policy H4, the provision of open space enhancements in the area to comply with policy ENV4, and the drafting of a series of planning conditions. Whilst it would be usual for these matters to have been progressed to a conclusion prior to presenting the application to Committee, having regard to the planning history of the site, officers are keen to understand Members view on the principle of development of a building of this scale and design in this location prior to committing the additional time with the developer to resolve these issues, although there are no indications that they will not be resolvable.

Accordingly, it is expected that the scheme will be capable of revision and progression to a point where it fully accords with the requirements of the Fylde Local Plan to 2032 and so it is recommended that the decision to grant permission on conclusion of the outstanding matters be delegated to officers.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the following matters being resolved to his satisfaction:

1. The receipt of revised plans to address current concerns over the amenity implications of the location of the refuse store, the amenity implications of habitable windows in the side elevation of the building facing Ribble Point, and the amenity implications of the balconies to the side and rear;
2. The assessment of a submitted surface water drainage scheme including its adequacy as a drainage solution, and the comments of Natural England regarding its ecological implications;
3. The completion of a Habitats Regulation Assessment or other ecological assessments as required;
4. The completion of a S106 Agreement is to secure:
 - a) provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
 - b) a financial contribution of £1,000 per dwelling (and the phasing of the payment of this contribution) towards securing off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the Fylde Local Plan to 2032
 - c) a financial contribution to be agreed (and the phasing of the payment of this contribution) to cover the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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;

5. The finalisation of a series of Planning Conditions that the Head of Planning and Housing considers are necessary to control the development. These are not drafted as yet but it would

cover the following matters, and potentially others as discussions on the above matters are concluded:

These are now drafted up below

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 relates to the following plans:

- Location Plan – SPA drawing 5574 -E00 B
- Proposed Site Plan – SPA drawing 5574 – P01 Rev B
- Proposed Ground Floor Plan – SPA drawing 5574 – P02 Rev B
- Proposed Floor Plans – SPA drawing 5574 – P03 Rev B
- Proposed Elevations – SPA drawing 5574 – P04 Rev B

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

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

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

4. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external hard surface areas of the site including the access way, parking areas and internal paths have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

5. No above ground works shall take place until details of finished floor levels for the building and ground levels for the external areas of the site have been submitted to and approved in writing by the Local Planning Authority, with these levels confirming that the ground floor level of the building and so overall eaves and ridge level reflects that indicated on the approved streetscene drawings listed in condition 2 of this permission. The development shall thereafter be implemented in accordance with the duly approved details.

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

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, prior to the commencement of any above ground works on the development details of the siting, height, design, materials and finish of all boundary treatments and any gates to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the building hereby approved is first occupied, and shall be retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly 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, 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 Policy ENV1 and Policy GD7 of the Fylde Local Plan to 2032.

8. No above ground works shall take place until a scheme for the design, construction (including surface treatment) and drainage of the car parking spaces shown on the site plan hereby approved in condition 2 of this planning permission has been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed in accordance with the duly approved scheme and marked out in the positions shown on the approved plan before any of the apartments are first occupied, and shall be retained as such thereafter for the parking of vehicles.

Reason: In order to ensure that adequate provision is made for vehicle parking and manoeuvring, to ensure appropriate surface treatment and an adequate standard of engineering works to hard standing areas and that satisfactory provisions are made for the disposal of surface water in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

9. No above ground works shall take place until a scheme for the design, construction and drainage of the highway works that are required by this development has been submitted to and approved

in writing by the Local Planning Authority., namely:

- the site access (the position of which is shown on the site plan approved under condition 2 of this permission)
- the closure of the existing access point and reinstatement of the kerb
- the improvement of the pedestrian refuge in the immediate vicinity of the site to assist with the crossing of Inner Promenade
- The improvement of the two nearest bus stops to the site on Clifton Drive South to be enhanced to Quality Bus Standard with appropriate raised kerbs.

These works shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied.

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to enhance pedestrian and public transport connectivity as required by Policy GD7 of the Fylde Local Plan to 2032.

10. Prior to the commencement of any above ground works hereby approved details of the location and design of not less than 3 electric vehicle re-charging facilities shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the agreed details prior to the first occupation of any dwelling hereby approved and shall be retained in an operational condition thereafter.

Reason: To support the shift towards sustainable transport choices in accordance with criterion i) of Policy T4 of the Fylde Local Plan to 2032.

11. Prior to the commencement of any above ground construction works details of the size, materials and design of the cycle storage facility shown on the site plan approved under condition 2 of this planning permission shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle store shall be installed and made available for use before the building is first occupied, and retained as such thereafter.

Reason: To support the shift towards sustainable transport choices in accordance with criterion i) of Policy T4 of the Fylde Local Plan to 2032.

12. Prior to the commencement of any above ground construction works details of the size, materials and design of the refuse storage facility shown on the site plan approved under condition 2 of this planning permission shall be submitted to and approved in writing by the Local Planning Authority. The duly approved refuse store shall be installed and made available for use before the building is first occupied, and retained as such thereafter.

Reason: To provide an appropriately sized, located and designed facility for the storage of refuse from the development in accordance with Policy GD7 of the Fylde Local Plan to 2032.

13. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the pre-development rate;
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where

- appropriate;
- (iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (v) details of flood exceedance routes (both on and off site);
- (vi) details of how surface water will be managed and pollution prevented during the construction phase;
- (vii) a timetable for implementation, including details of any phased delivery; and
- (viii) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings hereby approved are first occupied, and maintained as such thereafter.

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 the requirements of Policy GD7 of the Fylde Local Plan to 2032.

14. Notwithstanding any details contained within the application, no development shall take place until a comprehensive method statement indicating how bats are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) for bats and nesting birds are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.

The duly approved method statement and enhancement arrangements shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Policy ENV2 Fylde Local Plan to 2032, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

15. Prior to the commencement of any above ground development hereby approved details of an appropriately designed louvre or other such privacy mechanism to minimise the potential for views to neighbouring properties and gardens from all balconies to the rear and side elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed as part of the development and retained in all relevant areas thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring properties and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

16. No demolition or other development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- (a) hours of work for site preparation, delivery of materials and construction;
- (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 siting, height and maintenance of security hoarding;
- (e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from construction works; and
- (h) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

17. All side facing windows shall be non-opening below a height of 1.7m from floor level in the rooms that they serve, and 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) with the exception of the south facing glazing to the oriel style windows to the western elevation of the building. All windows shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework

18. Prior to the commencement of any works to undertake the demolition of the existing dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority to indicate how the existing sundial feature that is found on the dwelling is to be removed, stored, and displayed within the development as constructed. This scheme shall be implemented so that the sundial is in place prior to the first occupation of any of the dwellings hereby approved, and shall be retained thereafter.

Reason: To preserve this feature of local historic interest in the future development of the site to accord with eh requirements of Policy ENV5 of the Fylde Local Plan to 2032.

19. Prior to the commencement of any above ground development hereby approved details of the arrangements and any mechanism to be introduced to ensure that the vehicle gate to the side of the property is to remain in a closed position at all times other than when in use to facilitate the operation of the vehicle access route shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed as part of the development and retained in all relevant areas thereafter.

Reason: To ensure that this feature remains closed to assist with assimilating the appearance of the building into the streetscene in accordance with the requirements of Policy GD7 of the Fylde Local Plan to 2032.



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Ordnance Survey (100006084).

Application No.
5/19/0248

Address
259 Inner Promenade, Lytham St Annes

Grid Ref.
E.3343 : N.4274

Scale
0 6 12 18 24 m

Item Number: 2

Committee Date: 12 February 2020

Application Reference:	19/0450	Type of Application:	Change of Use
Applicant:	Helical Technology Limited	Agent :	Clover Architectural Design Limited
Location:	LAND AND BUILDINGS ON THE NORTH SIDE OF DOCK ROAD, LYTHAM ST ANNES		
Proposal:	CHANGE OF USE OF TWO EXISTING TEMPORARY BUILDINGS FROM STORAGE (USE CLASS B8) TO GENERAL INDUSTRY (USE CLASS B2) - RETROSPECTIVE APPLICATION (RESUBMISSION OF APPLICATION 18/0758)		
Ward:	ST JOHNS	Parish:	St Johns
Weeks on Hand:	34	Case Officer:	Matthew Taylor
Reason for Delay:	Awaiting Further Information		

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

<https://www.google.co.uk/maps/@53.7410839,-2.9385411,337m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to two thermo-PVC clad industrial units located towards the western end of a *circa* 0.9 hectare parcel of land on the north side of Dock Road, Lytham. The site is allocated as employment land on the Fylde Local Plan to 2032 (FLP) Policies Map (reference ES2), with policy EC1 of the local plan indicating that uses falling within categories B1, B2 and B8 are, subject to compliance with other policies, appropriate land uses within this allocation. Adjacent uses surrounding the site include a mix of industrial, office and residential properties.

Temporary (10 year) planning permissions for the two buildings were granted on 27.04.18 and 14.06.18 (applications 16/1008 and 18/0280 respectively), with those permissions restricting the use of both units for purposes falling within use class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) – the ‘Use Classes Order’. Since those permissions were granted, it has become apparent following complaints from neighbouring residents and subsequent investigations by the Council that the two buildings are, instead, being used for general industrial processes that fall within use class B2 of the Use Classes Order. In particular, the northern unit (‘Building 1’) contains a number of machine tools (e.g. lathes, saws and milling machines) and the southern unit (‘Building 2’) contains a number of heavy machine presses that are used in connection with the manufacturing processes carried out by Helical Technologies who occupy the adjacent industrial premises on the opposite side of Dock Road to the south.

This application is submitted retrospectively and seeks permission for a material change of use to allow Buildings 1 and 2 to be used for general industrial purposes that fall within use class B2 of the Use Classes Order. The scheme follows the refusal of an earlier application (reference 18/0758) on 22.11.18 due to the “significant adverse impact” that noise generated by the operation of the presses within Building 2 was shown to have on the amenity of the

occupiers of nearby residential properties. Following the refusal of application 18/0758, the applicant has undertaken additional works to shroud two of the presses within Building 2 – the “100 ton HME Press” and “40 ton HME press” – in acoustic enclosures and additional noise monitoring has been undertaken by both the applicant’s acoustic consultant and the Council to determine the effects that these enclosures have had with respect to attenuating noise generated by the use.

The revised noise assessment and monitoring undertaken by the Council indicates that the acoustic enclosures erected around the “100 ton HME Press” and “40 ton HME press” have resulted in a significant reduction in noise levels generated by these machines when measured at the closest noise-sensitive property. However, further mitigation is required to shroud an additional machine press within Building 2 – the “20 ton HME press” – in a similar acoustic enclosure in order to avoid a significant adverse impact on surrounding occupiers for the purposes of the definition in “BS4142:2014 – method for rating industrial and commercial sound” and, laterally, the Noise Policy Statement for England. This additional mitigation, along with other restrictions relating to the type, number and operating hours of machinery that can be used at the site, can be secured within an appropriate period of time through the imposition of a suitable planning condition.

For the reasons summarised above it is considered that, subject to the implementation of additional mitigation measures and other controls, the development would not have an unacceptable impact on the amenity of surrounding occupiers as a result of noise and disturbance. No other adverse impacts would arise with respect to the development’s effects on flood risk, ecology or the surrounding highway network to indicate that permission should be refused for any other reason. Accordingly, the proposal accords with the requirements of the relevant policies of the FLP and the National Planning Policy Framework, and so represents sustainable development.

Reason for Reporting to Committee

The development has been the subject of significant public interest and ongoing noise nuisance complaints to the Council’s Environmental Protection Service for an extended period of time. Accordingly, the Head of Planning and Housing considers that application should be referred to the Planning Committee for a decision in accordance with paragraph (2) (g) of the Council’s Scheme of Delegation.

Site Description and Location

The application relates to two portal-framed industrial buildings occupying a *circa* 2,500 sqm parcel of land at the eastern end and north side of Dock Road, Lytham. The buildings are used by ‘Helical Technology LTD’ and are located directly opposite a larger industrial premises occupied by the same company on the south side of Dock Road. The application site is located to the western end of a larger land parcel flanking the banks of Liggard Brook where it joins the Ribble Estuary (a designated European Nature Conservation site and Site of Special Scientific Interest) and which is designated as an ‘Employment Land Allocation’ (ELA) – site reference ‘ES2’ – on the Fylde Local Plan to 2032 Policies Map. The site also falls within flood zones 2 and 3 (though benefitting from flood defences) on the Flood Map for planning.

The site comprises an area of previously developed land, the surface of which was, until recently, covered by concrete aprons that appear to form the bases of demolished buildings and extend in an

easterly direction towards the estuary. The buildings in question have been constructed side-by-side at the western end of site ES2 and comprise two rectangular, portal-framed structures with shallow, dual-pitched roofs and walls clad in white thermo-PVC. The two buildings were constructed between March 2017 (the northern unit, referred to hereafter as 'Building 1') and March 2018 (the southern unit, referred to hereafter as 'Building 2'). Both buildings were erected without the benefit of planning permission, though retrospective applications to regularise their construction were approved in April 2018 and June 2018 (applications 16/1008 and 18/0280 respectively).

Planning permissions 16/1008 and 18/0280 allow the use of the buildings as temporary storage space in conjunction with the business operations at Helical Technology for a period of up to 10 years (16/1008 expiring on 31.03.2027 and 18/0280 expiring on 31.03.2028), and exclusively for purposes falling within use class B8 of the Town and Country Planning (Use Classes) Order 1987. Since those permissions were granted, it has become apparent following complaints from neighbouring residents and subsequent investigations by the Council that the two buildings are, however, being used for general industrial processes that fall within use class B2 of the Use Classes Order. In particular, the northern unit ('Building 1') contains a number of machine tools (e.g. lathes, saws and milling machines) and the southern unit ('Building 2') contains a number of heavy machine presses that are used in connection with the manufacturing processes carried out by Helical Technologies.

Both buildings are set across a single storey, with the exception of a narrow, L-shaped mezzanine in Building 1. Roller shutter doors are located on the east side of each building and open onto a large concrete apron travelling up to the estuary which is used for vehicle parking and manoeuvring. Each building has a rectangular footprint measuring 40.1m in length and 20.1m in width (806 sqm), with roofs reaching 4.9m to the eaves and 7.6m to ridge.

Surrounding uses include a mix of commercial and residential properties. Industrial premises connected with associated operations at Helical Technology are located within a brick-built premises on the opposite side of Dock Road to the south. A two storey office block ('Tangerine Holdings') is located to the west and is separated from the site by intervening vacant land. The closest dwellings are located on Victory Boulevard a minimum of approximately 62m to the southwest of building 1. Other residential properties are located on Santa Cruz Avenue a minimum of *circa* 120m to the west and at Estuary View a minimum of approximately 117m to the south.

Proposal

The application seeks permission to change the use of the two temporary buildings permitted by applications 16/1008 and 18/0280 from storage (use class B8) to general industry (use class B2) in association with manufacturing operations that take place at Helical Technologies. The application is accompanied by floor plans showing the number, type and positioning of machines contained within each building, and also clarifies which of those machines are and are not operational. As described above, Building 1 contains a number of machine tools (e.g. lathes, saws and milling machines) and Building 2 contains a number of heavy machine presses. As the change of use has already occurred, the application is submitted retrospectively.

The proposal follows (and is a resubmission of) the scheme refused under application 18/0758 which also sought to allow the buildings to be used for general industrial purposes falling within use class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Since that decision, the following changes have been implemented and/or are proposed by this scheme in order to address the reason for the refusal of application 18/0758:

- Floor plans for Buildings 1 and 2 have been provided to show the number, siting and type of machinery contained within each building, including identifying those machines which are and are not operational.
- Acoustic enclosures have been constructed around 2 presses within Building 2 – the “100 ton HME press” and “40 ton HME press”. Technical drawings and a specification for each enclosure installed has been provided by “Wakefield Acoustics Noise Control Technology”.
- An updated Noise Impact Assessment (NIA) has been submitted with the application. The final version (document reference R1786-REP01b-JR, dated 13 January 2020) includes the results of additional noise monitoring undertaken following the installation of the abovementioned acoustic enclosures and to account for a ‘worst case’ operating scenario across both buildings.
- The NIA recommends the installation of a further acoustic enclosure around an additional press machine within Building 2 – the “20 ton HME press”. The applicant has confirmed their agreement to undertake this mitigation in accordance with the requirements of any planning condition.
- The applicant has clarified their desired hours of operation for each building as follows:
 - Building 1 – 24 hours a day, 7 days a week.
 - Building 2 – 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays.

Relevant Planning History

Application No.	Development	Decision	Date
18/0758	CHANGE OF USE OF TWO EXISTING TEMPORARY BUILDINGS FROM STORAGE (USE CLASS B8) TO GENERAL INDUSTRY (USE CLASS B2) - RETROSPECTIVE APPLICATION	Refused	22/11/2018
18/0280	ERECTION OF SECOND TEMPORARY STORAGE BUILDING (USE CLASS B8) - RETROSPECTIVE APPLICATION	Granted	14/06/2018
16/1008	ERECTION OF TEMPORARY STORAGE BUILDING (USE CLASS B8) - RETROSPECTIVE APPLICATION	Granted	27/04/2018
16/0276	ERECTION OF 37 DWELLINGS	Withdrawn by Applicant	04/10/2016
15/0348	RESIDENTIAL DEVELOPMENT OF 28 DWELLINGS COMPRISING 20 THREE-STOREY TOWN HOUSES AND 8 THREE-STOREY DETACHED HOUSES	Withdrawn by Applicant	23/09/2015

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A. Non parish area.

Statutory Consultees and Observations of Other Interested Parties

Environmental Health Officer (EHO) – Comments 14.10.19 as follows:

Background – The Environmental Protection team have received numerous noise complaints since the structures were erected, the first of which was received in May 2018. Investigations revealed that noise was found to be originating from the use of press machines within one of the structures

and a noise abatement notice was served on 29 June 2018. Initial attempts to insulate the structure provided ineffective and a Control of Pollution Act notice was served requiring acoustic enclosures to be fitted around the machinery causing noise and annoyance. These works were complete by 25 April 2019. Complaints fell significantly after this work was undertaken but are continuing when certain press machines are in use and audible at a residents' property. In my opinion, due to the following factors there is no statutory nuisance present and the company has to date complied with the noise abatement notice served in June 2018.

- ***The operating times of the machinery*** – Evidence obtained demonstrates that the machinery is only operating during “normal” working hours. Information provided shows that the earliest incidents have been around 08:30 and the latest being around 16:30.
- ***The operating period is not unreasonable*** – The machinery can be used for up to an hour or so and then subsides. Though often there can be another run later in the day.
- ***Frequency*** – Whilst the machinery has no real regular pattern there can be a number of days within the week when the machines are not used at all.
- ***The locale is mixed use*** – The factory was present prior to the construction of the dwellings. There has to be an expectation that there will be industrial noise audible in the vicinity.

Noise monitoring visits – July 2019: Officers visited the site to undertake noise monitoring on 16 July 2019. This allowed officers to be present when all machinery was in use. On the shop floor all the presses were operating and there was no significant audible noise from those machines that were within acoustic enclosures.

- **16.07.19** – The applicant was asked to operate all press machines within Building 2 simultaneously. A noise meter reading was taken at the boundary to the nearest resident's property with the range reading between 45.2 – 45.5LAeq (read directly from the screen of the noise meter at a time when during the measurement there was no other noise e.g. the wind had died down, no road traffic or speech. It was not practical to follow the procedures set in BS 4142:2014. Background level is dominated by other noise – the factory itself, traffic movements, wind noise and birdsong all contributing to the sound level). When all the machinery was in operation there was one in particular that was clearly audible at the boundary with the closest residential property (MP1 in the applicant's noise assessment). This was identified at the time as the “coin” press machine. Measurements were then taken with this machine turned off, but due to other noises in the vicinity this made very little difference to the background level. At this point it was also evident that there was no audible perception of the other press machines. The noise meter readings ranged between 45.0 – 47.6LAeq.
- **23.07.19** – At the time of the 16 July visit it was difficult to obtain a reading that would represent the quietest situation when no machinery was operating due to other external noise including road traffic, wind noise in the trees and other noise not associated with the press machines. Therefore, a further visit was made on the morning of 23 July 2019 at 07:30 to obtain a reading that would represent the quietest period in order to look at the level difference between no factory noise and noise when the machinery was operating. A reading was obtained around 39.8 dB – the weather was still and the noise was dominated by birdsong. However, this level was only brief due to regular traffic movements.
- **Conclusion following July monitoring visits** – Using the readings from the July monitoring visits to ascertain level differences between quiet times and when machines are operating there is an approximate level difference of 7-8dB.

Noise monitoring visit – September 2019: Following the visit on 16.07.19, it was noted that a particular machine may not have been in operation during the July visit and clarification was required as to the identity of the machine referred to at the visit as a “coin press”. Officers attended site on the morning of 19 September 2019 to repeat the earlier exercise and to ensure all machinery

was operated simultaneously. The weather was warm, dry and still.

- **19.09.19** – A background measurement was taken prior to entering the factory. This read as 40.8dB LAeq. The intention of the second monitoring visit was to require all machinery to be operating (a worst case scenario) and compare noise measurements against background in accordance with the guidance in BS4142:2014. The results of this exercise are given in Table 1 below. It was evident that there was one piece of equipment that is clearly audible over and above any other. This was identified precisely as the “20 ton HME Press” within Building 2. It must be noted that background level does vary due to other noise in the vicinity including traffic, birdsong and other premises. The sound level of machinery in use without the 20 ton HME press is, however, almost the same as background. The noise measurements gave a level difference of approximately 6dB above background when the 20 ton HME Press and all other machinery is operating. Even subjectively, the 20 ton HME press was the only equipment that could be heard at the boundary of the closest residential property and whilst the sound level does not constitute a statutory nuisance – there is a level difference above background that when compared to the BS4142:2014 criteria indicates that there could be an adverse impact if this equipment is operated for extended periods. The +2 db rating level has been added as the sound consists of a percussive element.

	Sound Level	Background (LA90)	Level Difference
No machinery operating		40.8	
All machinery operating	45.5	41.2	6.3 (+2 rating level)
All machinery without 20 ton HME press operating	37.9	36.2	3 (+2 rating level)

Table 1 – Results of noise monitoring visit 19.09.19

- **Conclusion following September monitoring visit** – With all machinery except the 20 ton HME press operating, the level difference against background was significantly lower, and below the threshold for any “adverse impact” in BS4142. In particular, BS4142 advises: A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context; A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context. With the un-shielded 20 ton HME Press in operation there is a sound level difference above background of approximately 6 dB. According to BS 4142 criteria, this gives an indication that there may be an adverse impact on the amenity. This figure is similar to that obtained in July (7-8dB). There is, however, the anomaly of the varying background noise levels. The area is mixed use including industrial/commercial and domestic uses, but is also affected by other noise such as road traffic, birdsong and wind. Some large trees at the rear of the helical site produce significant sound levels when the weather is windy. The final reading on 19th September 2019 was against a lower background than measured an hour earlier. As a result, the reading with all the machinery (without the 20 ton HME press) operating gave a lower sound level than the previous background on the same day. However, this does not affect the overall conclusion.
- **Overall conclusion and conditions** – Other presses within Building 2 are shielded within acoustic enclosures or not significantly audible at the nearest residential property. In my opinion if the 20 ton HME press was also shielded to the same extent there will be no adverse impact on neighbouring residential occupiers in the vicinity when it is operating. This could be achieved through the imposition of an appropriate planning condition

requiring the additional acoustic enclosure to be erected around the 20 ton HME press within an appropriate time period. I have stated that the current operation, in my opinion, does not fit the criteria for statutory nuisance. If planning permission is to be granted operating times would also need to be restricted to prevent the potential for nuisance. I would ask that all machinery, even if within an acoustic enclosure, shall not be permitted to operate outside the hours of 08:30 – 18:00 and no weekend or bank holiday use.

Additional comments 23.01.20 following submission of revised NIA:

- I have examined the most recent noise report and am satisfied that the measurements and procedures fulfil the requirements proposed by the Local Authority and negates the need for a further report.
- As mentioned in previous correspondence, in my opinion this noise does not cause a statutory nuisance. The sound level, duration and time of day that the machinery is used is not unreasonable for the locale and it is accepted that the factory is manufacturing and associated noise is to be expected. The BS4142 assessment had determined that when the machinery operates the noise is of “significant adverse impact” due to the percussive nature and the weighting added in the calculation methodology.
- The sound levels measured and subsequent BS4142 calculation demonstrates that further mitigation is required to reduce the impact of the noise from the machinery identified as the 20 Tonne HME Press. This also correlates with the conclusions of the Local Authority. Our own visits and measurements demonstrate the same piece of equipment is the only one that is audible at the complainant’s property to a level that is likely to have an impact on their amenity.
- The proposed acoustic enclosure would reduce the impact of the activity to a level that does not disturb the residents. The enclosures that have been erected over current machinery have been very effective and the applicant would need to ensure that the proposed enclosure meets similar standards.
- I am also aware that the complainants have been contacting the Council coming up for two years now. I would agree that the proposal for requiring the acoustic enclosure is acceptable and would encourage the applicant to ensure that this work is completed as soon as is practical in order to finally resolve the matter for the nearby residents.

Greater Manchester Ecology Unit (GMEU) – No objections on ecology grounds. Comments as follows:

- Following representations from local residents concerning the potential noise impacts of the development on birds we have reviewed the available information.
- The available evidence suggests that if non-response and non-flight bird responses to noise are taken to be relatively harmless and flight responses potentially costly in terms of energy expenditure by the birds, then for shorebirds a costly outcome becomes more likely at noise levels above 69.9 dB(A).
- The noise impact assessment report produced by Red Acoustics for the applicant recorded ambient noise levels of 45.9-62.9 LAeq,t (DB) which is below the 69.9dB(A) considered to have a potentially costly outcome for wading birds (i.e. where they are forced into flight and thereby expend energy). In addition, the nearest potentially significant wader bird roost to the application site is an area of saltmarsh 200m south-east of the noise source.
- The conclusion from this is that it is considered unlikely that the noise arising from the development proposal will cause any substantive harm to shorebirds. GMEU therefore maintains its position of no objection to the application on nature conservation grounds. I note that Natural England have also not objected to the proposal.
- A caveat to this conclusion is that research on the subject of noise disturbance in isolation appears to be rather scarce, although there are numerous studies available concerning

disturbance effects which involve noise disturbance combined with visual or direct disturbance. Visual and/or direct disturbance appear to be more harmful than noise alone, with birds apparently being able to habituate to levels of noise disturbance when these are not combined with visual disturbance. Further research is needed to better understanding of the effects of human induced noise on wintering waders.

Local Highway Authority (LHA) – Lancashire County Council: No objections. Comments as follows:

- LCC Highways are of the opinion that the development will not have a detrimental impact on highway safety or capacity in the immediate vicinity of the site, although the planning department is advised to consider the impact on car parking around the site as part of any future application. Additional on-road parking on Dock Road near the site would lead to greater obstruction of the sight lines at junctions and further narrowing of the road, which could lead to increased congestion and confrontation, both of which would have a detrimental effect on highway safety. Due to the existing narrow road width and the under provision of off-road parking even more vehicles will partly park on the footway causing further amenity and safety issues for pedestrians especially for mobility impaired and people with prams.
- Accordingly, LCC Highways recommends that a condition is imposed on any permission granted requiring the car parking and manoeuvring areas shown on the submitted plans to be marked out within 3 months of any permission being granted, and retained as such thereafter.

Natural England – Indicate that they have “no objection”. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Neighbour Observations

Neighbours notified:	04.07.19
Site notice posted:	09.07.19
Amended plans notified:	19.11.19 & 14.01.2020 (both allowing a period of 21 days for further comments).
No. Of Responses Received:	29
Nature of comments made:	29 objections

The appropriate neighbouring properties were notified of the application by letter and a site notice posted. Neighbouring residents were also reconsulted on 19.11.19 and 14.01.2020 following the receipt of amended noise impact assessments from the applicant’s acoustic consultant. Neighbours were afforded a period of 21 days to submit further comments on both occasions. A total of 29 letters have been submitted in objection to the application. The points of objection made in the letters are summarised as follows. Any additional representations will be set out in the late observations report.

Principle of development:

- Helical have continued to use the buildings for heavy manufacturing purposes despite their awareness that they do not have planning permission for this use and without any regard to the effects on surrounding residents. If permission would not have been granted for B2 use at the time of the original applications for the buildings then it should not be granted retrospectively now. Helical’s consistent breaches should weigh against the application being approved as there is no guarantee that any conditions imposed will be complied with. Helical have already been given ample opportunity to rectify the noise nuisance issues but

the soundproofing undertaken to date has failed to do so. Operations have, however, continued regardless.

- If Helical wish to increase their production facilities, with the consequent increase in noise and vibration then suitable, more robust, premises should be constructed.

Amenity impacts:

- The buildings have the character of a 'marquee'. Their external walls and roof are constructed from a thin, uninsulated plastic material that affords no noise attenuation and, regardless of the separate acoustic enclosures, is unsuitable for use by heavy machinery and general industrial (B2) use in a predominantly residential area.
- Neighbours have submitted in excess of 1000 sound recordings to the Council evidencing the noise being caused by a stacker/trolley truck travelling along Dock Road and the ongoing noise nuisance generated by the machinery contained within the application buildings. This evidence conflicts with the conclusions of the noise assessment.
- At the time of application 18/0758, only 7 presses were in operation whereas there now appear to be a total of 15 heavy presses amongst other industrial machinery in place. This has, in turn, resulted in an increase noise nuisance to surrounding residents.
- The submitted noise assessment indicates that the acoustic enclosures erected around some of the presses have not reduced noise from the machinery to an acceptable level and further enclosures are required. Given the ineffectiveness of the existing acoustic enclosures it is uncertain whether the construction of additional enclosures will abate noise to a suitable level which would no longer disturb surrounding residents.
- The acoustic enclosures that have been constructed around some of the presses rely on machinery being operated with the doors of both the enclosures and the buildings themselves being closed in order to prevent noise breakout. There is, however, no way of guaranteeing that these doors will be kept shut while the machinery is operated, or any realistic way of monitoring this.
- Noise from the buildings is clearly audible at surrounding dwellings. The application seeks 24/7 operation of machinery which would result in a continuous, ongoing and permanent noise nuisance to surrounding occupiers.

Officer note: The applicant has clarified their desired operating hours as being: (1) 24/7 for Building 1; and (2) between 08:00 and 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays for Building 2. The suitability of these operating hours is assessed later in the report.

- The heavily machinery contained in both buildings is operated early in the morning and late in the evening at times when people should reasonably expect to be undisturbed while sleeping. It also discourages use of external garden areas due to constant noise disturbance.
- A forklift truck travels along Dock Road moving materials between the two sites. This has a loud reversing bleeper which adds further noise above and beyond the machinery.
- While Helical may have been operating from this site since 1962, these operations have not been taking place within the tent-like structures. They have, instead, been carried out within a substantial brick building. The applicant began to utilise the marquee buildings, on a separate parcel of land to the pre-existing factory, for industrial purposes on 5 June 2018 and this is when the current noise disturbance began.
- The surrounding area is a tranquil, predominantly residential environment. The proposed B2 use is incompatible with this character and the noise nuisance caused by it will entirely change the dynamics of the area.

Comments on noise impact assessment:

- The noise assessment is not representative of the potential maximum operational capacity of the buildings. This is identified within the assessment as follows: “the scenario that was assessed was discussed with Helical as not being typical in terms of day to day production operation, however for the benefit of the assessment it was confirmed the scenario set up was the worst case that could feasibly operate due to number of plant operators”. Therefore, the assessment is unrepresentative of the future as more staff will be recruited to operate the additional machinery.

Officer note: The citation taken from the noise assessment must be read in the correct context – as being representative of a ‘worst case scenario’. Accordingly, the text which explains that the number of machines operated simultaneously during the assessment is “not typical in terms of day to day production operation” is intended to highlight that this level of operation far exceeds a typical working day (a worst case scenario) rather than being under representative.

- Table 2.1 of the noise assessment reveals that most machinery is not shrouded by an acoustic enclosure and the assessment does not properly account for a scenario where all this machinery is being operated at the same time.
- Given the lack of noise attenuation provided by the structure of the buildings, it is unclear why more of the presses in Building 2 are not required to be acoustically enclosed. If all machinery is operated at the same time then, in combination, the effects of this would be markedly worse than is suggested in the noise assessment. It is also unclear what level of noise is generated by the other (non-press) machinery in Buildings 1 and 2. This machinery includes lathes, saws, vibro barrels, welding and milling machinery – all of which have potential to generate added noise in their own right.
- Other presses have been excluded from the noise monitoring exercise as these have been labelled ‘non-operational’. It is, however, unclear what would happen if these presses became operational at a later date and how the additional noise generated by them would be attenuated.
- The two monitoring locations chosen (MP1 and MP2) are close to industrial premises and so are not representative of noise levels adjacent to residential properties.

Officer note: The above issues have been addressed in the most recent noise assessment dated 13.01.20.

- The noise assessment makes clear that sound emanating from the equipment remains “clearly audible and intermittent”, “has the potential to have a significant adverse impact” and is “likely to exceed [the levels] required by the Local Authority”. Accordingly, the situation remains the same as was the case at the time when application 18/0758 was refused on noise disturbance grounds and so this application should also be refused.
- The conclusions of the noise assessment are based on daytime operating hours for the machinery and do not take into account the effects of any night-time operations. Therefore, there is no basis to allow the machinery to be operated at night as this circumstance has not been addressed in the noise assessment.
- The noise assessment does not account for disturbance from vibrations carried through the ground as a result of the presses operating.

Requests for conditions:

- In the event that permission is granted, this should be subject to the following conditions: (i) operating hours should be restricted to between 08:00 and 17:00 Monday to Friday; (ii) the doors to all acoustic enclosures and all doorways on the exterior of the buildings themselves

must be kept closed at all times when machinery is being operated; (iii) all presses within Building 2 should be encapsulated by similar acoustic enclosures to those that have been constructed around some of the existing presses; (iv) The use of other machinery within Building 1 should be restricted in a similar manner to the presses in Building 2; (v) conditions regarding the use of the stacker truck should also be imposed to limit the noise nuisance from this vehicle.

Character and appearance:

- The buildings, by virtue of their materials and scale, are of an unsightly appearance that is inappropriate to the area.

Ecology:

- The site is adjacent to a protected nature conservation area. Noise and vibration from the development has the potential to disturb wildlife within the estuary.
- The submitted plans do not show the positions of trees surrounding the site. The noise generated by the development has the potential to disturb birds nesting in these trees.

Highways:

- The use of the buildings for general industrial purposes will result in a greater number of heavy goods vehicles and staff cars travelling past surrounding houses en-route to the site. This will cause further disturbance to neighbouring residents, increased vehicle conflicts and heightened risks to pedestrians which would be detrimental to highway safety.
- The road of Dock Road from Tangerine Holdings to Helical should be re-surfaced to prevent vibrations from traffic being transferred to surrounding houses. Extra speed cushions should also be installed after the junction with Victory Boulevard to slow traffic travelling along Dock Road.

Other matters:

- Vibrations from the operation of the heavy presses have the potential to cause damage to surrounding properties.
- Additional noise nuisance is caused by the playing of music at unsocial hours.
- It appears that a furnace has been fitted within one of the buildings. This would have a detrimental impact on air quality and cause odour issues.
- If the B2 use is allowed to operate permanently, the development would have a negative impact on surrounding property values and is already making the sale of existing houses difficult.
- Residents should benefit from a reduction in Council tax as a result of the development's harmful effects.
- The inappropriate construction of the building represents a health and safety risk for employees (e.g. in terms of fire standards).

Relevant Planning Policy

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and

Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
T5	Parking Standards
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

SSSI

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended), but does not exceed the threshold in Column 2 of the table relating to category 10(a) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Main issues:

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

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

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development

plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to relevant national and local planning policies, the site’s designation within the FLP, the nature of the development applied for and the representations received in connection with the application, it is considered that the main issues in this case are:

- Whether the use of the buildings for general industrial (use class B2) purposes is, in principle, an appropriate use of land on the site.
- The development’s effects on the amenity of surrounding occupiers, having particular regard to noise disturbance arising from existing operations carried out within the buildings, and whether these effects can be appropriately mitigated through the imposition of appropriate planning conditions.
- The scheme’s impact on highway safety.
- Other material considerations relating to the development’s effects in terms of flood risk and ecology.

Principle of development:

The site is located within the settlement boundary of Lytham St Annes and is also identified as an ‘Employment Land Allocation’ (ELA) – site reference ‘ES2’ – on the FLP Policies Map. FLP policy EC1 identifies allocated site ES2 as a 0.9 hectare area of land at Dock Road, Lytham and indicates that B1 (a)-(c), B2 and B8 uses will, as a matter of principle, be considered appropriate within this ELA subject to their compliance with other policies.

In addition, FLP policy EC2 indicates that the Council will take account of the following factors when assessing all development proposals for employment uses:

1. The accommodation should be flexible and suitable to meet changing future employment needs, and in particular provide for the requirements of local businesses and small firms.
2. The Council will seek to ensure that employment opportunities are provided and are easily accessible for local people and, where necessary, developers will be encouraged to implement relevant training programmes.

Policy EC2 states that the sustainable growth and expansion of all types of business will be supported where this accords with other policies in the local plan.

Background:

The application relates to two portal-framed buildings for which temporary permissions were granted retrospectively on 27.04.18 and 14.06.18 (planning permissions 16/1008 and 18/0280 respectively). Each of those permissions includes a condition requiring the buildings to be dismantled within 10 years of the date of their initial construction (31.03.2027 for 16/1008 – Building 1; and 31.03.2028 for 18/0280 – Building 2). The application forms and description of development make clear that the applicant sought their use for storage purposes falling within use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Accordingly, the implications of their use for B2 purposes did not form part of the Local Planning Authority’s assessment of those applications.

During the Local Planning Authority’s consideration of application 18/0280, complaints were received from neighbouring occupiers concerning the operation of heavy machinery within the buildings and instances of noise nuisance associated with this. The Local Planning Authority was,

however, required to consider application 18/0280 on its own merits and on the basis of what was being applied for as part of that application – a B8 storage use. Moreover, the officer report for application 18/0280 notes that “Schedule 2, Part 3 of the GPDO does not allow a change of use from B8 to B2 purposes to be undertaken as permitted development, so there is no need to include any condition withdrawing such permitted development rights as part of this application.”

Since permissions 16/1008 and 18/0280 were granted, it has become apparent following further complaints from neighbouring residents and subsequent investigations by the Council that the two buildings are, instead, being used for general industrial processes that fall within use class B2 of the Use Classes Order. In particular, the northern unit (‘Building 1’) contains a number of machine tools (e.g. lathes, saws and milling machines) and the southern unit (‘Building 2’) contains a number of heavy machine presses that are used in connection with the manufacturing processes carried out by Helical Technologies, who occupy the adjacent industrial premises to the south.

As set out in the response from the Council’s EHO, the first noise complaints were made to Environmental Protection in May 2018. Subsequent investigations revealed that the main source of harmful noise emissions from the site was associated with the use of press machines within Building 2, and a noise abatement notice was served on 29 June 2018 (under legislation relating to the control of pollution which sits outside the planning system). Since then, the applicant has made several attempts to insulate the walls of the buildings, but these were not effective in reducing noise to an acceptable level. As a result, the Council served a Control of Pollution Act notice which resulted in heavy duty acoustic enclosures being constructed around two of the noisiest press machines within Building 2. These works were complete by 25 April 2019. The EHO notes that complaints fell significantly following the installation of the two acoustic enclosures, but are continuing when another press machine (specifically the “20 ton HME press”) is in use. That notwithstanding, the EHO considers that there is no longer a “statutory nuisance” occurring at the site due to a combination of factors relating to the operating hours, duration and frequency of the machinery’s use, and the mixed commercial/residential character of the area. Accordingly, the EHO opines that the requirements of the noise abatement notice have been satisfied.

This proposal follows the refusal of application 18/0758 on 22.11.18 for a single reason concerning the “significant adverse impact” that noise emissions from the buildings had on the amenity and living conditions of the occupiers of neighbouring dwellings at that time. That scheme also failed to provide sufficient details as to how/whether these effects could be mitigated and lacked other information regarding the scale and nature of the use. A number of changes have, however, occurred at the site since the refusal of application 18/0758 and further details regarding the nature of the use have been submitted with this application – as summarised in the five bullet points to the ‘Proposal’ section above. The most significant of these relates to evidencing the effects that the installation of the two acoustic enclosures have had in attenuating noise from the presses within Building 2, and identifying precisely the need for additional mitigation to reduce noise to an acceptable level. These matters are addressed in detail under the heading ‘Amenity impacts’ below.

Principle of development:

This application seeks to regularise the use of the two buildings for general industrial purposes falling within use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Part B of the Schedule to the Use Classes Order defines a class B2 use as a “use for the carrying on of an industrial process other than one falling within class B1”. Laterally, a B1 use is defined in the same part of the Schedule as follows:

“Use for all or any of the following purposes—

- *as an office other than a use within class A2 (financial and professional services),*
- *for research and development of products or processes, or*
- *for any industrial process,*

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

FLP policy EC1 indicates that B2 uses are, in principle, an appropriate use of land within ELA ES2. Accordingly, the use of the buildings for B2 purposes within a site designated for that category of use does not give rise to any conflict with the strategic policies of the development plan relating to the locational requirements for such uses – name policies S1, DLF1, EC1 and EC2. Those policies do, however, require developments within designated sites to also demonstrate compliance with other policies of the FLP in order that the objectives of the development plan are considered as a whole.

Amenity impacts:

FLP policy GD7 requires developments to achieve a high standard of design, taking account of the character and appearance of an area in accordance with 15 principles of good design (a – o). In particular, criteria (c) and (h) of policy GD7 require developments to:

- Ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- Be sympathetic to surrounding land uses and occupiers.

Criterion f) of NPPF paragraph 127 requires planning decisions to “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 170 e) of the NPPF indicates that planning policies and decision should contribute to and enhance the natural and local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.”

Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In terms of noise, criterion a) of paragraph 180 requires developments to “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.” This objective is to be read alongside footnote 60 which refers to the “Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)” – the ‘NPSE’.

Paragraph 1.7 of The NPSE sets out three aims that should be achieved “through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development” as follows:

- “avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.”

Paragraph 2.5 of the Explanatory Note indicates that “the intention is that the NPSE should apply to

all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, “noise” includes:

- “‘environmental noise’ which includes noise from transportation sources;
- ‘neighbour noise’ which includes noise from inside and outside people’s homes; and
- ‘neighbourhood noise’ which **includes noise arising from within the community such as industrial and entertainment premises**, trade and business premises, construction sites and noise in the street” (emphasis added).

Paragraph 2.9 of the NPSE recognised that “noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as “unwanted sound”) when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSE provides a clear description of desired outcome from the noise management of a particular situation.

Paragraph 2.19 of the NPSE identifies the two key phrases “significant adverse” and “adverse”, with paragraphs 2.20 and 2.21 expanding on how these should be interpreted in the context of noise impacts with reference to three categories of noise impact as follows:

- “No Observed Effect Level (NOEL) – This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- Lowest Observed Adverse Effect Level (LOAEL) – This is the level above which adverse effects on health and quality of life can be detected.
- Significant Observed Adverse Effect Level (SOAEL) – This is the level above which significant adverse effects on health and quality of life occur.”

Paragraph 2.22 of the NPSE recognises that “it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times.”

Noise impacts:

Objectors have referred to the effects that noise from the operation of machinery within Buildings 1 and 2 has had on their quality of life since their use for B2 purposes commenced. This is supported by the numerous complaints received by the Council’s Environmental Protection Service – which culminated in the serving of a noise abatement notice in June 2018 – and the refusal of planning application 18/0758 in November 2018. It is, however, also the case that mitigation measures have been implemented since then which, in the opinion of the EHO, have satisfied the requirements of the noise abatement notice and, along with other factors relating to the timing, frequency and duration of noise emissions, ensured that there is no longer a ‘statutory nuisance’ present for the purposes of the definition in the Environmental Protection Act 1990.

It does not, however, follow that the absence of a statutory nuisance automatically makes a use acceptable in planning terms, where broader impacts on neighbour amenity fall to be considered in the round. In terms of noise, paragraph 180 a) of the NPPF makes clear that the NPSE should be used to “avoid noise giving rise to **significant adverse impacts** on health and the quality of life”. In particular, paragraph 180 a) of the Framework does not state that all development giving rise to

noise must not be permitted. Rather, it requires that this is “mitigate[d] and reduce[d] to a minimum”, with the ultimate objective that it should not result in a level of noise falling within the category of SOAEL as defined in paragraph 2.21 of the NPSE.

The application buildings are located on the north side of Dock Road, directly opposite the established Helical Technology premises which lies within a substantial brick-built premises to the south. A parcel of vacant scrubland with scattered tree planting separates the buildings from an office block (‘Tangerine Holdings’) to the west. To the north, the buildings are bounded by the banks of Liggard Brook which flows into the Ribble Estuary to the east. A hardstanding service yard has been created upon a concrete apron which borders the eastern elevations of the buildings, both of which have roller shutter doors opening onto the yard. The site’s southern and western perimeters are formed by palisade fencing.

The boundary of the closest neighbouring dwelling – no. 100 Victory Boulevard – is located a minimum of approximately 62m to the southwest of Building 2. This property is orientated with its rear elevation facing in a northerly direction onto Dock Road and its rear garden is enclosed by a *circa* 1.8m wall abutting the footway and a close-boarded timber fence return. A landscaped parcel of greenspace intervenes between the eastern boundary of no. 100 and Helical’s main car park beyond, accessed off Dock Road. Other residential properties nearby include detached houses on Victory Boulevard further to the southwest, an apartment block (Estuary View) on Gatehouse Mews accessed off Victory Boulevard to the south and houses on Santa Cruz Avenue beyond Tangerine Holdings to the west.

The two application buildings are of identical construction and are set on concrete bases with external walls and roofs finished in a relatively thin white plastic (UPVC) cladding fixed around a steel frame. The external fabric of the building provides very limited noise attenuation for the machinery operated within each building. While attempts have been made to insulate the walls of the building with rockwool, this has had little effect in preventing noise breakout.

Investigations by the Council’s Environmental Protection team have established that the dominant source of noise emanating from the buildings is that associated with the operation of specific machine presses within Building 2. As a result, two of these presses – identified as the “100 ton HME press” and “40 ton HME press” on the layout for Building 2 – have been shrouded in bespoke acoustic enclosures manufactured and installed by “Wakefield Acoustics” (a specification for which is provided on drawing no. D28194-101-01 Rev 01).

The application is accompanied by a Noise Impact Assessment (NIA), the most recent version of which is dated 13 January 2020 (report reference R1786-REP01b-JR). The NIA includes details of noise monitoring undertaken at the site in October, November and December 2019 in connection with an assessment following the methodology in BS4142:2014 – ‘Methods for rating and assessing industrial and commercial sound’. The Council’s EHO agrees that this is the appropriate methodology for assessing the impact that noise from industrial operations is likely to have on nearby noise-sensitive occupiers. As the closest neighbouring dwelling is no. 100 Victory Boulevard, measurements have been taken at a location immediately adjacent to the rear garden boundary of that property (“MP1” in the NIA). A long-term background noise monitoring station was also set up to the northwest corner of Helical’s main car park (“MP2” in the NIA).

As set out in section 6 of the NIA, the purpose of the NIA is to “present and assessment of the noise impact at the nearest noise sensitive receptor [100 Victory Boulevard] when all presses that are capable of being operated were operational” (the worst case scenario based on the current operational capacity of Buildings 1 and 2) – though the applicant contends that it would be very rare

for all these operations to be carried out simultaneously. A list of the machinery running in Buildings 1 and 2 during the assessment is given in section 6 of the NIA. While objectors opine that the NIA is not robust as it does not account for a scenario when every single piece of machinery located in Buildings 1 and 2 is running at the same time, it has been established through the Council's own investigations and monitoring that machinery within the two buildings does not contribute equally to the noise emissions that are detectable at neighbouring dwellings. In particular, there is no evidence that noise from normal operations within Building 1 give rise to significant adverse effects. The same is also true of the "Hare", "Bruderer" and "coining" presses, and the ancillary plant equipment operated from Building 2. It is, instead, the case that the majority of noise is generated by three specific press machines within Building 2 – the "100, 40 and 20 ton HME" presses. This is supported by the figures presented in Tables 2 and 3 below, and the corresponding effects that the acoustic enclosures constructed around the "100 ton HME" and "40 ton HME" presses have had in reducing noise levels at MP1.

Table 2 shows the results of BS4142:2014 noise assessments undertaken by Red Acoustics in November 2018 (for application 18/0758, prior to the installation of the two acoustic enclosures) and January 2020 (under the conditions set out in section 6 of the NIA, with the two acoustic enclosures now in place).

Parameter	Red acoustics 13.11.18 Table 6.1 (18/0758)	Red acoustics 13.01.2020 Table 6.1	Notes
Ambient sound level dB $L_{Aeq,72s}$	46	47	Specific sound on at MP1
Residual sound level dB $L_{Aeq,24s}$	39	44	Specific sound off to determine correction to ambient sound level
Specific sound level dB $L_{Aeq,t}$	45	44	
Distance attenuation dB		-2	Distance attenuation to NSP1 (façade of 100 Victory Boulevard)
Acoustic feature correction dB $L_{Aeq,t}$	12	12	Penalty applied as sound is highly impulsive and highly perceptible
Rating level $L_{Aeq,t}$	57	54	Specific sound + acoustic feature correction
Background sound level $L_{A90,15min}$	36	44	Measured at MP1
Excess of rating level over background sound level (dB)	+21	+10	Rating - Background

Table 2 – Comparison between Red Acoustics NIA dated 13.11.18 and 13.01.2020.

As can be seen from the data in Table 2, there has been a significant fall of 11dB in the difference between the rating and background sound levels between the two monitoring visits. This change demonstrates the positive effect that the two acoustic enclosures constructed around the 100 and 40 ton HME presses have had in reducing noise emitted from these machines. It should also be noted that the January 2020 assessment accounts for a 'worst case scenario' where a far greater number of machines in both Buildings were operational at the time measurements were taken in comparison with the November 2018 assessment, where only three presses were operational.

Table 3 shows the results of separate noise monitoring undertaken by the Council on 19 September

2019. While this is not intended as a direct comparison with the data presented by Red Acoustics in Table 2 (as it does not follow the methodology in BS4142:2014), the purpose of this monitoring was to understand the effect that the unshielded “20 ton HME press” – which was, subjectively, observed as the only readily audible noise source at MP1 during the July monitoring visit – has on the noise level in this location (i.e. to monitor scenarios ‘with’ and ‘without’ this specific piece of machinery in operation, but with all other machinery in Building 2 running, and normal operations in Building 1).

Parameter	FBC 19.09.19 (with 20 Ton HME press)	FBC 19.09.19 (without 20 Ton HME press)
Ambient sound level dB $L_{Aeq,t}$	45.5	37.9
Acoustic feature correction dB $L_{Aeq,t}$	2	2
Rating level $L_{Aeq,t}$	47.5	39.9
Background sound level L_{A90}	41.2	36.2
Excess of rating level over background sound level (dB)	+6.3	+3.7

Table 3 – Results of Fylde Borough Council noise monitoring: September 2019.

Table 5.2 of the NIA (copied below) sets out the threshold values cited in BS4142:2014 above which the difference between “rating” and “background” noise is likely to have “adverse” (a difference of ≥ 5 dB to < 10 dB) and “significant adverse” (a difference of ≥ 10 dB) impacts, depending on context. The final column of Table 5.2 then equates each category in BS4142:2014 to one of the three “effect levels” (NOEL, LOAEL and SOAEL) defined in paragraphs 2.20 and 2.21 of the NPSE.

Table 5.2: BS4142:2014 Impact Assessment Matrix

BS4142:2014 Conclusion	Target Range	Planning Policy Impacts
Low impact	< 0 dB difference to the background level	No Observed Effect Level
Less likely the specific sound level will have an adverse or significantly adverse impact depending on context	≥ 0 dB to < 5 dB difference to the background sound level	Observed Effect Level
Potential for adverse impact depending on context	≥ 5 dB to < 10 dB difference to the background sound level	Lowest Observed Adverse Effect Level
Potential for significant adverse impact depending on context	≥ 10 dB difference to the background sound level	Significant Observed Adverse Effect Level

After table 5.2, the NIA indicates that “based on the above policies it is advised that a target of no greater than 5dB above the background sound levels should be aimed for, this would equate to a BS4142:2104 conclusion of Less likely the specific sound level will have an adverse or significantly adverse impact depending on context and would achieve the NPPF policy requirement of being less than Lowest Observed Adverse Effect.”

As set out in Table 2 (and Table 6.1 of the NIA), the ‘worst case’ operational scenario measured results in a difference of +10dB between the rating and background noise levels. This is, in turn, indicative of a “significant adverse impact” as defined in BS4142:2014 and so further mitigation is required in order to achieve the target of “no greater than 5dB above the background” – though it is noted that a rating level of ≥ 5 dB to < 10 dB above background would also result in an impact

equivalent to the LOAEL.

Section 7 of the NIA sets out details of a mitigation strategy that is proposed in order to achieve the target of $\leq 5\text{dB}$ identified in the NIA. The NIA indicates that this will involve the installation of “an enclosure around to 20 ton HME press with a minimum reduction figure of 15dB R_w in the first instance as this was the most noticeable machine during our surveys”. The proposed mitigation strategy is supported by the Council’s own noise measurements set out in Table 3 which reveal that, within the parameters of that monitoring, the 20 ton HME press was individually responsible for taking the rating level beyond background over the $+5\text{dB}$ threshold where an “adverse impact” would arise. In particular, the difference between the rating and background sound level was shown to be 2.6dB higher (6.3dB above background overall) when the 20 ton HME press was in operation. Based on the 11dB reduction that has occurred following the construction of the acoustic enclosures around the 100 and 40 ton HME presses, it follows that if the 20 ton HME press is acoustically enclosed to the same specification then the difference between rating and background noise would drop again, and very likely to the $\leq 5\text{dB}$ figure targeted by the NIA. Moreover, it was apparent during both the Council’s and Red Acoustics monitoring visits that the 20 ton HME press was, subjectively, the principal noise source audible at MP1 and so to prevent noise breakout from this piece of machinery would mean there is no readily audible noise source at MP1. This, in turn, would result in a substantial reduction in the current 12dB “acoustic feature correction” figure in Table 2 because the penalty to be applied would be much lower in circumstances where noise is no longer “highly impulsive” or “highly perceptible”.

While the NIA indicates that, at present, the sound rating level from existing ‘worst case scenario’ operations results in a difference of 10dB over background – an indication of a “significant adverse impact according to BS4142:2014 – it is apparent that the acoustic enclosures erected to date (around two of the presses only) have had a significant effect in reducing noise emissions from machinery operated within Building 2. Given this context, there is no reason to doubt that the construction of a further enclosure of the same specification around the 20 ton HME press would have a similar impact in terms of attenuating noise. Accordingly, appropriate mitigation measures can be put in place to ensure that noise from the development falls within the category of LOAEL and so avoids any significant adverse impacts on the amenity, health and quality of life of neighbouring occupiers as required by paragraph 180 a) of the NPPF. Moreover, and subject to this mitigation being put in place, the proposal will also accord with the objectives of FLP policy GD7, NPPF paragraphs 127 f), 170 e) and the NPSE.

Restrictive conditions:

Paragraph 54 of the NPPF indicates that “local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

Paragraph 55 of the NPPF identifies that conditions “should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Objectors have requested that, in the event of planning permission being granted, various conditions be imposed relating to: (i) operating hours; (ii) doors of acoustic enclosures and on the building being kept closed when machinery is being operated; (iii) all presses within Building 2 being shrouded by acoustic enclosures; (iv) restrictions regarding the use of other machinery within Building 1; (v) the use of the stacker truck should be limited to minimise the noise nuisance from this

vehicle.

In terms of (i), and given the site's proximity to neighbouring dwellings in an area characterised by a mix of uses, it is recognised that operating hours for both buildings must be restricted to avoid noise during hours when residents should reasonably expect to be undisturbed. Section 2 of the NIA indicates that "operations currently take place between 08:00-16:30 Monday - Thursday and 08:00-12:30 Friday". The Council's EHO suggests that operating hours should be restricted to between 08:30 and 18:00 Monday to Friday (with no weekend or bank holiday use). The applicant has, however, requested that Building 1 be able to operate 24 hours a day, 7 days a week and that Building 2 be restricted to between 08:00 and 18:00 Monday to Friday, and between 08:00 and 13:00 on Saturdays.

In the absence of any specific noise monitoring evidence or assessment relating to the development's effects during night-time and early morning periods when background noise is likely to be lower than during the daytime (both the NIA and the Council's own monitoring is, at present, limited to an assessment of daytime operations only), it would not be suitable to allow operations within Building 1 to take place 24/7. Instead, it is considered that operating hours for Buildings 1 and 2 should correspond with one another and, moreover, should reflect the parameters of the NIA in order to avoid the potential for noise disturbance at unsocial hours. On the basis of the evidence presented in the NIA, and having regard to the existing hours of operation cited in the NIA and the differing requests of the EHO, applicant and objectors, it is considered reasonable and proportionate to restrict operating hours for both buildings to between 08:00 and 18:00 Monday – Friday, with no operation to take place at weekends or bank holidays. It should be noted that this also factors in the conclusion in the summary of the NIA which indicates that, following the installation of the additional acoustic enclosure around the 20 ton HME press, "further assessments should be carried out [to determine the effectiveness of this mitigation]". Until that further assessment to test the effects of the mitigation measures has been undertaken, it would not be appropriate to allow operating hours to extend outside normal working hours.

With respect to (ii), it is accepted that the existing and proposed acoustic enclosures can only provide their full benefits if the doors of those enclosures are kept closed in order to prevent noise breakout from within. Similarly, exterior doors of the buildings should be kept closed. An appropriate condition has been imposed in this regard and monitoring visits could be undertaken to check this is being complied with should complaints be received. Accordingly, and despite the views of some objectors, this condition is considered to be enforceable.

In terms of (iii), for the reasons given in the preceding section there is no need for all presses within Building 2 to be shrouded by acoustic enclosures. It has been established that the "HME" presses are the dominant noise source and principal cause of resident complaints and so to impose a requirement that the other, unoffending presses are also shrouded in acoustic enclosures would be unreasonable. It is, however, necessary to impose a condition requiring the currently unshielded 20 ton HME press to be acoustically enclosed in accordance with the same specification as the 100 and 40 ton HME presses within a set timeframe. Given the bespoke nature of the acoustic enclosures and the lead time involved in their design and manufacture prior to installation, it is considered that a period of no more than 6 months for this work to be carried out is appropriate in this case. Similarly, a condition is required to ensure that the two existing acoustic enclosures already installed around the 100 and 40 ton HME presses are retained in perpetuity (those enclosures having been constructed to comply with a noise abatement notice rather than being subject to any specific planning control at present).

With respect to (iv), as the evidence presented in relation to noise pinpoints the three "HME"

presses as the dominant noise source – particularly with regard to the Council’s own monitoring summarised in Table 3 – it is unnecessary to impose specific restrictions on the use of machinery within Building 1 above and beyond the operating hours restriction discussed in point (i). There is no evidence to support a position that the use of machinery within Building 1 during normal working hours will result in a significant adverse impact on neighbouring occupiers by reason of noise disturbance.

In terms of (v), the use of the stacker truck/forklift truck is not tied exclusively to the use of machinery within Buildings 1 and 2. Movements from the stacker were observed during both of the Council’s monitoring visits, with the majority of those being along Dock Road between two different locations bordering the northern façade of the established Helical premises which lies to the south. Operations within this premises are unrestricted and so can occur 24 hours a day, 7 days a week without any breach of planning control occurring. The scope of this application is limited to the use of land and buildings within the red line boundary of the development site and separate, additional controls cannot be imposed on land and buildings located outside this area where premises already benefit from a long established use.

Accordingly, while the operating hours restriction imposed on this permission can restrict stacker truck movements within and around Buildings 1 and 2, to impose a planning condition relating to other, unconnected movements along Dock Road which are associated with the established premises to the south (which falls outside the development site) would fail the tests in paragraph 55 of the NPPF as it would not be relevant to the development permitted, enforceable or reasonable. Instead, any noise nuisances associated with operations occurring outside and independent of Buildings 1 and 2 are subject to separate control under different legislation enforced by the Council’s Environmental Protection team (i.e. the Environmental Protection Act 1990).

In addition to the specific conditions suggested by objectors, it is also necessary to ensure that no further machinery other than that shown on the two machinery layout plans (drawing nos. ‘Building 1 (North bldg)’ and ‘Building 2 (South bldg)’ is brought into and operated from the buildings as this has the potential to undermine the assessments carried out to date and the effectiveness of the proposed mitigation measures. For the same reasons, it is necessary to impose a condition prohibiting the use of the 4 presses within Building 2 that are annotated as being “non-operational” on drawing no. ‘Building 2 (South bldg)’.

Other amenity issues:

Objectors have referred to potential adverse effects arising from vibration caused both by the machinery operating within each building and additional vehicle movements on Dock Road. There is no technical evidence to support a conclusion that the operation of machinery within Buildings 1 and 2 gives rise to adverse amenity impacts as a result of vibration and no such observations have been recorded by the Council’s Environmental Protection team during their investigation of residents’ complaints. All nuisance complaints have, instead, been focussed on noise impacts. The buildings themselves are constructed on concrete bases and, even when observing the operation of heavy presses within the buildings, there is no subjective impact arising in terms of vibration. As vibrations are imperceptible even when stood at the perceived source itself, it cannot be reasonably concluded that nuisance due to excessive vibration would be a sustainable reason to refuse planning permission. Similarly, there is nothing to suggest that the use of Buildings 1 and 2 for B2 purposes would give rise to excessive levels of additional heavy traffic travelling along Dock Road in comparison to the consented B8 use. The land upon which Buildings 1 and 2 are located is allocated for employment uses falling within classes B1, B2 and B8 and located opposite a long-established manufacturing business. Accordingly, a certain level of heavy goods traffic must be expected to

travel along Dock Road to serve this use.

Objectors have raised concerns regarding the appearance of the buildings and opine that they fail to assimilate with the character of the area. These matters were, however, assessed (and found acceptable) when temporary permissions were granted for the construction of the buildings pursuant to applications 16/1008 and 18/0280. This application is concerned only with the change of use of those previously consented buildings and matters relating to the physical appearance of the buildings themselves cannot be revisited at this stage.

Highways:

Criteria (j) and (q) of FLP policy GD7 require that developments:

- Ensure parking areas for cars, bicycles and motorcycles are safe, accessible and sympathetic to the character of the surrounding area and that highway safety is not compromised.
- Do not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders). The development should not reduce the number of on-site parking spaces available, unless there are other material considerations which justify the reduction.

FLP policy T5 refers to parking standards and states that:

- Car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.

The justification to the policy, at paragraph 11.61, indicates that the Council will prepare an SPD on parking standards which will set out local minimum standards to be applied to all new developments. However, as this SPD is yet to be adopted the Council (and Local Highway Authority) continue to apply the parking standards identified in the Joint Lancashire Structure Plan.

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

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

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

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

Access to the site is gained via Dock Road – a cul-de-sac which terminates at the service access to Helical Technologies where a turning head is in place. Dock Road is accessed via a signalised junction

with the A584 (Preston Road) to the west. Helical has its own staff car park located to the southwest of the site on the west side of a southern arm of Dock Road that branches at right angles off the main east-west route. The application building is accessed via a gated entrance at the eastern end of Dock Road which opens onto a vehicle service yard with a wide turning area that is also used for car parking. The submitted site plan (drawing no. 1105 Rev B) shows the presence of 24 car parking spaces within the concrete apron to the east of the building.

The maximum parking standards in Table A of the Joint Lancashire Structure Plan indicate that, for B2 uses over 500 sqm in gross floor area, 1 parking space should be provided for every 47-53 sqm of floor area. In this case, as each building has a floor area of *circa* 806 sqm this equates to a maximum parking requirement ranging between 34 (1612/47) and 30 (1612/53) spaces for both buildings. While the 24 parking spaces shown on the submitted site plan fall below this requirement (expressed as a maximum rather than a minimum), it is apparent when visiting the site that parking occurs across the whole of the concrete apron extending to the east of the site and is not limited to the 24 parking spaces indicated on the submitted plans (nor are these spaces marked out on site). In practice, therefore, there is a far greater level of parking provision available within this area which is more than capable of satisfying the maximum standard for B2 uses identified in the Joint Lancashire Structure Plan. When this provision is combined with that available elsewhere within the wider site (including Helical dedicated, formal car parking area, there is no reason to conclude that the development would result in a lack of parking provision in the area which would cause unacceptable congestion on surrounding streets. Indeed, the Local Highway Authority (LHA) have not objected to the application on highway capacity or safety grounds. As requested by the LHA, a condition has been imposed requiring the 24 spaces shown on drawing no. 1105 Rev B to be retained for the parking and manoeuvring of vehicles (there is no need for this area to be marked out formally as, in reality, a much greater area is available for parking and any development within this area which involves the loss of parking spaces would be considered on its own merits at that time).

The LHA opine that additional on-street parking on Dock Road near the site would “lead to greater obstruction of the sight lines at junctions and further narrowing of the road, which could lead to increased congestion and confrontation, both of which would have a detrimental effect on highway safety”. Those comments are, however, given as an advisory note that should be considered “as part of any future application”. The first paragraph of the LHA’s comments make clear that they are not objecting to this retrospective application, and the merits of any future application on the site with respect to parking provision and highway safety in general will be subject to separate assessment at the time of such an application. Accordingly, these comments are not of direct relevance to this scheme. That notwithstanding, it is noted that there are waiting restrictions around the head of the cul-de-sac outside Helical’s premises at the eastern end of Dock Road and it is within the gift of the LHA to use separate legislation – the Highways Act 1980 – to extend these waiting restrictions at a later date if they deem it necessary to avoid additional on-street parking on Dock Road.

There is no reason to suggest that the use of the two buildings for B2 purposes would give rise to unacceptable levels of additional traffic generation in comparison to the previously consented B8 use which would have a severe, residual cumulative impact on the surrounding road network.

For the above reasons, the proposed development would not have any adverse effects on highway safety or capacity that would warrant refusal of planning permission and there is no conflict with the requirements of FLP policies GD7 and T5, or the NPPF in this regard.

Other matters:

Flood risk:

The majority of the site falls within flood zone 2 as defined on the Flood Map for Planning. A small area of the site to the northern edge adjacent to Liggard Brook is also within flood zone 3.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This requirement is reiterated in FLP policy CL1. In addition, FLP policy CL2 requires developments to include suitable arrangements for the disposal of surface water, including the use of SUDS where appropriate.

The proposed industrial use is classified as “less vulnerable” development in the flood risk vulnerability classifications identified in Table 2 of the ‘flood risk and coastal change’ chapter of the NPPG. Table 3 of the same guidance indicates that “less vulnerable” development such as the scheme proposed is appropriate in flood zone 2, subject to the requirements of the sequential test which seek to direct development to areas at the lowest risk of flooding (flood zone 1) first.

Matters concerning the sequential test, residual flood risk elsewhere and surface water drainage have been dealt with in connection with applications 16/1008 and 18/0280 which gave approval, albeit on a temporary basis, for the two buildings. As this application seeks only to change the use of the existing buildings – and as the proposed B2 use does not fall into a different vulnerability classification in comparison to the permitted B8 use – there are no additional implications in terms of flooding and drainage that have not already been dealt with as part of applications 16/1008 and 18/0280. Furthermore, the Environment Agency do not need to be consulted on the application in these circumstances.

Ecology:

Section 1 of FLP policy ENV2 (a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion (b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion (c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species.

An area of land to the north the site falls within the Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS), though the buildings themselves are outside the BHS. The site is also located adjacent to the Ribble Estuary SSSI and Ramsar Site which lies approximately 190m to the east. Despite its relationship with designated nature conservation sites, the land itself previously comprised an area of bare ground occupied by the concrete slabs of demolished buildings. Accordingly, the site has limited ecological value. Instead, sensitivities arise from the value of surrounding habitats and the development is required to ensure that it does not have any adverse effects on these ‘linked’ sites.

Natural England have confirmed that they have no objections with respect to the development’s impact on the Ribble Estuary Ramsar site/SSSI and note that “the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.” Accordingly, the development would not cause any damage to nature conservation sites of International or National importance.

Objectors have raised issues with the potential for increased noise from the B2 use to cause

disturbance to local wildlife, including birds visiting the estuary. GMEU indicate that “the available evidence suggests that if non-response and non-flight bird responses to noise are taken to be relatively harmless and flight responses potentially costly in terms of energy expenditure by the birds, then for shorebirds a costly outcome becomes more likely at noise levels above 69.9 dB(A).” GMEU go on to identify that, because the ambient noise levels evidenced in the NIA are below 69.9dB(A), “[the development is not] considered to have a potentially costly outcome for wading birds i.e. where they are forced into flight and thereby expend energy. In addition, the nearest potentially significant wader bird roost to the application site is an area of saltmarsh 200m south-east of the noise source.” Accordingly, there is no evidence to suggest that the operation of machinery within Buildings 1 and 2 has any adverse effects on priority species.

With respect to the BHS, the effects of the buildings on this Local nature conservation site have already been found to be acceptable as part of applications 16/1008 and 18/0280.

In the absence of any objections from Natural England or the GMEU, there is no compelling evidence to conclude that the increased noise generated by the B2 use causes any specific damage, either directly or indirectly, to any of the designated nature conservation sites identified in FLP policy ENV2 (a) or that this use adversely affects the protection or favourable conservation status of any priority species.

Private matters:

Objectors have referred to the potential for the development to devalue surrounding dwellings. It is, however, an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, and as is made clear in paragraph 008 of the “Determining a Planning Application” chapter to the NPPG (reference ID 21b-008-20140306), any perceived devaluation of surrounding properties is not a material planning consideration that would justify refusal of the application.

Conclusions

The application relates to two thermo-PVC clad industrial units located towards the western end of a *circa* 0.9 hectare parcel of land on the north side of Dock Road, Lytham. The site is allocated as employment land on the Fylde Local Plan to 2032 (FLP) Policies Map (reference ES2), with policy EC1 of the local plan indicating that uses falling within categories B1, B2 and B8 are, subject to compliance with other policies, appropriate land uses within this allocation. Adjacent uses surrounding the site include a mix of industrial, office and residential properties.

Temporary (10 year) planning permissions for the two buildings were granted on 27.04.18 and 14.06.18 (applications 16/1008 and 18/0280 respectively), with those permissions restricting the use of both units for purposes falling within use class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) – the ‘Use Classes Order’. Since those permissions were granted, it has become apparent following complaints from neighbouring residents and subsequent investigations by the Council that the two buildings are, instead, being used for general industrial processes that fall within use class B2 of the Use Classes Order. In particular, the northern unit (‘Building 1’) contains a number of machine tools (e.g. lathes, saws and milling machines) and the southern unit (‘Building 2’) contains a number of heavy machine presses that are used in connection with the manufacturing processes carried out by Helical Technologies

who occupy the adjacent industrial premises on the opposite side of Dock Road to the south.

This application is submitted retrospectively and seeks permission for a material change of use to allow Buildings 1 and 2 to be used for general industrial purposes that fall within use class B2 of the Use Classes Order. The scheme follows the refusal of an earlier application (reference 18/0758) on 22.11.18 due to the “significant adverse impact” that noise generated by the operation of the presses within Building 2 was shown to have on the amenity of the occupiers of nearby residential properties. Following the refusal of application 18/0758, the applicant has undertaken additional works to shroud two of the presses within Building 2 – the “100 ton HME Press” and “40 ton HME press” – in acoustic enclosures and additional noise monitoring has been undertaken by both the applicant’s acoustic consultant and the Council to determine the effects that these enclosures have had with respect to attenuating noise generated by the use.

The revised noise assessment and monitoring undertaken by the Council indicates that the acoustic enclosures erected around the “100 ton HME Press” and “40 ton HME press” have resulted in a significant reduction in noise levels generated by these machines when measured at the closest noise-sensitive property. However, further mitigation is required to shroud an additional machine press within Building 2 – the “20 ton HME press” – in a similar acoustic enclosure in order to avoid a significant adverse impact on surrounding occupiers for the purposes of the definition in “BS4142:2014 – method for rating industrial and commercial sound” and, laterally, the Noise Policy Statement for England. This additional mitigation, along with other restrictions relating to the type, number and operating hours of machinery that can be used at the site, can be secured within an appropriate period of time through the imposition of a suitable planning condition.

For the reasons summarised above it is considered that, subject to the implementation of additional mitigation measures and other controls, the development would not have an unacceptable impact on the amenity of surrounding occupiers as a result of noise and disturbance. No other adverse impacts would arise with respect to the development’s effects on flood risk, ecology or the surrounding highway network to indicate that permission should be refused for any other reason. Accordingly, the proposal accords with the requirements of the relevant policies of the FLP and the National Planning Policy Framework, and so represents sustainable development.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

Drawing no. 1002 Rev D – Location plan.

Drawing no. 1105 Rev B – Proposed rainwater drainage.

Drawing no. 1107 Rev A – Proposed plans and elevations.

Drawing no. ‘Building 1 (North Bldg)’ – Floor plan Building 1.

Drawing no. ‘Building 2 (South Bldg)’ – Floor plan Building 2.

Drawing no. D28194-101-01 Rev 01 – General arrangement of acoustic enclosure for G100 punch press.

Drawing no. D28194-101-02 Rev 01 – General arrangement of acoustic enclosure for AME 40 ton punch press.

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the

policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

2. Within 6 months of the date of this permission an acoustic enclosure which meets the same specification as that shown on drawing nos. D28194-101-01 Rev 01 and D28194-101-02 Rev 01 and given in the document titled "Acoustic Enclosures Product and Technical Data" by 'Wakefield Acoustics Noise Control Technology' shall be installed around the whole of the piece of machinery within Building 2 that is labelled "20 ton HME press" on drawing no. 'Building 2 (South Bldg)'. If the acoustic enclosure is not installed around the whole of the "20 ton HME press" within 6 months of the date of this permission, then the use of that piece of machinery shall cease until such time as the required acoustic enclosure has been fully installed. The duly installed acoustic enclosure shall thereafter be retained, maintained and, where necessary, repaired in accordance with the approved specification.

Reason: As identified in the applicant's Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020), further mitigation in the form of an additional acoustic enclosure to be installed around the whole of the 20 ton HME press is required in order to attenuate noise from the development to a level that will avoid significant adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties. A period of no more than 6 months affords the applicant sufficient time to arrange the commissioning, design, manufacture and installation of the required acoustic enclosure in order that the mitigation strategy identified in the Noise Impact Assessment is implemented within a suitable period to prevent ongoing noise disturbance to surrounding occupiers. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

3. The acoustic enclosures which have been installed around the machines within Building 2 that are labelled "100 ton HME press" and "40 ton HME press" on drawing no. 'Building 2 (South Bldg)' (the specifications of which are shown on drawing nos. D28194-101-01 Rev 01 and D28194-101-02 Rev 01 and given in the document titled "Acoustic Enclosures Product and Technical Data" by 'Wakefield Acoustics Noise Control Technology') shall hereafter be retained, maintained and, where necessary, repaired in accordance with the duly installed specification.

Reason: To ensure that the acoustic enclosures for the 100 ton HME press and 40 ton HME press which have been installed as part of a wider mitigation strategy to attenuate noise from the development to a level that avoids significant adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties are retained in perpetuity in order that the mitigation strategy identified in the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020) remains effective in preventing noise disturbance to surrounding occupiers. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

4. All doors of the acoustic enclosures that have been or will be installed around the machines that are labelled "100 ton HME press", "40 ton HME press" and "20 ton HME press" on drawing no. 'Building 2 (South Bldg)' pursuant to the requirements of conditions 2 and 3 of this permission shall be kept closed at all times when those machines are being operated.

Reason: To prevent noise breakout from the acoustic enclosures erected around each of the HME presses in order that the duly installed enclosures provide an effective means of attenuating noise from the HME presses and that their noise attenuation properties are maximised in accordance with the mitigation strategy identified in the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020). The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

5. All external doors (including roller shutter doors) on Buildings 1 and 2 shall be kept closed at all times when any of the machinery identified on drawing nos. 'Building 1 (North Bldg)' and 'Building 2 (South Bldg)' is being operated.

Reason: To limit the potential for noise breakout from the buildings at times when machinery within those buildings is operational in order that any noise attenuation provided by the external fabric of the buildings is maximised and to ensure that the effectiveness of the mitigation strategy identified in the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020) is not undermined. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. The use hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday and no machinery within Buildings 1 and 2 shall be operated outside these times. The use hereby permitted shall not take place at any time on bank holidays (any public holiday), Saturdays or Sundays.

Reason: To restrict the operating hours of the permitted B2 use and the machinery associated with it in order to avoid the potential for noise from the development to give rise to significant adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties at sensitive times when this noise would be more perceptible to those occupiers and has greater potential to cause unacceptable noise disturbance, and because the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020) does not account for the development's effects outside these hours of operation. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. No machinery other than that identified on drawing nos. 'Building 1 (North Bldg)' and 'Building 2 (South Bldg)' shall be operated at the site, and there shall be no operation of this machinery on the external areas of the site at any time.

Reason: The operation of other additional, unknown machinery at the site has the potential to give rise to significant adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties due to noise disturbance and has not been accounted for in the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020). In addition, any operation of machinery on the external areas of the site (without any noise attenuation being provided by the external fabric of the buildings and/or acoustic enclosures) has the potential to cause unacceptable noise disturbance to surrounding occupiers. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

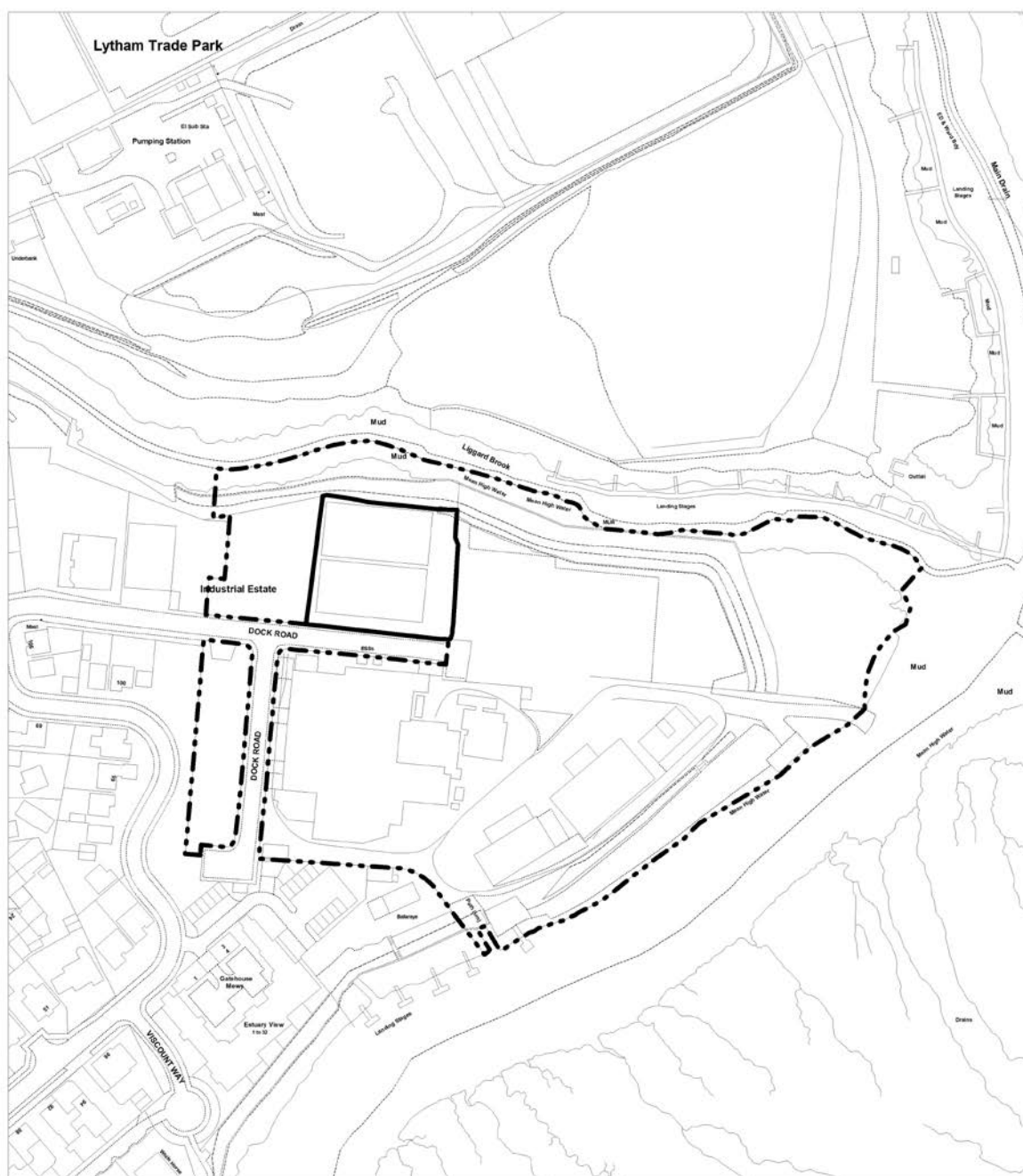
8. Notwithstanding the requirements of condition 7 of this permission, the presses within Building 2 that are labelled "100 ton SEYI press", "1250 kN SMV press", "800 kN SMV press" and "1250 kN SMV press" and identified as being "non operational" on drawing no. 'Building 2 (South Bldg)' shall not be operated at any time.

Reason: The four presses referred to in the condition are stored in Building 2 as non-operational machines. Accordingly, the effects of them becoming operational has not been accounted for in the Noise Impact Assessment (report reference R1786-REP01b-JR, dated 13 January 2020) and so there can be no certainty that they can be operated from Building 2 without the need for further noise attenuation measures to be put in place first in order to avoid significant adverse impacts on the amenity, health and quality of life of the occupiers of surrounding residential properties due to

noise disturbance. The condition is needed in order to protect the amenity of surrounding occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. The area shown for the provision of 24 vehicle parking spaces on drawing no. 1105 Rev B shall be retained as such hereafter for the parking and manoeuvring of vehicles.

Reason: To ensure that the development makes appropriate provision for vehicle parking and manoeuvring off the highway and to avoid the need for staff and visitors to park on the highway of Dock Road, which would lead to greater obstruction of sight lines at junctions and further narrowing of Dock road and, in turn, increased congestion and confrontation with other road user which would have a detrimental impact on highway safety. The condition is needed in the interests of road safety in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.



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Ordnance Survey (100006084).

Application No.
5/19/0450

Address
Land and Buildings on north side of
Dock Road, Lytham St Annes

Grid Ref.
E.3381 : N.4276

Scale
0 10 20 30 40 m

Item Number: 3

Committee Date: 12 February 2020

Application Reference:	19/0690	Type of Application:	Full Planning Permission
Applicant:	Concert Living Ltd	Agent :	Smith & Love Planning Consultants
Location:	LAND ADJACENT TO NORTH VIEW FOLD, RIBBY ROAD, RIBBY WITH WREA		
Proposal:	ERECTION OF 21 DWELLINGS WITH ASSOCIATED CAR PARKING, OPEN SPACE AND VEHICULAR ACCESS.		
Ward:	RIBBY WITH WREA	Parish:	Ribby with Wrea
Weeks on Hand:	25	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7786276,-2.9118611,673m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The proposal is a full application for the erection of 21 dwellings on a site located on the north side of Ribby Road in Wrea Green on land allocated for housing in the Fylde Local Plan to 2032. The site is directly adjacent to, and will be accessed from, the recently constructed North View Fold development which was approved through Reserved Matters application 14/0694 and outline application 13/0507 which was allowed on appeal.

Given its residential allocation in the Local Plan the proposed development of the site is entirely acceptable in principle and the development of 6 additional dwellings over the site's indicative allocation for 15 is acceptable and will not have any harmful impacts. Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of an acceptable scale and is in an acceptable location to form sustainable development.

The visual impact of the development is also considered to be acceptable and the development would not have a detrimental impact on the character of the village or its immediate setting. There are no objections from LCC Highways regarding traffic generation or safety. As such it is considered that the proposal is acceptable and so it is recommended that the application be supported by Committee. The grant of planning permission should be subject to an s106 being concluded relating to sustainable transport improvements, the provision of additional education capacity in the area, the provision of a contribution towards health provision and to secure affordable housing.

Reason for Reporting to Committee

The application is for 'major development' and so it is necessary to present the application to the

Planning Committee for a decision.

Site Description and Location

The application site comprises two connected areas of land to the north of Ribby Road. The red edge site location plan submitted with the application includes a connection to the site from Ribby Road through an area of open space with trees alongside the adjacent site's frontage along the sinusoidal road that has been approved and then through to the northern part of the site which is agricultural land used for grazing. The land undulates gently with a series of hawthorn hedges around its perimeter and an area of trees along the boundary. Wrea Brook runs to the northern boundary of the site with a smaller watercourse running east to west in between the two main parts of the site. The area of land that forms the southern area is designated as a protected open space within the village and is not proposed for development in this application. To the east of the site is the North View Fold residential development of 42 dwellings by Redrow, beyond that is Wray Crescent. To the north of the site are open fields and to the south and west are residential dwellings within the village of Wrea Green.

Details of Proposal

The application as originally submitted was for the erection of 25 dwellings. However, this was amended during consideration of the application due to officer concerns regarding the proximity of some dwellings to protected trees and other issues with the initial layout being unsatisfactory. Therefore, the development before members today is for the erection of 21 dwellings in a revised layout.

The access point to the site has already been approved and constructed through the adjacent North View Fold housing site and this access is to be used in this application. The proposed layout would mean the development sits directly adjacent to, and would effectively be seen as part of, the of the developed larger site to the east, with the main spine road of that site continuing into this one through the existing eastern boundary hedgerow with a small section of hedgerow to be removed to facilitate this access. Within the application site the spine roads splits into two smaller roads lead off this with the dwellings arranged around these off private drives. To the north of the site a balancing pond and substation are located. The layout is similar in its form to the adjacent approved site and that which has been granted permission previously with the same access roads and amorphous turning heads.

The existing trees to the south and west are shown to be retained. The amendment to the plan and reduction in housing numbers means that the dwellings along the southern boundary to the site have been reduced in number and moved further away from the trees than the original layout. A new hedgerow encloses the rear of these dwellings which prevents access to the TPO'd trees.

The southern area of the site is not shown to be developed and will form public open space for the development. This will be enhanced with additional tree and bulb planting and access from this area will be open to all and taken from Ribby Road.

The 21 dwellings proposed consist of 12 semi-detached dwellings and nine detached dwellings and a variety of designs is proposed. The dwellings are well spaced with car parking located to the side and front of dwellings, with areas of green space in front of the dwellings around the site. Prominent internal boundaries are to be constructed in brick walls and landscaping is proposed throughout the development. The dwellings themselves will be a mix of 3, 4 and 5-bedroom properties.

In terms of the design of these units they are all proposed to be two storey residential units, to be constructed in brick with some dwelling featuring render at first floor with a mix of grey and red concrete roof tiles. The dwellings have features such as front gables, brick banding details and heads and sills. Private driveways will be constructed in herringbone block paving and the paths in flag paving throughout the site. It is proposed that 30% of the units (6) are to be affordable, 3 being shared ownership and 3 being for affordable rent.

Relevant Planning History

Application No.	Development	Decision	Date
16/0569	PROPOSED REVISION TO RESERVED MATTERS APPROVED UNDER REFERENCE 14/0491 TO AMEND HOUSE TYPES ON PLOTS 7,8,9 & 20	Granted	06/10/2016
15/0296	PROPOSED ERECTION OF 13 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE.	Withdrawn by Applicant	21/11/2016
15/0070	PROPOSED REVISION TO RESERVED MATTERS APPROVED UNDER REFERENCE 14/0491 TO AMEND HOUSE TYPE ON PLOTS 44 AND 45	Granted	14/04/2015
14/0880	OUTLINE PLANNING APPLICATION FOR UP TO 15 DWELLINGS WITH ACCESS FROM RIBBY ROAD. (ALL OTHER MATTERS RESERVED).	Withdrawn by Applicant	21/11/2016
14/0491	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 42 DWELLINGS, ASSOCIATED WITH OUTLINE PLANNING PERMISSION 13/0507	Approved with 106 Agreement	16/12/2014
13/0507	OUTLINE APPLICATION FOR UP TO 49 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	18/11/2013

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0507	OUTLINE APPLICATION FOR UP TO 49 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	16/04/2014

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 27 August 2019 of the 25-dwelling scheme and comment;

It was noted the PC objected to the previous application of 13 residences and will retain its stance, particularly as the amount of properties and increased density is evident within the new application. The proposed properties could be assessed as 'not in keeping' with surrounding properties. Additionally, the type of property proposed would suggest that there will be an added requirement for schooling at primary level and there is no availability within the village for the foreseeable future. There will be added strain on an already strained transport infrastructure.

Comments also suggest that the nett gain to the parish will be negative as the land, owned by the Church Commission, would be better used as an over-flow burial ground for St.Nicholas' Church which is close to capacity.

For these reasons, the parish council recommend REFUSAL.

They were re-consulted on the revised 21 dwelling scheme on 15 January 2020 but at the time of writing this report were yet to respond. If comments are received, they will be reported to members in the late observations.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

The Tree Officer was involved with the negotiations which have resulted in the plan before members today and is happy that the revised layout will not impact upon the protected trees. He has stated on the revised layout, tree protection plan that has been submitted;

I have looked at the submitted Tree Protection Plan, Project ref SHF.1615.002. And the revised drawing planting plans 3225 201G. I am happy that new proposed boundary fence and the protective barrier (as per BS 5837 (2012)) should be far enough away from the protected trees for the development to have minimal impact on them above and below ground, now and in the future.

I am also happy with the native hedgerow mix to be planted along the rear boundaries of the new development.

I would also like to ask that the removal of the existing fence and wire is carried out in a way that wouldn't incur any damage to the trees.

Would it also be possible to inform all new tenants/ owners that the trees are protected and that they should inform the Council if anyone wants to carry out any tree works.

Lancashire County Council - Highway Authority

Comments on 25 dwelling scheme

State that the application is acceptable subject to a traffic calming and a sustainable movement contribution. Comment that four appeals in Wrea Green were recently considered and though they were dismissed the findings within the appeal are relevant to this application.

With regard to the submitted Transport Statement (TS) they have stated that whilst Ribby Road is 20mph actual speeds are in excess of 30mph as surveyed by LCC. This isn't addressed in the TS. The TS also does not assess existing traffic conditions, LCC state that the two way daily flow down Ribby road is around 8500 vehicles a day. That traffic through the village is tidal with the AM peak being around 490 westbound and 340 eastbound, the PM peak flow being roughly the reverse. These traffic volumes are below the theoretical capacity of the road. Delay is not excessive during peak, as is noted by both observations and generic crowdsourced traffic data.

LCC accept the trip rates presented by the TS which stated that the two-way trip rate used for the AM is 0.620 for the AM and 0.578 for the PM. LCC stated that for a site such as this the number of trips generated are relatively low and when added to the traffic levels on Ribby Road there would be no highway capacity concerns at the site access or in the immediate environment of the site. This would still be true if a significantly higher trip rate was used. Therefore, in terms of highway capacity the proposed development is acceptable

With regard to the access LCC state that the existing development is an un-adopted highway and therefore permission for access from the landowner is required. They state that the layout is acceptable.

With regard to highway safety LCC state that 300m to the west of North View Fold is a cluster of accidents at the mini roundabout at The Green. The number of accidents at the mini roundabout amounts to 5, 3 of these involving cyclists. As no improvements / alterations to the junction are readily identifiable to address the injury accident concerns LCC do not consider it necessary for the developer to provide any improvements here.

LCC disagree with the analysis that there are no recurring problems or patterns that raise concern. The road safety measures that the inspector held are necessary in the recent appeals would have helped deal with this issue however, by reducing excessive speeds and therefore making sustainable travel safer.

LCC state that from the development site to the centre of Wrea Green, Ribby Road has footways on both sides. These are narrower than the standard footways and widening cannot be delivered without third party land. Reducing the width of the carriageway is not considered to be an acceptable option. Therefore, the question is whether this discourages walking to and from the development site. Since Ribby Road is now subject to a 20mph speed limit LCC are not convinced that where speeds were reduced, conditions would be so bad as to discourage walking. As such the existing footway network is considered adequate to support the needs of the development. There are however, clear improvements that can be made to encourage observance of the speed limit and to facilitate safer movement for sustainable users.

LCC therefore request a traffic calming and sustainable movement contribution, for use in the vicinity of the development, necessary. In line with previous requests made at the appeal, they would request a £77,175 contribution towards these measures.

Subject to this they confirm that there are no highway objections to this development.

Comments on 21 dwelling scheme

Re-iterate the above comments, however the contribution has reduced to £64,827 because of the reduced number of dwellings.

Lancashire CC Flood Risk Management Team

No comments received to either scheme.

Greater Manchester Ecology Unit

Comments on 25 dwelling scheme

The Ecology survey report submitted to inform the application has been prepared by a suitably qualified ecologist and is to generally appropriate standards, although the

habitat survey was undertaken in February outside of the optimum time of year for undertaking botanical surveys. However I note the existence of a previous comprehensive ecological survey of the site, and of adjacent areas, carried out in 2014 at a better time of year. Since the site does not appear to have been subject to significant change since 2014, and because of the dominant habitat types present, I would be prepared to accept that there is sufficient ecological information available to decide the application.

I would accept the overall findings of the report that the proposed development is unlikely to significantly affect any specially protected species, with the exception of nesting birds. I am pleased to see that the southern land parcel will not be developed since this area supports the most important habitats (mature trees and woodland). The development footprint will directly affect only relatively species-poor grassland.

It ought to be possible to retain important boundary trees and I note that there will be a landscape buffer zone between the built development and the hedge and ditch line forming the northern boundary of the site. New tree and shrub planting is planned as part of the development.

Recommendations –

- *No vegetation clearance required to facilitate the scheme should take place during the optimum period for bird nesting (March to July inclusive).*
- *Retained trees at the site boundaries should be suitably protected from harm during the course of any development.*

Comments on 21 dwelling scheme

No comments received at the time of writing the report however the revised scheme reduces the impact on trees and therefore there is no reason for GMEU to provide a response that differs from the above.

United Utilities – Water

Comments on 25 dwelling scheme

Commented that they had no objections and requested a condition that the development be carried out in accordance with the principle set out in the submitted FRA.

Comments on 21 dwelling scheme

No comments received however given the lack of objection to the larger unit scheme there is no reason for them to object to the smaller one.

Strategic Housing

Comments on 25 dwelling scheme

In principal housing are supportive of this scheme. Progress Housings market development arm Concert Living have been in discussions regarding tenure mix, therefore the principal of tenure to be delivered is acceptable. The affordable 30% requirement proposal of 4 shared ownership and 3 affordable rent is acceptable. The neighbouring development of North View Fold had 5 units discounted market sale – therefore across the two sites a mix of tenures would have been achieved. We also note the affordable rents are to be delivered first along with the initial market units.

They then make some comments to highlight corrections needed to the Affordable Housing Statement.

Comments on 21 dwelling scheme

I have checked the revised affordable housing statement and they have made the changes as requested in my email of the 06/09 around clarifying that the local occupancy for the shared ownership will reflect Homes England Capital funding guide and that the occupancy restriction will be Wrea Green in the first instance then open up to Fylde wide and NOT open up to neighbouring boroughs.

Fylde and Wyre Clinical Commissioning Group

Comments on 25 dwelling scheme

I refer to the above planning application which concerns the erection of 25 dwellings with associated car parking, open space and vehicular access on land adjacent to North View Fold, Ribby Road, Ribby with Wrea.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.

The specific requirement is 25 chargeable units, which would generate approximately 60 new patient registrations based on dwelling mix provided) and results in a contribution of £14,861 towards new infrastructure.

The proposed development falls within the catchment area of Kirkham Health Centre. This need, with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice.

(The practice is located less than 1.5 miles from the development and would therefore be the practice where the majority of the new residents register for general medical services. The physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. The existing premises could not therefore accommodate the growth generated from this proposal.)

From a CCG perspective the growth generated from this proposed development would trigger consideration of the commissioning of a new general practice;

It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.

Please note that general practice premises plans will be kept under review and may be subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The CCG is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the CCG confirms that there are no more than four other obligations towards this project.

Comments on 21 dwelling scheme

The response is the same as the above but with £12,632 requested due to the decrease in numbers and therefore demand. It also states clearly that the project would be a new build Primary Care Centre at Wesham. The Kirkham surgery cannot be adapted/extended in any way due to this increasing demand and they require new premises on the Wesham site. Indicative proposals have been prepared.

Councillor Frank Andrews

There is already widespread concern over the number of applications recently approved for developments within the village of Wrea Green. Our running total of new or "in-build" homes is currently 231 dwellings. Clearly this amount of new housing in a formerly 625 home settlement is excessive and given the current number of dwellings available for sale in the village there is demonstrably no further housing need for either private ownership or for adding to the "affordable" stock. Whilst this site did originally benefit from permission to build 15 homes there is clearly no longer any need. The village is already beyond the limits of sustainability with a poor and very limited provision of a bus service, no train service, a village school that is full and more importantly just one shop to serve the whole community. You will know that the sustainability argument has been made by me and others before and in our appeal statement for the 4 recent appeals that were dismissed by the Planning Inspector and these reasons are all relevant to this application.

Wrea Green housing is already above the level specified in the Local Plan and the two main roads that one thru the village are becoming alarmingly busy. Given the very genuine concern over traffic levels it would be unwise to add any further housing which would aggravate these widely held concerns. All the traffic from this proposed development would directly increase the traffic levels on Ribby Road.

This small parcel of natural land is appreciated by the current residents of North View Fold and indeed they have offered to purchase it to ensure it stays in its current state. The proposal to squeeze 25 further homes is not only gross over development of the plot but out of keeping with the well laid out and recently completed development it adjoins.

In summary this proposal is too large; it is substantially an over development of the site. There is no sustainability argument whatsoever and the roads are unable to take any further traffic. I suggest that the residents offer to purchase the land in question is encouraged so it might remain part of the Wrea Green countryside.

Neighbour Observations

Neighbours notified:	27 August 2019
Amended plans notified:	15 January 2020
Site Notice Date:	29 August 2019
Press Notice Date:	12 September 2019
Number of Responses	91 letters of objection to original plans (note some of these letters are from the same person multiple times or the same letter from each occupant of an individual property).
	61 letters of objection to revised plans
	2 Letters of support to revised plans

Summary of Comments

Summary of objections to the original plans as follows;

- The proposals differ from the previous consent on the site.
- 25 dwellings is in far in excess of the original permission for 15.
- Development out of character with North View Fold.
- Not enough detached dwellings.
- Affordable Housing not in keeping with area.
- Roads would deteriorate in condition.
- Increase in vehicles to Ribby Road and new estate.
- Highway safety and congestion.
- People speed on Ribby Road.
- Development not sustainable.
- Over-development of Wrea Green.
- Lack of services in Wrea Green.
- Over-development of the site.
- Development no longer needed.
- Drainage system inadequate.
- Loss of green space and biodiversity.
- School is oversubscribed.
- Loss of residential amenity.
- Contrary to policy GD7 of the Local Plan to 2032.
- Contrary to strategic objection of Local Plan to 2032.
- Lack of parking spaces.
- Developers trying to maximise profit.
- Potential conflict with Competition Act 1998.
- No rail links.
- Affordable housing located near to existing dwellings.
- Risk of impacted TPO trees.
- Developer unproven compared to Redrow.
- Increase in neighbourhood crime and anti-social behaviour.
- Risk of flooding.
- Object to removal of trees and ponds.
- Affordable houses not affordable as the area is expensive.
- Current new homes are not selling.
- No job creation.
- Cannot sell my existing 5-bedroom house in Wrea Green due to new builds.
- Visual impact of development.
- Contrary to the NPPF.
- When we delivered information on development to the whole village 99% of residents were appalled.
- Why do developers need to build in village when there is vast amounts of green fields nearby? Presumably profit.

Summary of objections to revised plans as follows;

Most letters received in objection to the revised plans to not raise any additional points and simply clarify that their objections in their previous letter still stand. Additional specific points raised;

- 21 units still exceed the initial approved number and site is still too densely developed.
- The land should be used as a graveyard.
- Refusal would show the Council is in tune with current thinking regarding the environment.
- POS not accessible from site.
- Loss of privacy and light from revised layout.
- Air pollution will be higher.

Summary of support to revised plans as follows

- Support the tree officers' findings and the revised layout.
- Hedgerow planting welcome.
- Maintenance gate supported.
- Social Housing now better located.
- Number of dwellings is now appropriate.
- Site less cramped.
- Maintenance plan to Wrea Brook supported.
- As purchasers on estate knew land would be developed.
- Recently received a letter drop informing of development and I am in favour of small amounts of growth in our village.
- The objectors bombarding me with letters are hypocrites who live on a new build estate.

Relevant Planning Policy

Fylde Local Plan to 2032:

DLF1	Development Locations for Fylde
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
CL2	Surface Water Run-Off and Sustainable Drainage
INF2	Developer Contributions
H2	Density and Mix of New Residential Development
SL5	Development Sites outside Strategic Locations for Devt

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

Principle of the development

This application site has been subject to two applications previously for residential development. Planning application 14/0880 was an outline application for 15 dwellings and was supported by the Planning Committee subject to the completion of a s106 agreement. Application 15/0298 was a full application for 13 dwellings and was also supported by the Planning Committee subject to the completion of a s106 agreement. However, neither application was granted planning permission as the legal agreements were not completed due to the applicants at that time (Redrow) being unable to come to an agreement with the selling landowner. These applications were supported despite the site being allocated as countryside in the then Fylde Borough Local Plan, as they were found to be sustainable development in Wrea Green.

Since the time of those applications the policy position has evolved and the site has been allocated as a development site outside the Strategic Locations for Development (Policy SL5) in the current Fylde Local Plan to 2032. Policy DLF1 – Development Locations for Fylde is the overarching policy which looks at the distribution of development throughout the Borough, concentrating 90% of growth in the Strategic Locations with the remaining sites spread throughout the Borough in Local Service Centres, Larger Rural Settlements and Smaller Rural Settlements. The plan also allows for windfall sites which are unallocated sites between 1 and 9 dwellings that are not allocated but could occur throughout the Borough where compliant with other policies in the Plan. The Local Plan states that these windfall sites will provide around 1040 dwellings within the plan period amounting to 11% of the overall housing requirement.

The application site is located in Wrea Green which is identified as a Larger Rural Settlement in the Fylde Local Plan to 2032 and includes six development sites. This site is identified as HS47 – Land north of North View Farm with a indicative allocation for 15 dwellings. This allocation was based on the application that was made in outline and was supported for 15 dwellings. The current application for 21 units therefore exceeds that indicative scale by 6 dwellings. Therefore, the principle of residential development of the site is acceptable subject to the scale of the development and the other material planning considerations all being satisfied.

With regard to housing mix policy H2 requires all developments of 10 or more dwellings to include at least 50% of dwellings to 3 beds or less. This full planning application for 21 units proposes 13 three-bedroom dwellings, and as such accords with this policy. Accordingly, the principle and bedroom mix proposed are acceptable.

Impact on the settlement of Wrea Green

As stated above Wrea Green is identified as a Larger Rural Settlement and the allocations made for housing development in the village reflect this. This is a consequence of the Settlement Hierarchy Background Paper which assesses the level of services and facilities available in each settlement, and the connections available to them. The allocation of this site for 15 dwellings was based on application made by Redrow where they sought to extend their existing North View Fold site (allowed at appeal) with a development of large 4 bed dwellings. That is therefore not to say that the site could not accommodate a greater number of dwellings, as is demonstrated by the development here which includes several smaller units and affordable housing. Indeed, the development of the site for a greater number of dwellings is a more efficient use of land that is allocated for development in the Fylde Local Plan to 2032. This brings benefits in housing delivery and marginally reduces the need for windfall sites throughout the Borough as explained above.

These windfall sites can occur throughout the Borough when compliant with other policies, and as this site is allocated for development it complies here. Therefore, whilst there will be a minor additional impact on services, which is discussed in greater detail below, this scale of minor additional growth is expected to occur throughout the Borough and therefore it can be considered acceptable in principle here.

Impact on character of the area

The application site is located directly adjacent to an approved and developed residential scheme known as North View Fold. When the original application for that site was submitted officers recommended refusal as the development was seen as having an unacceptable impact on the rural character of Wrea Green. However, when allowing the appeal against that decision, the Planning Inspector considered the visual impact that proposal would have and whilst he acknowledged that there would be some harm to the rural character of Wrea Green that he considered the degree of harm to be very limited. He stated that as Wray Crescent projects a considerable distance to the north of Ribby Road it would provide some visual containment to the east of the site and similarly with Vicarage Close to the west, ensuring that the development would not appear unduly intrusive in views from this direction. He stated that the set back from Ribby Road and the retention of boundary trees and the open area to the northern boundary would mitigate the visual impact of the development and assist in integrating the development into the setting of Wrea Green.

Not only is this appeal a material consideration in the assessment of the visual impact, but the landscape of the area has been changed with the subsequent development of that scheme to one where residential development must be more acceptable. This was the view taken when the previous two applications were supported on this site as it was determined that development of this site would effectively fill the gap between the development the Inspector permitted and Vicarage Close to the west. The site is well set back from Ribby Road and views to it would be restricted, and it is effectively surrounded by development to the east, west and south. Wrea Brook to the north forms the extent of the village's development to both the east and west, and this scheme would replicate that limit.

The proposed scheme also shows an easement to Wrea Brook to the north of the site, the retention of existing hedgerows which surround it and the retention of the trees to the southern and western boundaries. The retention of these features will assist in integrating this development into the setting of Wrea Green. The most significant view of the site will be from the north but with the adjacent sites development it would be viewed as having a consistent boundary in line with the adjacent developments. Therefore, it is not considered the development will have a significant visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

Design/layout

As stated above when originally submitted officers considered the layout to be unacceptable due in part to there being too many dwelling dwellings within the development. The reduction from 25 to 21 units has allowed for a layout which better relates to the development to the east, and which sits more comfortably in the landscape as outlined above. The layout of the site is influenced by its constraints and shape, this dictates that the access to the site will be from the adjoining site, and the dwellings laid out to respect the significant trees located adjacent to boundaries and provide an easement to Wrea Brook which runs to the northern boundary of the site.

The layout now proposed successfully incorporates the application site into the existing

development in the area whilst retaining hedgerows and trees in and around the site. The site is accessed from Ribby Road through the adjacent site and splits into two access roads and private drives with the dwellings arranged around these roads. The POS is in a large area to the south of the site and would be available for use by all. The existing trees around the periphery of the site are to be retained. The proposed dwellings are appropriately laid out within the application site and are positioned to achieve the separations set out in the Council's spacing standards, and as such have an acceptable impact on the amenity of existing dwellings and dwellings proposed within the site.

The dwellings proposed are two-storey which is an appropriate scale taking into account the character of the surrounding area. The design of the dwellings varies throughout the site which adds character to the development itself, with a mix of designs and materials enriching the street scene. A number of house types are proposed including the Whitewell which is a detached dwelling with a gable frontage, integral double garage and hipped roof to be built in brick and grey concrete roof tiles. The front elevation of the dwelling has a roof over the porch and a ground floor projecting bay window. Another house type is the Hyndburn, this is a semi-detached red brick dwelling with a grey tiled roof and a dual aspect side elevation.

All the different house types have different features which help to break up their elevations. The materials proposed are included in a materials schedule and the development can be approved to be carried out in accordance with that plan. The materials to be used throughout the development consists of three different types of red brick, with external facing walls constructed in Ibstock multi rustic or Calderstone claret, and headers and cills using smooth red or cast stone buff. There will be rendering to part of the frontage of some of the dwellings. Roofing is Marley concrete tiles in smooth grey or old English dark red. All windows will be white upvc, all rainwater goods will be black upvc and the front doors of the dwellings are a mix of duck egg blue, chartwell green, golden oak and standard black.

The design and appearance of all dwellings proposed is acceptable. The development is open plan with shared surface roads and landscaping such as hedgerows to be retained and trees within the site proposed which will mean the development has a green appearance which is appropriate. LCC Highways have stated that the layout is acceptable and that they have no internal highway issues with the proposal. The proposed layout and designs are appropriate and comply with the requirements of policy GD7 of the Local Plan to 2032 and the paragraphs in the design chapter of the NPPF which they relate to.

Highways

It is proposed that the site will utilise an extension of the access permitted through the adjoining site and will add 21 dwellings to that access. The use of this route to serve the development was considered acceptable in the determination of the two previous applications for the development of this site and remains so for this one. The addition of 21 houses to the highways network is not seen as unacceptable and LCC Highways raise no objection on either capacity or safety grounds, stating that the existing traffic volumes of Ribby Road are below its capacity. They state that the trip movements of the development are relatively low and when added to the traffic levels on Ribby Road there are no highway capacity issues at the site access or in the immediate surrounding network. This means that traffic impact of the development will be imperceptible when having regard to the daily fluctuations in traffic in the village.

Whilst LCC have no objections to the proposed access to the site or the proposed layout, they do refer to the benefits that would arise from the implementation of a traffic calming scheme that was agreed in the work undertaken for recent appeals in Wrea Green. They refer to the level of speeding

vehicles on Ribby Road and seek a contribution that will go towards a traffic calming and sustainable movement scheme to that road. This scheme is designed to encourage observance of the speed limit and to facilitate safer movement for all road users. The contribution requested is £64,827. They also request a condition in relation to the cleaning of the wheels of construction vehicles leaving the site, a condition requiring a construction method statement to be submitted for approval, that the garages be retained for use by a motor car and various conditions with regard to the construction and management of the estate road. These can all be imposed and so with this contribution secured by a legal agreement and the conditions there are no highways safety or capacity issues with the proposed development.

Impact on residential amenity

The application has been made in full and therefore the impact on residential amenity of the proposed development can be fully assessed. A construction management plan will be subject to a condition in order to protect amenity during construction. With regard to the proposed layout it meets the Council's spacing standards and would not create any unacceptable harm the residential amenity of occupiers of existing dwellings around the site.

The proposed dwellings sited at their nearest point are approximately 45m from the rear elevations of properties located on Vicarage Close, at such distances there would be no impact on residential amenity. There is also a large amount of tree cover between these dwellings and the application site that would be retained. The Vicarage and the dwellings on Ribby road would not be impacted upon by the proposal. The relationship between the dwellings in the site and the newly constructed dwellings on North View Fold is the closest one, the proposed layout and proximity meaning that the development would be viewed as being part of the same development. Considering the proposed layout, plots 1 to 5 are located to the north of the access and back-on to the existing development. Plots 1 and 2 are located approximately 21m and 24m from the centre of the rear elevations of dwellings which are set at an angle in North View Fold which is an appropriate distance. Plot 3 is 11m from the rear boundary, plot 4 is 16.5m from the side elevation of the dwelling to the east and plot 5 is 22m from the same dwelling's front elevation. All of those distances comply with spacing standards and constitute a normal relationship in a residential development. Plot 6's side elevation is 3.8m from the side elevation of the dwelling to the east and is 14.4m to its rear boundary and further from the dwellings that located to the south east which is also acceptable.

There are therefore no issues with this proposal in terms of impact on residential amenity.

Flooding/Drainage

The site is not located in a high risk flood zone and is therefore located in an area where the development of a more vulnerable use such as residential dwellings is acceptable. The site extends to 1.7 hectares and therefore the application is supported with a Flood Risk Assessment, drainage strategy and drainage plan as is required for all sites over 1 hectare. The submitted FRA indicates that the development area is a 0.95 ha site which slopes in a north-west direction and is underlain by clayey soils and a geology with indicative low infiltration potential. It states that the proposed development will increase the area of impermeable surfaces and therefore increase the amount of runoff without mitigation. However, surface water runoff will be restricted to greenfield rates and attenuated up to and including a 1 in 100-year event, plus 40% for climate change. It is proposed that foul water will be pumped into the public foul network.

In order to restrict surface water run off to the same rates as exist on the undeveloped site a sustainable urban drainage system (SUDS) will be used. This comprises a detention basin designed to

maintain runoff at pre-development rates, with an outfall to the bounding watercourse. This would mimic the existing situation with surface water drains placed within the highways of the development. The flow of the water would be restricted by a hydrobrake to pre-development rates. Because of the restricted flow there will be storage requirement during periods of intense rainfall, with soft landscaping and a pond system proposed.

With regard to foul water consultation with UU has identified the sewer on Ribby Road as being the nearest public sewer to the development and it is proposed that the foul water generated by this development be discharged into this sewer. United Utilities have no objections to the development, and state that in accordance with the NPPF and building regulations the site needs to be drained on a separate system with foul water draining to the public sewer and surface water in the most sustainable way. They request a condition requiring the development to be carried out in accordance with the principles outlined in the submitted FRA, specifically that surface water must drain into the watercourse. They also suggest a condition requiring details of the management of the SuDs which is a condition that the LLFA would normally request albeit they have not offered any comments on this application.

There are therefore no drainage or flooding issues with the proposal and with these conditions in place the site can be adequately drained without increasing the risk of flooding to neighbouring properties or those proposed.

Trees/Ecology

The application has been submitted with an Ecological Impact Assessment which has been considered by the Council's ecology consultants GMEU. This report find that the site contains woodland that should be retained and protected to avoid damage to habitat and minimise degradation of its wildlife corridor function. The tree provide habitat for birds and bats and retention of the tree and a sensitive lighting scheme should prevent any harmful impacts. It found that Wrea Brook on the northern boundary forms suitable Water Vole habitat and recommends an undeveloped buffer around it which has been provided in the layout. Surveys have confirmed the absence of Great Crested Newts in ponds surrounding the site. The report states that if appropriate mitigation is carried out that the proposed development will result in no not loss in biodiversity. Further enhancements to the area south of the development site will further contribute to the biodiversity net gain.

GMEU have commented that this report has been prepared by a suitably qualified ecologist and is to generally appropriate standards. They state that there is sufficient ecological information available to decide the application. They accept the finding that the development is unlikely to significantly affect any protected species with the exception of nesting birds. They state they are pleased that the southern land parcel will not be developed as this area supports the most important habitats (mature trees and woodland) and the proposed development will directly affect only relatively species-poor grassland. They state the retention of the important boundary tree's ought to be possible and they note that there will be a landscape buffer zone between the built development and the hedge and ditch line forming the northern boundary of the site. New tree and shrub planting is planned as part of the development. Since these comments have been received the stand-off distance between the development and the habitat has increased with the revised housing layout. GMEU recommend conditions of development that there be no vegetation clearance during bird nesting season and that protected trees are suitable protected from harm during the course of development.

With regard to its impact on trees specifically the application is supported by a Tree Survey Report

and an updated tree protection plan has been provided which relates to the revised layout. This sites the dwellings well away from existing trees. The Council's Tree Officer has considered these and states that he is happy with the layout and that the boundary treatments for the dwellings are now far enough away from the protected trees for the development to have minimal impact on them above and below ground, now and in the future. He states he is also happy with the native hedgerow mix to be planted along the rear boundaries of the new development. This will encourage wildlife and help retain this area as a wildlife corridor. With appropriate conditions requiring the development to be carried out in accordance with the submitted details there are no tree or ecological issues with the application.

Open Space

The application site includes an area of land allocated under the Fylde Local Plan to 2032 as amenity green space under policy ENV3. In the previous Fylde Borough Local Plan it was allocated as an 'open space within towns and villages' where development will not be permitted as it is considered to be essential to the setting, character or visual amenities of the village. It is presumed it is allocated as amenity green space because the previous applications on the site also proposed this area to be used as open space. However this site currently is under private ownership and contains significant features such as trees that will be retained. It is proposed that this area of open space form part of the site and be open to the general public, with access to the site via the gate to the side of no 20 Ribby Road. This will be planted with bulbs and trees with a new post and rail fence with locked maintenance gate between this area and the dwellings to prevent access to the area under the TPO'd tree's and the dwellings themselves. It is considered appropriate to include a condition that provides details of a management company that will have responsibility for maintaining the POS in perpetuity in accordance with a management plan/specification to be approved by the Council. It is intended that the POS will be kept open and available to all.

Affordable housing provision

The application proposes that the proposed development will meet the requirement to provide 30% affordable housing on site, with a split between shared ownership and affordable rent. This will help contribute towards meeting the Council's affordable housing needs and will be secured through a legal agreement. The Council's Affordable Housing Officer has stated that in principle Housing are supportive of the scheme. They have had discussions with the applicants and the 50:50 split of shared ownership and affordable rent is acceptable. The neighbouring site has 5 units which are discount market sale so across the site as whole a mix of tenures would be achieved. They requested some amendments to the submitted Affordable Housing statement so that the shared ownership occupancy criteria reflects the Homes England Capital funding guide and that the occupancy restriction will be Wrea Green in the first instance then open up to Fylde wide and would not open up to neighbouring boroughs. As a section 106 agreement is required for other matters (health, education and highways) the affordable housing requirements will also form part of a legal agreement.

Education Capacity

LCC have carried out an educational assessment for the original development of 25 dwellings. The nearest primary school to the site is Ribby with Wrea C of E, which has 151 children on roll with a projection of 174 by 2024. When this is combined with the other 6 primary schools within 2 miles of the development the future planned capacity is 1151 spaces and the projected number of pupils is 1180. This leaves a shortfall of 29 places. The 25 dwellings scheme yielded 5 primary school places and as such LCC requested a contribution of £80,252.70 to help expand education capacity in

the area to meet that need.

With regards to secondary education the 25-unit scheme is projected to yield 2 secondary school places however as the projections indicate a surplus of 62 places available in 5 years' time no contribution is requested towards secondary education.

This requested primary contribution would be used for an impact which is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development for the children expected to live on the development. LCC have been reconulted and their response is pending for the 21-unit scheme however it is likely that the contribution requested will decrease slightly. The legal agreement will include this contribution within it and with its provision there will not be an unacceptable impact on educational establishment's capacity.

Health Capacity

The CCG have recently introduced a means of calculating the impact of housing developments on health care with this accepted as a material consideration in the assessment of planning applications at the December 2019 meeting of the Planning Committee. In this case the CCG have provided comments which explain that 21 dwellings will likely support 51 people using primary care facilities and they request a contribution of £12,632 to help provide that case using the calculation formula set out in their policy document.

Kirkham is the nearest health centre at 1.5 miles away and will be the practice where the majority of the new residents register for general medical services. However, the physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. Therefore, this contribution will be used towards the provision of new build Primary Care Centre in Wesham. As Policy INF2 of the Fylde Local Plan to 2032 allows for the Council to secure infrastructure improvements including health provision and officers view is that this request meets the 'CIL tests' as it is proportionate, directly related to the development, and necessary to make the development acceptable it is proposed that this contribution also form part of the legal agreement. This contribution would be paid to the Council so that the NHS did not need to be a party to the legal agreement and then would be released to the CCG when appropriate.

Conclusions

The development of 21 dwellings as proposed is considered to form sustainable development and is acceptable in principle as it is for the development of an allocated site in the Fylde Local Plan to 2032. The proposal is an increase in density of the previous permission and can be considered of greater benefit than the site allocation. There are no highways or amenity issues with the proposal, and with appropriate conditions and contributions the development will have an acceptable impact. It is therefore welcomed as a development to help deliver the housing needed by the borough and allocated for this purpose in the Fylde Local Plan to 2032.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision being subject to the completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties in accordance with the requirements of Policies H4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £64,827 (and the phasing of the payment of this contribution) towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site in accordance with the requirements of Policies T4 and INF2 of the Fylde Local Plan to 2032
- a financial contribution to be confirmed by LCC Education (and the phasing of the payment of this contribution) towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the Fylde Local Plan to 2032
- a financial contribution of £12,632 towards the provision of a new Primary Care Centre at Wesham to be delivered by the Fylde and Wyre CCG in accordance with the requirements of Policies HW1, HW2 and INF2 of the Fylde Local Plan to 2032.
- a financial contribution (and the phasing of the payment of this contribution) towards the council's proportionate costs in relation to the monitoring of the obligations of this agreement in accordance with the requirements of Regulation 122 (2A) of the Community Infrastructure Regulations 2010

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.

The suggested Planning Conditions and Reasons are as follows:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. This permission relates to the following plans:

- Drawing 3467-105 Rev Z - Site Plan Proposed
- Drawing 3467-111 Rev E - Street Elevations
- Drawing 3467-112 Rev C - Site Plan Aerial - This has been added to show how the application
- Drawing 3467-121 Rev B - Eagley Type 2 Plans and Elevations
- Drawing 3467-122 Rev B - Eagley Plans and Elevations Type 3
- Drawing 3467-125 Rev C - Irwell Plans and Elevations Type 3
- Drawing 3467-126 Rev C - Irwell Plans and Elevations Type 4
- Drawing 3467-131 Rev D - Bradshaw Plans and Elevations Type 2
- Drawing 3467-135 Rev D - Pendle Plans and Elevations Type 1

- Drawing 3467-136 Rev D - Pendle Plans and Elevations Type 2
- Drawing 3467-145 Rev C - Hyndburn Plans and Elevations Type 1
- Drawing 3467-150 Rev D - Sabden Plans and Elevations Type 2
- Drawing 3467-156 Rev A - Freckleton Plans and Elevations Type 2
- Drawing 3467-160 Rev C - Whitewell Plans and Elevations Type 1
- Updated Transport Statement by Ashley Helme
- Arboricultural Statement by TPM
- Revised Construction Environmental Management Plan by Brimas Construction
- Revised Affordable Housing Statement by Concert Living
- Revised SuDS and Landscape Management Plan by Concert Living
- Revised Drainage Strategy by Hamilton Technical Services
- Drawing C0885-01 Rev D Proposed Drainage Layout Drawing
- Revised Flood Risk Assessment
- Revised Design & Access Statement by BTP Architects

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. SHF.1615.002.HY.R.001.A, Dated August 2019 which was prepared by enzygo) and the Proposed Drainage Layout (Ref No. C-0885-01, Rev C, Dated 31.07.2019 which was prepared by Hamilton Technical Services). No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

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

4. 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:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. 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.

5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include and specify the provisions to be made for the following, with the development undertaken in full accordance with the agreed CMP:

- a) The timing of construction works on the various days of the week.
- b) The timing of deliveries to the site on the various days of the week.
- c) The locations for the parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials used in the construction of the development;
- e) Storage of such plant and materials;
- f) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- g) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- h) Routes to be used by vehicles carrying plant and materials to and from the site;
- i) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect the amenity of neighbouring residents from undue disturbance during the construction works.

6. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Estate roads to at least base course level up to the entrance of the site compound before any construction on the dwellings hereby approved takes place within the site and shall be further extend before any development commences fronting the new access road.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in the interests of highway safety around the site.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets and other communal areas within the development have been submitted to and approved by the local planning authority. These areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an adoption agreement has been entered into with the local highway authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy GD7 of the Fylde Local Plan to 2032.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets within the development have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in

accordance with the approved details.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy GD7 of the Fylde Local Plan to 2032.

9. The private car parking and manoeuvring areas indicated on the approved site plan listed in condition 2 are to be provided and marked out in accordance with that plan, prior to the occupation of the associated dwelling and permanently maintained thereafter.

Reasons: To allow for the effective use of the parking and turning areas.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation unless there remains at least 2 viable in-curtilage parking spaces for the relevant dwelling.

Reasons: To ensure the provision and retention of appropriate parking levels in the interests of residential amenity and highway safety as required by Policy GD7 of the Fylde Local Plan to 2032.

11. No development shall take place until the applicant has obtained land drainage consent, agreed in writing, from the consenting authority. Thereafter the works shall be carried out in accordance with the approved land drainage consent and any subsequent amendments shall be agreed in writing with the consenting authority. The applicant must notify the consenting authority no less than seven days before commencement of the works of their intention to start works on site. For the avoidance of doubt the 'consenting authority' is the Lead Local Flood Authority which, within the administrative boundary of Lancashire, is Lancashire County Council.

Reason To ensure water quality is not compromised as a result of any construction work on the development site or to the watercourse.

12. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.

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.

13. No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of habitat creation. The scheme shall include details of mitigation and compensation measures and on-going monitoring regimes. It shall also include details of methods of removal of fencing adjacent to the existing trees, and a homeowners pack which will make occupants of the dwellings aware that the tree's are protected and the Council's consent is required to carry out any tree works.

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.

14. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority as shown on Tree Protection Plan SHF.1615.002.Ar.D.002-B. The shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

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.

15. All trees currently on the site shall be retained. If any future management works or tree removal is proposed it should be supported by appropriate ecological survey assessments in order to assess the potential for bat roosts and agreed in writing with the Local Planning Authority.

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.

16. No tree felling, hedgerow removal, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected and the results of that survey has been submitted to the Local Planning Authority and approved in writing in advance of the works taking place.

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.

17. All landscape works shall be carried out in accordance with the approved details shown on landscaping and planting plans listed below;

Landscape layout 1 - 3225 101 H

Landscape layout 2 - 3225 102 F

Planting Plans 1 - 3225 201G

Planting Plans 2 - 3225 202F

Prior to the occupation of any part of the development or in accordance with a programme 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 10 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 visual amenity in the locality as required by Policy GD7 of the Fylde Local Plan to 2032.

18. The development shall be carried out using those materials specified on the materials schedule by btp architects Job no 3467, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenities of the area and to ensure a suitable standard of development that accords with Policy GD7 of the Fylde Local Plan to 2032.

19. Obscure glazing shall be provided in the bathroom windows of the dwellings hereby approved and shall thereafter be retained.

Reason: To safeguard the privacy of adjoining residents

20. 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.

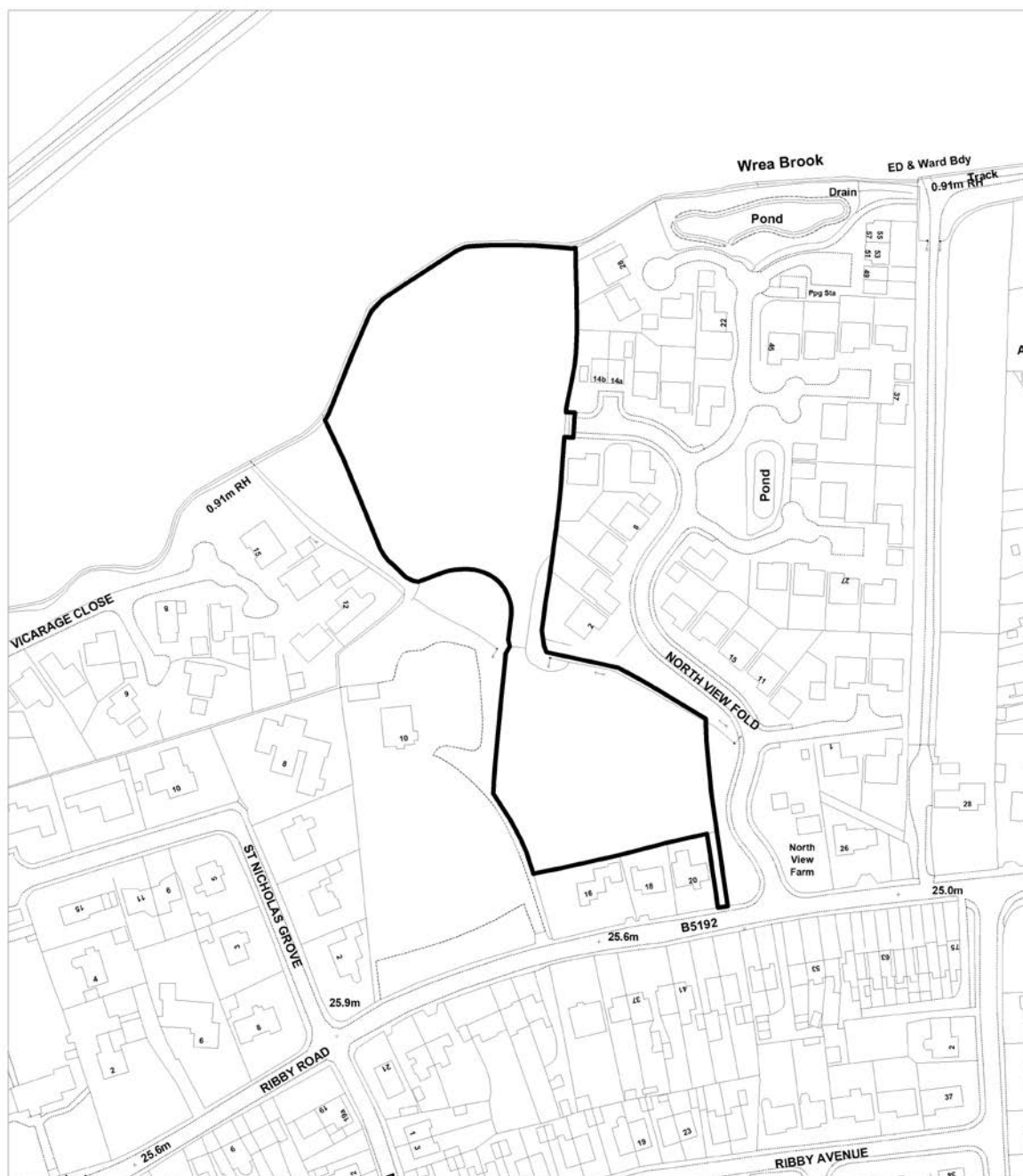
[CLASS VARIABLES

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

Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

21. Prior to the commencement of any above ground development a Public Open Space (POS) and Estate Management Plan shall be submitted for approval in writing by the Local Planning Authority. The POS and Estate Management Plan will include details of the access controls and maintenance of the public open space, amenity grass space and any unadopted footpaths/highways within the site including that land between the dwellings and Ribby Road which is identified for public open space purposes. The development shall be constructed and maintained in accordance with the approved details at all times thereafter.

Reason: In the interests of the visual amenities of the area



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Ordnance Survey (100006084).

Application No.
5/19/0690

Address
Land adjacent to North View Fold,
Ribby Road, Wrea Green

Grid Ref.
E.3399 : N.4317

Scale
0 10 20 30 40 m

Item Number: 4

Committee Date: 12 February 2020

Application Reference:	19/0815	Type of Application:	Reserved Matters
Applicant:	Morris Homes Ltd	Agent :	Smith & Love Planning Consultants
Location:	ELECTRONIC DATA SYSTEM ,HEYHOUSES LANE, LYTHAM ST ANNES		
Proposal:	APPLICATION FOR APPROVAL OF THE RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0787 FOR A RESIDENTIAL DEVELOPMENT OF 146 DWELLINGS AND ASSOCIATED INFRASTRUCTURE		
Ward:	HEYHOUSES	Parish:	St Anne's on the Sea
Weeks on Hand:	16	Case Officer:	Matthew Taylor
Reason for Delay:	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7541479,-3.0069465,673m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the southern parcel of the former Electronic Data Systems site located on the north side of Shepherd Road, Lytham St Annes. The site is bordered by existing housing along its northern (the recently completed Morris Homes development), eastern and southern boundaries, and by allotments to the west. The land has outline planning permission (including access) for a residential development of up to 160 dwellings (planning permission 15/0787) and is allocated as a strategic housing site (reference MUS4) on the Fylde Local Plan to 2032 Policies Map.

The application seeks approval for the reserved matters of layout, scale, appearance and landscaping in connection with a residential development involving 146 dwellings with associated infrastructure and open space. The development is to be constructed by Morris Homes and represents the second phase of housing on site MUS4 following completion of the northern (phase 1) development.

The layout of the dwellings would follow the highway frontage of Shepherd Road along the southern edge of the site, with two access points merging into a central spine road which terminates at a series of cul-de-sacs throughout the development. As required by condition 10 of the outline permission, vehicle access between the phase 1 and phase 2 sites would be prohibited, though access for cycles and pedestrians would be provided by separate connections to the northeast (through an area of public open space) and northwest (via a bollard-restricted highway link which also allows for emergency vehicles) corners of the site. Dwellings would be orientated to front onto the estate road, with strong dual-aspect elevations adding interest on corner plots and a sense of openness maintained by the siting, height and materials of boundary treatments.

The majority of dwellings (including all those bordering the northern, eastern and southern boundaries) would be two storeys in height, with a handful of 2.5 storey (8 plots) and 3 storey (4 plots) house types located centrally and along the site's western boundary facing onto the adjacent allotments. The external appearance of the dwellings – including their style, materials, fenestration, architectural features and detailing – would closely replicate the house types approved on phase 1, as would its density, layout and landscaping. Areas of public open space would be located adjacent to the site accesses to form a spacious, landscaped entrance from Shepherd Road. A larger parcel of public open space to the northern end of the site (including a footpath connection through to the play area for the phase 1 development) would merge with the existing open space on phase 1 to create a central 'green' for the development as a whole (following the removal of the existing dividing fence).

The proposed density of housing, combined with its spacing, window arrangement and orientation in relation to existing dwellings surrounding the site will ensure that the development assimilates sympathetically with its surroundings and would have no undue effects on the privacy and amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. Appropriate details have been submitted to satisfy those conditions on the outline permission that require specific details to be provided at the reserved matters stage and the scheme demonstrates that suitable arrangements can be made for the provision of affordable housing (specific details of which are to be provided through the submission of an Affordable Housing Statement to satisfy the requirements of the planning obligation for 15/0787).

Therefore, it is considered that the layout, scale, appearance and landscaping of the development is in accordance with the relevant policies of the Fylde Local Plan to 2032 and the provisions of the National Planning Policy Framework.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to an irregularly-shaped parcel of land extending to *circa* 4.6 hectares on the north side of Shepherd Road, Lytham St Annes. The land comprises the site of the former 'Electronic Data Systems' offices and has outline planning permission (including access) for a residential development of up to 160 dwellings (reference 15/0787). The land forms the southern parcel of a larger, mixed-use housing/commercial development site allocated under site reference 'MUS4' in Fylde Local Plan to 2032 policy SL1 for a total of 322 dwellings. The first phase of residential development – comprising 132 dwellings on the northern part of the site – has been constructed by Morris Homes pursuant to reserved matters approval 13/0448, along with a care home (The Hamptons), supermarket (Booths) and public house (Water's Edge).

The site is presently vacant, with all of the former office buildings now having been demolished pursuant to a separate application for prior approval (reference 18/0569). The land is generally flat, with a slight north-south cross fall down to Shepherd Road. Scattered tree planting exists to the fringes of the site, though none of this is of significance to warrant protected by Tree Preservation Order (as was established during application 15/0787).

The northern boundary of the site borders two-storey housing within the Phase 1 Morris Homes development on Unsworth Way, Bowden Lane and Buckley Grove. Other existing dwellings include a mix of bungalows and two storey houses on Shipley Road, Pickering Close and Otley Road to the east; dormer bungalows on Shepherd Road and Boston Road to the southwest and southeast respectively; and a mix of two-storey flats and houses on the opposite site of Shepherd Road. A large, rectangular parcel of land flanking the western site boundary is occupied by allotments.

Details of Proposal

The application is submitted pursuant to outline planning permission 15/0787 (which included the detailed matter of access) and seeks reserved matters approval for the layout, scale, appearance and landscaping of a residential development involving 146 dwellings with associated open space and infrastructure.

The scheme would deliver a mix of 5 apartments and 141 terraced, semi-detached and detached houses comprising the following combination of dwelling sizes: 8 x 1 bed; 8 x 2 bed; 71 x 3 bed; and 59 x 4 bed. Whilst the provision of affordable housing is dealt with principally through the S106 agreement attached to the outline permission, the scheme identifies a total of 22 dwellings to meet the definition of “Affordable Housing” in Annex 2 of the NPPF in order to meet the 15% requirement in the planning obligation. These will be located in two separate parcels to the eastern and western areas of the site and comprise a mix of 1, 2 and 3 bed units with an indicative tenure of 59% affordable rent (13 units) and 41% shared ownership (9 units).

Layout – The layout of the dwellings would follow the highway frontage of Shepherd Road along the southern edge of the site, with the development extending in a northerly direction towards the boundary with Phase 1. Two access points onto Shepherd Road to the southeast and southwest corners would merge with a central spine road which meanders through the site and branches off to form a series of cul-de-sacs. Vehicle access between the phase 1 and phase 2 sites will be prohibited, with access for cycles and pedestrians only provided via two points of connection to the northeast (through an area of public open space linking with the play area for phase 1) and northwest (via a bollard-restricted highway link which also allows for emergency vehicles) corners of the site. Dwellings would be orientated to front onto the estate road, with strong dual-aspect elevations adding interest on corner plots.

Scale – A total of 26 different house types are proposed, with 134 of these (including all those bordering the northern, eastern and southern boundaries) being two storeys in height. A smaller number of 2.5 storey (8 plots) and 3 storey (4 plots) house types are located centrally within the development and along the site’s western boundary facing the adjacent allotments.

Appearance – The external appearance of the dwellings – including their style, materials, fenestration, architectural features and detailing – would closely replicate the house types approved on phase 1. Materials include a mix of red and buff brick finishes with grey tiled roofs. The distribution of materials includes red-brick properties facing onto Shepherd Road and around both site accesses, with buff brick treatments to the central and peripheral areas.

Landscaping – A total of 2092 m² of public open space is to be provided as part of the scheme. The open space comprises: (i) three separate parcels located adjacent to each of the site accesses; and (ii) a larger parcel to the northern end which would merge with the play area for the phase 1 development following the removal of the dividing fence. Tree, hedge and shrub planting would be introduced throughout the site to create the theme of a tree-lined boulevard following the curvature

of the estate road. Plots would be arranged with garden frontages onto the estate road. Boundary treatments bordering the highway would comprise a mix of hedges, curved walls and/or railings, with close-boarded fences to rear gardens and dwarf walls topped by timber panel fencing at the head of private cul-de-sacs.

Relevant Planning History

Application No.	Development	Decision	Date
19/0157	APPLICATION UNDER S106A OF THE TOWN AND COUNTRY PLANNING ACT TO MODIFY AN EXTANT PLANNING OBLIGATION RELATING TO PLANNING PERMISSION 15/0787	Granted	13/09/2019
18/0569	PRIOR APPROVAL FOR DEMOLITION OF ALL EXISTING BUILDINGS ON THE SITE PURSUANT TO SCHEDULE 2, PART 11 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015	Approve Prior Determination	03/08/2018
18/0488	PRIOR APPROVAL FOR DEMOLITION OF BUILDINGS C, E, K, L AND FORMER CLUBHOUSE PURSUANT TO SCHEDULE 2, PART 11 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015	Approve Prior Determination	06/07/2018
18/0352	APPLICATION TO PARTIALLY DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 15/0787 CONDITION 15 (CONSTRUCTION METHOD STATEMENT)	Advice Issued	06/06/2018
18/0095	VARIATION OF CONDITION 6 ON PLANNING PERMISSION 15/0787 TO ALLOW SITE CLEARANCE AND DEMOLITION WORKS TO BE UNDERTAKEN IN ADVANCE OF INTRUSIVE GROUND INVESTIGATIONS AND GROUND WATER SAMPLING	Withdrawn by Applicant	21/02/2018
18/0096	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/0787 TO VARY WORDING OF CONDITION 6 TO ALLOW SITE CLEARANCE AND DEMOLITION WORKS TO BE UNDERTAKEN IN ADVANCE OF DETAILED ASSESSMENT OF GROUND CONDITIONS AND APPROVAL OF REMEDIATION STRATEGY	Granted	02/03/2018
15/0787	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 160 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Approved with 106 Agreement	26/10/2016

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Annes on the Sea Town Council – Initially notified of the application on 23.10.19 and subsequently of amended plans on 02.01.20. Responded on both occasions indicating that they have “no specific observations”.

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport – No safeguarding objections subject to the imposition of a condition requiring that: at least 28 days before commencement, the developer must contact the Operations Team at Blackpool International Airport if any equipment (e.g. tower cranes, piling rigs) to be used during construction will exceed the maximum height of the finished development. As the site lies almost directly under the approach to runway 13 any crane permit could include significant restrictions.

Housing (FBC) – Comments as follows:

- a. The house types split and proposed bedroom sizes will provide a mix of accommodation to meet housing needs within the authority. The layout of affordable housing across the site is acceptable.
- b. While the Grasmere 1 bed apartments, the Poynton and Roseberry 2 bed units and Bray 3 bed units are small house types in terms of gross internal floor area, it is noted that similar-sized dwellings were provided as affordable housing on the phase 1 development (for affordable rent and discounted market sale) without causing any funding issues for Registered Providers (RP). Therefore, the size of the affordable housing units is considered acceptable in these circumstances.
- The affordable offer should deliver a tenure comprising 60% affordable rent (13 units) and 40% shared ownership (9 units), ideally with these grouped together.
- The mix of affordable house types may result in an oversupply of 1 and 2 bed apartments for affordable rent. It may be that these apartments need to be offered as shared ownership units with more of the 3 bed dwellings for affordable rent to switch this tenure split. That will, however, depend on RP interest and is to be determined through the submission of an affordable housing statement in connection with the S106 agreement.

LCC Education – As per the s106 for outline 15/0787, the final primary and secondary education contribution will be calculated once the owner informs LCC on the approval of the RM within 20 days of the decision.

LCC Highways – Final comments 21.01.20 following receipt of amended plans as follows:

- The current reserved matters application is concerned with the internal layout of the site only. The site access and impact on the surrounding highway infrastructure was approved by planning application 15/0787.
- LCC Highways are of the opinion that the highway layout and car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Joint Lancashire Structure Plan and the highway layout would also be acceptable for adoption under section 38 of the highways act.
- The delivery of the emergency access link (restricted by bollards) is dependent on another housing scheme on a separate parcel of land approved under application 13/0448 also coming forward. At present, the approved highway layout for that development is not to an adoptable standard and would need to be modified if this link is to be delivered successfully.

- Conditions are recommended to secure the following: (i) a scheme for the construction of the new estate road; (ii) an estate street phasing and completion plan setting out the development phases and the standards that each estate street serving those phases will meet. No dwelling within each phase should be occupied until each estate road has been completed; (iii) No development shall take place until details of the arrangement for the future management and maintenance of streets within the development has been submitted and approved; (iv) No development shall take place until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted; (v) All private car parking and manoeuvring areas for each dwelling shall be marked out before each is first occupied; (vi) all garages shall be maintained as such for the parking of vehicles and shall not be converted to living accommodation.

National Air Traffic Services (NATS) – The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS' safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Neighbour Observations

Neighbours notified:	23 October 2019
Site notice posted:	30 October 2019
Press notice:	7 November 2019
Amended plans notified:	2 January 2020 (14 day re-consultation)
No. Of Responses Received:	4
Nature of comments made:	4 objections

The appropriate neighbouring properties were notified of the application by letter on 23 October 2019. Additional letters were sent out on 2 January 2020 following the receipt of amended plans, and allowed an additional 14 day period for comments on the revised plans. In addition, as the application involves major development notices have been posted on site and in the local press. A total of 4 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Layout:

- The previous layout plan for application 15/0787 shows an area of open space to the rear of properties on Otley Road. However, the reserved matters proposal now shows that houses are to be constructed in place of this open space. An underground stream exists in this location and so this part of the site should not be built upon.

Officer note: The illustrative layout submitted with application 15/0787 was intended purely for indicative purposes only and, as the matter of 'layout' was not applied for at that stage, it does not result in any restriction to the siting of the dwellings for the purposes of reserved matters, nor does it 'fix' areas which can and cannot be built upon. Development in the area behind Otley Road is not specifically prohibited due to a stream being located there.

Amenity:

- The 'Oxford' house type on plot 90 would be located in close proximity to the shared boundary with bungalows on Boston Road and, due to its lack of spacing with these properties, would have adverse effects with respect to overshadowing, overlooking and loss of outlook. The dwelling should be repositioned to follow the alignment of other houses to the north or be replaced with a bungalow to address these impacts.

Officer note: The applicant has re-positioned the dwelling on plot 90 in response to this objection. The revised position follows the building line of other neighbouring dwellings along this boundary (plots 84-89) and, in doing so, increases the degree of separation between the two-storey gable of plot 90 (which does not contain any windows) and the garden of no. 1 Boston Road from 7.5m to 16m.

Highways:

- The bollards restricting access between Shepherd Road and Main drive should be re-located to the Bowden Lane end of phase 1 (at the northern edge of the currently undeveloped site approved by application 13/0448) rather than in the position currently shown. This is to avoid increasing the number of units being served by this heavily congested route that is already used by the supermarket, pub and care home, and to avoid additional vehicles travelling past the area of public open space.

Officer note: The area suggested for the re-positioning of the bollards is outside the red line boundary of this development site and so falls outside the scope (and requirements) of this application. Similarly, the condition on planning permission 15/0787 which requires a vehicle barrier to be put in place (condition 10) can only relate to land within the red line boundary and so there is no opportunity to re-position this in an alternative location outside the development site boundary.

- No development traffic should be allowed to travel along Bowden Lane (past the public open space) to access the phase 2 site or the area marked 'scheme approved under application number 13/0448'. All development traffic should access from Shepherd Road.

Officer note: Access to the phase 2 site will be from Shepherd Road only. In terms of the 30 dwelling element of the scheme approved under application 13/0448 (which has not yet been constructed), that benefits from a separate, extant planning permission to take access from Bowden Lane and so that circumstance cannot be changed as part of this application.

Open space:

- Freeholders of the new development should be members of the Clifton View Management Co Ltd and Heyhouses Management Co Ltd and, in turn, be required to contribute to the maintenance of the area of Public Open Space that is to be enlarged by this development, along with the SSSI landscaping around Water's Edge.

Officer note: The applicant has submitted an appropriate scheme for the ongoing maintenance of the areas of public open space to be delivered as part of this development (i.e. the areas within the red line boundary for this site). As is commonly the case for all housing developments in Fylde, this maintenance will be carried out by a private management company. While it may well be the case that the same management company who maintain the open space on phase 1 will, likewise, maintain that on phase 2, it is not within the gift of the LPA to require subsequent occupiers on one development to become part of a management company or contribute financially towards the maintenance of an area of open space on another. Such arrangements are, instead, private matters that sit outside the remit of the planning system.

Other matters:

- Properties surrounding the site have suffered from subsidence which had settled until the demolition of existing buildings on the site recently took place. The amount of vehicles that were on site and the weight of them resulted in a lot of movement which caused cracks to

appear. The extensive piling needed to construct the houses on this site will cause damage to neighbouring dwellings due to their proximity.

- The development will devalue surrounding properties.

Relevant Planning Policy

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

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

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
M1	Masterplanning the Strategic Locations for Development
SL1	Lytham and St Annes Strategic Location for Development
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T3	Blackpool Airport
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
ENV1	Landscape
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development. Furthermore, the outline application (15/0787) was not EIA development.

Comment and Analysis

Policy context and main issues:

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

- c) approving development proposals that accord with and up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

As the application seeks approval for reserved matters pursuant to outline planning permission 15/0787 (which included ‘access’ as a detailed matter), issues concerning the principle of development and the access to the site (including transport impacts at and away from the site) have already been assessed and found acceptable. Accordingly, these matters cannot be revisited at this stage. Instead, the main issues for consideration in this appeal relate to specific impacts associated with the development’s layout, scale, appearance and landscaping, having particular regard to:

- Its compliance with the conditions and parameters associated with outline planning permission 15/0787 which have specific implications for the reserved matters stage.
- Its effects on the character and appearance of the area.
- Its impact on the amenity of surrounding occupiers.
- Any other relevant matters, including those relating to the development’s internal highway layout, the mix of dwellings provided, the type and distribution of affordable housing and effects on aerodrome safeguarding.

Compliance with outline permission 15/0787:

In addition to conditions setting out the time limit for the submission of an application for approval of reserved matters and detailing which of those matters are outstanding (conditions 1 and 2), outline planning permission 15/0787 includes several conditions which specify that certain details are to be provided as part of any application for approval of reserved matters submitted pursuant to that permission. Those are conditions 3, 4, 10, 11, 13 and 16. The scheme’s compliance with the provisions of each of those conditions is addressed in turn below:

Condition 3 (approved plans):

Condition 3 requires any application for approval of reserved matters to “accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings.”

The submitted layout shows two points of vehicle access into the development from Shepherd Road to the southeast and southwest corners of the site. The siting of these accesses is consistent with the details approved by outline permission 15/0787 and other, additional, pedestrian and cycle connections are also included as required by the outline permission (as per condition 11 below). The number of dwellings proposed by this application is also less than the 160 maximum allowed by 15/0787. Accordingly, there is no conflict with the two requirements of condition 3.

Condition 4 (maximum building storey heights):

Condition 4 limits the storey heights of dwellings that are to be located alongside the site's southern and eastern boundaries to a maximum of two storeys, with up to 3 storeys being allowed outside this area. The submitted storey height plan shows that all 12 house types which are over two storeys in height will be located outside the area shown on the parameter plan referred to in the condition. Accordingly, the scheme accords with the restriction in condition 4.

Condition 10 (vehicle barrier to phase 1):

Condition 10 requires the submission of a scheme to "demonstrate how vehicle access between the development site and the land to the north (which is to be developed pursuant to planning permission 12/0465 and reserved matters approval 13/0448) is to be restricted" along with details concerning how access will be afforded for emergency vehicles and a timetable for implementation.

The application is accompanied by a separate drawing (no. N1176/P/DB01 Rev A) which shows the installation of four, 950mm high bollards across a continuous highway link with the adjoining – though as yet unconstructed – residential development approved under 13/0448. The two central bollards are to be demountable in order to allow access for emergency service vehicles. The spacing of the bollards at *circa* 1.2m centres will ensure that all other access is restricted to pedestrians and cycle traffic only. The bollards are to be colour treated 'jet black' (RAL 9005) and would be put in place concurrently with the construction of the highway link, prior to the first occupation of the dwellings on plots 17-20 and 21-24 (as shown on the submitted phasing plan). Providing that the vehicle barrier is installed in accordance with these details, the requirements of condition 10 will be complied with.

Condition 11 (pedestrian and cycle connections):

Condition 11 requires the submission of a scheme "for the provision of pedestrian and cycle routes through to adjoining land to the north of the site" (the indicative locations of which are shown on a plan to the outline permission).

The development includes the provision of two separate linkages to the northeast and northwest corners of the site. The link to the northeast corner comprises a 2m wide footpath through an area of public open space to connect with the footpath running through the existing play area for phase 1. This is intended as a pedestrian link only and would be constructed in tandem with the laying out of that parcel of open space, prior to the occupation of adjacent plots 42 and 43. The north-western link would be provided by the bollarded access described in condition 10 above, which would secure a shared pedestrian and cycle connection through to phase 1, once the outstanding development on the intervening land is completed. Providing that the two routes are installed in accordance with these details, the requirements of condition 11 will be complied with.

Condition 13 (soft landscaping):

The application is accompanied by a detailed soft landscaping scheme. This indicates that a row of existing trees (a mixture of Scots Pine, Birch, Rowan and Whitebeam) adjacent to the south-eastern access are to be retained along the Shepherd Road frontage. Other scattered tree planting within the site is to be removed. As indicated in the arboricultural survey to the outline permission, existing trees on the site are of low value and, because of this, the Council did not seek to protect these specimens through a Tree Preservation Order. That notwithstanding, the retention of the frontage

trees onto Shepherd Road around the south-eastern access represents a suitable softening to this area of open space.

Other landscaping through the site would comprise a series of individual trees and hedges forming a linear, tree-lined boulevard to the roadside – a theme which continues throughout the development's frontage to both Shepherd Road and the estate road. As requested by the Local Highway Authority (LHA), the landscaping plan also shows the introduction of trees and a continuous hedge to the north and south sides of the bollarded link described in condition 10 in order to form a hard border to each side of this feature so as to avoid the potential for vehicles to bypass the bollards by cutting round the side of the link. Accordingly, suitable details have been submitted to satisfy the requirements of condition 13. A separate condition has been imposed requiring the implementation of the landscaping scheme in accordance with the submitted phasing plan.

Condition 16 (provision and future maintenance of Public Open Space):

Condition 16 requires the submission of a scheme for the provision and future maintenance of a "minimum of 0.2 hectares" of public open space as part of the development, along with a timetable for its delivery.

The submitted public open space plan (drawing no. N1176/P/POS01 Rev C) shows a total of 2092 m² (0.21 hectares) of open space that is to be laid out in four separate parcels (A-D) across the site. Three smaller parcels would be positioned adjacent to the site accesses onto Shepherd Road, with the largest (fourth) parcel located to the northeast corner of the site to form an extension to the existing play area on phase 1 following the removal of the current dividing timber fence. Each area of open space would be laid out concurrently with the construction of the dwellings adjoining those spaces.

The application is accompanied by two separate documents setting out an initial 5 year management and maintenance schedule for the landscaped and public open space areas that, following completion of the development, is to be carried out (following a review mechanism after the 5 year period) by a private management company. The nature and frequency of the actions described in the management and maintenance plan are suitable to ensure an appropriate programme for the long-term maintenance of the open space.

The area of open space to be provided accords with the size requirements of condition 16 and the timetable for its delivery would ensure suitable level of open space provision as the development progresses, with the final parcel laid out in advance of the final two phases of housing being completed. The proposed maintenance schedule would also ensure suitable aftercare arrangements for the open space by a private management company.

Character and appearance:

FLP policy M1 sets out a master planning approach for the development of strategic sites (involving 100 or more homes) within the strategic locations for development named in policy DLF1 (one of which is "Lytham and St Annes"). The policy identifies 24 criteria (a) – x)) that masterplans for developments in these locations should achieve, along with the need for a design code to be prepared.

FLP policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 15 guiding principles (a – o).

FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six general principles of good design (a – f) and paragraph 129 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for Life”. Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

Masterplanning principles:

Outline planning permission 15/0787 included ‘access’ as a detailed matter and so set out the strategy for vehicle, pedestrian and cycle access to, from and around the site. This strategy includes two points of vehicle access onto Shepherd Road merging with a central spine road and a series of cul-de-sacs branching off this route. Pedestrian and cycle connections are also to be formed with the adjoining phase 1 development to the north. The outline application also included a series of parameter plans setting out restrictions for building scale (by storey height) and the amount of public open space to be delivered. Appropriate conditions were imposed on the outline permission to secure these design principles which, for the reasons given in the preceding section, have been satisfied through the reserved matters submission.

While outline planning permission 15/0787 was granted prior to the adoption of the FLP, the parameter plans submitted with it provide an appropriate framework against which this application for approval of reserved matters should be assessed. The design code is, in effect, established through the submission of the various plans accompanying the reserved matters scheme.

Layout:

The site comprises previously developed land occupying an urban setting amongst areas of housing from different eras and reflecting a range of styles and scales. The southern areas of the site are seen in the context of the Shepherd Road frontage which is characterised by a combination of dormer bungalows (northern side) and two storey dwellings, including flats (southern side), which follow a largely linear pattern driven by a consistent building line. The site’s northern fringe borders the phase 1 housing development which has also been constructed by Morris Homes and its eastern boundary borders a combination of two storey dwellings and bungalows on the various cul-de-sacs to the east which also follow a strong, linear pattern.

The development’s frontage onto Shepherd Road would comprise a row of detached and semi-detached dwellings laid out to follow a consistent building line with shallow front gardens and driveways flanking gable walls to create generous spaces between them. The layout would ensure a strong, rhythmical frontage onto the existing highway which replicates the pattern of neighbouring buildings. An electricity substation to the side of plot 146 at the south-eastern junction would be located close to the side of that plot in order that it appears as an ancillary and subservient outbuilding alongside the gable end of that property. Dwellings would be orientated to face onto the roadside, with corner turning plots ensuring active elevations across both accesses.

Travelling north into the site, dwellings would be arranged to follow the curvature of the estate road, ensuring commonality in the depth of front and side gardens and a generally linear development pattern reflecting that of surrounding dwellings. The siting of properties in a 'front-on' manner to nodal points surrounding junctions and at the head of cul-de-sacs also ensures active, outward facing aspects to street frontages within the site. Garages would be located as staggered, single-storey features within rear gardens which would be discreetly positioned and seen as subservient outbuildings.

The development's consistency in addressing the road frontage and public areas (including both linkages to the phase 1 site and the open space areas), along with the spacious, open setting within which these connections are located, ensures good natural surveillance. Similarly, the height, profile and siting of boundary treatments would avoid the creation of concealed spaces in communal areas.

The proposed layout closely follows the principles established by the phase 1 development and would also deliver similar (though updated) house types, ensuring a strong degree of consistency to the housing delivered across strategic site MUS4. Positive aspects of the phase 1 layout, along with the prevailing density of housing, have been carried through to the scheme in order that they are read holistically and as a continuation of one another, including by sharing facilities such as open space where an extended central 'green' would be formed around the existing play area.

Scale:

The majority of dwellings – including all those plots to the Shepherd Road frontage and bordering existing houses to the north and east – would be two storeys in height. A small number of properties would be 2.5 storey (8 plots) and three storey (4 plots) dwellings. These taller house types would be located in two clusters to the central (around the main junction of the estate road) and western (peripheral) areas of the site. Accordingly, they would be seen as defining features marking prominent locations throughout the development and positioned strategically to accentuate termination points at and approaching these junctions.

While incorporating a greater storey height than neighbouring dwellings, the 2.5 storey house types (the 'Melford') would be only 0.8m higher to eaves and 2.1m taller to ridge in comparison to the two storey dwellings on adjacent plots, with additional living accommodation being formed via the inclusion of dormer windows in the roof space. The three storey house types would be topped by shallow hipped roofs concealed behind a flat parapet extending 3.9m above the eaves of adjacent plots and 2.5m beyond the ridge level.

When these variations in height are considered in combination with the strategic siting of taller house types as described above, these buildings would be seen as landmark features marking key junctions without appearing unduly dominant or imposing. The differences in building storey height would add interest and variety at key locations within the site without detracting from the prevailing two-storey character of the development itself and surrounding properties.

Appearance:

A total of 26 different house types are proposed across the development. Despite variations between them in terms of the style of architectural features and detailing there is commonality with respect to window proportions, alignment and the character of protruding features (including porches, canopies, chimney stacks and facing gables). Interest would be added through the use of cambered brick and/or stone sills and headers to window openings and brick corbelling at eaves level. Keyhole porches, canopies supported by gallows brackets and architrave-framed doorways

would add depth and emphasis to main entrances.

Elevations facing the roadside would provide well balanced façades with a strong sense of symmetry and rhythm to window openings. Dormer windows in the 2.5 storey house types would form small, discreet features with pitch-roofs set well below the ridgeline and aligned centrally to the window openings in the floors below. The three-storey house type would follow a 'mock-Georgian' town house style with pairs of semis arranged in four distinct 'bays' following diminishing window heights to the upper floors. Juliet balconies to the first floor would be positioned above ground floor doorways of similar proportions to avoid a loss of symmetry.

The scheme includes the use of several different 'dual aspect' dwellings on corner plots, along with apartments around the cul-de-sac to the northwest corner. The number, proportions and alignment of window openings for these dwellings ensures genuine, active elevations to both front and side in order that all highway frontages are successfully addressed. In addition to dwellings orientated to follow a perpendicular aspect to corner plots, the 'Dalton semi' house type follows an L-shaped layout wrapping round junctions connected by a central, chamfered wall. The same house type has been used on Phase 1 and provides variety in the way in which corner aspects are addressed.

Facing materials would comprise a mix of red and buff brick walls beneath grey tiled roofs. This would reflect the palette of materials used in phase 1. Importantly, the use of buff brick would be limited to the internal areas of the site and/or peripheral locations away from the existing highway frontage of (and junctions with) Shepherd Road where currently buildings are largely characterised by red brick walls.

Landscaping:

The submitted landscaping scheme would follow the prevailing linearity of the layout by introducing trees and hedges to roadside frontages in the style of a tree-lined boulevard. Garden areas to the front and sides of dwellings would ensure a spacious, open aspect to the estate road and the siting of open space areas would continue this theme at the site entrance from Shepherd Road and at the termination of the spine road where it merges with the play area for phase 1 to the northeast corner. The style, extent and density of soft landscaping reflects the site's inherently urban setting by focussing on adding structure and legibility rather than a need to create a screening buffer to the site boundaries.

In terms of hard landscaping, the height, materials and siting of boundary treatments would be arranged to respect the spacious highway frontage of the layout (e.g. by avoiding tall walls stepping out close to the footway and thus narrowing junctions on corner plots), with less aesthetically pleasing treatments (e.g. close-boarded fences) used exclusively to separate rear gardens where these are not prominently in view from the roadside and communal spaces.

For the reasons given above the proposed development, by reason of its layout, scale, appearance and landscaping, would assimilate sympathetically with its surroundings and responds positively to the design principles established by the outline permission, including by integrating with the phase 1 development to the north. Accordingly, the scheme is considered to demonstrate compliance with the principles of good design set out in FLP policies M1, GD7 and ENV1, and the NPPF.

Impact on amenity:

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

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

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

Existing occupiers:

With the exception of the allotments flanking the site’s western boundary, surrounding uses are residential in character and include a mix of two storey dwellings (including some in flats) and bungalows. With the exception of two ‘true’ bungalows adjacent to the junction with Winston Avenue, the southern frontage of Shepherd Road (directly opposite the site) is characterised by two storey buildings subdivided into flats. Properties immediately adjoining the site on Shepherd Road (no. 105) and Boston Avenue (no. 1) are dormer bungalows. Dwellings bordering the site to the east include a mix of two storey houses (Otley Road and Shipley Road), bungalows (Pickering Close) and single storey blocks of garages (Otley Road and Shipley Road). To the north are two storey dwellings and a play area forming part of the phase 1 development on Unsworth Way, Bowden Lane and Buckley Grove.

Where the proposed dwellings flank the site boundaries, they have been laid out to follow the orientation of the closest neighbouring properties outside the site (i.e. with a front, side or rear facing aspect to that boundary). This ensures a corresponding side-to-side, back-to-back and/or front-to-front facing relationship between the existing and proposed dwellings. In terms of spacing, the layout shows that the following minimum separation distances would be achieved between the existing and proposed dwellings:

- **Southern boundary** – 22.5m with the opposing front elevations of dwellings on Shepherd Road.
- **Eastern boundary** – 9m (side-by-side) and 20m (back-to-back) with the closest side/rear elevations of dwellings on Otley Road, Pickering Close and Shipley Road.
- **Northern boundary** – 6m (side-by-side) and 19m (back-to-back) with the closest side/rear elevations of dwellings on Unsworth Way, Bowden Lane and Buckley Grove.
- **Western boundary** – 13.5m (side-by-side) between the side of plot 1 and no. 105 Shepherd Road.

As the development is to be constructed by Morris Homes, the building scale, plot size, garden areas and fenestration arrangement largely follows the character of the adjacent phase 1 scheme to the north. The layout is arranged to appear as a continuation of phase 1 and so follows a similar building line, particularly along the site’s eastern and northern boundaries. Accordingly, the development achieves a similar relationship with adjacent dwellings to that which was typical on phase 1 (including by replicating the arrangement and separation with houses on Pilling Avenue and Nateby Close to the east).

The level of spacing achieved between the proposed dwellings and existing properties surrounding the site would be compatible with the density and character of surrounding development and would avoid any undue effects on the amenity of existing occupiers through loss of outlook and overshadowing. Where windows positioned alongside the site boundaries serve habitable rooms, these would be limited to rear elevations where the spacing afforded by back-to-back garden buffers with existing houses would avoid any unacceptable effects through overlooking. Where dwellings

are orientated with a side-facing aspect in relation to existing properties, these would either comprise blank gable walls, ground floor windows only or, where openings at first floor level are proposed, these would serve non-habitable rooms (e.g. bathrooms or landings). In cases where side-facing first floor windows are proposed and would face towards side/rear gardens of existing houses (specifically plots 51 and 68), a condition has been imposed requiring these windows to be fitted with obscured glass and top-opening lights.

Future occupiers:

Separation distances between dwellings within the development would replicate those achieved with existing, surrounding dwellings and on the phase 1 site. Accordingly, the proposal would ensure a continuation in the density, pattern and character of surrounding development which would achieve a high standard of amenity for future occupiers (including the need for obscurely glazed, top-opening windows to plots 55, 56, 122 and 123 to ensure appropriate mitigation to limit overlooking between the flank elevations on these plots).

Where side-facing windows are proposed to corner plots there would be defensible space between these openings and the roadside in the form of side gardens enclosed by hedging in order that these windows are not unduly exposed to the roadside. Communal areas would benefit from good natural surveillance and pedestrian/cycle linkages through to adjoining land would take the form of wide, open spaces in order to limit the potential for crime.

As immediately adjoining uses are residential in character, there are no unique, site-specific effects associated with surrounding land uses that would generate nuisances to future occupiers in terms of noise or odour.

Other matters:

Highways

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that they prioritise the needs of non-motorised users through design measures and do not prejudice highway safety.

FLP policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes. Policy T5 relates to parking provision and indicates that “a flexible approach [will be applied] to the level of car parking provision, dependent on the location of the development”. Paragraph 11.61 of the local plan indicates that the Council “will prepare a Supplementary Planning Document (SPD) on parking standards”. However, as this has not yet been adopted the standards contained in the Joint Lancashire Structure Plan are of greatest relevance in this case.

As access has been approved at outline stage, consideration of the development’s transport effects are limited to the internal highway layout. Matters relating to the suitability of the site access and highway capacity issues cannot be revisited at this stage.

Following amendments to the scheme the Local Highway Authority (LHA) have advised that, subject to the imposition of conditions relating to the construction of the estate road, provision of parking spaces and retention of garages for parking, they have no objections to the proposed internal highway layout and consider the level of parking provision to be acceptable. Accordingly, there is no reason to conclude that the development would have any adverse effects on highway safety.

The scheme includes the provision of two linkages through to the phase 1 development – a pedestrian footpath through the existing play area to the northeast corner and a shared pedestrian/cycle link via a bollard-controlled access to the northwest corner. These two linkages would provide suitable permeability through the site to encourage travel by sustainable modes between Shepherd Road and Heyhouses Lane, while restricting access for vehicles. In particular, the LHA's request for a hard border to the north and south sides of the bollarded link (in the form of a hedgerow) would avoid the potential for vehicles to bypass the bollards to the north-western link. Appropriate conditions have been imposed in this regard.

Housing mix:

FLP policy H2 requires developments to deliver “a broad mix of types and sizes of home, suitable for a broad range of age groups”. The policy states that “all developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1, 2 or 3 bedroom homes” and includes an additional requirement for “developments of 20 or more homes [to be] designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3(2a)) (wheelchair adaptable dwellings), unless it is demonstrated that this would render the development unviable”.

The proposed housing mix includes 8 x 1 bed; 8 x 2 bed; 71 x 3 bed; and 59 x 4 bed dwellings. Accordingly, as a total of 87 dwellings – equating to 60% of the total – would be delivered as 1-3 bed homes, the scheme accords with the housing mix requirements of policy H2. There is, however, no provision made for “specialist accommodation for the elderly” to fulfil the objective in policy H2 which requires 20% of dwellings to demonstrate compliance with optional technical standard M4(3(2a)) (wheelchair adaptable dwellings). Aside from matters concerning viability (which led to reduced contributions towards affordable housing and open space being accepted at outline stage), as outline permission 15/0787 pre-dates the adoption of the FLP it did not include a condition requiring a specific mix of housing that accords with policy H2 to be delivered and such a requirement cannot be introduced at reserved matters stage. This principle has been established in recent case law and appeal decisions. In particular, paragraphs 18 and 19 of appeal decision APP/X2410/W/16/3163501 conclude as follows:

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

Therefore, in the absence of any condition on outline permission 15/0787, it is not considered that this application for approval of reserved matters is required to deliver 20% of homes that meet optional technical standard M4(3(2a)) (wheelchair adaptable dwellings) as required by FLP policy H2. The dwelling size mix would, however, exceed the requirements of that policy and so would deliver an appropriate mix of housing to meet identified needs in Fylde (notwithstanding that it is not a specific requirement in this case).

Affordable housing and other contributions:

Outline planning permission 15/0787 is subject to a planning obligation – which has subsequently

been amended – that requires the development to deliver 15% of the dwellings as affordable housing to meet the definition in the 2019 NPPF (a reduced level of affordable housing below the normal 30% requirement in FLP policy H4 having accepted at the outline stage on viability grounds). The obligation also requires financial contributions to be made towards the provision of new primary and secondary school places, subject to separate re-assessment by the Local Education Authority (LCC) within 20 days of reserved matters approval being granted.

While the provision of affordable housing (including its amount, location, layout, size and tenure) is controlled principally through the planning obligation for 15/0787 which requires the separate submission of an Affordable Housing Statement before development commences, as this application for reserved matters includes details of the number, location and size of the affordable housing units (those matters being intrinsic to details of 'layout' and 'scale'), they are relevant to the consideration of this application.

The layout includes provision for 22 affordable dwellings, which equates to 15% of the total. These will be located in two separate parcels to the eastern and western areas of the site and comprise a mix of 1, 2 and 3 bed units with an indicative tenure of 59% affordable rent (13 units) and 41% shared ownership (9 units). The Council's Housing Services Manager considers the location, mix and tenure of the affordable housing to be acceptable (though it is mentioned that the tenure of the 1 and 2 bed apartments may result in an oversupply of this dwelling size for affordable rent). While some of the affordable dwellings have smaller gross internal floor areas compared to the market houses, Housing Services note that similar-sized units were disposed of as affordable homes on phase 1 without impediment to Registered Providers (RPs). Accordingly, the size of the affordable housing units is also considered acceptable in this case.

Paragraph 26-040-20140306 of the NPPG states that "in well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site." It is commonplace for affordable housing to be grouped in clusters across a site as this simplifies management arrangements for RPs. These clusters should, however, be dispersed around a development rather than grouped into a single area. In this case, the development provides two pockets of affordable housing at opposite ends of the site and spreads these amongst the market dwellings while also ensuring appropriate clustering for ease of management. The proposed tenure split between affordable rented and shared ownership units is also accepted as being appropriate by Housing Services. In terms of their design, the external appearance of the affordable housing units would not be readily distinguishable from the market dwellings in terms of materials or elevational detailing. Accordingly, the amount, location, layout, size and tenure of the affordable housing shown in the reserved matters application is, in principle, considered to be acceptable in accordance with the objectives of FLP policy H4 (save that precise details are subject to separate agreement through the planning obligation).

Aerodrome safeguarding:

FLP policy DLF1 indicates that "development will not be permitted which would prevent or undermine the operation of existing land uses [...] or prejudice airport safety at Blackpool Airport". In addition, FLP policy T3 indicates that "Blackpool Airport [...] will be consulted on all developments within the Airport Safeguarding Zone".

Blackpool Airport have been consulted on the application. The airport indicates that the site lies almost directly under the approach to "runway 13" and so have requested that a condition be attached to any permission granted requiring that, prior to commencement of development, if any equipment to be used in construction (e.g. tower cranes, piling rigs etc.) will exceed the maximum

height of the buildings, details must be submitted for consideration by the airport and a crane permit granted. Accordingly, appropriate measures can be put in place through condition to ensure that the development would not prejudice airport safety.

Private matters:

Objectors have referred to the potential for construction operations to cause damage to adjacent properties and for the development to devalue surrounding dwellings. It is, however, an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Accordingly, and as is made clear in paragraph 008 of the “Determining a Planning Application” chapter to the NPPG (reference ID 21b-008-20140306), any perceived devaluation of surrounding properties or potential for damage to be caused during construction is not a material planning consideration that would justify refusal of the application. Moreover, the question of damage caused to surrounding dwellings is a private, civil matter between adjoining landowners that is dealt with under separate legislation outside the remit of the planning system.

Conclusions

The application relates to the southern parcel of the former Electronic Data Systems site located on the north side of Shepherd Road, Lytham St Annes. The site is bordered by existing housing along its northern (the recently completed Morris Homes development), eastern and southern boundaries, and by allotments to the west. The land has outline planning permission (including access) for a residential development of up to 160 dwellings (planning permission 15/0787) and is allocated as a strategic housing site (reference MUS4) on the Fylde Local Plan to 2032 Policies Map.

The application seeks approval for the reserved matters of layout, scale, appearance and landscaping in connection with a residential development involving 146 dwellings with associated infrastructure and open space. The development is to be constructed by Morris Homes and represents the second phase of housing on site MUS4 following completion of the northern (phase 1) development.

The layout of the dwellings would follow the highway frontage of Shepherd Road along the southern edge of the site, with two access points merging into a central spine road which terminates at a series of cul-de-sacs throughout the development. As required by condition 10 of the outline permission, vehicle access between the phase 1 and phase 2 sites would be prohibited, though access for cycles and pedestrians would be provided by separate connections to the northeast (through an area of public open space) and northwest (via a bollard-restricted highway link which also allows for emergency vehicles) corners of the site. Dwellings would be orientated to front onto the estate road, with strong dual-aspect elevations adding interest on corner plots and a sense of openness maintained by the siting, height and materials of boundary treatments.

The majority of dwellings (including all those bordering the northern, eastern and southern boundaries) would be two storeys in height, with a handful of 2.5 storey (8 plots) and 3 storey (4 plots) house types located centrally and along the site’s western boundary facing onto the adjacent allotments. The external appearance of the dwellings – including their style, materials, fenestration, architectural features and detailing – would closely replicate the house types approved on phase 1, as would its density, layout and landscaping. Areas of public open space would be located adjacent

to the site accesses to form a spacious, landscaped entrance from Shepherd Road. A larger parcel of public open space to the northern end of the site (including a footpath connection through to the play area for the phase 1 development) would merge with the existing open space on phase 1 to create a central 'green' for the development as a whole (following the removal of the existing dividing fence).

The proposed density of housing, combined with its spacing, window arrangement and orientation in relation to existing dwellings surrounding the site will ensure that the development assimilates sympathetically with its surroundings and would have no undue effects on the privacy and amenity of neighbouring occupiers through loss of outlook, overshadowing or overlooking. Appropriate details have been submitted to satisfy those conditions on the outline permission that require specific details to be provided at the reserved matters stage and the scheme demonstrates that suitable arrangements can be made for the provision of affordable housing (specific details of which are to be provided through the submission of an Affordable Housing Statement to satisfy the requirements of the planning obligation for 15/0787).

Therefore, it is considered that the layout, scale, appearance and landscaping of the development is in accordance with the relevant policies of the Fylde Local Plan to 2032 and the provisions of the National Planning Policy Framework.

Recommendation

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

1. This permission relates to the following plans:
 - Drawing no. N1176/P/LP01 – Location plan.
 - Drawing no. N1176/P/PL01 Rev G – Planning layout.
 - Drawing no. N1176/P/POS01 Rev C – Public open space.
 - Drawing no. N1176/P/AFF01 Rev C – Affordable housing plan.
 - Drawing no. N1176/P/SH01 Rev D – Storey height plan.
 - Drawing no. M3154-PA-01-V07 – Landscape structure plan.
 - Drawing no. N1176/P/MP01 Rev D – Material dispersion plan.
 - Drawing no. N1176/P/PP01 Rev A – Phasing plan.
 - Drawing no. N1176/P/DB01 Rev A – Removable bollard details.
 - Drawing no. N1176/P/HTAB/01 – Abingdon house type elevations/floor plans.
 - Drawing no. N1176/P/HTADL/01 – Adlington house type elevations/floor plans.
 - Drawing no. N1176/P/HTBIC/01 – Bickerton house type elevations/floor plans.
 - Drawing no. N1176/P/HTBRA/01 – Bray house type elevations/floor plans.
 - Drawing no. N1176/P/HTBRAY/01 – Bray elevations/floor plans.
 - Drawing no. N1176/P/HTBRE/01 – Brereton house type elevations/floor plans.
 - Drawing no. N1176/P/HTBRO/01 – Broxton house type elevations/floor plans.
 - Drawing no. N1176/P/HTCAP/01 – Capesthorpe house type elevation/floor plans.
 - Drawing no. N1176/P/HTCOT/01 – Cotswold house type elevation/floor plans.
 - Drawing no. N1176/P/HTCRA/01 – Cranleigh house type elevations/floor plans.
 - Drawing no. N1176/P/HTDAL/01 – Dalton house type elevations.
 - Drawing no. N1176/P/HTDAL/02 – Dalton house type floor plans.
 - Drawing no. N1176/P/HTDID/01 – Didsbury house type elevations/floor plans.
 - Drawing no. N1176/P/HTDUN2/01 – Dunham house type elevations/floor plans.
 - Drawing no. N1176/P/HTELY/01 – Ely house type elevations/floor plans.
 - Drawing no. N1176/P/HTHEN/01 – Henley house type elevations/floor plans.
 - Drawing no. N1176/P/HTLYM/02 – Lymm 2 house type floor plans.
 - Drawing no. N1176/P/HTLYM/01 – Lymm elevations.

- Drawing no. N1176/P/HTMEL/01 – Melford elevations.
- Drawing no. N1176/P/HTMEL/02 – Melford floor plans.
- Drawing no. N1176/P/HTNOR/01 – Norfolk house type elevations/floor plans.
- Drawing no. N1176/P/HTOXF/01 – Oxford elevations.
- Drawing no. N1176/P/HTOXF/02 – Oxford floor plans.
- Drawing no. N1176/P/HTPOY/01 – Poynton house type elevations/floor plans.
- Drawing no. N1176/P/HTRUF2/01 – Rufford house type elevations/floor plans.
- Drawing no. N1176/P/HTRYE/01 – Ryedale house type elevations/floor plans.
- Drawing no. N1176/P/HTWAR/01 – Warwick house type elevations/floor plans.
- Drawing no. N1176/P/HTWGA/01 – Windermere, Grasmere, Ambleside (R1) elevations.
- Drawing no. N1176/P/HTWGA/02 – Windermere, Grasmere, Ambleside (R1) floor plans.
- Drawing no. N1176/P/HTWGAR/01 – Windermere, Grasmere, Ambleside (R1), Roseberry – elevations.
- Drawing no. N1176/P/HTWGAR/02 – Windermere, Grasmere, Ambleside (R1), Roseberry – floor plans.
- Drawing nos. GR1; GR1+; and GR2-1+ - Garage floor plans and elevations.
- Drawing nos. F1-1; F2-1; F3-1; F2-3; and W/R1 – Boundary treatment elevations.

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in full accordance with the phasing (including the sequencing and triggers for the construction of housing and highway infrastructure, laying out of open space, removal of existing perimeter fencing and formation of vehicle barriers and pedestrian and cycle links to adjoining land) indicated on drawing no. N1176/P/PP01 Rev A.

Reason: In order that the development takes place in an appropriate sequence and to ensure that the associated infrastructure required to support and/or mitigate the development's impact is put in place concurrently with each phase of housing in the interests of proper planning and to ensure compliance with the requirements of conditions 10, 11 and 16 of outline planning permission 15/0787, in accordance with the objectives of Fylde Local Plan to 2032 policies M1, T4 and ENV4.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the buildings shall be constructed in accordance with the materials detailed on drawing no. N1176/P/MP01 Rev D.

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

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. N1176/P/MP01 Rev D; F1-1; F2-1; F3-1; F2-3; and W/R1 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

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

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

5. No development associated with the construction of the electricity substation shown on drawing no. N1176/P/PL01 Rev G shall take place until details of the size, height, materials and design of the building and any associated means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The electricity substation shall thereafter be constructed in full accordance with the duly approved details.

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

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing no. M3154-PA-01-V07 shall be carried out during the first planting season after each associated phase of housing identified on drawing no. N1176/P/PP01 Rev A is substantially completed. The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan and the documents titled "Public Open Space Landscape Management Schedules" and "Public Open Space Landscape Management Plan" by 'Barnes Walker Limited' (document references M3154-MS-1907-V01 and M3154-MP-1907-V01). 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 concurrently with each phase of housing in the interests of visual amenity, to provide biodiversity enhancements and to ensure compliance with the requirements of condition 13 of outline planning permission 15/0787 in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1 and ENV2, and the National Planning Policy Framework.

7. Before the dwelling on each associated plot referred to in a) to f) is first occupied, the following windows in those dwellings 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:

- a) The first floor bathroom window in the east facing (side) elevation of plot 51.
- b) The first floor bathroom and landing windows in the south facing (rear) elevation of plot 55.
- c) The first floor bathroom window in the north facing (side) elevation of plot 56.
- d) The first floor bathroom window in the east facing (side) elevation of plot 68.
- e) The first floor bathroom and landing windows in the north facing (rear) elevation of plot 122.
- f) The first floor bathroom and landing windows in the south facing (rear) elevation of plot 123.

The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between future occupiers of the approved dwellings and existing properties in order to ensure a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

8. If any equipment used in the construction of the development (e.g. tower cranes, piling rigs etc.) will exceed the maximum height of the buildings hereby approved, then a scheme for the siting and operation of the equipment shall be submitted to and approved in writing by the Local

Planning Authority prior to its first use on site. The scheme shall include the following details:

- a) The positioning of the equipment on the site (including OSBG grid coordinates to 6 figures each of Eastings and Northings).
- b) The equipment's height above ordnance datum.
- c) The dates that the equipment will be located on site.
- d) Emergency contact numbers for the equipment operator and site manager.
- e) Confirmation that the equipment will be operated in accordance with BS 7121 and Civil Aviation Authority Advice Note 4 'Cranes & Other Construction Issues'.

The development shall thereafter be implemented in full accordance with the details in the duly approved scheme.

Reason: In order to ensure that construction operations associated with the development do not pose any unacceptable risk to aerodrome safeguarding at Blackpool Airport in accordance with the requirements of Fylde Local Plan to 2032 policies DLF1 and T3, and the National Planning Policy Framework.

9. No above ground works shall take place until a scheme for the design, construction and drainage of all new estate roads and associated footways has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full engineering, drainage, street lighting and constructional details. Each estate road and their associated footways shall be constructed in full accordance with the duly approved scheme and the phasing shown on drawing no. drawing no. N1176/P/PP01 Rev A before any of the dwellings to be served by that road are first occupied.

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

10. None of the dwellings hereby approved shall be first occupied until a scheme setting out arrangements for the future management and maintenance of all the estate roads and associated footways to be constructed pursuant to condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The estate roads and associated footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

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

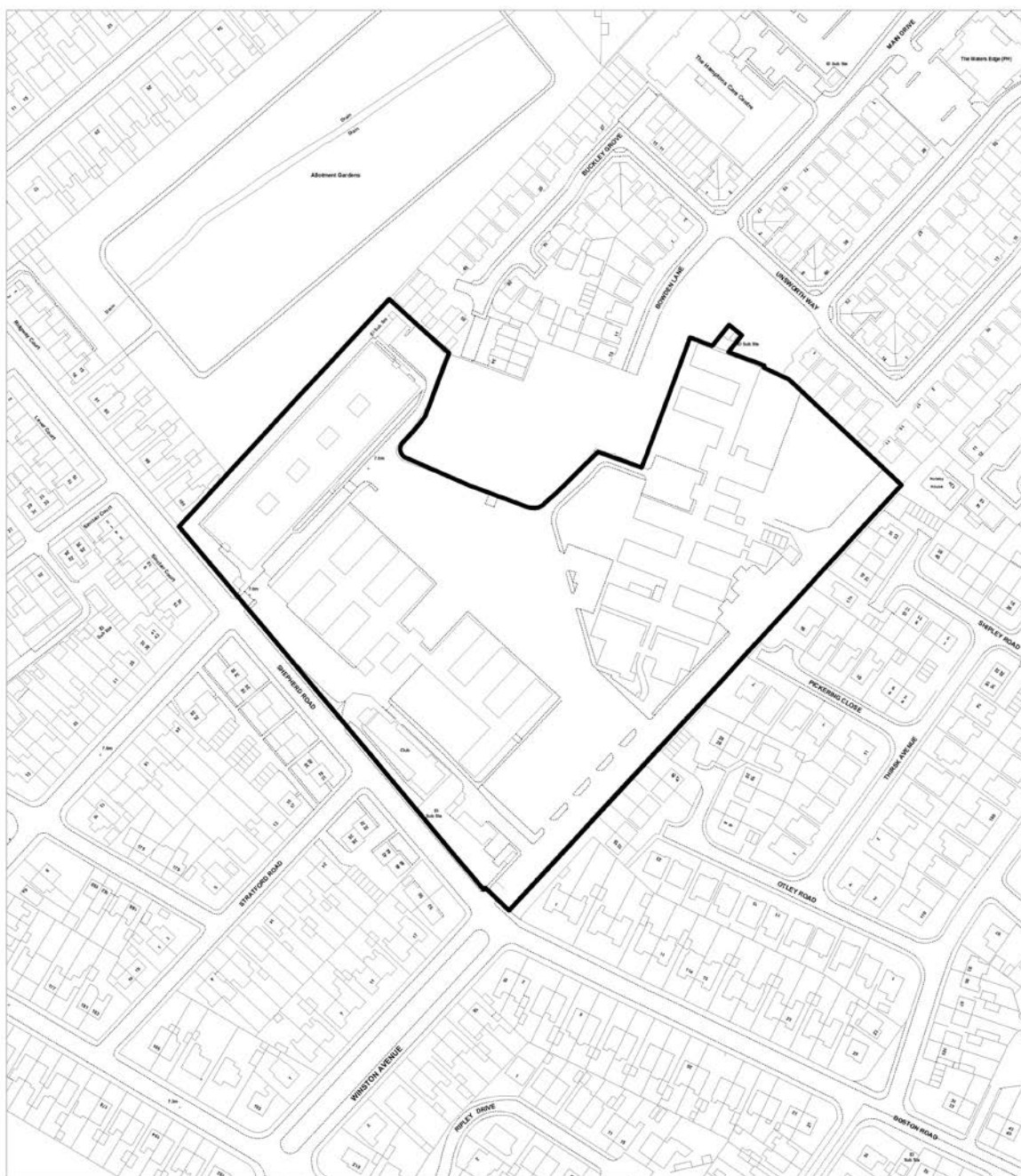
11. Before each dwelling hereby approved is first occupied, a scheme for the design, construction (including surface treatment) and drainage of its associated parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. The parking and manoeuvring areas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

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

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country

Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), all garages (whether integral or detached) shown on drawing no. N1176/P/PL01 Rev G shall be retained for the parking of vehicles and shall not be converted to or used as additional living accommodation.

Reason: To ensure that appropriate provision is maintained for the parking of vehicles off the highway in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T5, and the National Planning Policy Framework.



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Ordnance Survey (100006084).

Application No.
5/19/0815

Address
Electronic Data Systems, Heyhouses Lane,
Lytham St Annes

Grid Ref.
E.3396 : N.4291

Scale
0 10 20 30 40 m

Item Number: 5

Committee Date: 12 February 2020

Application Reference:	19/0927	Type of Application:	Full Planning Permission
Applicant:	Henco International Ltd	Agent :	Peel Design Partnership Ltd
Location:	LAND ADJ, UNIT D2, CROPPER CLOSE, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5PU		
Proposal:	CONSTRUCTION OF TWO ATTACHED (B1 B2 B8) BUSINESS UNITS WITH NEW ACCESS ROAD AND ASSOCIATED PARKING AND SERVICE YARD		
Ward:	WARTON AND WESTBY	Parish:	Westby with Plumpton
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	Delays in consultation replies		

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

<https://www.google.co.uk/maps/@53.7858973,-2.9880433,672m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application relates to a vacant parcel of land that is located within the Whitehills Business Park and proposes the erection of a single building providing two units for Class B1 (office/light industry), Class B2 (general industry) or Class B8 (storage and distribution) uses.

The design, scale and appearance of the building and its proposed use would be consistent with policies EC1 and EC2 of the Fylde Local Plan to 2032 which protect the Whitehills site for employment uses and promote the development of new buildings for that purpose. Whilst it is towards the edge of the estate with the residential development off Cropper Road the proposed building is adequately separated from these dwellings as to cause no undue harm to neighbour amenity. The proposal provides an adequate level of parking and turning area for the intended uses and so will not create any undue concerns over the impact on the highway network.

Accordingly the proposal accords with the relevant policies of the Fylde Local Plan to 2032 and the application is recommended for approval. Unfortunately the press and site notice publicity that is required for a major application was only undertaken recently and so there is a need for the decision on this application to be delayed to allow the statutory timescales for any comments to be made to pass, and for the consideration of any comments that are received. The officer recommendation is therefore to delegate the decision to officers to allow this to occur.

Reason for Reporting to Committee

The application is for 'major development' and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is located at the south west corner of Whitehills Business Park. It forms a vacant piece of land measuring approximately 0.43 hectares in area and is allocated as employment land on the Fylde Local Plan to 2032 policies map. The site is neighboured to the east and north by a mix of B1, B2 and B8 employment units and to the south by Lytham St Annes Way. The land adjoining to the west has outline planning permission (ref. 15/0472) for three blocks of offices (maximum height of 18.5 metres) and associated car parking as part of the mixed use development with the residential scheme that is under construction by Wainhomes. A landscape bund planted with trees and shrubs forms the boundary between the site and Lytham St Annes Way and a line of trees forms the western boundary between the site and the office blocks approved under 15/0472.

Details of Proposal

Planning permission is sought for the construction of two employment units (referred to as units 'A' and 'B' on the submitted drawings) set within a single building, together with a new access road from the end of Cropper Close and associated parking. This parking has been revised during the consideration of the application to increase the number of spaces from 31 spaces to 46 spaces which includes 4 disabled spaces.

The units are proposed for a flexible use within Classes B1, B2 and B8 use with the actual use unknown at this time as is often the case with units on an employment estate such as this. To enable flexibility to the use of the units windows are shown at first floor level although there are no plans at this time for an internal first floor or mezzanine to provide B1 offices. The applicant advises that initial occupier interest on unit 2 suggests that the unit will be used solely for B8 storage with no first floor and no offices.

The building would have a ground footprint measuring 52 metres in length and 38 metres in depth, and feature a shallow dual pitched roof profile with an 11 metre high ridge and 9 metre eaves. The building would be divided into two units; Building 'A' with a floor area of 745 square metres and Building 'B' with a floor area of 1,115 square metres). The building would be sited so that it runs lengthways north to south, with loading bays, service yard and car parking being provided on the western side of the building. The proposed parking provision is 46 parking spaces with four of these being disabled spaces. The proposed site layout indicates the provision of tow bin storage areas and two cycle / motorcycle parking areas. In terms of finished appearance the north-west and south-west facing elevations would feature mainly composite wall cladding in muted colour finishes together with some smaller areas of Oatmeal coloured brickwork.

Relevant Planning History

Application No.	Development	Decision	Date
07/0118	INDUSTRIAL UNIT FOR STORAGE, DISTRIBUTION AND RE-PACKAGING OF CLEANING PRODUCTS.	Granted	29/03/2007

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 13 November 2019 and comment:

No objections.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No comments received at the time of writing the report. These have been chased several times and will be reported to Committee through the Late Observations Schedule if received.

United Utilities - Water

They raise no objections to the proposal but highlight that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended to secure that.

Regeneration Team (Trees)

No objection. Advises requirement for condition to installation of Heras fencing during construction phase to protect existing trees and shrubs along the Lytham St Annes Way boundary and the western boundary.

Neighbour Observations

Neighbours notified:	13 November 2019
Site Notice Date:	31 January 2020
Press Notice Date:	6 February 2020
Number of Responses	None at present time but awaiting press / site deadlines to pass.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities

Other Relevant Policy:

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

Site Constraints

Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

Principle of the development

The site is allocated as employment land on the Fylde Local Plan to 2032 policies map where policies EC1 and EC2, which relate to development within employment sites, provide support for existing and new Class B1, B2 and B8 uses within Whitehills Business Park. This scheme is for uses within those classes and so the proposal accords with these policies and the development is acceptable in principle.

Design and visual impact

The application site as existing is an undeveloped area of land within an existing employment site. The proposal is for the creation of two employment units set within a single building located in the south west corner of the business park, adjacent to the southern boundary with Lytham St Annes Way and the current western boundary which adjoins onto land that has permission for three office buildings, beyond which is an ongoing residential development.

The existing built development on Whitehills Business Park comprises a mix of design and materials but all have the general visual character and scale of industrial/commercial type buildings. The proposed building would be visible in views from Lytham St Annes Way however its design, scale and finished appearance would accord with, and reflect, the established character of this designated employment site. Furthermore the visual impact would be screened and softened to a large extent by the existing landscape bund and established high tree line that runs along the side of Lytham St Annes Way adjacent to the application site. Overall it is considered that the proposed building would not represent incongruous development within the context of the established business park and nor would it be visually too intrusive within the context of the established character of the wider surrounding area.

Highways

In the absence of any comments on the application from LCC Highways your officers have made an assessment of the highway implications of the development to progress the application.

The site is to be accessed off an extension of the existing highway network serving Whitehills. This appears to be of a suitable width and design to meet the requirements of the development that is proposed with any works that are required to the adopted highway at the access point to be the subject of the normal consents needed from LCC for works to the adopted highway. It is not considered that there are any realistic issues over the capacity of the highway network given the designation of the site for employment use.

With regards to parking levels, the scheme now proposes the provision of 46 parking spaces (including 4 disabled spaces) and two areas for motorcycle / cycle parking. With the flexibility of the exact employment use for the units and the varying parking demands that these have it is necessary to consider the adequacy of the parking levels against a range of scenarios.

The buildings have a combined ground floor area of 1,860m². Whilst Policy T5 of the Fylde Local Plan to 2032 refers to parking standards these have not yet been prepared and so the Council uses the Lancashire County Parking Standards which have been adopted for use in assessing parking levels on new developments. Using these standards, if the buildings were all to be used for Class B1 office purposes then the LCC standards indicate that a ratio of 1 space:35m² is used which indicates that 53 spaces would be needed. If they were to be Class B1 light industrial then a ratio of 1:40 indicates 46 spaces, if they are to be Class B2 general industrial then a 1:45 ratio applies

indicating that 41 spaces are appropriate, and if they are to be Class B8 storage then the ratio of 1:200 indicates that 9 spaces are appropriate. In reality it is likely that the units will provide a mixture of all these uses with some storage, some office areas and some light and general industrial areas. To cater for that scenario the parking standards have a 'business park' ratio of 1:42 which equates to a provision of 40 spaces being appropriate.

Having undertaken this assessment it is concluded that the 46 spaces provided in the scheme is a sufficient level of parking, and is to be secured through a planning condition with this also securing the provision of the mobility spaces, motorcycle parking and cycle parking areas. As an additional control a condition is suggested which limits the provision of offices within the scheme to no more than 1000m² as if this were the case then there is a more realistic possibility that the parking areas on site would be inadequate

With these controls it is considered that the highways and parking arrangements meet the obligations of Policy GD7 and will not lead to an unacceptable risk to highway safety on and around the site.

Flooding and drainage

United Utilities have raised no objections to the development but request the submission and approval of a surface water drainage scheme prior to the commencement of development. This is a matter that can be addressed by the imposition of a condition and so it is considered that there are no drainage issues with the proposal.

Neighbour amenity

The site is neighboured to the north, east and west by other commercial premises, and to south by Lytham St Annes Way with the Westfield Nurseries residential development opposite. Lytham St Annes Way is bordered by established tree lines on both sides along this stretch of the highway and thus the overall spatial relationship of the building relative to neighbouring development, together with this landscaping are such that neighbour amenity would not be unduly harmed.

Conclusions

This application proposes the provision of two employment units (B1/B2/B8 uses) within a single new building located on allocated employment land within the Whitehills Business Park. The design, scale and appearance of the building, and its proposed use, would be consistent with policies EC1 and EC2 of the Fylde Local Plan to 2032 and the character of the surrounding locale. It would be sufficiently distant from nearby dwellings as to cause no undue harm to neighbour amenity. Accordingly the proposal accords with the relevant policies of the Fylde Local Plan to 2032 and the application is recommended for approval.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning and Housing, with that decision to be made following the conclusion of the statutory press and site consultation period and the consideration of any comments which are received as a consequence of the on-going publicity. Any planning permission that is to be granted shall be subject to the following conditions, or any revision to these that the Head of Planning and Housing considers is appropriate:

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 relates to the following plans:

- a) Location Plan - Drawing no. 15-06-S2-90
- b) Proposed Block Plan - Drawing no. 15-06-S2-100-D
 - Proposed Elevations - Drawing no. 15-06-S2-106-E
 - Proposed Floor Plan - Drawing no. 15-06-S2-102

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no. 15-06-S2-106-E).

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

4. In the event that external lighting of the building / premises / site curtilage is proposed a scheme for that lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter only lighting contained in the approved scheme shall be implemented at the site.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, where premises are in use as Class B8 storage and distribution any retail sales shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

Reason: For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location.

6. The car parking, unloading / area and cycle parking arrangements as indicated on the approved plan (drawing no. 15-06-S2-100-D) shall be constructed, drained, surfaced and laid out in accordance with the approved plan listed in condition 2 and shall be made available for use prior to the first occupation of either of the approved buildings. Thereafter these areas shall be retained as being available for their intended uses.

Reason: To provide a satisfactory level and arrangement of on-site parking and maneuvering space to accord with the requirements of Policy GD7 of the Fylde Local Plan to 2032.

7. No goods of any description shall be stored on site other than within the buildings.

Reason: In the interests of the visual amenity of the area given the prominent siting of the development as required by Policy GD7 of the Fylde Local Plan to 2032.

8. Notwithstanding the indication on the application form in the event that any fencing is proposed for the site this fencing shall only be erected following the submission to, and subsequent approval in writing by the Local Planning Authority, of a fencing detail to confirm the routeing, height, colour and design of that fencing. Only fencing that accords with this details shall thereafter be erected.

Reason: In the interests of the visual amenity of the area given the prominent siting of the development as required by Policy GD7 of the Fylde Local Plan to 2032.

9. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 2015 [as amended] or any other legislation that amends or re-enacts those Orders, no more than a combined total of 1000 square metres of floor area within the approved building shall be utilised for Use Class B1 and B2

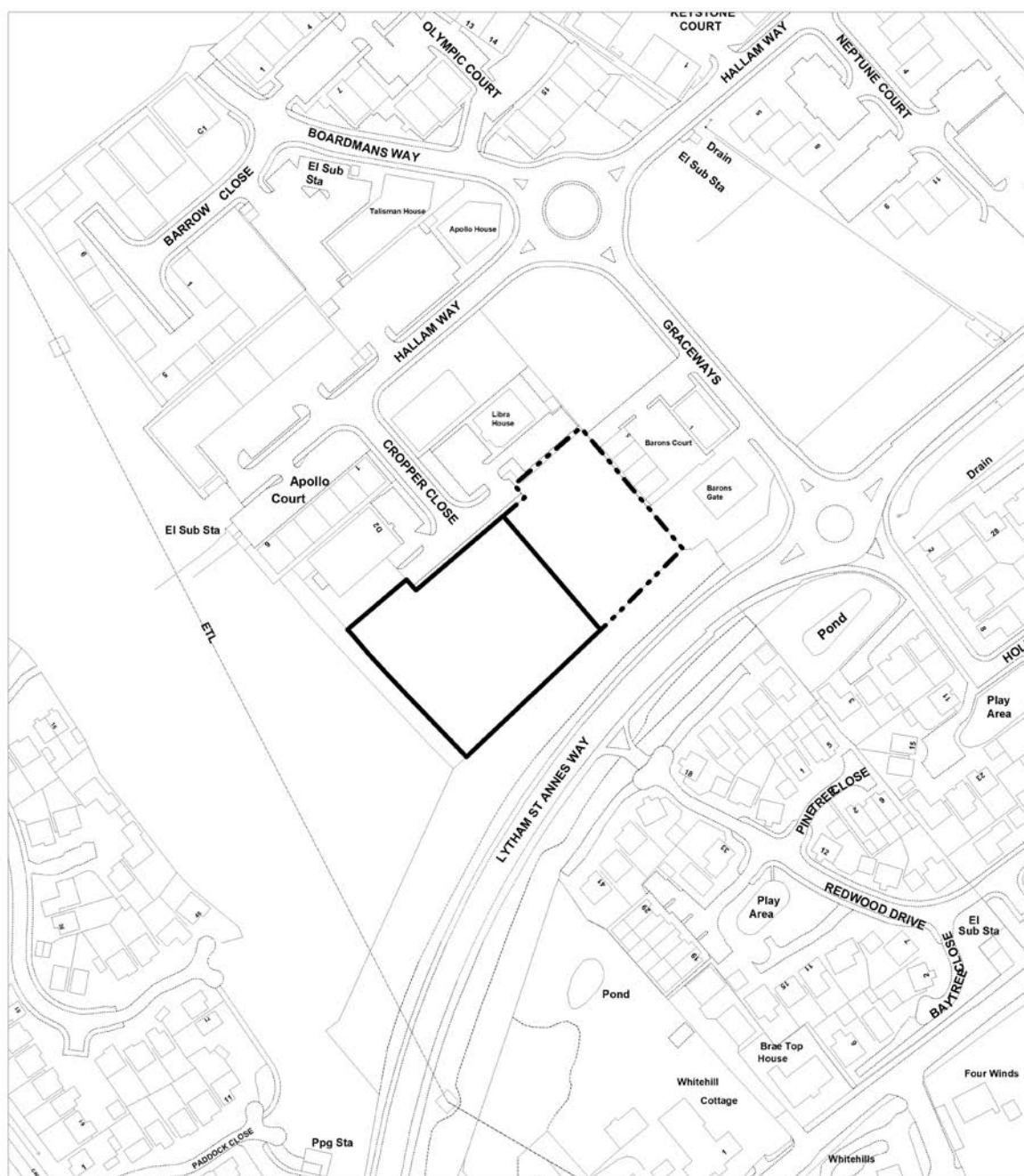
Reason: To ensure that the approved level of parking provision within the site is sufficient to meet the reasonable needs of the buildings occupiers.


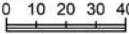
10. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (i) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, and in accordance with policy CL2 of the Fylde Local Plan to 2032.



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Application No. 5/19/0927	Address Land adjacent Unit D2, Cropper Close, Westby	Grid Ref. E.3348 : N.4326	Scale 0 10 20 30 40 m 

Item Number: 6

Committee Date: 12 February 2020

Application Reference: 19/0969		Type of Application: Advertisement Consent	
Applicant:	Little Oak Properties Ltd	Agent :	
Location:	CHERRY TREE FARM, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RE		
Proposal:	ADVERTISEMENT CONSENT FOR ERECTION OF ONE NON-ILLUMINATED, DOUBLE-SIDED, POLE-MOUNTED SIGN - RETROSPECTIVE APPLICATION		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	11	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7761857,-2.8478056,336m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application seeks advertisement consent for the erection of a non-illuminated V-shaped hoarding sign at the entrance to a site where there are industrial and storage activities taking place, and which relates to advertising the presence of those activities. It is located at the entrance to the site from the A583 Blackpool Road and is positioned and designed so that it is visible to those approaching the site on that road in both directions.

Controls relating to applications for advertisement consent are limited to matters concerning amenity and public safety, taking account of cumulative impacts. The proposed sign is of a modest size, is non-illuminated and is well located to the premises it is to advertise. The surrounding area features a range of street signs and street furniture, and other signage associated with the active residential site at Woodlands Close in the village. This sign is seen in that context and by reason of its size, siting, height, means of illumination and relationship with surrounding roadside features would not, either individually or cumulatively, appear as an unacceptably dominant or obtrusive feature in the street scene, nor would it have any adverse effects on highway safety.

The proposal is therefore in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Reason for Reporting to Committee

There is no legislative requirement for Parish Council's to be consulted on advertisements, as set out in Article 18 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Parish Councils are not mentioned as a consultee under the "duty to consult" in

Article 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The Parish Council were sent a notification as a courtesy.

Newton-with-Clifton Parish Council have objected to the application and under the Council's Scheme of Delegation where an objection has been received from a Town/Parish Council and the officer recommendation is for approval the application is to be determined by the planning committee.

Site Description and Location

The application site is described as Cherry Tree Farm, Blackpool Road, Newton. In particular the red edge location plan submitted with the application relates to the land and buildings to the rear of Cherry Tree Farm (a detached bungalow) which have recently been purchased and are now operated as 'Cherry Blossom Farm'.

The advertisement in this application is at the vehicle entrance to Cherry Blossom Farm immediately to the rear of the pavement and side of the access drive that leads to the units from its junction with Blackpool Road.

The site is within an area allocated as an Area of Separation in the Fylde Local Plan to 2032.

Details of Proposal

The application seeks permission for the erection of a 'V' shaped sign with an overall height of 1.9 metres mounted on three poles with the vertical depth and horizontal width of the advert itself both being 1 metre. The advertisement is non illuminated on boards in green and white and advertise the storage units that operate at this site on the land to the rear of the dwelling and so are less visible from the roadside.

The sign is in-situ and therefore the application is applied for retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
19/0868	FORMATION OF VEHICLE ACCESS TO SERVE DWELLING FROM BLACKPOOL ROAD ALONG WITH FORMATION OF DRIVEWAY AND TURNING AREA WITHIN FRONT GARDEN, AND ERECTION OF ASSOCIATED FENCING AND GATES - RETROSPECTIVE APPLICATION	Granted	17/01/2020
19/0848	SINGLE STOREY REAR EXTENSION TO LINK DWELLING TO GARAGE - RETROSPECTIVE APPLICATION	Granted	04/12/2019
19/0243	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 1') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO TWO DWELLINGS (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	16/04/2019

19/0244	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 2') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO THREE DWELLINGS (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	16/04/2019
19/0245	PRIOR NOTIFICATION FOR CHANGE OF USE OF STORAGE BUILDING ('BUILDING 3') AND LAND WITHIN ITS CURTILAGE FROM A USE FALLING WITHIN CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO ONE DWELLING (USE CLASS C3) PURSUANT TO SCHEDULE 2, PART 3, CLASS P OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)	Withdrawn by Applicant	30/04/2019
19/0246	EXTERNAL ALTERATIONS TO A STORAGE BUILDING IN CONNECTION WITH THE CONVERSION OF THE BUILDING TO A TWO BED DWELLING (PURSUANT TO ASSOCIATED PRIOR APPROVAL APPLICATION 19/0245) INCLUDING THE DEMOLITION OF THREE OTHER EXISTING BUILDINGS (BUILDINGS A, B AND C) WITHIN THE SITE	Withdrawn by Applicant	30/04/2019
11/0652	CHANGE OF USE OF REDUNDANT AGRICULTURAL BUILDINGS TO B8 STORAGE USE, OPEN STORAGE AREA FOR UP TO 75 CARAVANS AND AMENDMENT TO EXISTING ACCESS.	Granted	26/04/2012
10/0038	RESUBMISSION OF APPLICATION 08/0954 FOR CHANGE OF USE OF AGRICULTURAL LAND INTO DOMESTIC USE, RESITING OF EXISTING ACCESS AND NEW GARDEN WALL TO FRONT BOUNDARY - RETROSPECTIVE APPLICATION	Granted	31/03/2010
08/0954	CHANGE OF USE OF LAND TO GARDEN CURTILAGE, RESITING OF ACCESS AND NEW FRONT BOUNDARY WALL TO OVERALL HEIGHT OF 2.4 METRES - RETROSPECTIVE APPLICATION	Refused	13/02/2009

Relevant Planning Appeals History

None to report.

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 03 December 2019 and comment:

i)The application development site address refers to "Cherry Tree Farm" Blackpool Road, Newton-with-Scales, Preston, PR4 3RE and is considered inaccurate as the proposed development relates to "Cherry Blossom Farm" Blackpool Road, Newton-with-Scales, Preston, PR4 3RE.

ii) The proposed development is considered detrimental to highway safety due to; the detail on the signage being perceived as a distraction to vehicle drivers, the prevailing 50MPH speed limit on the A583/Blackpool Road and the site access/egress is considered unsuitable for the caravans motorhomes and boats that the proprietor(s) anticipate will be using the advertised secure storage.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed advertisement consent and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified:	No Neighbours Notified
Site Notice Date:	06 December 2019
Number of Responses:	None received

Relevant Planning Policy

Fylde Local Plan to 2032:

GD3	Areas of Separation
GD7	Achieving Good Design in Development

Other Relevant Guidance:

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 erection of a 'V' shaped sign erected at the entrance to the site to advertise the storage units to the rear of the detached bungalow.

Legislative Background

As this application relates to Advertisement Consent it is to be assessed against the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). These confirm that the only matters that are to be assessed are the implications of the advertisement for amenity and public safety.

Whilst this legislation is dated, this point is reinforced by para 132 of NPPF which states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

At a local level the development plan is the Fylde Local Plan to 2032. This does not have a specific policy relating to advertisements but makes reference to them in Policy GD7 relating to general design matters stating: *"(w) Advertisement designs should respect the character and architectural details of the buildings and location within which they are proposed, and their surroundings, in terms of scale, details, siting and method of illumination."*

The proposal here is therefore to be assessed against this background.

Public Amenity

The application seeks permission for the retention of a 'V' shaped sign erected at the junction of the access to the application site with Blackpool Road. The sign is mounted on three poles and has an overall height of 1.9 metres with the actual advertisement boards at 1 metre in height. The advertisement is located at the entrance to the site it relates to and is set against the backdrop of a mature Hawthorn hedge which is immediately behind the sign and extends across the site frontage and the neighbouring properties.

As a consequence of the scale of the sign, its design with an 'open legs' appearance, and the siting against the hedgerow it has an overall impact that is minimal and is not considered to be incongruous in this location. As the scale is not over large and as it is not proposed to be illuminated the advertisement is not obtrusive and is therefore considered to be compatible with the character of the area.

As a consequence it is considered that the advertisement relates well to the area and is a proportionate advertisement to ensure that the goods/site being advertised are appropriately visible without the advertisement being excessive or compromising the general public amenity of the area.

Public Safety

The Parish Council have been notified of the application and have commented that they consider the advert to be *'detrimental to highway safety due to; the detail on the signage being perceived as a distraction to vehicle drivers, the prevailing 50MPH speed limit on the A583/Blackpool Road and the site access/egress is considered unsuitable for the caravans motorhomes and boats that the proprietor(s) anticipate will be using the advertised secure storage'*.

As reported above the Parish Council were notified on this type of application as a courtesy and Lancashire County Council Highway Engineers are consulted for their professional view in regards to the impact of the signage on highway safety.

LCC Highways have not raised any objections to the application on road safety grounds and the lack of illumination would avoid any potential glare to passing motorists. The sign is designed to be visible to those approaching the site in both directions and so will benefit highway safety as it will highlight the entrance of the site for those wishing to access it, thus reducing the potential for sudden stopping and turning manoeuvres in the highway. The advertisement does not obstruct

public access along the highway, and is of a scale and position that will not unduly compromise highway safety or any other aspect of the public safety obligations of policy and guidance.

Other Matters

Whilst the application site is within the Area of Separation as designated on the Fylde Local Plan to 2032 the nature of the application and its scale and design does not compromise the overall openness of this designation.

Conclusion

The application relates to the display of an advertisement at Cherry Blossom Farm, an authorised site for B8 storage uses in the buildings at the rear of 'Cherry Tree Farm' and externally the storage of caravans.

Having viewed the proposal and assessed the issues raised against the relevant guidance in para 132 of the NPPF and section w) of Policy GD7 of the Fylde Local Plan to 2032 it is considered that the advertisement is appropriate in its scale, location, design and all other regards. Accordingly the application is recommended for approval.

Recommendation

That Advertisement Consent be GRANTED subject to the following conditions:

1.
 - (ii) This approval is for a period not exceeding five years from the date of this consent.
 - (iii) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (i) No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (ii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (iii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (iv) Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: The above conditions are applicable to all applications for advertisement consent in accordance with the provisions of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

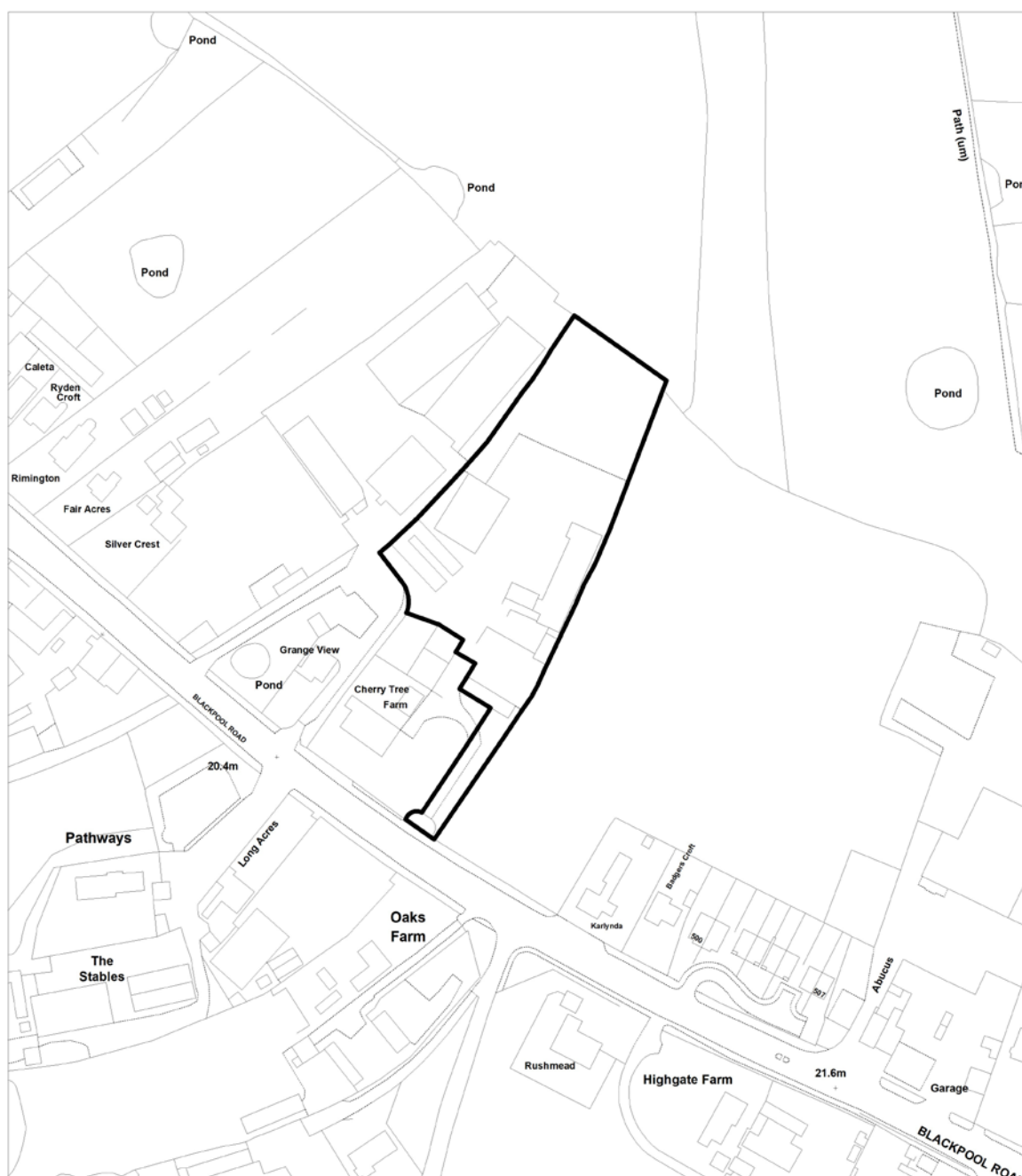
2. This permission relates to the following plans:


(v) Location Plan - Drawing no.A2807/PL01

(vi) Proposed site plan and elevation plan Drawing no. A2807/PL10

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/19/0969	Address Cherry Tree Farm, Blackpool Road, Newton	Grid Ref. E.3443 : N.4315	Scale 0 10 20 30 40 m

Item Number: 7

Committee Date: 12 February 2020

Application Reference:	19/0970	Type of Application:	Advertisement Consent
Applicant:	Miss Wild	Agent :	
Location:	LAND NORTHWEST OF THE JUNCTION BETWEEN BLACKPOOL ROAD AND NEW HEY LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3RL		
Proposal:	ADVERTISEMENT CONSENT FOR ERECTION OF ONE NON-ILLUMINATED FREESTANDING HOARDING SIGN WITHIN FIELD		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	10	Case Officer:	Matthew Taylor
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7750043,-2.8431977,336m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application seeks advertisement consent for the erection of a non-illuminated hoarding sign within a field located to the northwest corner of the crossroad junction between the A583, Bryning Lane and Ney Hey Lane, Newton. The sign is intended to advertise the nearby residential development of 50 dwellings at Woodlands Close and is proposed to be in place for a temporary period of up to two years.

Controls relating to applications for advertisement consent are limited to matters concerning amenity and public safety, taking account of cumulative impacts. The proposed sign is of a modest size, is non-illuminated and would be seen in conjunction with a plethora of street furniture and existing signage surrounding the junction. Accordingly, the proposed hoarding, by reason of its size, siting, height, means of illumination and relationship with surrounding roadside features would not, either individually or cumulatively, appear as an unacceptably dominant or obtrusive feature in the street scene, nor would it have any adverse effects on highway safety.

The proposal is therefore in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Reason for Reporting to Committee

Newton-with-Clifton Parish Council have objected to the application and the officer recommendation is for approval.

Site Description and Location

The application relates to a narrow strip of land located to the southeast corner of an agricultural field on the northwest side of the signalised junction between the A583 (Blackpool Road), Bryning Lane and New Hey Lane, Newton. The site lies immediately behind a landscaped grass verge and low metal fence which flanks a footway extending around the northwest corner of the junction.

The site falls within the Area of Separation (AoS) between Newton and Kirkham as defined on the Fylde Local Plan to 2032 (FLP) Policies Map. The other corners of the junction are occupied by an open, agricultural field (northeast), the Bell & Bottle Public House (southeast corner) and a detached bungalow (Ten Trees).

Details of Proposal

The application seeks advertisement consent for the erection of one non-illuminated, freestanding hoarding sign to the southeast corner of the field, facing onto the signalised junction. The sign would be positioned immediately behind the existing metal fence and offset to the southwest of the planting located centrally within the adjacent grass verge.

The sign would measure 1.5m x 1.5m and would be mounted on two posts measuring 1.2m to the base of the sign, giving the advertisement a total height of 2.7m to the highest point.

The sign is proposed as a temporary feature to advertise the 50 dwellings for sale on the Woodlands Close site that are presently being constructed pursuant to planning permissions 16/0554 and 18/0862. The application form (question 6) indicates that the applicant wishes to have the sign in place for a temporary period of 2 years, though an accompanying covering letter also states that the sign would be removed earlier in the event that all the houses on the development are sold before that 2 year period ends.

Relevant Planning History

None.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council: Notified of the application by letter dated 04.12.19. Comments dated 09.01.2020 indicate that the Parish Council object to the application on the following grounds:

- *"The proposed development is considered detrimental to highway safety as it will add to the advertising signage in the immediate locality, which is already considered excessive and detrimental to the visual amenity and is perceived as a distraction to drivers of vehicles on the A583/Blackpool Road which has a prevailing 50MPH speed limit."*

It should be noted that as applications for advertisement consent are not an application for planning permission, the requirements for consultation set out in Article 18 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 'DMPO') are not applicable to this application type. Moreover, Parish Councils are not mentioned as a consultee under the "duty to consult" in Article 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Therefore, although the LPA has notified

the Parish Council of the application as a matter of courtesy, there is no legislative requirement for that consultation.

Statutory Consultees and Observations of Other Interested Parties

Local Highway Authority (LHA) – Lancashire County Council: Final comments 13.12.19 as follows:

- The amendments shown on the updated (Rev C) plan which place the base of the sign above the adjacent fencing and reduce the size of the arrow graphic are acceptable. Accordingly, LCC Highways does not have any objections regarding the proposed advertisement consent application and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

The relevant legislation relating to applications for advertisement consent does not contain any statutory requirement for the publicity of this application type. Therefore the application has not been publicised and no representations have been received.

Relevant Planning Policy

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough.

Fylde Local Plan to 2032:

GD3	Areas of Separation
GD7	Achieving Good Design in Development

Other Relevant Guidance:

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

Site Constraints

Pipelines

Environmental Impact Assessment

The development is not of a type listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Accordingly, it is not EIA development.

Comment and Analysis

Policy context and main issues:

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

As the application is for advertisement consent, the only issues that can be taken into account – as

set out in paragraph 132 of the NPPF – are those relating to “amenity and public safety”. These are, therefore, the main effects to be assessed as part of the application.

Criterion w) to policy GD7 of the FLP relates to advertisements and states that “advertisement designs should respect the character and architectural details of the buildings and location within which they are proposed, and their surroundings, in terms of scale, details, siting and method of illumination.”

Paragraph 132 of the NPPF indicates that “the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

The application site is located within the AoS. However, given the provisions of paragraph 132 of the NPPF which set out the limited issues that can be taken into account when considering applications for advertisement consent (as repeated in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007), it is not considered that policy GD3 is of direct relevance to this type of proposal. Instead, the relevance of the AoS designation extends to defining the characteristics of the area within which the site is located for the purposes of assessing the proposal’s effects on visual amenity.

Amenity:

The application site occupies a prominent, roadside location behind a landscaped grass verge on the northwest corner of the junction. A tall lighting column, traffic signal and telegraph pole are located on the verge adjacent to the site, with a *circa* 1.2m high fence separating the site from the adjacent verge. Therefore, although the site falls within the AoS its position adjacent to the busy thoroughfare of Blackpool Road and to the corner of a signalised crossroad junction on the entrance/exit to the settlement of Newton, gives the site a relatively urban setting.

The proposed hoarding would be offset to the southwest of a planting buffer which occupies a central position within the adjacent verge, and so seen alongside and against the backdrop of the existing street furniture to the northwest corner of the junction. The base of the sign would be elevated above the adjacent fence line, with the 1.5m square sign containing lettering up to 21cm in height and a left turn arrow directing visitors to the site down Bryning Lane.

Existing signage around the junction is predominantly located to the southeast corner at The Bell & Bottle Public House where a low, non-illuminated hoarding faces onto the junction and a taller totem sign fronts onto the A583 further to the east. A third lower-level sign is located at the entrance to the car park. Other signage for the Woodlands Close development includes a hoarding mounted on the fence of Ten Trees that faces the junction on the southwest corner (granted for a temporary period of up to 3 years under application 19/0306), verge mounted flagstaffs and a hoarding adjacent to a roadside bus shelter on the south side of the A583 to the west of the junction (granted for a temporary period of up to 3 years under application 19/0691) and a series of smaller signs mounted on street furniture within the highway.

At 1.5m square and reaching a maximum height of 2.7m, the hoarding is of a relatively modest size and would not appear as an unduly dominant or obtrusive feature when seen in conjunction with the proliferation of other street furniture and signage surrounding the junction (including the significantly larger signs at the nearby public house). Other larger, illuminated totem signs also form

a backdrop to the site further west along the A583 including at a neighbouring restaurant (Ali Raj) and petrol filling station (Texaco). When the low-level height and non-illuminated nature of the proposed hoarding sign is seen in the built-up, urban context of the junction and the surrounding frontage of Blackpool Road, the proposed advertisement would not appear as a harmful or incongruous addition to the street scene. Moreover, as the application seeks consent to display the advertisement for a limited period of up to two years any visual effects would be similarly time-limited.

The proposed sign, by reason of its size, height, siting, means of illumination and design, would be compatible with the character of the junction and roadside thoroughfare of the A583, and – both individually and in combination with other existing signage in the area – would not appear as a dominant, overpowering or incongruous addition in the street scene that would be harmful to visual amenity.

Public safety:

As the site is located close to a signalised crossroad junction fronting a classified road, the LHA have been consulted on the application. The LHA raised concerns with an earlier iteration of the scheme which showed the base of the sign below the level of the fence and a much larger left turn arrow. The plans have subsequently been amended to elevate the base of the sign above the fence and reduce the size of the arrow graphic. The LHA have confirmed that these amendments (shown on drawing version 'Rev C') have addressed their previous concerns with the application and so have removed their objection. Accordingly, there are no objections from the LHA on road safety grounds. In addition, the lack of illumination to the sign would avoid any potential glare to passing motorists. The sign would be located to the corner of a field behind a fence which separates it from the public highway. Accordingly, the sign would create no obstruction to public access along the highway.

The Parish Council opine that the addition of a further sign on the northwest side of the junction will result in an excessive amount of signage around the junction which would be detrimental to both visual amenity and, in particular, highway safety given the 50 mph speed limit on the A583. This is not, however, a view shared by the LHA and given the sign's modest size, its lack of illumination and that it would be seen amongst a plethora of existing street furniture for a temporary period not exceeding 2 years (rather than as a permanent feature), it is not considered that the proposal would have any unduly harmful effects on visual amenity and/or highway safety that would justify a refusal of advertisement consent.

The location, size and design of the signage, including the absence of any illumination, would avoid any adverse effects on public safety as a result of the scheme.

Conclusion

The application seeks advertisement consent for the erection of a non-illuminated hoarding sign within a field located to the northwest corner of the crossroad junction between the A583, Bryning Lane and Ney Hey Lane, Newton. The sign is intended to advertise the nearby residential development of 50 dwellings at Woodlands Close and is proposed to be in place for a temporary period of up to two years.

Controls relating to applications for advertisement consent are limited to matters concerning amenity and public safety, taking account of cumulative impacts. The proposed sign is of a modest size, is non-illuminated and would be seen in conjunction with a plethora of street furniture and existing signage surrounding the junction. Accordingly, the proposed hoarding, by reason of its size,

siting, height, means of illumination and relationship with surrounding roadside features would not, either individually or cumulatively, appear as an unacceptably dominant or obtrusive feature in the street scene, nor would it have any adverse effects on highway safety.

The proposal is therefore in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Recommendation

That Advertisement Consent be GRANTED subject to the following conditions:

1. This approval is for a period not exceeding: (i) two years from the date of this consent; or (ii) the date that the final dwelling to be constructed pursuant to planning permission 16/0554 is sold, whichever occurs first.

Reason: The applicant has specifically sought consent to display the advertisements for a shorter duration than the standard five year period permitted by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). This reduced time period has been taken into account in the Local Planning Authority's assessment of the application and so the condition is required to ensure consistency with this approach and the applicant's own request.

2. This consent relates to the following plan:

- Drawing no. SPL1 Rev C – Newton sign post (amended plan received 19.12.19).

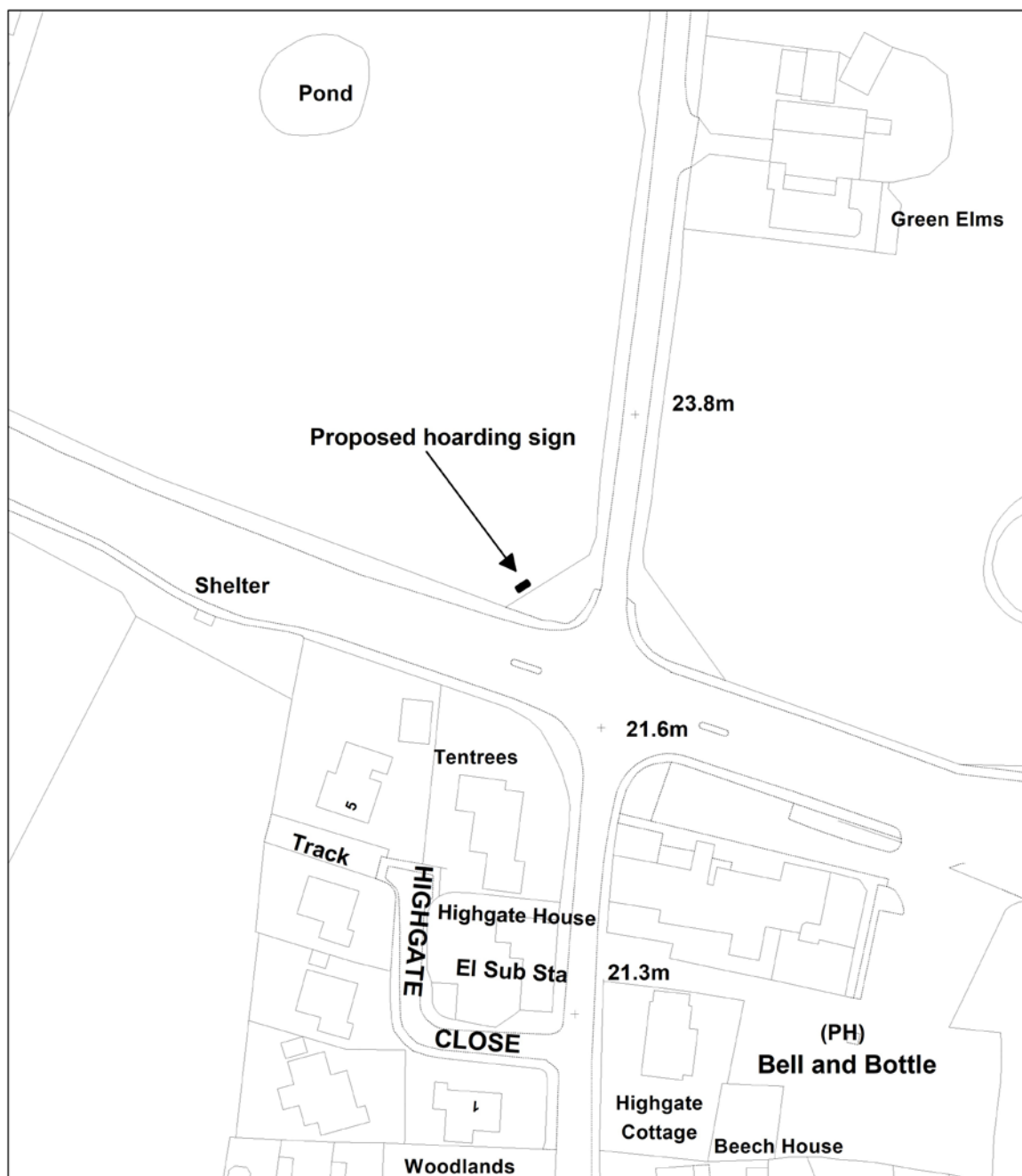
Except as provided for by other conditions to this consent, the sign shall be erected in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to—
 - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

7. Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Conditions 3 to 7 are applicable to all applications for advertisement consent in accordance with the provisions of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).



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Ordnance Survey (100006084).

Application No.
5/19/0970

Address
Land north west of junction between
Blackpool Road & New Hey Lane, Newton

Grid Ref.
E.3446 : N.4312

Scale
0 5 10 15 20 m

Item Number: 8

Committee Date: 12 February 2020

Application Reference:	19/1005	Type of Application:	Full Planning Permission
Applicant:	Mr Darnell	Agent :	Clover Architectural Design Limited
Location:	4 THE ORCHARD, SPEN LANE, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3TE		
Proposal:	1) CHANGE OF USE OF LAND TO PROVIDE EXTENSION TO GARDEN AREA INCLUDING ERECTION OF 1.8M HIGH WALL INCORPORATING TIMBER INFILL PANELS AND INTRODUCTION OF SOFT LANDSCAPING TO BOUNDARIES WITH KIRKHAM ROAD AND SPEN LANE ; 2) SINGLE STOREY SIDE EXTENSION TO DWELLINGHOUSE; AND 3) FORMATION OF ADDITIONAL HARDSTANDING AREA WITHIN FRONT GARDEN		
Ward:		Parish:	Treales, Roseacre and Wharles
Weeks on Hand:	9	Case Officer:	Beth Winstanley
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7893137,-2.8486515,84m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application site is a detached dwelling and adjacent land located in a corner position at the centre of Treales village and is one of 4 properties that were built on this site under a planning permission granted in 1997. There is a s106 agreement associated with that planning permission which requires that land around the roadside edge of the development with Spen Lane is provided and retained as a landscaped area. Over time this landscaping has become established with a path that had been formed through it retained but gated. The whole area of Treales village including the application site is washed over by the Countryside designation in Policy GD4 of the Fylde Local Plan to 2032.

The application relates to the use of part of the landscaped area as private garden to the dwelling and the construction of a single storey extension to the side of the property, with a small extension of the hardstanding to the front of the property also. Reference is made in the application to an intention to vary the terms of the s106 agreement to enable these works to take place.

Now that the landscaping has matured, it is considered that the reduced area of open space is sufficient to maintain the original intention for this area and appropriately considers the green infrastructure of the village, and that the extension has a scale and design that will not cause harm to the character of the surrounding area.

Accordingly the application is supported by officers with this requiring that the S106

agreement which is currently in place to be amended in advance of the grant of planning permission.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the views of the Town/Parish Council and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is located on a prominent corner plot at the junction between Spen Lane and Kirkham Road. The property is part of 4 dwellings which were built under planning permission 5/97/0128. The properties are all detached and built in similar materials and designed to match one another. As part of the planning permission a planning obligation under s106 was completed relating to land between this property and the highway at Spen Lane which required the area to be retained as a landscaped area.

The proposal is set within the countryside (GD4) as documented of the Fylde Local Plan to 2032 policies map and is at the heart of the village with the Derby Arms located opposite the application site and the former village phone box immediately to the rear of the application boundary.

Details of Proposal

The application proposes an extension to the existing domestic curtilage which would need an amendment to the S106 agreement currently in place on the site. The application also proposes a single storey side extension which would be built partly into the existing s106 land. The extension is proposed to be built in materials to match the existing dwelling and be 5.5m in length and 5 metres in width away from the side of the existing dwelling. Finally, there is a proposal to extend the hard surfaced area to the front of the property slightly to increase the available area for off-road parking and turning.

Relevant Planning History

Application No.	Development	Decision	Date
19/0578	SINGLE STOREY SIDE EXTENSION, ERECTION OF NEW 1.8M HIGH FENCE TO BOUNDARIES WITH KIRKHAM ROAD AND SPEN LANE AND FORMATION OF ADDITIONAL HARDSTANDING AREA WITHIN FRONT GARDEN	Withdrawn by Applicant	18/10/2019
97/0128	ERECT FOUR DETACHED DWELLINGS AND GARAGES	Granted with s106 agreement	23/01/1998

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 17 December 2019 and have provided the following extensive comments:

“Planning History/Background

On the 23 January 1998 Fylde Borough Council approved the construction of 4 detached dwellings with garages on land to the south of Kirkham Road at its junction with Spen Lane. Formerly, Ash Cottage, Kirkham Road, Treales, this new development was designated as “the Orchard”. Planning Application 5/97/0128 refers.

Fylde Borough Council’s Planning Committee in granting the above planning application imposed a legally binding Unilateral Planning Obligation (UPO) under s106 of Planning Act 1990 (as amended); the UPO requires that the landscaped areas coloured green on the plan attached to the UPO are retained as open space with a pedestrian footpath identified across it. The open space area to which this UPO refers is largely the land to the east of the established fence of 4 the Orchard, which runs north south to the east of the existing property of 4 the Orchard and between that fence and Spen Lane. The proposed development within application 19/0578 proposes: to build a housing extension over part of the open space; to increase the hardstanding area over parts of open space; and to create fencing around parts of the open space and block any pedestrian footpath across the open space. The sealed UPO was signed by the owner and developer on 17 October 1997 and received by FBC’s Planning department on 23 January 1998. Plans drawn by Briarcroft Architects and received by FBC on 24 February 1997 in support of Planning Application 5/970128, record that the open space to which the UPO relates, are to be maintained as open space within the deeds of plot 4 (4 The Orchard) and included as a clause within the deeds of this property.

In approving the above application FBC’s Planning Committee acted contrary to LCC Highways’ serious concerns both in relation to pedestrian and road user safety. LCC’s strong recommendation was that increased junction splays at the Spen Lane Kirkham Road junction should be provided by the developer together with a footpath around Spen Lane immediately to the East of 4 The Orchard. Instead FBC chose to rely upon the UPO to maintain the open space and the pedestrian footpath through the open space from Kirkham Road to Spen Lane. See letters from LCC’s Mr Graham Harding dated 17 March, 12 May and 20 May 1997 in the 97/0128 FBC file on the planning web-site.

A further application (ref 19/0578) was submitted and assessed during August 2019, which proposed the removal of the pedestrian footpath across the open space. This was objected to by both statutory consultees, Treales, Roseacre and Wharles Parish Council (reference TRWPC/19/0578/GS/PRH/Final 20th August 2019) and Lancashire County Council Highways (Reference D5/19/0578 30th August 2019). The application was withdrawn, apparently following referral to FBC.

Planning Application 19/1005

It is observed that the property boundary the subject of this application seems to be presented differently from that presented in applications 97/0128 and 19/0578. This is not explained and should be.

Following further review to meet the response time-scales set by FBC, the Treales, Roseacre & Wharles Parish Council resolved to Object to this planning application as follows:

This development proposes to remove both open space and public access across the open space. This access provides unique off-road access to Kirkham Road for the residents of the Orchard, and for the residents of to the dwellings further to the west on Spen Lane. This results in the loss of visual amenity and results in a severe safety issue for pedestrians, which was protected through a planning obligation that facilitated the granting of permission for the entire Orchard Development.

In addition there are concerns that the existing hedging has encroached onto highways adopted verge and that the fencing & banking did not offer a safety refuge for pedestrians forced to use Spen Lane carriageway. Pedestrians may even be squashed against the fence. Please see the attached photograph (Figure 1).

The current open space planting, gate and labelling could make a pedestrian uncomfortable in its use and expose them to conflict with other road users on the carriageway. The proposed new 1.8 metre fence and bolted gate together with the proposed new fencing return to the existing garage, completely prevents access to the open space and footpath in contravention of the UPO and as a result seriously compromises pedestrian safety.

The proposed new single storey extension significantly encroaches upon the land designated as open space in contravention of the UPO adversely affecting the visual amenity of the open space and blocking the pedestrian footpath..

Furthermore, the development appears to be in conflict with policies contained within the Fylde Local Plan to 2032 (FLP32), GD4, GD7 and H7, in addition to being in breach of the 23rd January 1998 s106 UPO. The development is designated countryside subject to policy GD4 It is in conflict with permissible development in sections a-f. In particular, although the proposed development is an extension to an existing dwelling (section c), it is in conflict with policy H7 subsection a), because the development appears to exceed a 33% increase in relation to the original ground floor area of the original home.

The Development is in conflict with multiple sections of policy GD7, specifically sections c, d, h, j, k, m, n, p, q, r and u. In particular the development proposes to remove unique off-road pedestrian access across designated open space which was guaranteed in perpetuity under the legally binding UPO mentioned above.

Amplifying the conflicts in GD7 Additionally, the Parish Council believes that the development is in conflict with the following policy elements of GD7 :-the FLP32.

General Principles of Good Design

c) Amenity of open space and off road pedestrian access being removed and so these visual and safety amenities are unacceptably and severely, adversely affected.

d) Siting of proposed development conflicts with the open space and pedestrian access way, so unacceptably does not relate well with the surrounding context

h) Development removes open space and so creates demonstrable harm to the visual amenities of the local area

j) The proposed parking areas conflict with the open space and pedestrian access way compromising public safety and unsympathetic to the character of the surrounding area.

k) Design, layout and landscaping sustainably proposes to remove open space and pedestrian access way in conflict with the creation of user friendly, sustainable and inclusive connections between people and place.

m) The development unacceptably fails to protect existing landscaping.

n) The development unacceptably removes the provision for the needs of specific groups in the community such as the elderly and those with disabilities, in line with the Equalities Act, in depriving them of off-road access to Kirkham Road.

Highway Safety

p) The development unacceptably removes off-road pedestrian access between the Orchard and Kirkham Road and therefore, the needs of pedestrians and cyclists, are not prioritised over other road users, through design measures.

q) The development does unacceptably prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).

r) All of the development proposals unacceptably remove the appropriate measures which are currently provided to facilitate safe access on foot. In this paragraph it sets out that, where practicable, proposals should ensure existing pedestrian facilities, are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are not removed.

Public Realm

u) The proposal is in conflict with section u because the development unacceptably proposes to attempt to deprive the public realm of valuable open space which adds to the character, quality and the distinctive quality of the surrounding area."

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways would recommend a refusal on highway safety regarding the proposed application as the application removes a footway link on open space. The removal of the footway is not supported as it forces pedestrians to walk in the live carriageway to access The Orchard estate.

In planning application 97/0128 a private footway link was part of the application for the safe pedestrian access to The Orchard. This footpath was subjected to a s106 agreement and the landscaped space to be maintained as open space within the ownership of No 4 and included as a clause in the deeds. The attached extract from planning application 97/0128 shows the pedestrian link within the open space.

The Design and Access statement references the open space but does not address the removal of the pedestrian link through the open space.

The creation of a footway on the grass verge would be difficult to install due to the land levels of the existing verge at the southerly end of the site where the bend is. The open space with footway link overcame this land level issue by taking pedestrians through the open space and into the carriageway of The Orchard.

Neighbour Observations

Neighbours notified:	17 December 2019
Site Notice Date:	10 January 2020
Press Notice Date:	09 January 2020
Number of Responses	0

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The application relates to two main areas of development: the extension of the domestic curtilage to utilise part of an area that is currently required to be retained as 'a landscaped open area' by a s106 planning obligation that was associated with the original planning permission for the development of the property, and the erection of a single storey extension which encroaches into part of this landscaped area. These will be assessed in turn in this report, with the key policy tests being Policy GD4 which controls development in Countryside areas, and Policy GD7 which provides design guidance on all forms of development.

Extension of Curtilage

The background to this aspect is established by the planning permission for the application property and the three others in that development which were approved under reference 97/0128. That permission saw the redevelopment of the site with the erection of these 4 dwellings and included the provision of an area of landscaped open space to the side of the site with Spen Lane. That was secured through a s106 planning obligation which remains in place and requires that the area of land that is identified on a plan with that obligation is "*retained as a landscaped open space*". The plan with that obligation indicates the route of a path through this area implying its provision and public access, but there is no requirement in the obligation for the path to be provided or retained, or for it to be publicly accessible. Similarly there is no planning condition associated with that decision that secures that requirement.

From a review of historic images on Google Earth it is the case that the landscaped open area was

provided when the dwellings were first constructed and then over time there has been a gradual increase in the level of landscaping within the area. The present position is that there is a laurel hedge around the perimeter of the area with Spen Lane and a gate that prevents any public access to the area. It has, therefore, the appearance of being private land, albeit the requirements of the planning obligation remain in place for it to be landscaped.

This application indicates that the whole of this area is now within the ownership of the applicant and proposes to extend the domestic curtilage of the application property into part of this area, leaving the part that is closest to the boundary with Spen Lane as open space outside of their private control. The private and public areas would be delineated by a repositioning of a boundary wall that is currently around 7m from the carriageway with Spen Lane to a point that is 4m from that carriageway so providing an additional area of domestic curtilage to the dwelling. To enhance the landscaping in the retained open landscape area additional planting is shown on the site plan, and could be secured through a planning condition.

The 1997 decision clearly intended to provide a landscaped buffer to the edge of the development to soften views of the buildings when viewing the site from the rear given its prominence from Church Road and Kirkham Road. This has been achieved through the existing planting in the area, and as the majority of this is on the perimeter of the site it would continue to be achieved through this proposal as that is retained, and is bolstered by the additional planting that can be secured through a planning condition and could bring a higher quality of planted area than that which exists at present. This would have no detriment to the overall appearance of the property in the local context.

The site is in the Countryside and so this proposal is to be assessed against Policy GD4 of the Fylde Local Plan to 2032. This policy is restrictive of new development unless it complies with one of 6 exceptions to the restrictions. The extension of the domestic curtilage does not fit into any of these, but in this case it does comply with the aims of Policy GD4 to preserve the rural character of the area as the limited extension of the domestic curtilage towards Spen Lane has no impact on the overall appearance of the countryside, and affords the opportunity to secure landscaping enhancements to this important site in the centre of the village. As such the proposal is considered to comply with the requirements of Policy GD4.

Scale of Extension in Countryside

Policy H7 imposes restrictions on the scale and design of extensions (and replacement dwellings) compared to the original dwelling on the site with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this Policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many of these smaller rural dwellings been lost over the past 12 years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two-pronged approach to assessing applications such as this, by requiring firstly that the extensions are no more than a 33% increase in the footprint of the property compared to its original scale, and secondly that appearance of the extended home respects the character of the original building and the surrounding rural area.

With regards to the scale of the extension, the original dwelling includes the lounge, kitchen and dining room, as well as the utility room, hallway and snug downstairs. The original dwelling footprint measures approximately 72.5 sqm. This extension would increase the building footprint by approximately 22.1 sqm, and as this equates to a percentage of 30.5% increase to the footprint it is

within the limit set by this aspect of Policy H7.

The extension is at single storey only and follows the design, materials and proportions of the host dwelling so is an appropriate extension for the original dwelling and its surroundings. As such the proposal is also in accordance with Policy GD4 of the Fylde Local Plan under criteria c).

Visual appearance

The collective impact of the works will be in keeping with the area in regard to both the materials used for the single storey extension as well as the landscaping plan for the surrounding plot.

The scheme also includes a small extension of the hardstanding area to the front of the property which is used for parking and turning areas. This is a modest area that is currently open to the road with a rail fence around. The additional hard surfacing will improve the available parking area with only a minimal urbanising impact on the streetscene and so is acceptable.

As such the overall proposal is considered to be in agreement with criteria c), d), h), m) and u) of GD7 of the Fylde Local Plan to 2032.

Highway safety

Good design of development also relates to the relationship between the proposal and the highway and development of any type should not compromise the safety of any highway users. In regard to this proposal, the highway authority have objected to the application on safety grounds. Their concern is that the proposal looks to remove a pedestrian access through the area in order to increase the curtilage of the property.

Whilst this path does exist, its location and the extent of the hedgerow that has become established means that it is unseen and unknown by the majority of occupiers of the surrounding dwellings. There is also an unlocked garden gate which acts as an access to the front door of the application property and so provides a further deterrent to the use of the footpath. The highway authority and Parish Council indicate that the provision of this path was a requirement of the 1997 planning permission and legal agreement. However, that is not the case as there is no planning condition to require its provision and retention, and the obligations of the s106 agreement relate only to the provision of a landscaped area without any mention to a path albeit one is indicated on the plan.

Whilst a path through this area would serve some connectivity benefits, this is limited as there is a footpath on the opposite side of Spen Lane which is part of the adopted highway and so offers a well maintained and practical route for such users to access the wider road network on Kirkham Road. However, given that Sen Lane is a rural lane without lighting or footpaths the connectivity benefits are limited.

In this context it is considered that this path serves a limited benefit and its loss would not unduly compromise highway safety due to the presence of an alternative and will not compromise pedestrian safety to a degree that would conflict with the requirements of criteria p), q) and r) of Policy GD7 of the Fylde Local Plan to 2032.

The scheme also includes a small extension of the hardstanding area to the front of the property which is used for parking and turning areas. This is a modest area that is currently open to the road with a rail fence around. The additional hard surfacing will improve the available parking area with only a minimal urbanising impact on the streetscene and so is acceptable.

S106 agreement

The S106 remains in place and continues to serve a sound planning purpose as the retention of the area to the side of the property as open space remains key to its setting in the village. However, as set out in the earlier section of this report the application proposals under consideration here maintains and even enhances that. Given this position it is considered appropriate that the terms of the s106 be varied so that it relates to a revised plan that confirms that the reduced area is to be retained as open space, but that there is to be a higher quality of landscaping implemented and maintained in that area. To ensure that this variation is undertaken the officer recommendation to Committee is to delegate the decision to grant planning permission to the Head of Planning and Housing with the permission only granted when the planning obligation has been varied.

Parish Council Observations

The Parish Council essentially object to the loss of an area of open space, the loss of a pedestrian footway through the area, and to the use of an area of adopted highway as part of the applicant's private dwelling. The first two of these points are addressed in the commentary above, and with the application site not actually being part of the adopted highway there is no conflict in that regard either.

Conclusions

The proposal which relates to the extensions to a dwellings domestic curtilage as well as a single storey side extension at no. 4 The Orchard, Spen Lane, is considered to comply with criteria c), d), f), h), i) and p) of Policy GD7 as well as complying with the criteria relating to Policy H7 of the Fylde Local Plan and as such is considered to be acceptable.

Recommendation

That the authority GRANT Planning Permission be delegated to the Head of Planning and Housing with that decision only made on the variation of the s106 agreement associated with planning permission 97/0128 to ensure that the area of landscaped open space to the Spen Lane side of the property is reduced in area to reflect the proposed plans under this application, but that there are compensatory enhancements to the landscaping and maintenance of the retained area provided.

The planning permission shall be subject to the conditions which the Head of Planning and Housing considers appropriate, with the following being suggestions for these:

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 relates to the following plans:

- Location Plan - Drawing no. 19-051 1001
- Proposed Plans and Elevations - Drawing no. 19-051 1100 Rev E
- Proposed Boundary Wall Plans - Drawing no. 19-051 6001 Rev A

- Proposed Landscaping - Drawing no. 4163-01 Rev A

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

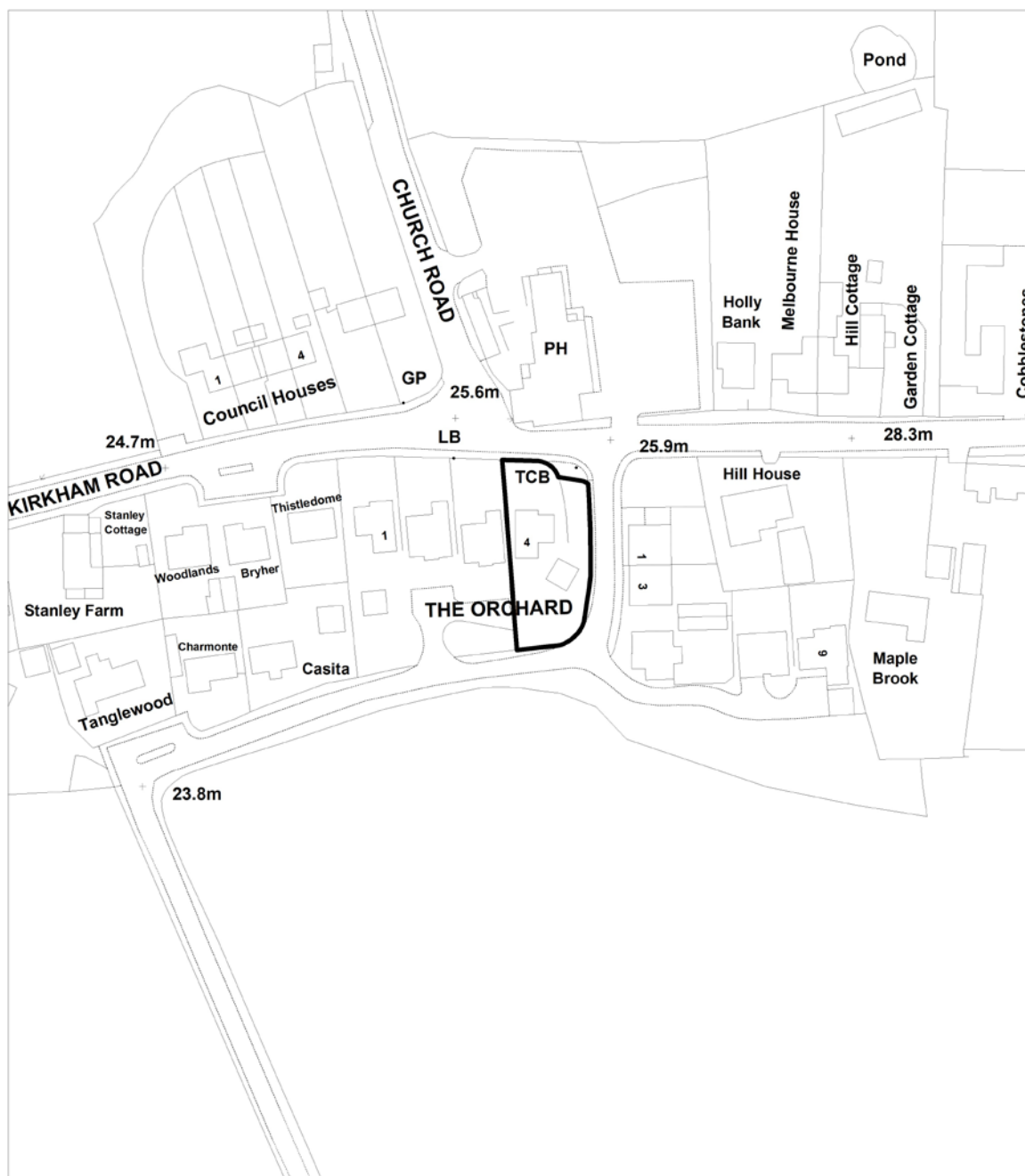
3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used in the construction of the approved development shall match those of the existing dwellinghouse in terms of type, colour, texture and scale.


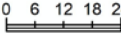
Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. Prior to the commencement of any above ground development on the development hereby approved a scheme to confirm the details of a hedge planting / retention and tree planting scheme for the area of land to the west of the dwelling bordering Spen Lane shall be submitted to and approved in writing. This scheme shall confirm that the existing roadside hedge is to be retained and that additional tree planting is to be undertaken in the areas indicated as such on the site plan approved under condition 2 of this planning permission.

The approved planting scheme shall be implemented during the fits planting season (Nov-Feb) following the completion of the construction of the extension hereby approved, and shall be maintained in accordance with good arboricultural / horticultural practise thereafter.

Reason: To provide an appropriate scheme of landscaping to retain and enhance the current landscaping to this prominent corner at the heart of the village in the interests of maintaining the contribution makes to the pleasant rural character of the area. This is to accord with the requirements of Policy GD7 and ENV1 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2020). Ordnance Survey (100006084).	
Application No. 5/19/1005	Address 4 The Orchard, Spen Lane, Treales	Grid Ref. E.3442 : N.4329	Scale 0 6 12 18 24 m 

Item Number: 9

Committee Date: 12 February 2020

Application Reference:	19/1011	Type of Application:	Full Planning Permission
Applicant:	Mr Buthcher	Agent :	Clover Architectural Design Limited
Location:	PINE LODGE, THAMES STREET, NEWTON WITH CLIFTON, PRESTON, PR4 3RH		
Proposal:	DEMOLITION OF EXISTING FIRE DAMAGED DWELLING AND GARAGE AND CONSTRUCTION OF REPLACEMENT DWELLING AND DETACHED GARAGE WITH ASSOCIATED VEHICLE PARKING AND TURNING AREAS		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	9	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7677699,-2.8395551,168m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is an area of land to the southern side of Thames Street which has contained a timber dwelling but due to fire damage suffered by that property is unused other than with the remnants of that building. The site is within the Countryside as designated by Policy GD4 of the Fylde Local Plan to 2032.

This application seeks approval for a replacement of the dwelling and garage currently on the site. The existing dwelling has been subject to fire damage and is now uninhabitable. The replacement is to be a single storey true bungalow property with a part rendered / part timber (effect) clad appearance to reflect the rural character of the area and the scale and form of the previous dwelling.

It is considered that the proposed development complies with the requirements of Policy GD4 and H7 relating to replacement dwellings in the countryside and the design requirements of Policy GD7 of the Fylde Local Plan to 2032. Accordingly, the proposal is recommended for approval by Members.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the views of the Town/Parish Council and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is Pine Lodge, Thames Street, Newton. In particular the application relates to the redevelopment of a plot of land which contains an existing fire damaged, timber, dwelling and

detached timber garage. The property is situated on the south side of Thames Street with open fields to the south and east and to the north the garden area of 101 Thames Street. To the west are timber buildings in the applicant's ownership that are in equestrian and agricultural use.

The site is within an area designated as Countryside on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for demolition of the existing timber dwelling and garage and the erection of a new single storey dwelling and detached double garage. Both buildings are to be slightly realigned on the plot with the garage moving to the east and the proposed bungalow extending to the west and to the south of the plot.

The bungalow measures 19m in overall length by 8.5 metres in depth with eaves at a height of 3.1 metres and with an overall ridge height of 5.96 metres high. The building is designed with a mix palette of materials in rendered blockwork, composite cladding and stone feature chimney under a slate roof with solar panels on the rear (south) elevation.

The property provides four bedrooms including one en-suite, a separate main bathroom, cloakroom, combined kitchen/dining/living room and separate utility room.

The garage measures 6.1 metres in width by 7.5 metres in length with an eaves height of 2.1 metres and with a ridge height of 4.2 metres. The garage is also to be finished in composite cladding to match the dwelling materials under a slate roof covering.

Boundary screening is proposed in the form of soft planting along the boundary to the west and soft and hard landscaping is proposed to the front and sides of the dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
19/0859	PROPOSED SITING OF TEMPORARY CARAVAN AS LIVING ACCOMMODATION OF 3 YEARS	Withdrawn by Applicant	08/11/2019
19/0858	DEMOLITION OF TWO EXISTING OUTBUILDINGS AND CONSTRUCTION OF NEW AGRICULTURAL BUILDING	Refused	17/12/2019
10/0784	DETACHED GARAGE - RETROSPECTIVE APPLICATION	Granted	09/03/2011
06/0999	RESUBMISSION OF APPLICATION 06/806 FOR THE ERECTION OF CHALET STYLE DWELLING TO REPLACE EXISTING MOBILE HOME	Granted	19/12/2006
06/0806	CHANGE OF USE OF LAND FOR THE SITING OF MOBILE HOME	Withdrawn by Applicant	20/10/2006
05/0780	RESUBMISSION OF APPLICATION 04/566 FOR CERTIFICATE OF LAWFULNESS FOR SITTING OF MOBILE HOME	Granted	24/10/2005
04/0566	CERTIFICATE OF LAWFULNESS FOR ONE MOBILE HOME	Refuse Certificate	09/09/2004
97/0140	ALTERATIONS TO RESERVED MATTERS APP. NO. 5/93/0175 TO ERECT AN AGRICULTURAL WORKERS DWELLING WITH GARAGE	Granted	26/03/1997
93/0175	RESERVED MATTERS ON APP.5/91/0745 TO ERECT ONE AGRICULTURAL WORKER'S	Granted	11/08/1993

91/0745	DWELLING & GARAGE OUTLINE APPLICATION: ERECTION OF AGRICULTURAL WORKERS DWELLING	Granted	29/06/1992
89/0003	NEW 60'X 30' AGRICULTURAL BUILDING	Granted	22/03/1989
88/0344	OUTLINE; ONE 2-STOREY HOUSE	Refused	13/07/1988
87/0650	OUTLINE; AGRICULTURAL WORKERS DWELLING	Refused	27/01/1988

Relevant Planning Appeals History

Application No.	Development	Decision	Date
88/0344	OUTLINE; ONE 2-STOREY HOUSE	Dismiss	01/09/1989

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 17 December 2019 and comment:

The proposed development is outside the existing limits of development and contrary Fylde Local Plan Policy GD4. The application does not evidence development essentially needed for the continuation of an existing agricultural enterprise, facility or operation and therefore the proposed development does not justify any policy exception. Planning application drawings remain subject to the previously requested amendment/update relating to application 19/0858 Members referred to the site history and the fact that the current application states that a new or altered pedestrian or vehicular access to or from the public highway is not proposed. However members note the existing/proposed site layout plans indicate a second access, west of the main entrance, and near to existing outbuildings, which is not currently in situ. It is considered that proposed development will significantly increase the property footprint to an unacceptably excessive degree. Should the local planning authority be minded to grant planning permission in this instance it be conditioned to a single dwelling only on the site

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

LCC Highways does not have any objections regarding the proposed demolition of existing fire damaged dwelling and garage and construction of replacement dwelling and detached garage with associated vehicle parking and turning areas and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

They recommend that a condition be imposed to require that on-site turning be provided.

Greater Manchester Ecology Unit

Summary

No significant ecological issues were identified by the developer's ecological consultant. Issues relating to bats, nesting birds and landscaping can be resolved via condition and or informative.

Bats

The buildings on site were surveyed by an experienced ecologist known to the Unit and all assessed as having negligible bat roosting potential. Given the state of the buildings I

have no reason to doubt the findings of the report. As individual bats can be found in unexpected locations I recommend an informative along the following lines is applied to any permission.

Whilst the buildings to be demolished have been assessed as negligible 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

The only nesting habitat on the site are the hedgerows which are currently to be retained and the outbuildings to the west that do not form part of this application. I am therefore satisfied that the risk to nesting birds is very low. I recommend an informative along the following lines is applied to any permission.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The site is currently of only very low ecological value with the proposal to replace approximately like with like. It is therefore possible to achieve net gain through any additional soft landscaping such as a native tree or provision of bird nesting or bat roosting opportunities within the proposed new build. I recommend that soft landscaping is conditioned.

United Utilities

Raise no objection subject to the imposition of standard conditions relating to the submission of details of the surface water drainage arrangements and that these are separated from the foul water connections.

Neighbour Observations

Neighbours notified:	17 December 2019
Site Notice Date:	08 January 2020
Number of Responses	1 letter received
Summary of Comments	<ul style="list-style-type: none">• understood that original application granted with agricultural tie, has this been lifted• what height and footprint is acceptable• if fire damaged building is not habitable site vacant• Thames Street floods FRA should be completed• site can be seen from Thames Street

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Site Constraints**Environmental Impact Assessment**

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

Comment and Analysis

This application seeks permission for a replacement dwelling and garage in an area designated as countryside on the Fylde Local Plan to 2032.

Background

Planning permission has previously been granted approval in outline for an agricultural worker's dwelling on this site under application no. 91/0745 with the subsequent reserved matters under application no. 93/0175. However, this property was never constructed and a lawful development certificate was granted in respect of the occupation of a mobile home on the site under application 05/0780. The caravan was replaced under application no. 06/0999 with the timber dwelling currently on site. As a consequence of this history the planning permission with an agricultural tie lapsed without being implemented, but the lawful residential use was established by the presence of a dwelling over time. Therefore there is no agricultural tie on the existing dwelling.

The owners of the property subsequently relocated overseas and the was bungalow rented out. In May 2018 the dwelling was set alight and suffered fire damage which has rendered the building uninhabitable and it has been vacant ever since. However, it is considered that the lawful residential occupation of the site has not been abandoned due to the owner's intention to re-develop the site.

Principle of development

As the site is located within the Countryside Area as defined in the Fylde Local Plan to 2032 and as such the provisions of Policy GD4 are applicable in this case.

Policy GD4 states that development in the countryside will be limited to that falling within the following categories:

a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a

rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;

- b) the re-use or rehabilitation of existing permanent and substantial buildings;*
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;*
- d) 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;*
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;*
- f) minor infill development.*

The development could only be permitted in accordance with the provisions of policy GD4 if it was found to fall properly within the categories indicated above. In this case criterion b) is the most appropriate.

Policy H7 of the Fylde Local Plan is also applicable to this proposal and states:

Proposals to replace and / or to extend an existing home in the countryside will be permitted where the following criteria are met:

- a. The replacement or extended home is increased in size by no more than 33% calculated in relation to the ground floor area of the original home; and*
- b. The appearance of a replacement home respects the character of the surrounding rural area and the appearance of an extended home respects the character of the original building and the surrounding rural area.*

As this proposal is for a replacement dwelling and garage, it is considered that the principle of a new dwelling is acceptable and complies with the principles of the above policies subject to the scale and appearance of that property as are assessed in the next section of this report.

Character and appearance

During the course of the application the scheme has been amended to reduce the scale of the proposed replacement. The dwelling now being proposed results in an increase in the footprint of the original dwelling by 33.1%. As such this increase is in accordance with allowance set out in Policy H7.

The second part of this policy requires that the replacement home respects the character of the original building and the surrounding rural area. In that regard it is proposed that the new dwelling and garage occupy slightly realigned positions on the plot compared to the existing. This provides for greater separation between the buildings but is no nearer the Thames Street vantage points and is set behind adjacent buildings with the garage set back from the dwelling. As the increase in the scale complies with policy and the positioning on the plot is acceptable it is considered that the proposed development is in accordance with the requirements of Policy H7.

The existing timber lodge is of a simple design and the proposed dwelling and garage follows this in terms of its overall appearance and arrangement. However, the appearance of the proposed is enhanced with the interest feature chimney and a mixed palette of materials which provides interest to the overall form of the dwelling.

As a consequence of its scale, design and siting the development will not result in an over large

dwelling and is in keeping with the character of the countryside and so complies with the requirements of Policy GD4 and Policies H7 and GD7 criteria d), e) and h).

Relationship to Neighbours

The proposed dwelling is designed with windows at ground floor level facing north and south. However, there are open fields to the south (rear of the property) and to the east with the buildings to the west not in residential use. The nearest residential property is situated to the north of the site at 'Harts Farm' which is approximately 90 metres from the application property.

Taking the above into account and the fact the application property is at a lower land level than any residential neighbours on Grange Lane, it is considered that there will be no loss of privacy or light for the occupiers of any residential properties in the area.

As there are no other residential neighbours in proximity to the site, who could be affected by this proposal the development is considered to have an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7.

Parking and Access Arrangements

The application proposes to utilise the existing access off Thames Street which currently serves the existing dwelling and garage and no new access are proposed as part of this scheme.

The garage can provide parking for two vehicles with additional parking available to the front of the dwelling and garage. LCC Highway Engineers have been consulted as part of this application and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Given the existing access arrangements and the levels of on-site parking provided, it is considered that the development is acceptable and complies with the requirements of Policy GD7 q).

Drainage

Comments have been received from neighbours that refer to flooding of the site. However, the site is within Flood Zone 1 which is land having a less than 1 in 1,000 year annual probability of river or sea flooding. Given the scale of the site it is not an area which requires a Flood Risk Assessment. The drainage proposals are set out in the application form and plans, with surface water being directed to the adjacent watercourse and foul water dealt with by a treatment plant.

These are typical and appropriate arrangements for a single dwelling in a rural area such as this and so the scheme accords with the criteria of Policies CL1 and CL2 of the Local Plan to 2032.

Ecology

The application is accompanied by an Ecological Impact Assessment that has been carried out having regard to the land and the existing buildings. The conclusion of the surveys is that little semi-natural habitat on site that will be affected by the proposal and there are no important habitats or vegetation communities occurring on site or close enough to the site boundaries to be adversely affected by the proposals. Except for the possibility of breeding birds using the hedgerow, there are no protected or otherwise important species occurring on site, adjacent to the site boundaries, or that will be otherwise affected by development proposals.

The avoidance of site works during the bird-breeding season (March-July inclusive) will ensure that no likely negative impact in respect of birds using the hedgerow, should any works be required in that area.

Accordingly, it is considered that the proposed development will not result a detriment to the ecological status of the site and is in accordance with Policy ENV2 of the Fylde Local Plan to 2032.

Landscaping

The proposal is not submitted with a landscaping scheme however, some limited landscaping is indicated. As the site is within a countryside location enhancement of the plot should be carried out in order to enhance the biodiversity of the site.

A landscaping condition will form part of the recommendation of this application to secure provision of additional landscaping that will have benefits in regards to the overall appearance of the site, the integration of the new dwelling into the landscaping and will provide ecological enhancements for wildlife.

Accordingly the development complies with the requirements of Policy ENV2 of the Local Plan to 2032.

Conclusions

This application proposes a replacement dwelling and a garage in place of the existing fire damaged bungalow. There are no restrictions on the occupancy of the existing property and so the proposal is for a replacement open market dwelling in a similar location to the existing dwelling and garage. The increase in scale is in accordance with the criteria set out in the local plan policies and the scale, location and design of the dwelling is such that the development will not result in harm to the character and appearance of the countryside nor the amenities of any residential properties.

The ecological surveys have confirmed that no harm to any protected species will occur as a result of the proposal and soft landscaping of the plot can provide enhancements to the visual amenity and biodiversity in the area.

Accordingly, the proposal complies with the criteria of Policies GD4, GD7, H7, ENV1, ENV2, CL1 and CL2 of the Local Plan and the aims of the National Planning Policy Framework in particular Criteria a) and b) to paragraph 170 that states planning policies and decisions should contribute to and enhance the natural and local environment.

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 relates to the following plans:

- Location Plan - Drawing no. 1000 REV. A
- Proposed Site Plan - Drawing no. 1114 REV. B
- Proposed floor plans - Drawing no. 1100 REV. F
- Proposed Elevations - Drawing no. 1107 REV. C
- Proposed garage floor & elevation plans - Drawing no. 1108 REV. A

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

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

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

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

4. No above ground development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved surface water drainage scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The dwelling shall not be first occupied until the approved surface water drainage scheme, and the foul water drainage scheme indicated to be a waste treatment tank on drawing no. 1114 REV. B has been implemented and is operational. These arrangements shall be maintained as operational drainage schemes thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies CL1 and CL2 of the Fylde Local Plan 2032 and the aims of the National Planning Policy Framework.

5. Prior to the first occupation of the replacement dwelling hereby approved the vehicle access, parking and turning areas shown on the approved plans shall be laid out in accordance with the approved plan and then maintained thereafter.

Reason: To secure the provision of appropriate and safe levels of parking areas as required by Policy GD7 of the Fylde Local Plan to 2032.

6. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current sylvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

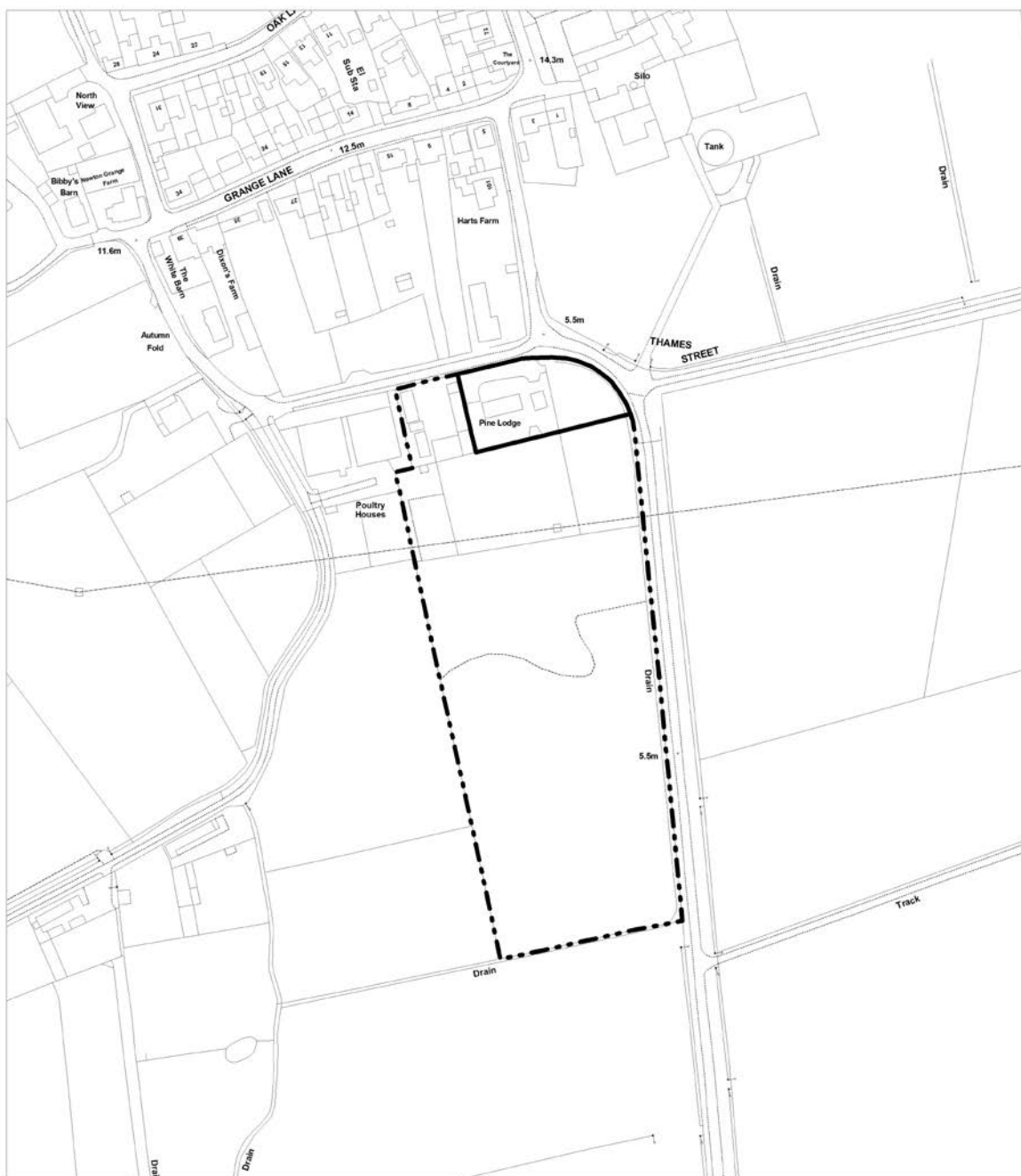
Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policies GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.


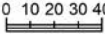
7. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E and F of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage[s] relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding

Reason: To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area. In accordance with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.



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Application No. 5/19/1011	Address Pine Lodge, Thames Street, Newton	Grid Ref. E.3447 : N.4305	Scale 0 10 20 30 40 m 

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPOMENT SERVICES	PLANNING COMMITTEE	12 FEBRUARY 2020	5
ST ANNES TOWN CENTRE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

BACKGROUND AND INTRODUCTION

At the meeting of the Planning Committee held on 22 January 2020, members considered a report that proposed the establishment of a Town Centres Working Group when it resolved to “agree the principle of a Town Centres Working Group but defer consideration of this matter to the next available meeting of the committee to allow the composition of that group and its Terms of Reference to be further clarified”.

The St Annes Town Centre Workshop referred to in the report took place on 29 January 2020 and a report on potential future actions that will emerge from that workshop will be received shortly.

It is proposed that the terms of reference for the group are:

Purpose

To be an advisory working group to the Planning Committee in respect of town centre development, to enable research and discussion on town centre strategy and management issues and to coordinate, support and develop initiatives to reinvigorate and strengthen the three town centres of Fylde borough.

Objectives

- To improve the prosperity and enhance the well being of Kirkham, Lytham and St Annes Town centres, being the three identified town centres of the borough.
- To engage and work with key stakeholders, including retailers, local businesses, other public sector and transportation bodies and community representatives to create a viable and sustainable town centre economy.
- To develop and deliver the town centre action plans as set out in the Fylde Economic Strategy.
- To identify opportunities for funding from a range of national, regional, and local funding sources and oversee the preparation of funding bids in order to deliver the programme of improvement.
- To take responsibility for identifying potential to develop the role of the town centres.

Reporting

The Town Centres Working Group will report to the Planning Committee and other committees of the council.

During discussion at the meeting of the Planning Committee on 22 January, it was suggested that, rather than establishing a fixed group of 5 elected members, the composition of the Town Centres Working Group could take the form of a smaller core of elected members, with other members co-opted to assist with the consideration of particular issues or matters that are relevant to a particular centre as appropriate. Members may wish to consider this approach further in the establishment of the working group.

The item was previously reported as follows:

SUMMARY

On 25 November 2019, Finance and Democracy Committee, when considering an item on the Kirkham Future High Street Fund, resolved “That consideration be given by the Planning Committee to submit a bid in the second round of the Future High Street Fund for St Annes Town Centre.”

As part of a review of issues facing St Annes Town Centre, a workshop has been arranged to examine what intervention is required to ensure that St Annes Town Centre remains a vibrant and attractive centre that will benefit both residents of and visitors to the borough.

As it is not clear whether there will be a second round of the Future High Street Fund, whether the restrictions of one bid per local authority area applied to round 1 of the bidding process will continue if there is a round 2 and as it is by no means certain that the trading conditions faced by St Annes are such that a bid would be successful, Committee are recommended to consider the outcomes from the St Annes Town Centre workshop to examine all opportunities to secure funding to assist in the future development of St Annes, including, but not limited to any future rounds of the Future High Street Fund.

RECOMMENDATIONS

1. That a “Town Centres Working Group” consisting of 5 members be formally constituted as a working group of the Planning Committee and that they be asked to examine all opportunities to secure funding to assist in the future development of St Annes, including, but not limited to any future rounds of the Future High Street Fund.
2. That the outcomes from the St Annes Town Centre workshop be reported to the Planning Committee via Town Centre Working Group for their consideration and appropriate action.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. On 25 November 2019, Finance and Democracy Committee, when considering an item on the Kirkham Future High Street Fund, resolved “That consideration be given by the Planning Committee to submit a bid in second round of the Future High Street Fund for St Annes Town Centre.”[sic.]
2. The Future High Streets Fund was launched in December 2018 as part of the government’s plan for the high street. The prospectus set out that there would be two rounds of bidding, one in 2019 with a further round following in 2020. On 13 February 2019, Planning Committee resolved to submit an Expression of Interest in regard to a bid based upon Kirkham Town Centre. Although Kirkham was not amongst the 50 bids that were originally announced by Government in July 2019 to progress to the second phase of the bidding process, on 26 August 2019 Government announced that it had expanded the scheme and that a further 50 towns, including Kirkham, would proceed to the second phase.

3. Successful candidates will progress to the second phase of the Future High Streets Fund and receive up to £150,000 to support the development of detailed project proposals that can be submitted for capital funding. With each of the successful towns eventually, depending on the scale of their plans, being offered funding of up to £25 million. The funding may be used by these areas to improve transport and access into town centres, convert empty retail units into new homes and workplaces, and invest in vital infrastructure.
4. Officers have sought clarification from Government as to whether it remains their intention to continue with a round 2 or whether the funding that had been earmarked for round 2 has been used to expand the list of towns that are to pass through to a second phase of round 1. The original prospectus also limited the number of bids to 1 per local authority area. Again, it is not clear whether it would be possible for Fylde to submit a second bid for an alternative town within its administrative area. Officers will continue to seek clarification as to the restrictions of any future bids.
5. It must also be noted, especially having regard to the issues faced by the 100 towns that have successfully moved to phase 2 of the first bidding round, that St Annes, whilst not without its challenges, is a relatively successful town centre. Any expression of interest put forward for St Annes would need to compete with the needs and challenges faced by other town centres nationally.
6. The continued success of the borough's town centres is a key priority of both the council's Corporate Plan and its Economic Development Strategy. As mentioned above, a bid has been submitted to the Government's Future High Street Fund to seek funding to improve the prospects of Kirkham Town Centre. In addition significant capital funds have been earmarked to improve the public realm of both Lytham and St Annes centres. However, it is recognised that our town centres are currently facing many pressures resulting from marked and swift changes in consumer spending profiles and one of the themes of the Council's Economic Development Strategy and Action Plan relates to the enhancement of the borough's town centres. Work has already commenced on the preparation of a Town Centres Action Strategy that would include an action plan for each of the borough's 3 defined town centres and is at a relatively advanced stage, although recent progress has slowed due to the need to divert resources to the Kirkham Future High Street Fund and Heritage Action Zone bids. In addition, a St Annes Town Centre workshop consisting of several key stakeholders with interests in St Annes town centre has been arranged in order to examine the issues facing the centre.
7. As it is unclear at this time whether there will be a second round of Future High Streets Fund bidding or whether St Annes would meet the eligibility criteria if there is to be a second round, it is important to ensure that all opportunities to promote and enhance St Annes Town Centre are explored. However, the issues facing St Annes are not unique and so it is considered that the remit of the working group should allow an examination of the issues facing all the borough's town centres. The planning committee are, therefore, recommended to establish a working group consisting of 5 elected members. As the issues facing the borough's town centres are wide ranging, there would be merit in extending the membership of the working group to include elected members who are not necessarily members of the Planning Committee. The working group would be able consider the findings of the St Annes Town Centre workshop.
8. Officers will continue to liaise with representatives of MHCLG regarding any future rounds of the Future High Street Fund or other similar initiatives that could benefit St Annes. The ground work carried out through the workshop and the town centres working group could potentially form the basis of a bid to a future round of the FHSF and would inform the council's own interventions in St Annes.

IMPLICATIONS	
Finance	There are no implications arising directly from this report.
Legal	There are no implications arising directly from this report.
Community Safety	There are no implications arising directly from this report.
Human Rights and Equalities	There are no implications arising directly from this report.
Sustainability and Environmental Impact	There are no implications arising directly from this report.
Health & Safety and Risk Management	There are no implications arising directly from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	mark.evans@fylde.gov.uk & Tel 01253 658460	January 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
FHSF: overview	October 2018	https://www.gov.uk/government/publications/future-high-streets-fund

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	12 FEBRUARY 2020	6
LIST OF APPEALS DECIDED			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

There were no appeal decisions received between 03/01/2020 and 31/01/2020.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members that no appeals that have been decided during the period.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

APPEAL DECISIONS

The council has received decisions on the following appeals in the period 3 January 2020 to 31 January 2020. The decisions are attached to this report for information.

Rec No: 1 21 October 2019	19/0343	LAND TO REAR OF 91 RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2PA ERECTION OF SIX SELF BUILD DETACHED DWELLINGS	Written Representations Case Officer: KPB
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Fylde Dec. Level Appeal Decision:	DEL Dismiss: 28 January 2020
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Rec No: 2 09 December 2019	19/0526	7 SQUIRES COURT, SOUTH CLIFTON STREET, LYTHAM ST ANNES, FY8 5HN RETROSPECTIVE APPLICATION FOR REPLACEMENT OF ORIGINAL WINDOWS WITH UPVC DOUBLE GLAZED UNITS THROUGHOUT	Householder Appeal Case Officer: KLH
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 29 January 2020
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Rec No: 3 09 December 2019	19/0519	8 SQUIRES COURT, SOUTH CLIFTON STREET, LYTHAM ST ANNES, FY8 5HN RETROSPECTIVE APPLICATION FOR REPLACEMENT OF ORIGINAL WINDOWS WITH UPVC DOUBLE GLAZED UNITS THROUGHOUT	Householder Appeal Case Officer: KLH
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 29 January 2020
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Costs Decision

Site visit made on 19 December 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Costs application in relation to Appeal Ref: APP/M2325/W/19/3237770 Land to the rear of 91 Ribby Road, Wrea Green, Preston PR4 2PA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Bradshaw for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for the erection of six self-build homes, landscaping and all other associated works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out examples of behaviour by local planning authorities which may give rise to an award of costs¹. The applicant asserts that in this case, the following are relevant: i) vague generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; ii) refusing planning permission on a planning ground capable of being dealt with by conditions; iii) not determining similar cases in a consistent manner and iv) requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy.
4. The applicant contends that the Council failed to provide qualitative or quantitative evidence to support the sixth reason for refusal, which relates to the relationship between the proposed house on plot 1 and a neighbouring property on Langton Close. However, I have found that the evidence provided in the Council's statement was sufficient to explain the reasoning behind the reason for refusal. Further detailed analysis was not necessary to enable a judgement to be made on the effect of the proposal on the neighbouring property. I do not consider that the Council have behaved unreasonably with regard to point i).
5. Turning to point ii), the planning statement suggests that section 73 applications and/or non-material amendments would provide a way for prospective owners to alter the design or layout of the houses at a later date.

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306

However, this alone would not provide any guarantee that the houses would be constructed as self-build units, or that they would be subsequently occupied by those who built them. The Council were of the opinion that this matter could not be adequately addressed using a planning condition, and I agree.

6. The applicants say that there was no opportunity to discuss a suitable mechanism to ensure that the proposed dwellings would be constructed as self-build dwellings, which could have avoided the fifth reason for refusal. A draft Unilateral Undertaking (UU) was submitted during the appeal process to address this issue. I agree that if the UU had been provided earlier then the fifth reason for refusal could have been avoided. However, this would not have removed the need for an appeal, as the application was refused for other reasons.
7. In relation to point iii), the applicants suggest that the Council has taken an inconsistent approach in defining infill development and cite the example of residential development at Beech Road, Elswick² to support their case. The Beech Road example is not the same as the current appeal, however, and the Council has provided an adequate explanation as to why they have treated the two sites differently. For the reasons set out in the appeal decision, I consider their approach in relation to the appeal site to be justified.
8. Point iv) relates to the Council's requirement that provision be made for affordable housing. As set out in the appeal decision, I have found that the site forms part of a wider development and, although the proposed development is for self-build units, some provision for affordable housing would be justified in this case. In coming to this conclusion, I have had regard to the guidance in section 5 of the National Planning Policy Framework. As such, I consider the Council's approach to be appropriate and the inclusion of the third reason for refusal justified.
9. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

Rosie Morgan

INSPECTOR

² Planning application ref 18/0461

Appeal Decision

Site visit made on 19 December 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/M2325/W/19/3237770

Land South of Ribby Road, Wrea Green, Preston PR4 2PA

- 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 A Bradshaw against the decision of Fylde Borough Council.
 - The application Ref 19/0343, dated 18 April 2019, was refused by notice dated 13 August 2019.
 - The development proposed is the erection of six self-build homes, landscaping and all other associated works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Bradshaw against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - 1) The effect of the proposal on the character and appearance of the area, having particular regard to its location within an Area of Separation;
 - 2) Whether the proposal forms part of a larger residential development, and if so whether it should make provision for affordable housing and public open space;
 - 3) Whether the mix of and type of homes, including the proposal for 'self-build homes' is appropriate; and
 - 4) The effect of the proposed house on plot 1 on the living conditions of the occupiers of 5 Langtons Close, with particular regard to outlook and overshadowing.

Reasons

Character and appearance – Area of Separation

4. The appeal site is an area of flat, undeveloped land on the edge of the village of Wrea Green. The site is grassed, and at the time of my site visit, part of it was being used for grazing sheep. To the north, the site borders the access road for a row of three dormer bungalows which front onto the site and form

part of a larger development of eight dwellings. To the west, the site borders onto the rear gardens of two properties on Langtons Close, which also forms part of an area of recent housing development. To the east the site is bounded by a row of trees which are subject to a TPO, with a farm track and agricultural land beyond. To the south is a large dwelling with associated domestic curtilage and stables within a wooded setting, with agricultural land beyond.

5. Wrea Green is identified as a Tier 1 Larger Rural Settlement in the Fylde Local Plan 2018 (LP). Policy S1 allows for development within the rural settlement boundaries of such settlements. However, the appeal site is outside of the settlement boundary of Wrea Green, and therefore development in this location would not comply with this policy.
6. The site is within an area of countryside which is also designated as an 'Area of Separation' (AoS) in LP Policy GD3. The justification to Policy GD3 explains that the purpose of the AoS is to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in the coalescence of two distinct and separate settlements, in this case the villages of Wrea Green and Kirkham.
7. This Policy identifies specific types of development which may be appropriate in an AoS. Criterion f) allows for minor infill development, of a scale and use that does not have a material impact on the rural character of the area and would not result in harm to the effectiveness of the gap between the settlements or the function of the AoS.
8. Whilst not defined in the Local Plan, infill development is generally regarded as being the filling of a gap in an otherwise built up frontage. The proposal is for 6 two-storey dwellings set within relatively generous plots on a parcel of land of just under 0.5 hectares. There is built development on three sides of the site, however only on the northern side could this be described as being a built-up frontage. The single dwelling to the south is a set in a large curtilage with various out-buildings. Although the curtilage may extend the length of the southern boundary of the appeal site, the buildings are limited to the south eastern corner. Immediately to the west are the rear of two properties which are sited at an angle to the boundary of the appeal site and are also set within generous plots.
9. Given the size of the site and the scale of development, together with its location between low density development on two sides and agricultural land to the east, the appeal site does not occupy a gap within an otherwise built up frontage, and in my mind, does not constitute infill development.
10. The appellant has highlighted other examples of infill development in support of their case. The approval of outline permission for up to 6 dwellings at Beech Road, Elswick¹ adjoins an allocated site with approved development on three sides, which is of higher density and more regular form than the appeal site. Other proposals referred to by the appellant and the Council² are also different in their circumstances and the policy contexts under which they

¹ Planning application reference 18/0461

² Planning application references 18/0618; 17/1046; 16/0554; 06/2018/0799; 06/2018/1039; 06/2017/0072; Appeal reference APP/M2325/W/17/3187426

were approved, some of which were approved prior to the adoption of the Fylde Local Plan and during a period when the Council was unable to demonstrate a five-year supply of deliverable housing sites. I have determined this appeal on its own merits and the examples provided do not lead me to a different view about the appeal site.

11. As I have found that the site does not constitute infill development it does not comply with criterion f) of Policy GD3. Furthermore, the policy also requires consideration of the impact of the proposal on the function of the AoS in protecting the identify and distinctiveness of settlements.
12. In her report on the Local Plan Examination, the Inspector noted the significant pressure for development on the edge of Wrea Green which, if allowed would undermine the separate settlement identifies and could result in coalescence. The development of this site would reduce the gap between the settlements of Wrea Green and Kirkham location by some 100 metres. Although this would not reduce the gap at its minimum extent, it would nonetheless contribute to its erosion, which the AoS policy seeks to avoid.
13. The existing single dwelling in its large curtilage to the south of the site, whilst clearly visible, does not detract from the predominately rural character of the area. The property has quite significant areas of hardstanding as well as the house and two outbuildings which may include stables. Although large, this property appears to be associated with a farm and is not an unusual form of development within the countryside. The property is included within the wider AoS and its existence does not justify the development of the appeal site.
14. I agree that the trees around the north and west of the site interrupt the visual connection between the site and the wider countryside. However, the site forms part of a strip of land which was considered by the Local Plan Examiner to be of importance in contributing to the aims of the AoS, including the protection of the identify and distinctiveness of settlements. Despite the recent development to the north, which was permitted under different circumstances, the contribution of this area to the AoS has not significantly changed. The appeal site still performs a function within the wider AoS which Policy GD3 seeks to protect and the proposed development would harm the separation between the two settlements.

Design and siting

15. The proposal is for six substantial, two storey dwellings which are shown as being of different designs. Whilst the application is in full, the intention is that the properties would be self-build and prospective tenants could alter the design and size of the houses. There is uncertainty over the final appearance of the proposed scheme, but I have determined the appeal based on the scheme before me. Any proposed amendments would need to be assessed on a case by case basis and on their own merits.
16. The proposed dwellings would be generously set back from the road with fairly long back gardens. However, they would be positioned close together and would appear from the front to be a much larger scale and higher density

- development than the dormer bungalows opposite or the lower density development on Langtons Close immediately to the west.
17. The development would appear as a large mass of development, with limited gaps to break up the built form. This would contribute to the suburbanisation of this edge of settlement location and would limit views of the trees beyond, which are an important feature of the area and contribute significantly to its setting. As a result of their scale and siting, the houses would appear out of character with the surrounding development.
 18. Details of landscaping have been provided which would help soften the impact, but this would not be sufficient to overcome the harm which would arise as a result of the scale of the development proposed. Policy ENV1 requires that, in addition to other considerations, a landscaped buffer is provided for development that impacts on land in or adjacent to the countryside. The landscaping proposals submitted with the application do not fully meet the requirements of this policy, but if the development was otherwise acceptable this could be addressed through an appropriately worded planning condition.
 19. I conclude on this issue that the proposal does not constitute minor infill development and would result in a permanent loss of the open, rural area between the settlements of Wrea Green and Kirkham which would undermine the objectives of the Area of Separation. Furthermore, the design and siting of the houses would cause harm to the character and appearance of the area.
 20. The proposal therefore conflicts with the requirements for development within an Area of Separation set out in LP Policy GD3. There is also conflict with Policies DLF1 and S1, which direct new development to within the settlement boundaries of Tier 1 settlements; Policy GD7, which requires a high standard of design that reflects local character, and Policy ENV1, which requires development to have regard to its visual impact within its landscape context and type.
 21. The Council's decision notice also refers to Policy H2 in relation to the first reason for refusal. Policy H2 is concerned with the density, mix and type of housing. It is not clear what the Council's specific concern is in relation to this particular matter. The mix and type of housing is addressed later in this decision.
 22. Paragraph 15 of the National Planning Policy Framework (the Framework) is concerned with plan making and the importance of the plan led system, and is referred to in the decision notice. The Council says that it can now demonstrate a five-year supply of deliverable housing sites and the appellant has submitted no evidence to dispute this. The appellant has not disputed the significance of the development plan in determining this application, rather the disagreement centres around the extent to which the proposal complies with relevant policies. As such, this paragraph is of limited relevance to this main issue.

Whether the proposal forms part of a larger residential development

23. The appeal site adjoins an area of land which is in the ownership of the appellant and, at the time of writing, was in the process of being developed

for 8 houses. The Council contends that the appeal site part of a larger development of fourteen houses which encompasses this adjoining site. As such, policy requirements for provision of affordable housing and public open space should apply.

24. The Council has referred to a high court judgement³ which considered whether a site should be combined with an adjoining development for the purposes of affordable housing contributions. In that case, the Court found that to be a matter of planning judgement, and that issues which could be relevant include site ownership, whether the land constitutes a single site for planning purposes and whether the proposals can be deemed to constitute a single development.
25. In the case of this appeal, the sites are within the same ownership and the appellant is the same. The access is shared, with both sites fronting onto a road which serves no other developments. On the ground, the appeal site appears to be a continuation of the site immediately to the north, with no physical features that subdivide the two areas. Visually, the only difference between the two areas is the siting and design of the housing proposed. The type of housing differs between the two sites, with self-build housing proposed on the appeal site and market housing to the north. However, many developments include housing of varying styles, types and tenures, and these are not reasons to treat the two areas as being separate.
26. Given these factors, it is reasonable to consider the appeal site as forming part of a larger development, in combination with the development of 8 houses to the north, for the purposes of affordable housing and open space contributions. A development will of fourteen units will generate such infrastructure requirements and there is nothing in either Policy H4 on affordable housing, or ENV4 on provision of open space, which suggests that the consideration of sites should be limited to the extent of a red line boundary.
27. The appellant contends that, irrespective of whether the site forms part of a larger area, provision of affordable housing is not required because the proposal is for self-build housing, which is listed as an exemption to affordable housing requirements in paragraph 64 c) of the Framework.
28. At the time it made its decision, the Council had not been provided with a legal agreement or other mechanism to ensure that the plots would be developed as self-build homes. However, during the course of the appeal, a unilateral undertaking (UU) was submitted to address this specific issue. Whilst the detailed wording of the UU has not been agreed, I am satisfied that, if the proposal was otherwise acceptable, a suitably worded UU could be put in place agreed to ensure that the houses were developed as self-builds.
29. Policy H4 requires that affordable housing provision is made in developments of ten or more houses, but part of the development of fourteen units would involve self-build units. Paragraph 64 of the Framework does not specify whether the whole of the site should be developed for self-build units for the exemption to apply, but the development of almost half of the site for such

³ New Dawn Homes Ltd v Secretary of State for Communities and Local Government & Tewksbury Borough Council (2016) EWHC 3314

homes is clearly an important consideration. However, I note footnote 26 to paragraph 61 which recognises that self and custom build properties could provide market or affordable housing.

30. Taking all these factors into account and given the overall scale of the development proposed and the identified need for affordable housing in the area, it seems reasonable that, if the scheme was otherwise acceptable, it should make some provision in this regard. Open space provision in accordance with the requirements set out in Policy ENV4 would also be justified.
31. I conclude on this issue that the proposal does form part of a larger residential development, and therefore should make provision for affordable housing and public open space. The UU does not cover these matters and in the absence of any other mechanism to provide them, the proposal conflicts with the requirements of Policies INF2, H4 and ENV4 relating to requirements for developer contributions, affordable housing and open space provision.
32. Framework paragraphs 34, 61 and 62 are also referred to in the Council's decision notice, but these are concerned with policy content, rather than decision making.

Type and mix of homes

33. Policy H2 is supportive of proposals for custom and self-build homes on small sites of fewer than 10 dwellings, where the location accords with Policy DLF1 and the proposal complies with other policies. In this case, however, the location does not accord with Policy DLF1 and the proposal conflicts with other policies.
34. The appellant has highlighted the Council's responsibility under the Self Build and Custom Housebuilding Act 2015 to provide enough suitable permissions to meet identified demand. The Council has confirmed that there were 18 persons on the self-build register for the year 2018-2019, and that this need was met through granting consent for 19 individually designed dwellings. I have not been provided with any further evidence to support this, but the scale of identified need is relatively low and even if it had not been met in full, it is likely that other locations exist which could provide for such a need within the three year period for compliance, which better accord with planning policy.
35. I acknowledge that the number of persons on the self-build register need not be treated as a maximum figure for provision of this type of housing in the area. However, the Council's statutory duty is only to meet this need, and there is no requirement for additional permissions.
36. The proposed self-build units are shown on the plans as being four-bedroomed houses. The 8 houses on the adjacent site are also all four bedroomed. Given my findings above about the scale of the overall development, the proposal does not comply with the objective of Policy H2 that a broad mix and types and sizes of homes be provided on all sites, or the more detailed requirements for developments within or on the edge of Tier 1 Larger Rural Settlements, which should include at least 33% of 1 or 2 bedroomed homes.

37. I note the appellant's comments that, as the houses are proposed to be self-build, the size of the homes, including the number of bedrooms, could be changed by prospective tenants. However, there is no certainty that future occupiers would build smaller houses, and the possibility also exists that bigger properties could be sought.
38. I conclude that the proposed mix and type of houses, including the proposal for 'self-build homes' is not appropriate and fails to meet the requirements of Policy H2.

Living conditions

39. Plot 1 of the proposal shares a side boundary with 5 Langtons Close (No 5), a two-storey detached house which has recently been constructed. The boundary is formed of a wooden fence. The proposed house on plot 1 would be positioned further forward and at a slight angle to No 5.
40. The distance between the side elevations of the two properties would be around 4 metres, which is generally considered to be acceptable. There are no windows of habitable rooms in the side elevation of either house, so there would be no direct overlooking. However, the position of the proposed house forward on the plot relative to No 5 would introduce a significant mass of built development close to the shared boundary. Owing to the scale of the development and its siting, I agree with the Council that it would result in a dominant and overbearing form of development when viewed from the windows of the rear habitable rooms and from the rear garden.
41. The relative orientation and position of the houses, with the proposed dwelling being sited to the east of No 5, would mean that at certain times of the day, the proposed dwelling on plot 1 would cause a significant degree of overshadowing and loss of light to the garden area.
42. I conclude that the proposed house on plot 1 would cause harm to the living conditions of the occupiers of 5 Langtons Close owing to outlook and overshadowing. Consequently, it would conflict with criteria c), d) and h) of Policy GD7 which are concerned with the amenity of neighbouring uses and occupiers and requires new development to relate well to the surrounding context.

Other matters

43. I acknowledge that the proposal would contribute to housing land supply in the short term, and that the annual housing requirement of 415 homes in Fylde borough is not a ceiling. However, the location of the site outside of a Tier 1 Larger Rural Settlement would not comply with the Council's development strategy for the area. Policy DLF1 allows for windfall sites of between 1 and 9 homes throughout the borough, but only where they are compliant with other policies of the plan, which is not the case in this proposal.
44. The site is undeveloped, but this does not mean it is underutilised, or that its development for an alternative use is justified or necessary.

45. I acknowledge that the proposal would provide benefits to the local economy, and that services and amenities are available within walking distance, with opportunities to travel further afield without the need for a car. The provision of family homes for self-build would give opportunities for residents to adapt and design their own homes. However, these modest economic and social benefits are not sufficient to outweigh the harm that I have identified.
46. I note the lack of environmental designations and constraints, but these are neutral factors in the planning balance.

Conclusion

47. The proposal would fail to comply with development plan policies concerning the location of development; the character and appearance of the area and its role in settlement separation; the type and mix of houses; the need for appropriate infrastructure contributions and the protection of the living conditions of neighbouring occupiers. For these reasons, the appeal is therefore dismissed.

R Morgan

INSPECTOR

Appeal Decision

Site visit made on 7 January 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2020

Appeal Ref: APP/M2325/D/19/3240738

7 Squires Court, South Clifton Street, Lytham, Lancashire FY8 5HN

- 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 Mrs Gillian Clarkson against the decision of Fylde Borough Council.
 - The application Ref 19/0526, dated 22 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as 'retrospective planning permission for UPVC double glazed windows'.
-

Decision

1. The appeal is allowed and planning permission is granted for the development for UPVC double glazed windows at 7 Squires Court, South Clifton Street, Lytham, Lancashire FY8 5HN in accordance with the terms of the application, Ref 19/0526, dated 22 June 2019, and the plans submitted with it.

Procedural Matters

2. The development has already taken place. As 'retrospective' is not an act of development I have amended the description of development given by the appellant in my decision above in order to reflect the particulars of the development to which this appeal relates. Furthermore, the submitted plans reflect the development that has been carried out and I have assessed the appeal based on the development that now exists.
3. Throughout the evidence reference is made to both the 'Lytham Town Centre Conservation Area' and the 'Lytham Conservation Area'. The Council has provided me with the definitive map of the conservation area and it is referred to as 'Lytham Town Centre Conservation Area' on the decision notice. For clarity I will refer to it as such throughout my decision.
4. There is no date given on the decision notice to indicate when the planning application was refused. I have instead used the date of refusal given by the appellant on the appeal form in the banner heading above.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the Lytham Town Centre Conservation Area.

Reasons

6. The appeal relates to a dwelling which fronts South Clifton Street and forms one of a small group of properties known as Squires Court which are of a similar age and design. The windows which are the subject of this appeal front both South Clifton Street and Shepherd Street. One of the adjacent lying properties, 8 Squires Court, is the subject of a separate appeal for a similar form of development¹.
7. The appeal site lies within the Lytham Town Centre Conservation Area (CA). A conservation area appraisal for the CA has not been submitted to me but from my site visit and the evidence before me, I consider that the significance of the CA derives, in part, from the varied design, scale, layout and architectural quality of the built form within the street. Due to the diverse appearance and types of buildings and structures close to the appeal site, the contribution each one makes to the character and appearance of the CA is similarly varied. However, there is consistency running through the CA in terms of the closeness of the built form to the street which exacerbates its narrowness. The presence of several period properties imparts a historic character to a street otherwise noted for its variety.
8. Whilst the appeal dwelling hosts several elements of architectural detailing and an overall fenestration design which is reflective of the historic characteristics of the street, the brickwork type and pattern, and the presence of plastic rainwater gutters and downpipes give the dwelling a more modern appearance than many of the other buildings that exist outside Squires Court, reflective of its more recent construction². Moreover, despite the presence of several good examples of period properties within the street, this stretch of South Clifton Street is fronted by a number of relatively featureless boundary walls, buildings and garage doors and overall lacks a unifying architectural and historical richness.
9. Notwithstanding the separate appeal at No 8, the windows associated with the dwellings within Squires Court are supported by traditional designed timber frames. The difference between the timber framed windows and those within the appeal dwelling is not immediately noticeable when walking along the street. However, the difference principally concerns the bulkier form of the central cross pieces, casements and general lack of depth in the overall frame composition.
10. The use of UPVC is not objectionable in itself, and I saw several examples of UPVC window frames further along the street. However, these are features of modern design which make it obvious on closer inspection that the windows are not framed with traditional materials. Nevertheless, despite their bulkier form and synthetic composition, the window frames appear authentic in style, reflecting the age, design and overall fenestration composition of the existing dwellings in Squires Court. To my mind the replacement windows do not harm the defining characteristics of the CA and do not appear out of step with the varied appearance and layout of the existing built form in the street.
11. In conclusion, the development is consistent with the preservation of the character and appearance of the CA. It does not conflict with Policies ENV5 or

¹ Appeal reference – APP/M2325/D/19/3240807

² The Council confirms 'Squires Court' was approved under application reference - 88/0293

GD7 of the Fylde Local Plan to 2032 which require, amongst other matters, that developments do not have an unacceptable impact on historic street patterns and ensure preservation of the historic environment. In accordance with paragraph 192 of the National Planning Policy Framework, the development sustains the significance of the CA.

12. In reaching my decision I have taken into account the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Conditions

13. As the development has already taken place, I do not consider it necessary to impose a standard 'time-limit' condition or an approved plans condition, nor are any other conditions necessary.

Conclusion

14. For the reasons given above the appeal is allowed.

Matthew Woodward

INSPECTOR

Appeal Decision

Site visit made on 7 January 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2020

Appeal Ref: APP/M2325/D/19/3240807

8 Squires Court, South Clifton Street, Lytham, Lancashire FY8 5HN

- 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 Alan Nicholson against the decision of Fylde Borough Council.
 - The application Ref 19/0519, dated 24 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as 'retrospective application for the replacement of original windows with UPVC double glazed units. The property is within the Lytham Conservation Area'.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of original windows with UPVC double glazed units at 8 Squires Court, South Clifton Street, Lytham, Lancashire FY8 5HN in accordance with the terms of the application, Ref 19/0519, dated 24 June 2019, and the plans submitted with it.

Procedural Matters

2. The development has already taken place. As 'retrospective' is not an act of development I have amended the description of development given by the appellant in my decision above in order to reflect the particulars of the development to which this appeal relates. Furthermore, the submitted plans reflect the development that has been carried out and I have assessed the appeal based on the development that now exists.
3. Throughout the evidence reference is made to both the 'Lytham Town Centre Conservation Area' and the 'Lytham Conservation Area'. The Council has provided me with the definitive map of the conservation area and it is referred to as 'Lytham Town Centre Conservation Area' on the decision notice. For clarity I will refer to it as such throughout my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Lytham Town Centre Conservation Area.

Reasons

5. The appeal relates to a dwelling which fronts Shepherd Street and forms one of a small group of properties known as Squires Court which are of a similar age

- and design. The adjoining property, 7 Squires Court, is the subject of a separate appeal for a similar form of development¹.
6. The appeal site lies within the Lytham Town Centre Conservation Area (CA). A conservation area appraisal for the CA has not been submitted to me but from my site visit and the evidence before me, I consider that the significance of the CA derives, in part, from the varied design, scale, layout and architectural quality of the built form in the area. Due to the diverse appearance and types of buildings and structures close to the appeal site, the contribution each one makes to the character and appearance of the CA is similarly varied. However, there is consistency running through the CA in terms of the closeness of the built form to the surrounding streets which exacerbates their narrowness. The presence of several period properties imparts a historic character to an area that is otherwise notably varied.
 7. Whilst the appeal dwelling hosts several elements of architectural detailing and a fenestration design reflective of the historic characteristics of the area, the brickwork type and pattern, and the presence of plastic rainwater gutters and downpipes give the dwelling a more modern appearance than many of the other buildings that exist outside Squires Court, reflective of its more recent construction². Moreover, despite the presence of several good examples of period properties within the area, the appeal property lies close to the junction of Shepherd Street and South Clifton Street, the latter of which is fronted by a number of relatively featureless boundary walls and buildings along with garage doors and overall it lacks a unifying architectural and historical richness.
 8. Ignoring the windows at No 8 which are the subject of a separate decision, I saw on my site visit that the windows associated with the dwellings within Squires Court were supported by traditional designed timber frames. The difference between the timber framed windows and those within the appeal dwelling is not immediately noticeable when walking along the street. However, the difference principally concerns the bulkier form of the central cross pieces, casements and general lack of depth in the overall frame composition.
 9. The use of UPVC is not objectionable in itself, and I saw several examples of UPVC window frames close to the appeal site along South Clifton Street. I accept, however, that UPVC is a feature of modern design and it was clear on closer inspection that the windows were not framed with traditional materials. Nonetheless, despite their bulkier form and synthetic composition, the window frames appear authentic in style, reflecting the age, design and overall fenestration composition of the existing dwellings in Squires Court. To my mind the replacement windows do not harm the defining characteristics of the CA and do not appear out of step with the varied appearance and layout of the existing built form.
 10. Therefore, I conclude that the development is consistent with the preservation of the character and appearance of the CA. It does not conflict with Policies ENV5 or GD7 of the Fylde Local Plan to 2032 which require, amongst other matters, that developments do not have an unacceptable impact on historic street patterns and ensure preservation of the historic environment. In

¹ Appeal reference – APP/M2325/D/19/3240738

² The Council confirms 'Squires Court' was approved under application reference - 88/0293

accordance with paragraph 192 of the National Planning Policy Framework, the development sustains the significance of the CA.

11. In reaching my decision I have taken into account the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Conditions

12. As the development has already taken place, I do not consider it necessary to impose a standard 'time-limit' condition or an approved plans condition, nor are any other conditions necessary.

Conclusion

13. For the reasons given above the appeal is allowed.

Matthew Woodward

INSPECTOR