



Agenda

Planning Committee

Date:	Wednesday, 26 April 2023 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, 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](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 5 April 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 104
5	Exclusion of the Public	105 - 106
6	Additional Advice - Outline Application for Residential Development of up to 52 Dwellings, Land at Roseacre, Wildings Lane, Lytham St Annes (Application Reference 21/0811) EXEMPT ITEM NOT FOR PUBLICATION	EXEMPT
	INFORMATION ITEMS:	
7	List of Appeals Decided	107 - 108

Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

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

© Fylde Council copyright 2023

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

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

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

This document/publication is also available on our website at www.fylde.gov.uk

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

Planning Committee Agenda

26 April 2023

Item No.	Appn No.	Location and Proposal	Recommendation	Page No
1	23/0042	CLOVELLY 67-69 CLIFTON DRIVE LYTHAM ST ANNES LANCASHIRE FY8 1BZ CHANGE OF USE OF FORMER CARE HOME BUILDING AND REAR BUNGALOW TO PROVIDE 11 SUPPORTED LIVING APARTMENTS (USE CLASS C3(B)) INCLUDING ASSOCIATED ALTERATIONS AND EXTENSIONS TO BUILDING COMPRISING A SINGLE STOREY REAR EXTENSION, EXTERNAL ALTERATIONS TO WINDOW AND DOOR OPENINGS ON ALL ELEVATIONS, REMOVAL OF EXTERNAL STAIRCASE ON EAST FACING SIDE ELEVATION, PROVISION OF ASSOCIATED PARKING AND LANDSCAPING AND FORMATION OF NEW VEHICLE ACCESS FROM CLIFTON DRIVE	Delegate to Officers	5
2	23/0136	8 SUMMIT DRIVE FRECKLETON PRESTON LANCASHIRE PR4 1PP EXTENSION AND ALTERATION OF THE DWELLING: 1) REMOVAL OF CHIMNEY, 2) REMOVAL OF BAY WINDOWS TO FRONT AND SIDE ELEVATIONS AND REPLACEMENT WITH WINDOWS, 3) SINGLE STOREY REAR EXTENSION, 4) RENDER OF ENTIRE PROPERTY, 5) CLADDING OF FRONT AND REAR DORMERS, 6) REPLACEMENT OF ALL WINDOWS.	Grant	31
3	23/0143	J R TAYLORS BUILDING 4 -12 GARDEN STREET & HSBC BUILDING 11 ST ANNES ROAD WEST, LYTHAM ST ANNES LANCASHIRE FY8 2AA CHANGE OF USE OF JR TAYLOR & HSBC BUILDING FROM RETAIL (USE CLASS E(A)), OFFICES (USE CLASS E(G)(I)) AND BANK (USE CLASS E(C)(I)) TO A MIXED USE COMPRISING OF A SPA (USE CLASS SUI GENERIS) AT BASEMENT LEVEL; A RESTAURANT, BAR & SPA ENTRANCE (USE CLASSES E(B) AND SUI GENERIS) AT GROUND FLOOR; ANCILLARY OFFICES, STAFF ROOMS, MASSAGE ROOMS & SPA DINING (USE CLASSES E(E) AND SUI GENERIS) AT FIRST FLOOR; A VIP BAR AT SECOND FLOOR (USE CLASS SUI GENERIS); AND ROOF TOP BAR (USE CLASS SUI GENERIS) AT THIRD FLOOR, INCLUDING THE FOLLOWING EXTERNAL ALTERATIONS: 1) INSTALLATION OF GLAZED ENCLOSURE OF 1ST, 2ND & 3RD FLOORS TO GARDEN STREET/ ST ANNES ROAD WEST AND THIRD FLOOR EXTENSION TO CORNER TURRET; 2) REPLACEMENT OF EXISTING HIPPED ROOF WITH GLAZED FLAT	Delegate to Officers	39

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

ROOF AND CURVED CANOPY TO ROOF TOP BAR; 3) ALTERATIONS TO EXISTING GROUND FLOOR EXTENSION, SHOP FRONT AND CANOPY TO CREATE NEW ENTRANCES; 4) REPLACEMENT OF FIRST AND SECOND FLOOR TIMBER WINDOWS ON FRONT AND SIDE ELEVATIONS WITH UPVC WINDOWS; 5) BLOCKING UP OF EXISTING WINDOWS AND PARTIAL OVERCLADDING OF EXTERNAL WALL TO REAR ELEVATION; 6) ROOF TOP PLANT TO REAR EXTENSION OF BANK; 7) CREATION OF BIN STORE WITH ACCESS FROM BACK STREET; 8) PARTIAL RECONSTRUCTION OF 2ND FLOOR SIDE ELEVATION TO GARDEN STREET; 9) ALTERED ENTRANCE DOOR TO EXISTING BANK/SPA ENTRANCE; 10) PART DEMOLITION OF REAR OF BANK AT GROUND FLOOR & EXTENSION OF BASEMENT WITH ASSOCIATED WORKS TO REAR OF EXISTING BANK, INCLUDING - LIVING GREEN WALL, NEW BRICK FEATURE WALL ADJACENT TO BACK STREET, GLAZED ROOF TO SPA AND REPLACEMENT REAR STAIRS TO BRITISH RED CROSS.

4	21/0811	LAND AT ROSEACRE, WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ	Delegate to Officers	60
		OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 52 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES AND PADDOCKS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		

Background Papers

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 Local Government Act 1972:

- Fylde Local Plan to 2032 (incorporating Partial Review) – December 2021
- 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 2021
- 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 online at www.fylde.gov.uk/resident/planning

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Item 1

Application No:	23/0042	Case Officer:	Matthew Taylor Area Team 2
Applicant:	HEALTHCARE SOLUTIONS	Agent:	MR LUKE GREENHALGH
Location:	CLOVELLY 67-69 CLIFTON DRIVE LYTHAM ST ANNES LANCASHIRE FY8 1BZ		
Proposal:	CHANGE OF USE OF FORMER CARE HOME BUILDING AND REAR BUNGALOW TO PROVIDE 11 SUPPORTED LIVING APARTMENTS (USE CLASS C3(B)) INCLUDING ASSOCIATED ALTERATIONS AND EXTENSIONS TO BUILDING COMPRISING A SINGLE STOREY REAR EXTENSION, EXTERNAL ALTERATIONS TO WINDOW AND DOOR OPENINGS ON ALL ELEVATIONS, REMOVAL OF EXTERNAL STAIRCASE ON EAST FACING SIDE ELEVATION, PROVISION OF ASSOCIATED PARKING AND LANDSCAPING AND FORMATION OF NEW VEHICLE ACCESS FROM CLIFTON DRIVE		
Ward:	Fairhaven	Parish:	
Statutory Expiry:	4 May 2023	Earliest Decision:	28 March 2023
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Delegate to Officers

Summary of Officer Assessment

The application relates to the former Clovelly Rest Home at nos. 67-69 Clifton Drive, Lytham St Annes. The proposal seeks to change the use of the main building and a detached bungalow within the rear yard from a *circa* 18 bed care home (use class C2) to 11 self-contained, one-bed apartments which are intended to provide supported living accommodation for adults with learning disabilities, autism, mental health and/or physical disabilities (a use involving care which falls within class C3(b)). The application also involves the replacement of an existing rear conservatory with a single storey extension, alterations to window and door openings, the removal of an external staircase and associated external landscaping works including the provision of additional parking spaces and formation of a new vehicle access to the A584 (Clifton Drive). The site falls within the settlement boundary of Lytham St Annes, but is otherwise unallocated in the Fylde Local Plan to 2032 (incorporating Partial Review).

The proposed use is one which is inherently residential in character – with each apartment providing a self-contained unit of permanent residential accommodation – but includes an element of care and support for residents. The level of care will vary depending on each resident's needs, though the overarching intention of the scheme is to provide specialist accommodation for occupation by residents who require services or support to enable them to live, or to adjust to living, independently within the community, with the ability to access help and assistance with everyday activities as required. Accordingly, the proposed C3(b) use is different to and distinct from a care home (a C2 use). The services provided are to be commissioned by Lancashire County Council.

The site is located amongst existing dwellings, including separate blocks of apartments on either side at Crystal Lodge (west) and no. 65 A-D Clifton Drive (east), and to the rear on Kingsway (Belvedere Court and Kingsway Court). Given the nature of surrounding uses in the locality, including the prevalence of other nearby apartment developments, the proposed use would not

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

adversely alter or be incompatible with the character of the area. Similarly, when considered in comparison with the building's previous use as a *circa* 18 bed care home within use class C2, the proposed 11 supported living apartments – by virtue of their number, use and nature, including support staff and visitor comings and goings – would not adversely affect the amenity and living conditions of neighbouring occupiers by reason of noise disturbance, crime and disorder, loss of privacy or any other nuisance. The proposed external alterations to the building and exterior areas of the site are modest in scale and would not give rise to any harmful effects on the character and appearance of the area or the amenity of neighbouring occupiers with respect to loss of outlook, overlooking or overshadowing.

The site occupies a sustainable location within the settlement boundary on a main thoroughfare which benefits from good access to public transport and nearby shops and services within the Ansdell District Centre by means of transport other than private car. Accordingly, it is a suitable location for housing and would make efficient use of previously developed land by bringing a vacant building back into use. The proposed additional access onto Clifton Drive would achieve a safe and suitable means of access to the A584 and when the site's accessibility credentials are taken in combination with the fact that future residents are unlikely to have their own vehicle and that the scheme makes provision for 9 dedicated parking spaces (at least 4 more than were available for the care home), it is not considered that the proposed development would have any unacceptable impact on highway safety or give rise to severe effects on the capacity of the surrounding highway network.

As the proposal involves the provision of specialist accommodation with a care need by a Registered Provider which would not be available to the open market, it is not considered that a contribution towards the provision of affordable housing is required to make the development acceptable in planning terms. However, contributions towards public open space and healthcare are required as residents will access these facilities and services in the same manner as other housing schemes.

No adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Reason for Decision Level

The application involves 'major development' and the officer recommendation is for approval. Therefore, the application is referred to the Planning Committee in accordance with the requirements of paragraph 5.1 (2)(d) of the Council's constitution.

Site Description and Location

The application relates to the former Clovelly Rest Home at nos. 67-69 Clifton Drive, Lytham St Annes. The care home appears to have been vacant for a number of years. However, records from previous applications, in conjunction with the internal layout of the building, suggest that the care home included *circa* 18 bedrooms for elderly residents along with associated communal spaces. Although the building is vacant, it retains an established care use within class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

The site includes the main three storey care home building fronting onto the A584 (Clifton Drive) to the south and a collection of three single storey outbuildings to the rear (north), one of which is a

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

bungalow associated with the former care home ('Clovelly Cottage'). The main building is set back from the roadside behind a deep, soft landscaped garden frontage enclosed by a low red brick wall which has pedestrian only access from Clifton Drive. The building occupies a broadly square-shaped footprint to the centre of the site with protruding facing gables and bay windows to the front, side and rear creating a stepped profile to its footprint. Single storey extensions have been added to the east side and rear (a conservatory) of the main building. Vehicle access to a multi-tiered rear yard area is gained via the back street of Kingsway Court to the north, with the bungalow at Clovelly Cottage set on the northern boundary of the rear yard.

The site is located amongst dwellings on all sides, including separate blocks of apartments at Crystal Lodge to the west (three storeys), no. 65 A-D Clifton Drive to the east (two storeys), and to the rear on Kingsway at Belvedere Court (three storeys) and Kingsway Court (two storeys). In addition, there is an extant planning permission (20/0245) at the former Kingsway Auction House (2-4 Kingsway) to the immediate rear of the site for a split-level two/three storey rear extension and conversion of the building to 9 apartments. Properties on the opposite side of Clifton Drive are typically individual dwellings of two storey height. The District Centre of Ansdell which includes a range of local shops and services is located on Woodlands Road a minimum of approximately 160m walking distance to the northeast.

The site falls within the settlement boundary of Lytham St Annes, but is otherwise unallocated in the Fylde Local Plan to 2032 (incorporating Partial Review). There have been several previous permissions granted for the demolition of the existing building and the erection of 9-unit apartment blocks (09/0045, 14/0189 and 21/0422). Whilst the latest of these remains extant, none have been implemented to date.

Proposal

The application seeks full planning permission for the change of use of the main care home building and the detached bungalow of Clovelly Cottage to the rear of the site to 11 self-contained, one-bed apartments (10 within the main building and 1 within the bungalow) to provide supported living accommodation for adults with learning disabilities, autism, mental health and/or physical disabilities. This is a use falling within class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) which is defined in that Order as follows:

"Use as a dwellinghouse (whether or not as a sole or main residence) by – not more than six residents living together as a single household where care is provided for residents".

The term "care" is defined in the abovementioned Order as follows – *"means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment".*

The applicant has included supplementary statements with their application which include the following details concerning the nature and operation of the proposed use:

- **Eligibility criteria for residents** – The development will provide specialist accommodation for individuals with learning disabilities, mental illness, physical disabilities and/or autism. It is intended to be run by Halo Housing Association (a Registered Provider of Social Housing) and will be occupied by residents who require specialised services or support to enable them to live, or to adjust to living, independently within the community. Residents will not be referred because of

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

drug or alcohol dependency issues and will be vetted to ensure that don't have a drug or alcohol problem.

- **Number of occupiers** – Each tenant will have an individual tenancy and only 1 tenant would reside in each apartment. Therefore, the maximum occupancy would be 1 tenant per apartment (and so a total of 11 occupiers). Each apartment is self-contained with its own bathroom and cooking facilities for independent living and so the scheme would not result in the creation of a house in multiple occupation.
- **Age range and gender**– Occupants would be aged between 18 and 65. Both male and female residents will be accommodated at the site.
- **Local connection criteria** – The scheme is commissioned by Lancashire County Council. Therefore, all tenants will be from the Lancashire area and likely the local area.
- **Staffing and level of care** – Staffing levels and length of visits will vary according to the differing needs of individual residents. Therefore, these cannot be defined precisely at this stage as care is tailored to the needs of each tenant. However, on average it is estimated that there would be approximately 6 staff present during the day and occasionally 1 at night (on a waking night watch rather than sleeping on site) when required. Each tenant would typically receive between 7 and 30 hours of support per week. A manger will also be available during the day, but they would not be based permanently at the site.
- **Parking and access to vehicles** – A total of 9 parking spaces are to be provided for the development. These spaces are intended for staff and visitors who will park at the site or use public transport.

The application also includes the following external alterations at the site in order to facilitate the proposed change of use:

- The demolition of the existing ground floor conservatory to the rear of the building and its replacement with a single storey rear extension in the same location with the same depth (3.95m) but a 0.5m wider footprint totalling 7.3m. The extension would have a lean-to roof measuring 3.2m to eaves and 3.9m to ridge.
- The replacement of two ground floor windows on the building's front elevation with separate entrance doors; the replacement of first and second floor doorways to the eastern side elevation with windows; the insertion of two additional windows to the rear elevation; and the replacement of all existing white UPVC window and door frames (including associated cladding) with anthracite UPVC equivalents.
- The removal of an external flue from the rear elevation and an external staircase which presently serves doorways to the first and second floors on the eastern side elevation.
- The formation of a new vehicle access onto Clifton Drive to the southeast corner of the site through the creation of a 6m wide opening with dropped crossing and the provision of dedicated areas for 9 off road parking spaces to the front (5) and rear (4) of the site with separate accesses from Clifton Drive and Kingsway Court.
- The landscaping of external areas to create a soft landscaped garden to the rear of the site following the demolition of one of the existing outbuildings on the western boundary, new planting around the building and the retention of existing tree planting within the lawned front garden beyond the new parking spaces.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
21/0422	ERECTION OF FOUR STOREY BUILDING PROVIDING 9 NO. APARTMENTS FOLLOWING DEMOLITION OF EXISTING REST HOME BUILDING AND REAR OUTBUILDING WITH	Granted	25 October 2021

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	ASSOCIATED ACCESS AND PARKING AREAS TO FRONT AND REAR, AND LANDSCAPING		
14/0189	PROPOSED ERECTION OF FOUR STOREY BLOCK PROVIDING 9 APARTMENTS FOLLOWING DEMOLITION OF EXISTING REST HOME WITH NEW ACCESS AND PARKING TO CLIFTON DRIVE AND REVISED PARKING AREA TO REAR	Granted	28 May 2014
09/0045	PROPOSED DEVELOPMENT TO REPLACE FORMER REST HOME AND OUTBUILDINGS WITH A RESIDENTIAL UNIT INCORPORATING NINE FLATS AND OFF ROAD PARKING.	Approve Subject to 106	05 January 2011

Parish/Town Council Observations

The site is within an unparished area of the borough. Accordingly, there are no Parish/Town Council comments to report.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection – No objections. Opine it is unlikely that the proposed development would cause a nuisance from noise for the following reasons:

- The site would likely receive a small increase in visitors to the site from carers and other support staff, however the previous use would have also received visitors and the increase would likely be negligible.
- The premises is on a busy road so it is highly likely that any additional vehicles visiting will go relatively unnoticed above general traffic noise.

Lancashire and South Cumbria Integrated Care Board (ICB) – Comments 16.02.23 as follows:

- The ICB 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.
- Based on the development involving 11 x one-bed dwellings, and in accordance with the ICB's established methodology for calculating new patient places (which assumes an occupancy of 1.4 persons per one-bed dwelling), this would generate a demand for 15 additional general practice patient places. The proposed development falls within the catchment area of Holland house Surgery. The practice is located less than 2.4 miles from the development and would therefore be where the majority of the new residents register for general medical services.
- A financial contribution of £3,292 towards the reconfiguration of Holland House Surgery for additional clinical capacity would be required to mitigate the development's impact.
- It is 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. The ICB would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.

Lead Local Flood Authority (LLFA) – No objections. Comments as follows:

- The Lead Local Flood Authority has no comments to make on the above application, as the proposed development is for the change of use with no (or negligible) change in impermeable area, meaning the proposals have minimal surface water implications.

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

- We would request secure, covered cycle storage with space for a minimum of 11 cycles for communal cycle storage areas, to support social inclusion and promote sustainable forms of transport.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- The vehicular access points, within the adopted highway at the front and rear the property will need to be constructed. The applicant is required to apply for a vehicle crossing on the LCC Highways website.

School Planning Team (LCC) – Consulted 06.02.23. No comments received.

Neighbour Observations

Neighbours notified:	6 February 2023
Site notice posted:	14 February 2023
Press notice:	9 February 2023
Amended plans notified:	14 March 2023
No. Of Responses Received:	5

The appropriate neighbouring properties were notified of the application by letter on 06.02.23. In addition, as the application involves major development notices have been posted on site and in the local press. Neighbouring residents were also re-notified of the application on 14.03.23 and given a further 14 days to submit additional comments following the receipt of a supplementary supporting statement from the applicant which includes responses to several resident queries concerning the nature of the proposed use raised in initial representations. A total of 5 letters of representation have been received in connection with the application. The points made in the letters are summarised as follows:

Lack of clarity concerning the proposed use:

- The submission lacks clarity with respect to the following issues and further information should be sought to clarify these before a decision is made: (i) it is unclear whether the property is or could become a HMO; (ii) it is unclear what the eligibility criteria will be for future residents, how they will be placed, whether they will be from the local area and what the vetting process will be; (iii) it is unclear what type of mental illnesses the residents may suffer from and whether this would cause disruption to neighbours; (iv) it is unclear what the difference between use classes C2 and C3(b) is; (v) it is unclear whether the apartments could be occupied by ex-offenders or people with drug and alcohol addiction issues; and (vi) as a C3(b) use allows up to six people living as a single household it is unclear what the maximum occupancy of the development would be as this could result in up to 66 people residing at the property under the definition of C3(b).
- The level of care to be provided and number of staff this would involve is unclear and has still not been defined precisely within the applicant's additional supporting statement. It is also unclear whether there would be a permanent (24/7) staff presence and what the hours of changeover would be.

Officer note: The applicant's supporting statement makes it clear that they are unable to provide exact details concerning the precise number of support staff required and their working hours as this will depend on the care needs of individual residents and their differing conditions. The applicant indicates that, on average, there would be 6 staff on site during the day and 1 occasionally staying overnight, with residents likely to receive between 8 and 30 hours of support per week. However, it will not be possible to determine this until the identity and specific needs of each resident is known and this will also change throughout the lifetime of the development as residents come and go.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- It is unclear how the applicant's business model with respect to providing "homes for life" for adults with learning difficulties would be secured over time if another operator was to take over the site.

Amenity impacts:

- The number of staff comings and goings associated with the use and potential changeover of staff during the night time (including both support staff and visits from other associated occupations) could harm the amenity of neighbouring occupiers due to added noise disturbance.

Highway impacts:

- The site is on a busy main road. If a high level of staff turnover would occur then this could have an adverse impact on the availability of parking provision locally and additional traffic generation.
- If all the residents and staff have their own cars then this will generate a significant added parking demand and take up existing roadside parking used by residents on either side of the building.

Other:

- There are several recently permitted developments in the area and it would be preferable if these were undertaken consecutively rather than concurrently to minimise disruption to neighbours.
- Construction vehicles should be required to access the site from Clifton Drive rather than Kingsway Court as this back street is not suitable as a construction access.
- It is unclear how long the proposed building work would last.

Relevant Planning Policy & Government Guidance

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 Council adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

National Policy:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 – The Proposed Settlement Hierarchy
DLF1 – Development Locations for Fylde
GD1 – Settlement Boundaries
GD7 – Achieving Good Design in Development
H1 – Housing Delivery and The Allocation of Housing Land
H2 – Density and Mix of New Residential Development
H3 – Conversions and Change of Use to Residential

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

H4 – Affordable Housing
HW1 – Health and Wellbeing
INF2 – Developer Contributions
T4 – Enhancing Sustainable Transport Choice
T5 – Parking Standards
CL2 – Surface Water Run-Off and Sustainable Drainage
ENV1 – Landscape
ENV4 – Provision of New Open Space

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. Accordingly, it is not Schedule 2 development and is 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 an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in 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 nature of the development proposed and the responses received in respect of it, the main issues in this case are:

1. The principle of development.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on the amenity of surrounding occupiers and whether it would provide a good standard of amenity for future occupiers.
4. The development's impact on highway safety.
5. Other matters including developer contributions and the imposition of planning conditions.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Principle of development:

Policy Background

The site is within the settlement boundary of Lytham St Annes. FLPPR policy GD1 is permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local Plan policies.

Paragraph 60 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes", including ensuring that the "needs of groups with specific housing requirements are addressed". In this respect, paragraph 62 of the Framework states that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to [...] people with disabilities".

FLPPR policy H1a) identifies a minimum housing requirement of 415 net homes per annum for the period 2011-2019 and a minimum housing requirement of 305 net homes per annum for the period 2019-2032. Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 7,275 new homes in accordance with a Development Strategy which follows the four-tier settlement hierarchy set out in policy S1. In turn, FLPPR policy S1 identifies St Annes as a "Key Service Centre" sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four "Strategic Locations for Development".

FLPPR policy H2 requires developments to provide a "broad mix of types and sizes of home" with a specific requirement for developments of 10 or more dwellings to provide at least 50% of dwellings that are one, two or three bed homes.

In addition, FLPPR policy H3 states that proposals for residential conversions should pay careful attention to "the amenity of nearby residents, the character of the immediate area, access to the nearest services, parking provision and the promotion of good design. Residential conversions should protect existing amenity space and should not result in any of the homes relying on what was previously a front garden for all of their private amenity space."

Assessment

The proposal seeks to convert a former elderly persons care home (including a detached bungalow to the rear of the site) into 11 self-contained, one-bed apartments which are to provide supported living accommodation for adults with learning disabilities, autism, mental health and/or physical disabilities. Ten of the apartments would be located within the main three storey building to the central part of the site (four at ground and first floor levels and two at second floor), with the eleventh apartment to be created with the detached rear bungalow (Clovelly Cottage).

As the proposed use would be exclusively for adults aged 18-65 and involves the provision of self-contained apartments for a single person where care is provided for each of the residents (but that care is intended to provide support to assist independent living, rather than as a residential institution or care home), this is a use which falls within class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), rather than class C2. Despite providing a form of specialist housing, the proposed use is one which is inherently residential in its nature and each apartment would be self-contained with its own separate kitchen, bathroom, living and sleeping facilities. Accordingly, residents would not be reliant on shared, communal facilities. In turn, the proposed use falls properly within category C3 and is not, as has been suggested in representations, a House in Multiple Occupation (which would fall within a different use class).

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The nature and operation of the use is summarised in the 'Proposal' section above which has been compiled with reference to the applicant's own supporting statement(s) and follows queries from neighbouring residents who have submitted representations to the scheme. In particular, the applicant's supporting statement(s) clarifies that the overarching purpose of the scheme is to provide accommodation for residents who require specialised support to lead their daily lives (e.g. with their shopping, cleaning, paying bills etc.) in order to enable them to live, or to adjust to living, independently within the community. The applicant estimates that each resident would typically receive between 7 and 30 hours of support per week and that there would normally be approximately 6 staff attending the site during the day and 1 at night where required, though this would vary according to the specific needs of individual occupiers. Nevertheless, the principle of 'supported living' is materially different to a 'care home' and, in turn, the proposed use is, in planning terms, different to and distinct from a residential institution within use class C2 where care would normally be provided 24 hours a day, 7 days a week.

As the proposed C3(b) use is different to a care home, there is no requirement for a 24/7 staffing presence on the site. Instead, residents will be supported by care staff appointed by LCC from their "Approved Providers List" and Halo Housing Association (a Registered Provider of social housing) who will, in effect, assume the role of a landlord. The level of care provided will depend on the individual needs of each resident and will vary accordingly. As a result, visits by carers are to be spread throughout the day on a flexible basis which will depend on residents' needs rather than a regimented 'rota'. Residents will also be able to contact support staff outside normal working hours (e.g. in the evenings) should the need arise.

The applicant's supporting statement also clarifies that the intention is for the apartments to provide "homes for life" for residents (i.e. permanent living accommodation with a low turnover of occupiers, rather than temporary accommodation), that residents will be vetted to ensure they do not have a drug or alcohol problem and that the tenants will be from the local area as placements will be made by LCC.

As the application seeks to convert an existing building to housing it would make efficient use of previously developed land within the settlement boundary. St Annes is identified as a Key Service Centre and a Strategic Location for Development in the FLPPR. Moreover, given the site's proximity to the Ansdell District Centre, bus stops on Clifton Drive and Ansdell & Fairhaven train station, it is a suitable location for housing which is readily accessible to shops and services by modes of transport other than private car.

The proposed size of the accommodation meets the requirement for smaller dwellings identified in FLPPR policy H2 and the provision of specialist accommodation for people with disabilities is also advocated by the need to provide a mix of dwelling types as identified in the NPPF. Accordingly, the principle of the proposed supported housing development in this location is acceptable and all other matters of relevance relate to issues concerning the scheme's detailed design.

Character and appearance:

Policy Background

FLPPR policy H3 indicates that residential conversions should pay careful attention to the character of the area and the promotion of good design.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design in accordance with 16 guiding principles (a – p). In particular, criteria b), d), g), h), i) and k) are of greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- Applying Secured by Design principles to all new developments.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

Criteria a) – e) of FLPPR policy ENV1 require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f) and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”

Assessment

The proposed development involves the change of use of two existing buildings on the site to provide the apartments. This would be achieved predominantly through the subdivision, reconfiguration and refurbishment of the buildings’ existing internal floorspace. In particular, no external alterations are required to the bungalow of ‘Clovelly Cottage’ to allow its conversion to a self-contained, one-bed apartment as existing window and door openings would be re-used and so its external appearance would be unaltered. Alterations are, however, proposed to the exterior of the main three storey building and the external areas of the site.

To the main building, these include the replacement of the existing rear conservatory with a lean-to single storey brick extension in the same location and with substantially the same dimensions (though the thickness of its walls would result in this being 0.5m wider), the replacement of two existing ground floor windows with doors (on the front elevation) and of first and second floor doors with windows (on the eastern side elevation), the insertion of two additional first floor windows to the rear elevation and the replacement of existing white UPVC window and doors frames with anthracite (dark grey) UPVC window and door frames across all elevations. An external flue and staircase would also be removed from the building’s rear and eastern side elevations respectively.

Although not subject to any specific designation (including within the Council’s local list of non-designated heritage assets), the existing building is *circa* early 20th century in era and displays several attractive architectural features of interest which are typical of Lytham St Annes’ heritage as a coastal seaside resort, such as chamfered bay windows, tall facing gables with ‘mock Tudor’ detailing and arts and crafts mouldings to parts of its brickwork. Accordingly, the scheme’s intention to retain the existing building attracts weight in its favour.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The existing conservatory to the rear, while discreetly positioned, is a contrasting feature when seen against the red brick of the main building and its replacement with a brick extension of the same basic size and siting would have a positive visual impact in vantage points from Kingsway Court to the north. Similarly, the removal of the existing external flue and staircase to the rear and side of the building would have a positive impact through the dismantling of these utilitarian features. None of the building's original windows are in place and the replacement of the existing white UPVC windows and doors with anthracite coloured equivalents would result in a more contemporary finish which would not have any harmful effects on the character of the host building or the surrounding street scene. The installation of new doorways to replace two existing ground floor windows on the front of the building would maintain the rhythm, alignment and vertical emphasis of openings to the façade. Although the doorways would have a more solid appearance, when seen against the overall scale of the front elevation they would not be unduly prominent features or appear as overtly contrasting with the legibility of the façade. All new window openings to the side and rear elevations would mirror the proportions of existing windows already in place.

Accordingly, the proposed rear extension and external alterations to the building, by virtue of their scale, layout, materials and design, would be compatible and subservient additions which would preserve its character and achieve a high standard of design in accordance with the objectives of FLPPR policies H3 and GD7, and the NPPF.

Changes to the external areas of the site include the formation of a vehicle access to the southeast corner off Clifton Drive, the formation of 9 car parking spaces within hardstanding areas to the front (5 spaces) and rear (4 spaces) of the site and the provision of additional soft landscaping within a newly-formed garden area to the rear where an existing outbuilding is to be demolished.

The formation of the vehicle access would require the creation of a 6m wide opening within the existing low, red-brick boundary wall fronting onto Clifton Drive where there is presently a pedestrian access defined by taller gateposts. The landscaped garden frontage to the application property contributes positively to the character of Clifton Drive, as does the existing boundary wall. Whilst the formation of the new access and 5 frontage car parking spaces would result in the loss of a section of the existing boundary wall and landscaped garden behind, the siting of the access to the southeast corner and limited encroachment of the parking spaces across approximately two-thirds of the current front garden, along with the proposed retention of two existing trees within that garden frontage, would preserve an appropriate balance of hard and soft landscaping to the site's frontage and maintain the building's garden-fronted aspect to the roadside. The provision of a new soft landscaped garden space to the rear of the building in place of an existing concrete block storage outbuilding would have a beneficial impact with respect to enhancing the provision of outdoor amenity space for future occupiers. Appropriate conditions have been imposed with respect to hard and soft landscaping and tree retention to ensure compliance with the objectives of FLPPR policy ENV1.

Impact on amenity:

Policy Background

FLPPR policy H3 indicates that residential conversions should pay careful attention to the amenity of nearby residents. In addition, the policy states that residential conversions should protect existing amenity space and should not result in any of the homes relying on what was previously a front garden for all of their private amenity space.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

In addition, criteria c) and o) of FLPPR policy GD7 require that development proposals facilitate good design by:

- Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- 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 130 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.” In addition, paragraph 185 of the Framework indicates that planning policies and 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. With respect to noise, bullet point a) to paragraph 185 states that planning decisions should “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”.

Assessment

Existing occupiers:

Adjacent buildings include apartment blocks to the west (Crystal Lodge) and east (no. 65 A-D Clifton Drive) sides, and to the rear at Belvedere Court and Kingsway Court. In addition, there is an extant planning permission (20/0245) at the former Kingsway Auction House (2-4 Kingsway) to the immediate rear of the site for a split-level two/three storey rear extension and conversion of the building to 9 apartments.

The application property has windows on all elevations, including the sides facing Crystal Lodge and no. 65 Clifton Drive. Similarly, those adjacent buildings also have windows in their side elevations facing the application building and its amenity areas. Accordingly, there is an established degree of mutual overlooking between the existing building and those located on each side some 7.3m (for Crystal Lodge) and 7m (for no. 65 Clifton Drive) away. This differs to the rear, where spacing distances increase to 27m with the rear of the approved extension at the former Kingsway Auction House, with greater spacing distances to Kingsway Court and Belvedere Court. The bungalow on the rear boundary of the site does not have windows to its northern elevation facing Kingsway Court, nor are any to be introduced by the scheme.

The proposed change of use of the building would be achieved predominantly through the reconfiguration of the existing internal floorspace, with external alterations limited to the replacement of an existing rear conservatory with a brick extension, the replacement of existing doors with windows on the eastern elevation and the installation of two new windows in the rear elevation. The ‘existing’ floor plans for the building show the layout of the former *circa* 18 bed care home, including the presence of windows to bedrooms and communal spaces (lounge and dining rooms etc.) on the east and west side elevations facing the apartments at Crystal Lodge and no. 65 which, in turn, also have several windows facing the application building.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

As with the previous care home, the internal configuration of the apartments would place habitable room windows in close proximity to the shared boundaries and opposing windows in the sides of Crystal Lodge and no. 65 Clifton Drive. However, no new windows would be inserted in the west side of the building facing Crystal Lodge (where existing openings would be re-used) and the two new windows in the east side of the building facing no. 65 would replace existing doorways and an external staircase, and would sit alongside existing windows to the ground and first floor in equal proximity to the side of no. 65. Accordingly, the proposed window arrangement for the apartments would not alter the established levels of mutual overlooking between facing windows in the side elevations of the application building and the apartment blocks on each side of the site. Similarly, the additional windows to the rear elevation would be located in existing walls which already contain windows and so would not alter privacy distances with existing (and proposed) apartments to the north. Therefore, the proposed window arrangement for the apartments would be compatible with the density and character of surrounding development and would not harm the privacy of neighbouring occupiers through overlooking.

The external alterations to the building, including the replacement extension to the rear, would not enlarge the building's footprint or scale and, in turn, would not alter the established relationships and spacing distances between surrounding properties. Accordingly, the proposed external alterations would have no adverse effects on the amenity of neighbour occupiers through loss of outlook or overshadowing.

Concerns have been raised in representations that the development has the potential to generate additional noise disturbance by virtue of the proposed use for supported housing, particularly due to the volume of comings and goings and activities associated with staff visits. In this case, however, any potential effects arising from the development with respect to noise disturbance must be considered in the context of the 'fallback' position provided by the building's established use as a *circa* 18 bed care home within use class C2. It is also the case that, although Clovelly was previously used as a care home for elderly residents, there is no restriction which would prevent its use for other care purposes also falling within class C2. Nevertheless, it is apparent that the site's previous (and established) use as an elderly persons care home accommodating approximately 18 bedrooms with permanent care 24 hours a day, 7 days a week would have generated activity associated with a number of staff and other visitor comings and goings which is likely to be at least commensurate with, and perhaps more intensive, than that associated with the 11 supported living apartments now proposed in this case given the typical operational processes, staff numbers and hours of care estimated by the applicant in their supporting statement(s). In addition, it is also the case that the majority of visits to the site by staff in connection with the proposed use will be during the daytime and that, unlike the established care home use, 24/7 care would not be required.

When the nature of the use and the staffing/resident numbers involved are considered in tandem with the site's location fronting onto the busy, heavily trafficked thoroughfare of the A584 (where background noise levels are already likely to be elevated due to passing road traffic) and in the context of the established fallback position and immediately surrounding uses which are characterised by other apartment blocks, there is no reason to conclude that the proposed development would give rise to excessive levels of noise disturbance which would have significant adverse impacts on the amenity and living conditions of neighbouring occupiers. It noted that this conclusion is shared by the Council's Environmental Protection Service. As the application property is detached from neighbouring buildings, noise transmission through shared (party) walls would not occur.

Future occupiers:

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Although not referred to specifically in the FLPPR, footnote 49 to paragraph 130 f) of the NPPF indicates that “policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.” The nationally described space standard (NDSS) is part of the Technical Housing Standards document published by DCLG in March 2015. The NDSS, among other technical requirements, sets out minimum gross internal floor areas for dwellings of different sizes.

Paragraph 018 of the “Housing: Optional Technical Standards” chapter to the PPG (reference ID 56-018-20150327) states that “where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard”. As the policies in the FLPPR do not cite or specifically require developments to meet the internal space standards set out in the NDSS, the LPA cannot require strict compliance with the standard. Nevertheless, the NDSS provides a useful guide with respect to ensuring appropriate housing standards, particularly with respect to targets for the minimum size of residential accommodation.

Gross internal floor areas for each apartment are given on the submitted floor plans, with these ranging from a minimum of 39 sqm to a maximum of 54 sqm (the latter being within the detached bungalow). The applicant has also made clear that each apartment will be occupied by a single tenant and so the relevant standard in Table 1 of the NDSS in this case is that for a 1 bed 1 person (1b1p) 1 storey dwelling. This requires a minimum gross internal floor area of 39 sqm to be provided for each dwelling. The submitted floor plans demonstrate that each apartment meets, or exceeds, the minimum gross internal floor area required by the NDSS. Accordingly, while the NDSS cannot be applied strictly given the absence of a policy in the Local Plan, each apartment’s compliance with the minimum floorspace requirement in Table 1 indicates that the size and configuration of the proposed accommodation would ensure appropriate living conditions for future occupiers in this regard.

For the reasons given above with respect to impacts on existing occupiers, it is also concluded that future occupiers of the development would benefit from appropriate outlook and privacy levels from retained and new windows (both within the main building and the bungalow to the rear) given their spacing and established relationships with surrounding buildings. Similarly, future residents would not suffer any undue noise disturbance as a result of the nature of surrounding uses, commensurate with the general levels of amenity typical in the area.

The site occupies a generous, elongated plot with gardens to the front and rear. Areas of outdoor amenity space would be retained within the existing property frontage and created to the rear following the demolition of an existing outbuilding. These soft landscaped gardens would be set alongside communal car parking areas.

FLPPR policy H3 seeks to protect existing amenity space without relying on land which was previously front garden for all residents’ private amenity space. In this case, the only loss of existing amenity space would be within the front garden to provide the new access and parking spaces. This would, however, be offset by the creation of the new soft landscaped garden area to the rear of the building. Therefore, the development would ensure the provision of appropriate amenity space for future occupiers in accordance with the requirements of FLPPR policy H3.

Given the above, the proposed development would achieve a good standard of amenity for future occupiers in accordance with the objectives of the FLPPR and the NPPF.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Highways:

Policy Background

Criteria j), q), r) and s) of FLPPR policy GD7 state that developments should achieve good design by:

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

FLPPR policy T5 indicates that “car parking should, wherever possible, be provided on site so as to ensure there is no detrimental effect on highway safety. A flexible approach to the level of car parking provision will be applied, dependent on the location of the development concerned.” Paragraph 11.61 of the justification to Policy T5 states that “the Council will prepare a Supplementary Planning Document (SPD) on parking standards, which will set out local minimum standards which will need to be applied to all new developments in Fylde”. Whilst a draft version of the SPD has been prepared, this has not yet been adopted and due to its early stage of preparation carries limited weight in planning decisions. Nevertheless, Table 2 of the draft SPD indicates a parking standard for 1 bed flats in areas of high accessibility (as is applicable here) of 0.75 spaces per flat with all spaces communal.

In addition, FLPPR policy H3 requires developments involving the conversion of existing properties into flats to ensure the provision of adequate car parking.

Paragraph 107 of the NPPF sets out 5 criteria that should be taken into account when setting local parking standards for residential and non-residential development as follows:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 110 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;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- 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 111 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.”

Assessment

The application includes the provision of 9 car parking spaces for the development within the front (5) and rear (4) gardens of the building. These parking areas would be accessed from Clifton Drive and Kingsway Court respectively. The parking standard in Table 2 of the draft SPD would require the provision of 8.25 spaces for the 11 one-bed flats. Accordingly, the 9 car parking spaces proposed in this case would meet the standard in the draft SPD.

That notwithstanding, it is also the case that the nature of the proposed supported housing use means that future occupiers are very unlikely to have their own cars and, in turn, that the 9 car parking spaces proposed would be used predominantly by staff and visitors. The estimated staffing levels supplied by the applicant, in tandem with the fact that these visits would be spread throughout the day rather than in set shift patterns, indicates that the proposed level of car parking within the site would be sufficient to serve the intended use without leading to added congestion on surrounding streets.

The application includes the formation of a new vehicle access off Clifton Drive through the creation of a 6m wide opening to the southeast corner of the site. The siting and geometry of the access would allow unobstructed two-way traffic flow and sufficient turning space would be available within the site to enable vehicles to enter and exit onto the A584 in forward gear. The Local Highway Authority have not objected to the application on the grounds of a lack of parking provision or to the design of the new access. Accordingly, it is considered that the development would achieve a safe and suitable means of access to the site and the level of traffic generated by the use would not have a severe impact on network capacity.

The Local Highway Authority has requested that secure, covered cycle storage with space for a minimum of 11 cycles is provided. Whilst it is considered that the nature of the use would not require the provision of a cycle space for each dwelling, a condition is imposed requiring the provision of dedicated cycle parking.

Other matters:

Affordable Housing and other Infrastructure contributions:

Paragraph 34 of the NPPF indicates that “plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

As the development involves the provision of 11 dwellings it exceeds the 10-unit threshold where infrastructure contributions towards affordable housing, education, healthcare and public open space may be required in accordance with the provisions of FLPPR policies H4, INF2, HW1 and ENV4 respectively.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Affordable Housing:

FLPPR policy H4 requires “all market housing schemes of 10 or more homes [...] to provide 30% affordable housing”, with a presumption that affordable housing is to be provided on the application site. The definition of affordable housing is set out in Annex 2 of the NPPF. Paragraph 65 of the NPPF states that “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

Whilst the proposed development would be operated by a Registered Provider of social housing (Halo Housing Association), as residents would also be required to have a care need in order to be eligible for residency, this type of specialist accommodation would not meet the definition of affordable housing in Annex 2 of the NPPF. Therefore, the proposed development would not deliver any affordable housing.

Nevertheless, it is considered that the exemption from affordable housing contributions in respect of developments providing “specialist accommodation for a group of people with specific needs” identified in paragraph 65 b) of the NPPF is applicable in this case. On this basis, the proposed use of the development for supported housing is considered to be exempt from the requirement to make contributions towards affordable housing in FLPPR policy H4.

As this exemption is based on the development’s provision of specialist accommodation for a group of people with specific needs, it is considered expedient to impose a condition removing permitted development rights for the proposed C3(b) use to change to any other use (including another use within category C3) which could allow the apartments to be occupied as market dwellings. The intention of this condition is to require a separate planning permission to be obtained should a change of use to market housing be desired in the future, at which point the affordable housing contribution required by FLPPR policy H4 (or any superseding policy) would become applicable.

Education:

The Local Education Authority (LCC) have been consulted on the application but have not submitted any response requesting an education contribution from the development. Accordingly, no contribution towards education is required to make the development acceptable in planning terms for the purposes of FLPPR policy INF2.

Healthcare:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include “community facilities

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

providing for the **health (i.e. new or enhanced healthcare facilities)** and wellbeing, social, educational (i.e. schools), spiritual, recreational, leisure and cultural needs of the community” (emphasis added).

In addition, FLPPR policy HW1 d) states that “the Council will integrate public health principles and planning to help reduce health inequalities by: seeking land or financial contributions, where appropriate and viable, towards new or enhanced healthcare facilities from developers where new housing results in a shortfall or worsening of provision”.

In addition, paragraph 93 b) of the NPPF states that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

The response from the Lancashire and South Cumbria Integrated Care Board (ICB) dated 16.02.23 indicates that the proposed dwelling mix is anticipated to generate 15 new patient registrations at the closest GP Practice (Holland House Surgery, Lytham). A contribution of £3,292 is sought from the ICB towards the reconfiguration of the existing practice to provide additional clinical capacity for the anticipated population generated by the development.

Public open space:

FLPPR policy ENV4 sets out a requirement for developments to deliver amenity open space at a minimum rate of 16 sqm for 1 bed homes. In this case, applying that minimum standard would require the provision of a total of 176 sqm of open space for the development (11 x one-bed dwellings at 16 sqm per unit). Policy ENV4 states that “where the standards require the provision of open space of less than 0.2 Ha [2000 sqm], or where it is agreed with the Council that the open space would be better provided off-site, payment of a commuted sum will be sought to help provide additional or improved open space nearby, where the benefits would serve the occupiers of new and existing developments.”

In this case, as the amount of open space required for the development would fall below the 0.2Ha threshold identified in FLPPR policy ENV4, a commensurate financial contribution would be sought towards the provision and/or enhancement of open space nearby. A commuted sum payment of £11,000 (equivalent to £1,000 per dwelling) is required in this regard.

Monitoring fees:

Paragraph 036 of the ‘Planning Obligations’ chapter to the PPG (ID 23b-036-20190901) identifies a mechanism for local authorities to support the monitoring and reporting of planning obligations by charging a monitoring fee within S106 agreements. Specifically, the relevant paragraph of the PPG states that:

- “Authorities, including county councils, should work together to ensure that resources are available to support the monitoring and reporting of planning obligations. Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. Monitoring fees should not be sought retrospectively for historic agreements. Fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation; or **could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions)**. Authorities may decide to set fees using other methods. However, in

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive."

The Council's strategy for monitoring fees follows the process highlighted in bold above – that a fixed fee will be charged per obligation contained in each agreement for in-kind contributions. This fee is charged at a rate of £300 per trigger for each contribution (for example, if commuted sum payments towards healthcare and public open space were made in single instalments, the monitoring fee would be £600) and will be payable on commencement of development (that being the point when the monitoring period commences). As the precise triggers for each contribution required in this case are unknown at this stage (they are to be determined through the drafting of the S106 agreement), the resolution sets out the approach and charges that will be applied rather than specifying a figure.

Summary and mechanism for securing contributions:

The proposed development is required to make commuted sum payments towards healthcare and public open space in the amounts specified above, along with an appropriate monitoring fee. The resolution at the end of the report requires these contributions to be secured through a planning obligation entered into pursuant to S106 of the Town and Country Planning Act 1990.

Planning conditions:

Paragraph 55 of the NPPF sets out the six tests of conditions by stating that conditions should "only [be] imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The chapter to the PPG titled "Use of Planning Conditions" provides further guidance in this respect.

A condition is recommended in this case to withdraw permitted development rights which would otherwise allow the use of the building to be changed in the future without the need for a separate planning permission. Paragraph 017 of the PPG (reference ID 21a-017-20190723) states as follows with respect to the use of such conditions:

- "Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity."

Similarly, paragraph 54 of the NPPF states that "planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."

In this case, the definition of a C3(b) use includes the potential provision of care to a wider range of people beyond the type of care proposed by the applicant in this case (for example, for people with drug/alcohol dependency issues) and the effects of other such care-related uses have not specifically been assessed as part of this application. In addition, for the reasons set out in the 'developer contributions' section above the development is considered to be exempt from making contributions towards affordable housing on the basis of the specialist nature of the accommodation it would provide. In these circumstances, it is considered reasonable and necessary to impose a condition limiting the use of the apartments to the bespoke type of C3(b) use proposed as part of this application in order to prevent its change of use to, for example, a different type of C3(b) use which has not been

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

assessed by the LPA and/or to restrict the potential for its future conversion to market housing (a C3(a) use) without the necessary infrastructure contributions being made.

Neighbouring occupiers have suggested that conditions should be imposed to: i) prevent the development being carried out concurrently with other extant permissions surrounding the site; and ii) to avoid access for construction vehicles being taken from Kingsway Court.

With respect to i), the timescale for implementation of planning permissions within the time period allowed (normally 3 years) is ultimately a matter of developer preference and, once implemented, there is no limit on the amount of time that an applicant may take to complete a development. Accordingly, such matters are outside the control and enforceability of the LPA and so it would be unreasonable to impose a condition on this permission to prevent the development being carried out at the same time as others granted in the area. In terms of ii), as the proposed building operations are limited to a modest ground floor extension, replacement windows/doors and internal refurbishment (rather than, for example, demolition, groundworks and construction of a new building as would be the case with extant permission 21/0422), it is unlikely to generate the need for frequent access by heavy construction vehicles. In turn, a condition restricting access for construction vehicles from Kingsway Court would be unnecessary.

Conclusions

The application relates to the former Clovelly Rest Home at nos. 67-69 Clifton Drive, Lytham St Annes. The proposal seeks to change the use of the main building and a detached bungalow within the rear yard from a *circa* 18 bed care home (use class C2) to 11 self-contained, one-bed apartments which are intended to provide supported living accommodation for adults with learning disabilities, autism, mental health and/or physical disabilities (a use involving care which falls within class C3(b)). The application also involves the replacement of an existing rear conservatory with a single storey extension, alterations to window and door openings, the removal of an external staircase and associated external landscaping works including the provision of additional parking spaces and formation of a new vehicle access to the A584 (Clifton Drive). The site falls within the settlement boundary of Lytham St Annes, but is otherwise unallocated in the Fylde Local Plan to 2032 (incorporating Partial Review).

The proposed use is one which is inherently residential in character – with each apartment providing a self-contained unit of permanent residential accommodation – but includes an element of care and support for residents. The level of care will vary depending on each resident's needs, though the overarching intention of the scheme is to provide specialist accommodation for occupation by residents who require services or support to enable them to live, or to adjust to living, independently within the community, with the ability to access help and assistance with everyday activities as required. Accordingly, the proposed C3(b) use is different to and distinct from a care home (a C2 use). The services provided are to be commissioned by Lancashire County Council.

The site is located amongst existing dwellings, including separate blocks of apartments on either side at Crystal Lodge (west) and no. 65 A-D Clifton Drive (east), and to the rear on Kingsway (Belvedere Court and Kingsway Court). Given the nature of surrounding uses in the locality, including the prevalence of other nearby apartment developments, the proposed use would not adversely alter or be incompatible with the character of the area. Similarly, when considered in comparison with the building's previous use as a *circa* 18 bed care home within use class C2, the proposed 11 supported living apartments – by virtue of their number, use and nature, including support staff and visitor comings and goings – would not adversely affect the amenity and living conditions of neighbouring occupiers by reason of noise disturbance, crime and disorder, loss of privacy or any other nuisance.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The proposed external alterations to the building and exterior areas of the site are modest in scale and would not give rise to any harmful effects on the character and appearance of the area or the amenity of neighbouring occupiers with respect to loss of outlook, overlooking or overshadowing.

The site occupies a sustainable location within the settlement boundary on a main thoroughfare which benefits from good access to public transport and nearby shops and services within the Ansdell District Centre by means of transport other than private car. Accordingly, it is a suitable location for housing and would make efficient use of previously developed land by bringing a vacant building back into use. The proposed additional access onto Clifton Drive would achieve a safe and suitable means of access to the A584 and when the site's accessibility credentials are taken in combination with the fact that future residents are unlikely to have their own vehicle and that the scheme makes provision for 9 dedicated parking spaces (at least 4 more than were available for the care home), it is not considered that the proposed development would have any unacceptable impact on highway safety or give rise to severe effects on the capacity of the surrounding highway network.

As the proposal involves the provision of specialist accommodation with a care need by a Registered Provider which would not be available to the open market, it is not considered that a contribution towards the provision of affordable housing is required to make the development acceptable in planning terms. However, contributions towards public open space and healthcare are required as residents will access these facilities and services in the same manner as other housing schemes.

No adverse effects would arise that would significantly and demonstrably outweigh the scheme's benefits. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the National Planning Policy Framework.

Recommendation

That authority be delegated to the Head of Planning to GRANT planning permission subject to stipulation 1 below being satisfied and the suggested conditions in stipulation 2 (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable), or otherwise to refuse permission:

Stipulation 1:

The completion of a planning obligation entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) A contribution of £11,000 (equivalent to a figure of £1,000 per dwelling) towards the provision of new facilities, or enhancement of existing facilities, for public open space in the vicinity of the site.
- b) A contribution of £3,292 towards addressing the expected shortfall in Primary Care capacity to serve the occupants of the development to be spent in connection with the provision and/or enhancement of healthcare facilities at Holland House Surgery, Lytham.
- a) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in a) and b) above.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Stipulation 2:

The following conditions (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

- Drawing no. 22.164_00_014_A – Location plan.
- Drawing no. 22.164_00_012_A – Proposed site plan.
- Drawing no. 22.164_00_008_B – Proposed basement plan.
- Drawing no. 22.164_00_009_D – Proposed ground floor plan.
- Drawing no. 22.164_00_010_D – Proposed first floor plan.
- Drawing no. 22.164_00_011_D – Proposed second floor plan.
- Drawing no. 22.164_00_013_A – Proposed elevations.
- Drawing no. 22.164_00_015_A – Proposed bungalow plans and 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 (incorporating Partial Review) and National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the dwellings hereby approved shall only be occupied as supported housing where care is provided for adults (at a minimum age of 18 years) with learning disabilities, autism, mental health and/or physical disabilities and for no other purpose (including any other use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Reasons: (i) To provide certainty as to the type and nature of care to be provided by the supported housing scheme and to prevent the use of the building for other purposes (including other uses falling within class C3), the effects of which have not been assessed by the Local Planning Authority during the consideration of the application, in order to safeguard the amenity of neighbouring residents; and (ii) to ensure that the use granted by this permission continues to fall properly within class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) as an exemption for affordable housing contribution has been made on the basis that the scheme will provide specialist living accommodation for a group of people with specific needs, and to prevent the building's future change to another use falling within class C3 where the same exemption would not apply (e.g. market housing). The condition is required in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies H3, H4, GD7 and INF2, and the National Planning Policy Framework.

5. None of the dwellings hereby approved shall be occupied until a scheme for the provision of a bin store for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) the size, siting, layout, design and materials of the bin store and any associated means of enclosure; and
- b) the number and size of bins that the bin store will accommodate.

The bin store 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, and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for the storage of refuse and recycling receptacles in the interests of the amenity of future occupiers and to achieve an appropriate appearance for these storage facilities in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

6. None of the dwellings hereby approved shall be occupied until details of the siting, size, materials and design of a covered bicycle store and the number of bicycle parking spaces to be provided within it have been submitted to and approved in writing by the Local Planning Authority. The bicycle store and bicycle parking spaces shall be constructed and made available for use in accordance with the duly approved details before any of the dwellings are first occupied, and shall be retained as such thereafter.

Reason: To promote modal shift and to encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before any of the dwellings hereby approved are first occupied a hard and soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) details of the layout, design and construction (including sub layers and surfacing materials) of all hard surfaced areas; and
- b) details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs (including identification of those which are to be retained as part of the development).

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The duly approved hard and soft landscaping scheme shall be carried out before any of the dwellings hereby approved are first occupied 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 ensure adequate provision of amenity space for future occupiers, to enhance the character of the street scene, to provide biodiversity enhancements and to ensure that appropriate vehicle parking and manoeuvring areas are laid out in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, T5, ENV1 and ENV2, and the National Planning Policy Framework.

8. The new vehicular access onto Clifton Drive and 9 car parking spaces indicated on drawing no. 22.164_00_012_A shall be constructed and marked out in accordance with the details shown on the approved plan and made available for use before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure a safe and suitable means of access to the site and adequate provision for off-road vehicle parking in the interests of highway safety and in the interests of the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H3, GD7 and T5, and the National Planning Policy Framework.

Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Highways:

The new/modified vehicle access points within the adopted highway at the front and rear the property will need to be constructed in accordance with a specification approved by LCC Highways. The applicant is required to apply for a vehicle crossing on the LCC Highways website. Approved contractors will be under agreement with Lancashire County Council to ensure the use of appropriate materials and workmanship, the safety of any walking surfaces and the protection of pipes and cables under the footway from damage. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Further information and advice can be found at www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Location Plan for 23/0042



AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Item 2

Application No:	23/0136	Case Officer:	Jennifer Simpson Area Team 1
Applicant:	MR J ROBINSON	Agent:	MR MARTIN SMITH
Location:	8 SUMMIT DRIVE FRECKLETON PRESTON LANCASHIRE PR4 1PP		
Proposal:	EXTENSION AND ALTERATION OF THE DWELLING: 1) REMOVAL OF CHIMNEY, 2) REMOVAL OF BAY WINDOWS TO FRONT AND SIDE ELEVATIONS AND REPLACEMENT WITH WINDOWS, 3) SINGLE STOREY REAR EXTENSION, 4) RENDER OF ENTIRE PROPERTY, 5) CLADDING OF FRONT AND REAR DORMERS, 6) REPLACEMENT OF ALL WINDOWS.		
Ward:	Freckleton East	Parish:	Freckleton
Statutory Expiry:	28 April 2023	Earliest Decision:	15 March 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application property is a semi-detached bungalow located in a settlement location within Freckleton where properties of a similar scale and design establish the prevailing character of the area.

The proposal relates to a single storey rear extension and various external alterations to the property. The external alterations include the removal of existing bay windows to the front and side elevation that would be replaced with new windows sitting flush to the dwelling, and the removal of a chimney. It also includes the rendering of all elevations, replacement of all windows and recladding of the existing front and rear dormers.

The principle of residential extensions within the settlement boundary is acceptable, subject to matters relating to design, amenity, and highway safety.

The extension is located in a discreet positioning to the rear of property and would therefore not be visible from public vantage points. The proposed external alterations will alter the current appearance of the dwelling, particularly the rendering of the property. However, it should be noted that the current dwelling is in a depleted state and modernisation of this particular site would be desirable.

The Parish Council have confirmed that they support the majority of this application but are against the rendering of the entire property as it is considered that this will stand out as it would be considerably different to the surrounding properties. However, the conditions within section A3 (a) of Class A within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that development is permitted by Class A subject to the materials used in any exterior work (other than materials used in the construction of a conservatory) being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Given that the existing property has some render on the external walls, the applicant could render

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

all elevations of the property without planning consent in line with the above condition permitted within Class A.

Notwithstanding this, members should note that the property itself is set back from the road frontage and amongst a row of neighbouring dwellings and is therefore not an overly prominent property within the street scene. The site is not within a designated heritage area and no. 92/ 94 Preston Old Road and no. 1 Summit Drive have some rendered elevations that sit just further north of this property. Whilst these properties are a different house type, it is considered that render at this site would not appear wholly incongruous within the wider area.

Whilst the Parish Council concern regarding the render has been recognised, it is the case that this element of the development could be carried out without planning consent and irrespective of that it is considered acceptable for the reasons listed above and would not undermine visual amenity in this particular area to an extent that refusal is justified.

Having viewed the proposal and assessed the issues raised, it is considered that the development would not significantly impact upon visual or residential amenity and therefore accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the NPPF and the objectives of the 'Extending Your Home' SPD. Accordingly, Officer recommendation is that Members support the application.

Reason for Decision Level

The officer recommendation for approval is in conflict with the views of the 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 relates to a semi-detached dormer bungalow property located on the west side of Summit Drive, Freckleton. The site falls within a Settlement Boundary area, as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

Planning permission is sought for a single storey rear extension and various external alterations including the removal of the existing chimney and bay windows to the front and side elevations that would be replaced with windows. It also includes the replacement of all windows, rendering of all exterior walls and cladding to the front and rear dormers.

The proposed extension would extend 3m in depth beyond the rear wall of the dwelling. It would measure 5.5m in width occupying almost the entire ground floor rear elevation of the dwelling. The extension would have a flat roofed design measuring 2.8m in height and it would include an integrated lantern feature. The development would be finished in render to match the proposed finish of the dwelling.

The new windows and doors would be installed with dark grey upvc windows, and the existing front and rear dormers would be re-cladded in grey composite cladding.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Relevant Planning History

None recorded.

Parish/Town Council Observations

Parish/Town Council	Observations
Freckleton Parish Council	<u>Comments received on 13 March 2023</u> <i>Freckleton Parish Council Support the majority of this application but are against the rendering of the entire property as it will stand out as considerably different to the surrounding properties.</i>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
BAE System Aerodrome Safeguarding Team	No objection.
Ministry of Defence - Safeguarding	No safeguarding concerns raised.

Neighbour Observations

Neighbours notified: 22 February 2023
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

Fylde Local Plan to 2032 (incorporating Partial Review) and other relevant Guidance:

GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
SPD1 - Extending Your Home - November 2007

NPPF – National Planning Policy Framework (July 2021)
NPPG – Planning Practice Guidance

Comment and Analysis

Principle

The application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of residential extensions within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

Design and Appearance in Streetscene

FLPPR 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 16 guiding principles (a - p). In particular, criteria d), h) and i) of the policy identify the following requirements:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

The property is a semi-detached dormer bungalow situated within a built up residential area in Freckleton. The immediate street scene is consistent in that it comprises of similar type of brick built semi-detached bungalows. There are other types of semi-detached bungalows further south of the site and a mix of detached bungalow and two storey properties further north of the site, some of which are finished in a mix of render and brickwork. It was noted during the case officers site visit that the application property is in a depleted state and is in need of some maintenance works.

The proposals include various external alterations and a single storey rear extension. The single storey extension would not be visible from public vantage points due to its positioning to the rear of the property. Therefore, this element of the development would have negligible impact upon visual amenity within the street scene. Furthermore, the extension would be modest in size, scale and height and together with its material finish to match the proposed finish of the dwelling in it would appear in keeping with and subordinate to the host property.

The proposed alterations to the exterior of the property will have a noticeable impact on the current appearance of the dwelling, particularly the proposal to finish the property in render. The existing dwelling and neighbouring properties are brick constructions that feature a small patch of render to their main frontages. The full rendered finish to all elevations of the property will contrast with the current brick finish of the property and the surrounding properties, and the Parish Council object towards this specific alteration as it is considered that the dwelling would stand out from the other brick properties in the area.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

However, it should be noted that the conditions section within part A.3 (a) of Class A within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that development is permitted by Class A subject to the materials used in any exterior work (other than materials used in the construction of a conservatory) being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Given that the existing property has some render on the external walls, the applicant could render all elevations of the property without planning consent in line with the above condition permitted within Class A.

Notwithstanding, the site is not located within a designated heritage area and the rendered finish would be in keeping with the proposed modernisation of the property as a whole. Furthermore, the property itself is not an overly prominent dwelling within the street scene, it is set back from the road frontage and sits amongst a built up row of other semi-detached dwellings opposed to it being located on a prominent end/ corner plot. There is also some render to those detached properties further north of the site at no. 92 and 94 Preston Old Road and no. 1 Summit Drive and so render at this site would not appear wholly incongruous within the wider area. As such, it is considered that irrespective of the realistic permitted development fallback position that the rendering of the property would be acceptable and would not rise to any significant harm to visual amenity within this particular street scene.

The other alterations include the removal of the existing bay window features to the front and side that would be replaced with new windows that would sit flush to the dwelling and the removal of the existing chimneys. The proposals also include the recladding of the existing front and rear dormers that would be re-cladded in grey composite cladding and replacement of all windows to grey upvc windows. The removal of the chimney and bay windows are minor and would not drastically alter the current character or appearance of the property. The proposed grey windows and cladding to the dormer would introduce contemporary additions to the property that would be welcomed as an enhancement to the current worn and depleted state of the property.

As the above, it is considered that the design and scale of the development as a whole accord with the requirements of criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

FLPPR 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 h) states that developments should be "sympathetic to surrounding land uses and occupiers".

In addition, the guidance in design note 4 of the Council's 'Extending Your Home' SPD indicates that: Single storey or ground floor extensions on a boundary should not project more than 3m from the main rear wall of the adjoining neighbouring property/properties; a single storey or ground floor rear extension set off a boundary should not project more than the set off distance plus 3m from the main rear wall of the adjoining neighbouring properties. (For instance, if the extension is set off the boundary by 0.5m then the total maximum total projection shall be 3.5m).

The adjoining semi-detached property is no. 6 Summit Drive and is unextended to the rear. The proposed single storey rear extension would measure 3m in depth and it would be marginally set off the shared boundary with this neighbour. Accordingly, the development is in full compliance with the above relevant design note within the councils SPD and it is considered that due to the small scale of the extension, its single storey nature and flat roofed design, that it would not adversely impact upon these neighbouring residents by way of the development appearing overbearing or dominant from their rear views to an unacceptable degree.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The extension and the other alterations proposed are minor and adequately distanced from all other neighbouring properties.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Conclusions

The application relates to the erection of an extension and external alterations at a dwelling in the settlement of Freckleton. Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the NPPF and the objectives of the 'Extending Your Home' SPD. Accordingly, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Job 23-011 Drawing 1001
- Proposed Elevations and Floor Plans - Job 23-011 Drawing 1100 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 (incorporating Partial Review) and National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Location Plan for 23/0136



AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Item 3

Application No:	23/0143	Case Officer:	Rob Buffham Area Team 2
Applicant:	CORBENYAH PROPERTIES LIMITED	Agent:	Mr Wallis
Location:	J R TAYLORS BUILDING 4 -12 GARDEN STREET & HSBC BUILDING 11 ST ANNES ROAD WEST, LYTHAM ST ANNES LANCASHIRE FY8 2AA		
Proposal:	CHANGE OF USE OF JR TAYLOR & HSBC BUILDING FROM RETAIL (USE CLASS E(A)), OFFICES (USE CLASS E(G)(I)) AND BANK (USE CLASS E(C)(I)) TO A MIXED USE COMPRISING OF A SPA (USE CLASS SUI GENERIS) AT BASEMENT LEVEL; A RESTAURANT, BAR & SPA ENTRANCE (USE CLASSES E(B) AND SUI GENERIS) AT GROUND FLOOR; ANCILLARY OFFICES, STAFF ROOMS, MASSAGE ROOMS & SPA DINING (USE CLASSES E(E) AND SUI GENERIS) AT FIRST FLOOR; A VIP BAR AT SECOND FLOOR (USE CLASS SUI GENERIS); AND ROOF TOP BAR (USE CLASS SUI GENERIS) AT THIRD FLOOR, INCLUDING THE FOLLOWING EXTERNAL ALTERATIONS: 1) INSTALLATION OF GLAZED ENCLOSURE OF 1ST, 2ND & 3RD FLOORS TO GARDEN STREET/ ST ANNES ROAD WEST AND THIRD FLOOR EXTENSION TO CORNER TURRET; 2) REPLACEMENT OF EXISTING HIPPED ROOF WITH GLAZED FLAT ROOF AND CURVED CANOPY TO ROOF TOP BAR; 3) ALTERATIONS TO EXISTING GROUND FLOOR EXTENSION, SHOP FRONT AND CANOPY TO CREATE NEW ENTRANCES; 4) REPLACEMENT OF FIRST AND SECOND FLOOR TIMBER WINDOWS ON FRONT AND SIDE ELEVATIONS WITH UPVC WINDOWS; 5) BLOCKING UP OF EXISTING WINDOWS AND PARTIAL OVERCLADDING OF EXTERNAL WALL TO REAR ELEVATION; 6) ROOF TOP PLANT TO REAR EXTENSION OF BANK; 7) CREATION OF BIN STORE WITH ACCESS FROM BACK STREET; 8) PARTIAL RECONSTRUCTION OF 2ND FLOOR SIDE ELEVATION TO GARDEN STREET; 9) ALTERED ENTRANCE DOOR TO EXISTING BANK/SPA ENTRANCE; 10) PART DEMOLITION OF REAR OF BANK AT GROUND FLOOR & EXTENSION OF BASEMENT WITH ASSOCIATED WORKS TO REAR OF EXISTING BANK, INCLUDING - LIVING GREEN WALL, NEW BRICK FEATURE WALL ADJACENT TO BACK STREET, GLAZED ROOF TO SPA AND REPLACEMENT REAR STAIRS TO BRITISH RED CROSS.		
Ward:	Ashton	Parish:	St Anne's on the Sea
Statutory Expiry:	6 June 2023	Earliest Decision:	15 April 2023
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Delegate to Officers

Summary of Officer Assessment

The proposal relates jointly to the former JR Taylor and HSBC Bank buildings. Both structures occupy prominent locations within St Annes Town Centre and are presently vacant. The application site is designated within the St Annes Town Centre Conservation Area, and the HSBC Bank is also a Grade II Listed Building.

Conversion and external alteration of the JR Taylor building to a mixed use consisting of a Spa, aparthotel, restaurant and bars was approved by 21/0685. Construction works have commenced on this scheme, although they have slowed on site following purchase of the adjoining HSBC Bank

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

by the applicant and subsequent consideration of alternative use of that building, as well as technical matters that have arisen during the construction process.

This current proposal seeks to incorporate the HSBC building into the conversion scheme and includes the following works:

To the JR Taylors buildings the scheme is the same as previously approved, except for the replacement of the approved aparthotel element with a VIP bar, removal of approved external balconies from Garden Street, removal of roof top compound, rebuilding of the second floor external brick/ stone work to Garden Street, use of un-openable mock sash windows and bin store access to rear. All other previously approved uses and external alterations remain the same.

To the HSBC Bank building there is a change of use, extension and alteration to enlarge the Spa within JR Taylors including demolition of existing 2 storey rear extension, basement extension to rear and part single/ part 2 storey rear extension which includes a roof top compound. The bank building will now be used as the main entrance into the Spa.

The nature of uses within the overall development will therefore be as follows:

- Basement – Spa,
- Ground floor - Spa entrance (HSBC building), restaurant, bar, ancillary spaces including kitchen and toilets.
- First Floor – Spa treatment rooms, Spa entertainment/ dining space, ancillary spaces including Spa plant room, offices and toilets.
- Second Floor – VIP bar, ancillary spaces including storage, cellar and toilets.
- Third Floor – roof top bar, ancillary spaces including cellar and toilets.

The land uses proposed are all defined as 'town centre uses' by the NPPF21 and are therefore acceptable in principle within this Town Centre location, according with the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan (SANDP) and NPPF21.

The external alterations of the JR Taylor building are minor in nature, enhancing the original scheme of conversion through removal of external balconies and relocation of the roof top compound to a less prominent location. The proposal does not seek to alter the front façade of the Listed Building (other than replacement of the front door) and simply seeks to replace insensitive 2 storey rear extensions that are not original to the building. The extensions proposed will greatly improve the appearance of the rear elevation when compared to the existing scenario.

The proposed internal works of the Listed Building are also minor in nature, removing modern features required for the bank use whilst retaining those that are more traditional in nature. The repurposing of the buildings and resultant regeneration of the town centre it supports are also of public benefit. The proposal, in-combination with those works previously approved, will enhance the character and appearance of the conservation area and significance of the listed building, in accordance with FLPPR Policies GD7 and ENV5, SANDP Policy DH1 and the NPPF21.

The development provides for an acceptable relationship to all commercial and residential neighbours adjacent, subject to the imposition of planning conditions, and would have no adverse impact on highway safety.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

paragraph 11 c) development must be approved without delay and the Officer recommendation is that Members support the application. At present there are some on-going discussions between officers and the applicant's representatives about the precise nature of external materials, and so to avoid the need for planning conditions to agree those details later it is requested that the Committee delegate the decision to grant planning permission the Head of Planning so that a cleaner decision can be issued once final agreement has been reached on these materials.

Reason for Decision Level

The Head of Planning considers that the application is of significant borough-wide interest and importance and so has elected to present the application to the Planning Committee for determination.

Site Description and Location

This proposal relates to a former retail unit, locally known as JR Taylors, and HSBC bank that are both now vacant, the former being unoccupied for a more prolonged period since January 2015.

Both buildings are centrally located within St Annes Town Centre, maintaining a position that overlook St Annes Square (St Annes Road West) and a side street from the Square (Garden Street). The HSBC bank is Grade II Listed.

The application site is located within the St Annes Town Centre Conservation Area and the St Anne's Porritt Houses/ Ashton Gardens Conservation Area lies immediately to the north. It is designated as a Primary Shopping Frontage in the adopted Fylde Local Plan to 2032 Incorporating Partial Review), and the St Annes on the Sea Neighbourhood Development Plan - this includes the frontage to St Annes Road West as well as that to Garden Street.

Members will recall granting consent (21/0685) of the JR Taylors building for a roof top extension and external alteration of the building, as well as a change of use that included:

- Basement – Spa,
- Ground floor - Spa restaurant and bar.
- 1st Floor – Spa treatment rooms,
- 2nd Floor – 4 bed apartment hotel.
- 3rd Floor – roof top bar.

The conversion works have commenced, including an internal soft strip of buildings, though have slowed recently following purchase of the adjoining HSBC Bank by the applicant and subsequent consideration of alternative use of that building, as well as the extensive constraints that have arisen during the construction process and technical methods for resolving these issues.

Details of Proposal

This planning application seeks to amalgamate the HSBC bank building into the already approved development for JR Taylor, as well as minor alterations to the use and external alteration of JR Taylor, as outlined below:

JR Taylors – replacement of the 2nd floor 4 bedroom aparthotel with a VIP bar, removal of approved external balconies at 1st and 2nd floor levels to garden Street, removal of roof top compound, bin store

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

access to rear, non-openable mock sash windows and rebuilding of the second floor external brick work to Garden Street. All other previously approved uses and external alterations remain the same.

HSBC Bank – change of use, extension and alteration to facilitate enlargement of the Spa within JR Taylors, including demolition of existing 2 storey extension, basement extension to rear and part single/ part 2 storey rear extension that incorporates the relocated roof top compound from JR Taylors. Internally, alterations are minimal and include the removal of walls within the basement to facilitate expansion of the Spa facility, repair of timber frame windows and the painting of walls and roof. The bank building will now be used as the main entrance into the Spa use.

The nature of uses within the development will therefore be as follows:

- Basement – Spa,
- Ground floor - Spa entrance (HSBC building), restaurant and bar.
- 1st Floor – Spa treatment rooms and dining space.
- 2nd Floor – VIP bar.
- 3rd Floor – roof top bar.

Members should note that there is a separate Listed Building application (ref: 23/0144) relevant to the above works associated to the HSBC Bank ,which will be determined under delegated powers following determination of this current application.

Relevant Planning/Appeal History

Ref	Description	Decision	Date
23/0144	LISTED BUILDING CONSENT FOR EXTENSION AND ALTERATION OF FORMER HSBC BANK PREMISES: 1) PARTIAL DEMOLITION OF REAR 2 STOREY EXTENSION AND REPLACEMENT WITH 2 STOREY EXTENSION INCORPORATING GLAZED LINK, BASEMENT ENLARGEMENT, RETRACTABLE GLAZED ROOF AND ROOF TOP PLANT/ EQUIPMENT ENCLOSURE, 2) REMOVAL OF SAFE ROOM WALLS TO BASEMENT LEVEL AND ALTERATION TO FORM SPA ROOMS, 3) REMOVAL OF PARTITION WALLS TO GROUND FLOOR LEVEL AND PARTIAL BLOCKING UP OF REAR WALL TO FORM SPA ENTRANCE ROOM, 4) INCREASED WIDTH OF FIRST FLOOR REAR WALL TO FACILITATE PROVISION OF WINDOW, 5) PROVISION OF DOOR TO 2ND FLOOR REAR ELEVATION TO PROVIDE ACCESS TO EXTERNAL FLAT ROOF, 6) PROVISION OF STEPPED ACCESS ARRANGEMENT TO REAR FLAT ROOF EXTENSION, 7) REPLACEMENT FRONT ENTRANCE DOOR.	Undetermined	
21/1121	CHANGE OF USE OF BUILDING FROM RETAIL (USE CLASS E(A)) AND OFFICES (USE CLASS E(G)(I)) TO A MIXED USE COMPRISING A SPA (USE CLASS SUI GENERIS) AT BASEMENT LEVEL; A RESTAURANT AND BAR (USE CLASSES E(B) AND SUI GENERIS) AT GROUND FLOOR; MEDICAL TREATMENT AND MASSAGE ROOMS (USE	Granted	17 March 2022

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	CLASSES E(E) AND SUI GENERIS) AT FIRST FLOOR; A FOUR SUITE HOTEL (USE CLASS C1) AT SECOND FLOOR; AND ROOF TOP BAR (USE CLASS SUI GENERIS) AT THIRD FLOOR, INCLUDING THE FOLLOWING EXTERNAL ALTERATIONS: 1) INSTALLATION OF GLAZED ENCLOSURE AND THIRD FLOOR EXTENSION TO CORNER TURRET; 2) REPLACEMENT OF EXISTING HIPPED ROOF WITH GLAZED FLAT ROOF AND CURVED CANOPY TO ROOF TOP BAR; 3) ALTERATIONS TO EXISTING GROUND FLOOR EXTENSION, SHOP FRONT AND CANOPY TO CREATE NEW ENTRANCES; 4) FORMATION OF FIRST AND SECOND FLOOR BALCONIES TO SIDE ELEVATION; 5) REPLACEMENT OF FIRST FLOOR TIMBER WINDOWS ON FRONT, SIDE AND REAR ELEVATIONS WITH UPVC WINDOWS; 6) BLOCKING UP OF EXISTING WINDOWS AND PARTIAL OVERCLADDING OF EXTERNAL WALL TO REAR ELEVATION; 7) CONSTRUCTION OF ROOF-LEVEL ACOUSTIC PLANT ENCLOSURE; AND 8) CREATION OF BIN STORE TO REAR.		
21/0685	CHANGE OF USE OF BUILDING FROM RETAIL (USE CLASS E(A)) AND OFFICES (USE CLASS E(G)(I)) TO A MIXED USE COMPRISING A SPA (USE CLASS SUI GENERIS) AT BASEMENT LEVEL; A RESTAURANT AND BAR (USE CLASSES E(B) AND SUI GENERIS) AT GROUND FLOOR; MEDICAL TREATMENT AND MASSAGE ROOMS (USE CLASSES E(E) AND SUI GENERIS) AT FIRST FLOOR; A FOUR SUITE HOTEL (USE CLASS C1) AT SECOND FLOOR; AND ROOF TOP BAR (USE CLASS SUI GENERIS) AT THIRD FLOOR, INCLUDING THE FOLLOWING EXTERNAL ALTERATIONS: 1) INSTALLATION OF GLAZED ENCLOSURE AND THIRD FLOOR EXTENSION TO CORNER TURRET; 2) REPLACEMENT OF EXISTING HIPPED ROOF WITH GLAZED FLAT ROOF AND CURVED CANOPY TO ROOF TOP BAR; 3) ALTERATIONS TO EXISTING GROUND FLOOR EXTENSION, SHOP FRONT AND CANOPY TO CREATE NEW ENTRANCES; 4) FORMATION OF FIRST AND SECOND FLOOR BALCONIES TO SIDE ELEVATION; 5) REPLACEMENT OF FIRST FLOOR TIMBER WINDOWS ON FRONT, SIDE AND REAR ELEVATIONS WITH UPVC WINDOWS; 6) BLOCKING UP OF EXISTING WINDOWS AND PARTIAL OVERCLADDING OF EXTERNAL WALL TO REAR ELEVATION; 7) CONSTRUCTION OF ROOF-LEVEL ACOUSTIC PLANT ENCLOSURE; AND 8) CREATION OF BIN STORE TO REAR.	Granted	04 November 2021
19/0580	INSTALLATION OF CONCEALED WHEELCHAIR PLATFORM LIFT, EXTERNAL STEPPED ACCESS AND ASSOCIATED GUARD RAILINGS	Granted	09 September 2019

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

11/0733	REPLACEMENT OF CORRODED IRON STRUCTURE (INTERNAL) SUPPORTING STONE CLOCK TOWER WITH NEW ENCASED STEEL STRUCTURE (INTERNAL) AND ASSOCIATED WORKS: ALTERATIONS TO REAR ELEVATION, NEW AREAS OF PITCHED ROOF, RENEWAL OF EXISTING ROOF COVERINGS, RENEWAL OF EXISTING TIMBER FLOOR, INSTALLATION OF STRUCTURAL TIES AND ANCHORS, AND ASSOCIATED MASONRY REPAIRS (AS AMENDED).	Granted	22 December 2011
11/0734	LISTED BUILDING CONSENT FOR REPLACEMENT OF CORRODED IRON STRUCTURE (INTERNAL) SUPPORTING STONE CLOCK TOWER WITH NEW ENCASED STEEL STRUCTURE (INTERNAL) AND ASSOCIATED WORKS: ALTERATIONS TO REAR ELEVATION, NEW AREAS OF PITCHED ROOF, RENEWAL OF EXISTING ROOF COVERINGS, RENEWAL OF EXISTING TIMBER FLOOR, INSTALLATION OF STRUCTURAL TIES AND ANCHORS, AND ASSOCIATED MASONRY REPAIRS.	Granted	22 December 2011
05/0572	DISABLED ACCESS RAMP, BALUSTRADE HANDRAIL AND RE-LOCATION OF ENTRANCE TO SIDE ELEVATIONS	Refused	08 August 2005

Earlier history relating to advertisement consent, alternative access arrangements and repairs to the building at the HSBC bank part of the application site are omitted for brevity in this report as they have no relevance to the current proposals,

Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<p><u>Comments received on 21 March 2023</u></p> <p><i>Support the proposal.</i></p> <p><i>The Prime Town Centre shopping area benefits by enhancing the building and helps towards the regeneration of the Town Centre.</i></p> <p><i>The revised proposals which now includes the former G2 LB HSBC Bank, omit the balconies, clad the unsightly rear of the buildings, and remove the cluttered extension block.</i></p> <p><i>This serves to conserve and enhance the overall appearance of the building and the proposed green wall sits very well with the aspirations of our Neighbourhood Plan. Regarding the architectural and historical significance of the building and the G2 LB component, that as much of the original features as possible be retained, either by Condition or Preservation Order for in particular, the mosaic tiles in the entrance to the former Bank. (If none exists already).</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	<p>No objections raised, but do request conditions relating to odour and noise, including final specification of external plant/ equipment and extraction, and the following restrictions on use:</p> <p>When music above background levels is present in 3rd floor bar, all external windows/doors are closed, and are not held open.</p> <p>Live music ceases not later than 23:00hrs.</p> <p>The retractable roof that services the spa on the ground must be closed no later than 22:00 hrs.</p>
LCC Highways	<p>LCC Highways does not have any objections regarding the proposed change of use and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</p> <p>LCC Highways would also request that all construction/contractor traffic are parked in a considerate manner to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.</p>
LCC Archaeology	<p>This banking building would appear to pre-date 1909 but may well replace a converted house, itself constructed as one of a block of four 7-13 St Annes Road before 1893. OS mapping and aerial photographic evidence would suggest that the rear part of the bank was rebuilt after 1930 (quite possibly after 1960), leaving only the entrance area, banking hall and basement of the pre-1909 building. The Planning, Design and Access Statement incorporating a Heritage Assessment (Palladio Planning and Urban Design 2023) alternatively suggests that the pre-1909 bank was only as deep as the rear of the banking hall, with the rear section being a later addition, but this is not obviously supported by the 19th century OS mapping.</p> <p>We would have no comment to make on the works to the former department store but would suggest that your conservation team assess the 'original' elements of the purpose-built bank and consider whether they could merit the imposition of a condition requiring photographic recording and perhaps a little more documentary research as part of any approval granted.</p>
Lytham St Annes Civic Society	No comments made at the time of writing.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	8 March 2023
Site Notice Date:	17 March 2023
Press Notice Date:	8 March 2023
Number of Responses	Total number of comments 1
Summary of Comments	The comments received are in opposition to the application and can be summarised as:

Can you tell me if it is proposed to have a public entrance to the rear elevation of the HSBC (St Georges Lane) which is some 20 metres from our living accommodation. This seems to be indicated on one of the drawings as it has signage above it.

Could you also explain the intended "provision of access to the 2nd floor flat roof" of the HSBC (Item 5, 23/0144) Who will be gaining access and for what purpose?

Also, I note the request to establish a rooftop bar on the JR Taylor building.

What soundproofing measures will be imposed on this latter facility and what will the licensing hours be?

(Officer Clarification provided to neighbour as follows:

In response to your email I can confirm that it is not intended to have public access from the back street, with that being obtained from proposed entrances on Garden Street and St Annes Road West (HSBC entrance).

The second floor access is required as means to roof top plant/ equipment to the roof of the extension behind the HSBC.

Whilst this application incorporates a roof top bar, please also refer to planning approval 21/0685 which granted consent for conversion of the JR Taylors building, which also included a roof top bar. That approval sought to control use of the roof top bar as per below condition, and it is likely that similar restrictions would be applied to this current scheme if approved.)

Relevant Planning Policy & Government Guidance

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 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR):

S1 - The Proposed Settlement Hierarchy

GD1 - Settlement Boundaries

DLF1 - Development Locations for Fylde

GD7 - Achieving Good Design in Development

EC2 - Employment Opportunities

EC5 - Vibrant Town, District & Local Centres

EC6 - Leisure, Cultural and Tourism Development

HW1 - Health and Wellbeing

T5 - Parking Standards

ENV5 - Historic Environment

National Planning Policy Framework (July 2021) (NPPF21)

Planning Practice Guidance (PPG)

St Annes Neighbourhood Development Plan (2016-2031) (SANDP)

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

This current planning application seeks revision of an approved scheme of works associated to the conversion of the former JR Taylors building and incorporation of the adjoining HSBC Bank building into that scheme of conversion.

Those works relevant to the JR Taylor building include replacement of the aparthotel with a VIP bar to the 2nd floor, as well as minor alteration to approved external works, namely the removal of 1st and 2nd floor balconies from the Garden Street elevation, rebuilding of external walls to the 2nd floor elevation of Garden Street, removal of the roof top compound, bin store access and provision of un-openable mock sash windows throughout. The proposal is identical in all other respects and the planning approval that exists for conversion of the JR Taylor building forms a sound fall back position for assessment of that element of this current proposal, requiring assessment only of those matters that differ from the consented scheme.

The works associated to the conversion of the former HSBC Bank require full consideration in light of all relevant development plan policies.

The pertinent issues in assessment of this proposal are therefore:

- The principle of land uses proposed,
- Design, bearing in mind the site's location within St Annes Town Centre Conservation Area and Grade II Listing of the HSBC Bank,
- Amenity, and,
- Highways.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Principle of Development

As discussed above, the material changes relative to the existing planning approval are only for assessment at this time, namely the alteration of the approved 4 bed aparthotel to a bar at 2nd floor level within JR Taylors, and use of the former bank as a Spa.

Policy Background

The application site is located within St Annes Town Centre and the ground floor of the premises is designated as a Primary Shopping Frontage.

FLPPR Policy S1 identifies St Annes as 1 of 3 Key Service Centres within the Fylde, stating that the role of these Centre will be maintained, existing services and facilities will be enhanced, a range of housing and employment opportunities will be promoted and delivered, as well as retail and other community services, to serve the wider catchment. Policy DLF1 encourages the majority of future growth toward 4 sustainable Strategic Locations for Development, which includes St Annes, and states that development within such locations is key to delivery of the Development Strategy advocated in the FLPPR. GP1 of the SANDP encourages development to within the settlement boundary of St Anne's.

Locationally, the accords with the FLPPR development strategy and SANDP.

FLPPR Policy EC5 seeks to ensure vitality and vibrancy within the designated Town Centres, encouraging and retaining appropriate town centre land uses including restaurants, drinking establishments, hotels and leisure uses. FLPPR Policy EC6 e) encourages these uses also. FLPPR Policy EC5 provides guidance for appropriate land uses within Town centres which include retail, finance/ professional services, restaurant/ cafes and leisure, allowing for alternative uses that retain ground floor active frontages throughout the day and/ or night times.

In addition, the SANDP has its own retail policies. Similar to the FLPPR, SANDP Policy E1 and E6 encourage a diversity of main town centre uses to support vitality and vibrance of the centre. The policy encourages restaurants/ cafes/ drinking establishments to within the Wood Street Café Quarter area, though as worded, does not discount such from the wider Town Centre. SANDP Policy E2 states that primary shopping frontages will be maintained predominantly for retail uses.

Assessment

The proposed Spa use of the bank is categorised as a leisure use and that is one which is recognised as a Main Town Centre Use by Appendix A (Glossary) of the NPPF21, affording support at both the National Level, and the local level by Policy EC5. The proposal will not result in the loss of retail floorspace from the Primary Shopping Frontage (due to the current authorised bank use). Moreover, the proposal will rejuvenate a vacant property, providing activity within the ground floor frontage during the day and into the evening, introducing vitality and a vibrancy to the building, and consequently the Town Centre, in accordance with Policies E1, E2 and E6 of the SANDP.

The proposed VIP bar use raises no concerns with regards to the principle of development bearing in mind that this element of the scheme relates to the upper floors of the JR Taylors building.

The application site comprises two landmark buildings within St Annes Town Centre, that lie vacant and show signs of deterioration, undermining the contribution that they should make toward the town centre. Approval will therefore have significant regeneration benefit for the buildings themselves, but more importantly vitality and vibrance of St Annes Town Centre.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The applicant has confirmed that approximately 70 staff will be directly employed as a consequence of the land uses proposed. There will also be increased employment associated to the servicing and supply chains of the development. In addition there will also be additional employment associated to the construction process. The development will provide for increased employment opportunities that are easily accessible to local residents and therefore contributes toward the job creation objectives of Policy EC2.

Given the above, the site is a suitable location for the proposed mix of uses and the principle of development is supported, in accordance with the provisions of FLPPR policies EC2, EC5, EC6, SANDP Policy E1, E2 and E6, and NPPF21.

Design and Heritage Impacts

Policy Background

FLPPR 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). Those of relevance to the proposal are identified below:

- f) Conserving and enhancing the historic environment.
- h) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the visual amenities of the local area.
- i) Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 134 of the NPPF21 states that development that is not well designed should be refused, especially where it fails to reflect local design policies.

FLPPR Policy ENV5 requires that development within conservation areas should conserve or enhance those elements that make a positive contribution to the special character, appearance and setting of the Area. Criteria is provided to meet these objectives, those relevant to the current proposal are:

- a. Be appropriate to their context including setting, scale, density and physical characteristics;
- b. Preserve or enhance features making a positive contribution. In particular, design, massing and height of any building should closely relate to adjacent buildings and should not have an unacceptable impact on townscape and landscape;
- c. Not have an unacceptable impact on historic street patterns or roofscape;
- e. Retain individual features of interest, e.g. doorways, cobbles, trees, hedges, railings and garden walls;
- f. Reinforce distinctiveness of the area, reflecting the local pallet of materials and local building styles.

Policy ENV5 also states that Listed Buildings and their settings will be conserved and, where appropriate, enhanced. A proposed development which results in any harm to or loss of the significance of a listed building and / or its setting will be refused and only be permitted where any harm is justified by the public benefits of the proposal.

NPPF21 paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset, including Conservation Areas and Listed Buildings, that may be affected by a proposal. Paragraph 199 requires great weight to be given to the asset's conservation.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, substantial harm to Grade II Listed Buildings should be on an exceptional basis. Paragraph 206 encourages development to enhance or better reveal the significance of Conservation Areas and supports development that meets this aim. Paragraph 201 states that local planning authorities should refuse development that results in substantial harm to designated heritage assets.

SANDP Policy DH1 reiterates provisions of ENV5 stating that design must be of high quality, sympathetic to the character of the Town, and must preserve or enhance the character or appearance of conservation areas, listed buildings and their setting(s).

Assessment

Similar to the above assessment relative to Principle of Development, the design and heritage considerations relate only to those elements of the proposal that have altered from the original approval. In this respect, there are 2 main elements for assessment relative to the external alterations of JR Taylors, and those to the HSBC Bank building.

The application site is a designated heritage asset due to the HSBC Bank building being Grade II Listed, and by virtue of location within the St Annes Town Centre Conservation Area. The design of the proposal is therefore a key factor in the planning assessment to ensure that the development safeguards the visual quality of the street and conserves those heritage assets.

The external alterations to the JR Taylor building are identical to those previously approved, with the exception of the following:

- Removal of the previously approved 1st and 2nd floor external balconies to Garden Street.
- Rebuilding of external brick/ stone work to 2nd floor of the Garden Street elevation.
- Ground floor bin store access to back street.
- Relocation of the roof mounted external plant/ equipment compound to the rear of the bank.
- Provision of non openable, white upvc mock sash windows to the 2nd floor (identical to those previously approved at 1st floor).

The above alterations are considered to be minor in nature, but will enhance appearance of the approved development and Conservation Area as a consequence. Importantly, removal of balconies from the Garden Street elevation will ensure that a greater proportion of the original building remains visible from external vantage points, acting to declutter this elevation of the building and ensuring there are no modern features to compete with the traditional bay window elements. The success of the rebuild element is dependent entirely upon the quality of materials and submitted drawings indicate that existing brick and stonework will be reused in the first instance, with use of identical materials where this is not feasible. Acceptance for use of non openable mock sash windows at the first floor level of the JR Taylor building was made as part of the condition discharge requirements of the existing consent. Concern was expressed at that time to retention of the existing 2nd floor upvc windows, since this approach would undermine the overall appearance of the conversion scheme. On this basis the application is commended for now seeking to upgrade these existing windows.

The external alterations to the HSBC building include:

- Demolition of a 2 storey flat roof extension to the rear of the building.
- Replacement with a smaller footprint 2 storey flat roof extension, and single storey extension with retractable roof for use associated to the Spa (kitchen and dining space). This includes enlargement

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

of the basement to form an increased footprint to the Spa within the basement of the JR Taylors building.

- Relocation of the external plant/ equipment compound to the roof of the 2 storey extension.
- Replacement front door.

Internally, alterations are minimal and include the removal of walls within the basement to facilitate extension of the Spa facility, repair of timber frame windows and the painting of walls and roof.

The Listed Building has been subject to insensitive extension to the rear of the building, which act to obscure the lower portion of the building from view. The extensions are flat roof, with barred windows, and of a buff brick that is inconsistent with the prevalent red brick widely used in the locality. The existing extensions by virtue of their design and appearance are considered to undermine the significance of the Listed Building that they are attached to. Their impact on the Conservation Area is lower, being more neutral bearing in mind the back street location and lack of visibility within the Area as a result.

The proposal does not seek to alter the front façade of the Listed Building, in essence development is limited to the rear of the property and simply seeks to replace those insensitive additions that are not original to the Listed Building. The extension is of a similar scale to those existing, being hidden from main Town Centre views from St Annes Road West by the existing built form. Construction materials include use of red brick and stone detailing which better reflect the conservation area, and a green wall/ white render to screen unsightly brown brick of a side elevation to the JR Taylors building. Internal works to the Listed Building relate to the removal of walls within the basement to facilitate conversion to the Spa use. Room layouts above ground will be stripped back to their original form, including removal of modern structures associated to the bank use. All other internal features such as the stone entrance, banking hall roof light and 1st floor window are to remain.

The proposal will greatly improve appearance of the rear elevation when compared to the existing scenario, thereby enhancing the significance of the Listed Building, and the character and appearance of the St Annes Town Centre Conservation Area.

The application site is considered to be a designated heritage asset due to location within a conservation area and Grade II listing. In accordance with paragraph 202 of the NPPF21, there is a need to assess whether there is any harm to the asset, and to balance any harm against the public benefits of the development. In this regard, the original consent determined that the scheme of conversion for the JR Taylors building enhanced the building or undermine the setting of the Listed HSBC Bank, and therefore did not create any heritage harm. The additional works to JR Taylors, as well as those to the HSBC bank building, are considered to further enhance that initial scheme. Even if harm were adjudged, the public benefits from the repurposing of the buildings and resultant regeneration of the town centre it supports will be public benefits of significant weight.

Given the present appearance of the application site, the proposal in-combination with those works previously approved, will enhance the character and appearance of the conservation area and significance of the listed building, in accordance with FLPPR Policies GD7 and ENV5, SANDP Policy DH1 and the NPPF21.

The extent of works associated to the Listed Building seek to replace the existing rear extension, with minor internal works that maintain the original appearance of the building. An internal site visit undertaken by the Officer confirms that internal features of importance are minimal, relating largely to room layouts, stone entrance feature, window and roof light. Such features are retained within the

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

scheme and on that basis the suggested photographic recording by LCC Archaeology is not considered necessary.

Amenity:

Policy Background

FLPPR Policy GD7 h) requires high standards of design which, amongst other criteria, ensure that new development is sympathetic to surrounding land uses and occupiers (amenity). This amenity impact includes that relative to the physical works proposed including effects upon privacy, dominance, loss of light or over shadowing, as well as those land uses proposed including noise, odour and light disturbance. Policy E1 of the SANDP supports development within the town centre that would not adversely affect amenity of adjoining or nearby properties.

Assessment

It is not evident from the physical characteristics of neighbouring properties as to whether there are any residential uses within proximity of the site. There is a flat within the Masonic Lodge located to the rear of the application site. Council tax records indicate that there is a residential use above the former Edinburgh Woollen Mill, though it should be noted that this property and units above are within ownership of the applicant and have recently received consent for holiday apartment use.

The physical works proposed to the building itself would not undermine the amenity of any neighbouring properties. The main areas of concern are linked to the 2nd floor change of use to a bar, use of the HSBC Bank as a Spa and relocation of the roof top external plant compound.

The application site is located within St Annes Town Centre where ambient noise and odour levels are much higher than those within a residential area, as a consequence of late-night opening and busier roads. Residents who choose to live in such areas are accustomed to this and it therefore follows that lower amenity thresholds should be applicable when compared to a residential area. The background noise levels will help to reduce the overall impact of any disturbance associated to the proposal. Notwithstanding, it is known that there are residential uses adjacent and whilst there hasn't been any objection to the proposal on such grounds, it is necessary to provide an appropriate level of protection to their amenity relevant to the Town Centre location.

The application is accompanied by a Noise (Miller Goodall, 102674-3, 19/12/2022) and Odour (Miller Goodall, 102674V3, 13/03/2023) reports to demonstrate relationship to neighbours and means to mitigate any identified impact.

The Noise Report considers noise impact of the proposed use upon closest sensitive receptors on Garden Street and within the Masonic Lodge. It identifies potential noise sources to be the external roof mounted compound for external plant surrounded by a 2.2m acoustic screen, the bar use including amplified and live music, the Spa use whilst the retractable roof is open, and several internal plant rooms and cellars. The assessment concludes that noise levels from the roof top compound are sufficiently low enough to not undermine the amenity of neighbours, that any additional plant and equipment to be housed within this area, and provides for a specification for the acoustic screen that surrounds the compound. From an operational perspective, noise from the bar is expected to cause negligible change in noise escape, and controls are advised to ensure that all windows and doors within the bar are closed whilst amplified music is played and that such music ceases after 11pm. Such restrictions are consistent with those applied to the approved development.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The Environmental Protection officer agrees with the report findings but does request that details of all external plant and equipment be agreed by condition since the true extent of infrastructure is not known. In addition, to control late night disturbance from the playing of live music within the bar, as well as potential noise escape from the Spa whilst the retractable roof is open, conditions are suggested that restrict the playing of amplified music no later than 11pm, and closing of the Spa roof by 10pm.

The submitted Odour Report demonstrates that odour escape associated to the restaurant use can be mitigated in order to provide an acceptable relationship to neighbours. The report concludes that a high level of odour control is necessary which is to be provided through the provision of flue dispersers and abatement in the form of filtration (carbon filters or UV ozone system). The Environmental Protection Officer has no objection to the report findings, subject to implementation of the suggested mitigation. A condition can be imposed to secure these details and to ensure that there are no harmful visual impacts.

The applicant has confirmed that the buildings will be externally illuminated, though the submission has not provided any detail of such. It is unlikely that external illumination will be of such a degree as to cause nuisance to neighbours and is likely to be mitigated by distance between buildings and the tree line. Notwithstanding, in the absence of any details it is considered necessary to condition the submission and approval of external lighting so as to ensure that the relationship to neighbours is acceptable.

There is also residential use to upper floors of premises on the opposite side of St Annes Road West, though these are located some 50m from the application site. This distance is sufficient to minimise amenity impact from the proposal.

As per submitted reports, appropriate mitigation can be incorporated into the scheme design to safeguard the amenity of neighbours and should be required by condition. It is considered that the proposal would not therefore significantly harm the amenity of neighbouring properties, in accordance with FLPPR Policies GD7 and SANDP Policy E1.

Highways

Policy Background

FLPPR policy GD7 supports good design that prioritises non-motorised users (p), would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user (q), and, encourages alternative modes of transport including walking and cycling (r). Policy E1 of the SANDP supports development within the town centre that would not adversely affect highway safety.

Policy T5 relates to parking provision and indicates that a flexible approach to the level of car parking provision will be applied dependent on the location of the development.

Paragraph 32 of the NPPF21 states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF21 states 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.

Assessment

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

As per the original consent, the current proposal makes no provision for car parking, being reliant upon existing on street parking within the town centre, or the various short and long term car parks that are present within the locality. Servicing arrangements also remain as approved, from Garden Street, with the addition of a bin store entrance from the back street.

The site is located in a highly accessible location, with a bus interchange and railway station within walking distance of the property, acting to encourage alternative modes of transport as means of access. Whilst there is no dedicated car parking proposed, there is availability on the street and within short and long stay car parks within the locality. The parking and servicing arrangements are no different to those of the former retail and bank use of the buildings, or for the vast majority of other businesses within St Annes Town Centre.

The Highway Authority has no objection to the proposal stating that the development *'will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.'* And request that construction/contractor traffic are parked in a considerate manner to maintain the operation and safety of the local highway network. The applicant has previously provided a Construction Method Statement (CMS) that has been approved by the Highway Authority, this confirms that private and commercial vehicles must use authorised parking facilities adjacent, delivery vehicles will make use of Garden Street with pavement protection, use of banksmen and transfer of materials swiftly onto site. Given the Highway Authority comment concerning construction, it is prudent to ensure that the approved CMS is used during construction of the revised scheme and an appropriately worded condition is suggested.

The development will not therefore have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Accordingly, the proposal is in compliance with the objectives of SANDP policy TR3, policies GD7, T4 and T5 of the FLPPR, and the NPPF21.

Conclusions

The planning application relates to the former JR Taylor and Grade II Listed HSBC Bank buildings. Consent is sought for the minor alteration of works previously approved for conversion of the former JR Taylor building, including change of use of the 2nd floor 4 bed aparthotel to a VIP bar. The scheme also makes provision for amalgamation of the adjoining HSBC Bank building into the Spa element of that conversion, including a rear basement extension and the rebuilding of a 2 storey rear extension.

The nature of uses sought are categorised as Main Town Centre uses and are therefore acceptable in principle in this town centre location. The design of the extension and external alterations are considered to enhance the character and appearance of the St Annes Town Centre Conservation Area and significance of the Listed Building. The proposal would have no unacceptable impact on the amenity of neighbouring properties, subject to condition, nor would it prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user.

The development is therefore in accordance with all relevant policies of the Development Plan, St Annes Neighbourhood Development Plan and NPPF21, representing sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with paragraph 11 c) development must be approved without delay.

Officer recommendation is that Members support the application and the decision to GRANT Planning Permission be delegated to the Head of Planning, with that decision being subject to a schedule of

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

appropriate conditions. This will allow time for the applicant to confirm the precise nature of external materials so as to avoid the need for planning conditions requiring the submission of details, and the delays that could be introduced by their assessment post-decision.

Recommendation

The decision to GRANT Planning Permission be delegated to the Head of Planning, with that decision issued when he is satisfied that a schedule of Planning Conditions and Reasons have been drawn up to facilitate the appropriate control over the development.

The current schedule of draft conditions are as follows and will form the basis of the final scope and wording of the conditions.

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

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

2. This permission relates to the following plans:

- Location and Existing Site Plan - Drawing no. 104 00120.
- Existing & Proposed Site Plan & Location Plan - Drawing no. 104 00120 rev D
- Proposed elevations - Drawing no. 204 00120 rev A
- Proposed basement - Drawing no. 207 00120
- Proposed Ground & First Floor plans - Drawing no. 208 00120
- Proposed second & third Floor Plan - Drawing no. 209 00120 rev A.
- Proposed Section AA-CC - Drawing no. 210 00120
- Proposed Sections DD + EE - Drawing no. 211 00120
- Replacement Window Details - Drawing no. 206 00120 rev A
- Existing and proposed roof plan - 205 00120 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 (incorporating Partial Review) and National Planning Policy Framework.

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

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and Conservation Area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and ENV5, and the National Planning Policy Framework.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the 2nd floor rebuilding of the side elevation of the JR Taylor building facing Garden Street shall be constructed in complete accordance with drawing no. 204 00120 revision A.

The rebuilding work shall only make use of salvaged brick and stone from the demolished element of the building, and the salvaged brick and stone shall be reinstated in an identical fashion as to that of the original appearance of the 2nd floor side elevation, as detailed on drawing no. 204 00120 revision A.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and Conservation Area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and ENV5, and the National Planning Policy Framework.

5. The replacement windows hereby approved, shall be of Mock Sash design and shall be of non openable design, in accordance with details indicated on the following drawings:

Proposed Elevations - drawings reference 204 00120 rev A.

Window details - drawing reference 206 00120 rev A.

any replacement of windows shall also be of identical Mock Sash design and non openable, in accordance with the above drawings.

Reason: To ensure that these critical elements of the external appearance of the building are constructed of a material and have design details and opening styles that are sympathetic to the host building and its contribution to the street scene and the conservation area. This is to accord with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), Policy DH1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

6. The Construction Method Statement (Version 4 dated 10/02/2022) approved by planning application reference 21/1121 shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), Policy E1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

7. Prior to the implementation of any system(s) for mechanical ventilation, refrigeration, air conditioning, extraction and filtration of cooking odours, a scheme including the following details of that system(s) shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall take into consideration the conclusions and recommendations as detailed within the submitted Noise Assessment (Miller Goodall, 102674-3, 18/12/2022) and Odour Assessment (Miller Goodall, 102674V3, 13/03/2023) , and include:

the siting, design and finish (including colour treatment) of any external plant and/or flue(s);
measures to attenuate noise and minimise vibration arising from its operation;

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

measures for the treatment and filtration of cooking odours;
manufacturer's operating instructions; and
a programme of equipment servicing/maintenance.

The system(s) for mechanical ventilation, refrigeration, air conditioning and/or the extraction and filtration of cooking odours shall be installed in full accordance with the duly approved scheme and the equipment shall thereafter be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

Reason: In order to control noise and odour emissions from the development in the interests of safeguarding the amenity of neighbouring occupiers, and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), Policy E1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

8. Prior to the installation of any external lighting on the building itself or to illuminate its facade, details of the lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - position and height on the building of any lighting.
 - the expected spillage, luminance and angle of installation.
 - design and scope of any shields or hoods to be fixed to the lights to direct the lighting and restrict spillage

Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

9. The ground floor 'Holding Bar & Restaurant', first floor 'Supper Club' dining area, second floor 'VIP Bar' and 'Roof Top Bar' as detailed on drawings titled 'Proposed Ground & First Floor plans' (Drawing no. 208 00120) and 'Proposed second & third Floor Plan' (Drawing no. 209 00120 rev A), shall only be open to customers between the hours of:

12.00 - 02.00 Friday and Saturdays.

12.00 hours and 01:00 hours Sunday to Thursday.

and

amplified music or other amplified entertainment performed within the premises shall only take place between the hours of 12:00 hours and 23.00 hours on any day.

The windows, doors and retractable roof of the 'Roof Top Bar', shall remain closed whilst any live or amplified music or other amplified entertainment above the background noise level is being played.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), Policy E1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

10. The retractable roof of the 'SPA' must be closed not later than 22:00 on any day and not opened earlier than 8.00 on any day.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area, in accordance with Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review), Policy E1 of the St Annes on the Sea Neighbourhood Plan, and the National Planning Policy Framework.

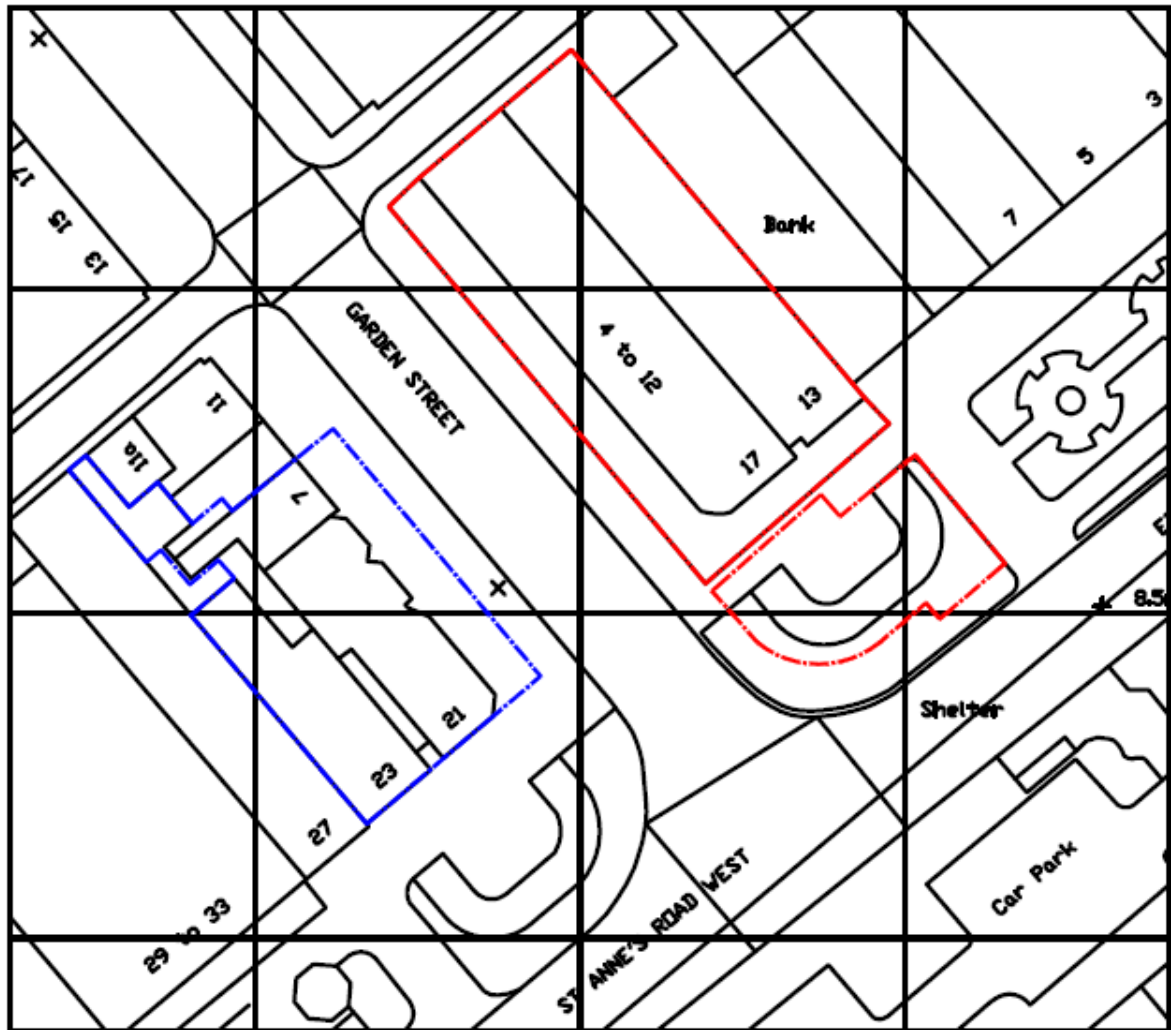
Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions in order to ensure that the proposal comprises sustainable development and would improve the economic, social and environmental conditions of the area in accordance with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 38 and 39 of the National Planning Policy Framework.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Location Plan for 23/0143



AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Item 4

Application No:	21/0811	Case Officer:	Rob Buffham Area Team 2
Applicant:	Rowland Homes Ltd	Agent:	Smith & Love Planning Consultants
Location:	LAND AT ROSEACRE, WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ		
Proposal:	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 52 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES AND PADDOCKS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Ward:	Park	Parish:	St Anne's on the Sea
Statutory Expiry:	3 March 2023	Earliest Decision:	22 February 2023
Reason for any delay:	Decision deferred at previous Committee meeting		Online application file here

Summary of Officer Recommendation: Delegate to Officers

Introduction

This application was presented for a decision to the 1 March 2023 meeting of the Planning Committee. It was not determined at that meeting to allow consideration of possible reasons for refusal that were raised in the meeting.

The report is re-presented here for a decision, with the report below identical to that which was presented on 1 March 2023.

Summary of Officer Assessment

Outline planning permission is sought for the construction of up to 52 dwellings, with those matters applied for relating to access only. Appearance, landscaping, layout and scale are reserved for subsequent Reserved Matters application(s). The site is presently occupied by a bungalow with stables set to the rear which are both located to the southern boundary of the application site. The remainder of the site is in use as a grassed paddock for the grazing and exercise of horses in conjunction with the stables use.

Due to the outline nature of the application, assessment is related only to the principle of development and the suitability of the access arrangements.

The application site is located within the settlement boundary of St Annes, immediately east of Wildings Lane, and is allocated as a non-strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review) (FLPPR) as per Policy H1. Density of housing proposed is approximately 30 dwellings per hectare, based upon a site size of 1.7 hectares, in accordance with policy H2. The principle of residential development on the site is therefore supported.

There is a variance between the site's housing allocation in the FLPPR when compared to the St Anne's on the Sea Neighbourhood Development Plan 2016-2031 (SNDP) Proposals Map which places the application site outside of the settlement boundary, within Open Countryside. The

development is therefore contrary to the locational housing policies (GP1 and HOU1) of the SNDP which encourage development to locations within the settlement boundary. Notwithstanding, it has been concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason, the site's allocation for housing within the FLPPR takes precedence in the decision-making process.

Vehicular access to the site will be obtained via a continuation of Wildings Lane into the application site, at which point Wildings Lane is to be closed off to vehicles beyond the site entrance. A shared footpath/ cycle path is proposed as a means of closure and this will follow the existing route of the lane. This ensures that Wildings Lane will only serve as means of vehicular access to the current application site, with adjacent land parcels being accessed from the north– reflecting the agreed access strategy for the wider development.

Members should note that, as agreed by the approving Planning Committee, planning approval (ref: 19/0642) for a care home further along Wildings Lane granted temporary use of Wildings Lane as means of vehicular access until such a time that access becomes available from the Queensway housing development to the north. Once that is available Wildings Lane will be stopped up as per this current proposal. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 of the Queensway development, which are the latter stages of construction. The care home approval also requires specific off-site highway work improvements, including:

- provision of a footpath along Wildings Lane linking from Heyhouses Lane to the boundary of the current planning application.
- Re-prioritisation of the Wildings Lane/ Jubilee Way junction.

The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane, opposing the application site, that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that take account of this land ownership issue:

1. Option 1 assumes that the land in question can be developed and provides for a simple continuation of Wildings Lane and footpath.
2. Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of priority give way road markings.

The applicant submitted a Transport Statement to demonstrate acceptability of the proposal with regards to capacity and safety of adjacent roads. Lancashire County Council as local highway authority (LHA) have considered the access arrangements and Transport Statement, including temporary use of Wildings Lane by the care home, and have no objection to the proposal subject to condition. The LHA insist that Option 1 access road design is progressed in the first instance since vehicles larger than a large car could find it difficult to manoeuvre from properties (13 and 15 Wildings Lane) in close proximity to the road alterations proposed by Option 2. The access arrangements are therefore acceptable.

There are no amenity drainage or ecological issues of note that would warrant refusal of the proposal.

Policies H4 and INF2 require affordable housing and financial contribution towards the mitigation of a developments impact on infrastructure, services and the environment and contribute towards the requirements of the community. Notwithstanding, these policies also allow for a reduction of

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

any planning obligation where development is made unviable by the requirements of the obligation(s). To this end, the applicant has provided a Viability Appraisal which has demonstrated that the development will be made unviable as consequence of the affordable housing and other required contributions (£198,024 for education, £14,355 for health care, £1000 per dwelling for public open space, £6000 for Travel Plan monitoring).

There is a single matter of disagreement with regards to viability, relative to need for sheet piling of drainage (estimated at £378,000), and this saving could make the development more viable in order to support affordable housing and/or other financial contributions. It is your Officers' advice that this matter should not delay determination of the application since necessary safeguards can be imposed upon the applicant to ensure provision of affordable housing and/or financial contribution in the event that sheet piling is not needed. In essence the S106 will require the developer to confirm and evidence that sheet piling is necessary, as well as a mechanism for payment of contributions if it is found that this is not the case. In this circumstance contributions will be put toward affordable housing provision in the first instance, with any surplus put toward education, health care, public open space and travel plan monitoring (priority order).

The development accords with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21. The recommendation is therefore that the decision to grant planning permission be delegated to the Head of Planning on completion of the section 106 agreement and subject to a schedule of appropriate conditions.

Reason for Decision Level

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

Site Description and Location

The application site measures 1.7 hectare in size, located immediately adjacent to the eastern side of Wildings Lane and to the north eastern edge of Lytham St Annes.

The site comprises of a detached red brick bungalow named Roseacre, that has detached stable accommodation located to the rear with remaining land being used for the external exercise and grazing of associated horses. It forms part of a larger housing allocation known as 'Queensway' as designated by the Fylde Local Plan to 2032 (Incorporating Partial Review), that has planning consent and is currently under construction.

Topography of the site is flat, being set to a slightly lower land level than Wildings Lane, it is laid to grass with post and rail fence and vegetation forming boundaries. A watercourse flanks the eastern boundary that connects into a wider network of drainage ditches that lie within the farmland beyond to the east and north eastern margins.

Existing housing on Wildings Lane and Jubilee Way are located beyond the application site to the south and west, and are of bungalow appearance being constructed of red brick, with some rendered properties also. New housing to the western side of Wildings Lane, whilst not under construction, has been granted consent for 2 storey development. The landscape surrounding the site is typical of the area and comprises low lying, level, grazing land, with ditches and wind sculpted woodland.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

It is noted that the site has previously had the benefit of full planning permission for 45 dwellings, albeit that consent has now lapsed since construction did not commence within the statutory 3 year period post approval (expired on 2nd November 2019).

Details of Proposal

Outline planning permission is sought for the construction of up to 52 dwellings on the site, with those matters applied for relating solely to access. Appearance, landscaping, layout and scale are reserved for subsequent Reserved Matters application(s).

Vehicular access to the site will be obtained via Wildings Lane that runs in a southerly direction before it junctions with Heyhouses Lane. The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane and opposing the application site that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that takes account of this land ownership issue:

1. Option 1 assumes that the land in question can be developed and provides for continuation of Wildings Lane and footpath.
2. Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of Priority Give Way road markings due to a pinch point in road width.

The eventual situation is that the remainder of Wildings Lane is to be closed off to vehicles beyond the site entrance, with a shared footpath/ cycle path provided as means of closure that follows the existing route of the lane. This ensures that Wildings Lane will only serve as means of vehicular access to the current application site, with the remainder of the housing allocation accessed via Heyhouses Lane – reflecting the agreed access strategy for the wider development.

Members should note that, as agreed by the approving Planning Committee, planning approval (ref: 19/0642) for a care home further along Wildings Lane granted temporary use of Wildings Lane as means of vehicular access until such a time that access becomes available from the Queensway housing development. Where following that, Wildings Lane will be stopped up as per this current proposal. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 of the Queensway development, which are the latter stages of construction.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
16/0061	ERECTION OF 45 DWELLING HOUSES AND ASSOCIATED PUBLIC OPEN SPACE, AND ENHANCEMENT TO WILDINGS LANE, FOLLOWING DEMOLITION AND REMOVAL OF EXISTING DWELLING, STABLES, MENAGE AND PADDOCKS	Approved Subject to 106	08 November 2017
90/0229	ERECTION OF ONE DWELLING HOUSE	Granted	25 April 1990
89/0899	OUTLINE ONE DWELLING HOUSE	Granted	03 January 1990
88/0951	ERECTION OF STABLES	Granted	25 January 1989

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

77/1006	TWO PURPOSE BUILT STABLES AND SIX SHEDS AND USE OF LAND FOR HORSE GRAZING ON FIELD IN WILDINGS LANE	Granted	15 February 1978
---------	---	---------	------------------

Parish/Town Council Observations

Parish/Town Council	Observations
St Annes Town Council	<p><u>Comments received on 21st September 2021:</u></p> <p>Comments/Decision: OBJECT</p> <p><i>The proposal is based on No Affordable Housing Element when NPPF requirement is 30% minimum. You refer in Planning Statement to the Covid pandemic being responsible for increased cost of materials. We argue that any increased cost of materials will be passed on to the purchaser. Furthermore, there is a much greater need for more affordable housing to be provided because of inflation and job uncertainties, Landlords right to evict, and families have been separated and now requiring separate living accommodation.</i></p> <p><i>Affordable Housing is a priority. Affordability of housing is a basic requirement for any Local Authority. Each application will be considered on its own merit.</i></p> <p><i>The previous application 16/0061 (lapsed), was for 45 dwellings. This application also included enhancement to Wildings Lane. The Town Council Objected re following grounds.</i></p> <p><i>Object. 1. Share concerns raised by LCC Highways especially in relation to "piecemeal" development and proposals.</i></p> <p><i>2. Outside the settlement boundary.</i></p> <p><i>3. Negative impact on natural environment.</i></p> <p><i>N.B. Many of the documents relating to this application were unavailable.</i></p> <p><i>Your Planning statement makes reference to the fact that some 20m deep pile driving will have to be undertaken to reach competent strata, together with ground stabilisation and surcharging works to prevent future settlement, and therefor 30% affordable housing would not be viable. The peat deposits and overlaying alluvium deposits are exactly the reason for 200 years; this land was considered to be unsuitable for development. To evidence this, you have only got to look at how much the roads have sunk at Cypress Pont, to the effect that the manholes stand several inches proud of the road surface.</i></p> <p><i>You refer to previous applications having applied for Variation of Conditions relating to the affordable housing provision previously agreed. It must be understood in context. At the time, the presumption in favour of sustainable development was Central</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>Government's way of increasing the housing supply, and therefore Fylde's Officers had to balance the need for affordable provision against the need to comply with the provisions of the NPPF. Now having produced Fylde's Local Plan, a five-year housing supply being clearly demonstrated, makes the Presumption in favour of sustainable development a much less important factor in considering planning applications.</i></p> <p><i>1.3 You mention delivery of new housing and widening housing choice. But no affordable element reduces housing choice.</i></p> <p><i>Application form 15. Market housing only. The Saint Anne's on the Sea Neighbourhood Development Plan (NP) was made by Referendum in August 2016. The fact that it pre-dates the adoption of the Fylde Local Plan to 2032 and was the subject of a subsequent legal challenge, that was dismissed by the Supreme Court on 14th May 2021, makes it no less of a robust legal document to ensure the planning policies contained within it are adhered to by both Applicants and the Decision- Making Authority FBC.</i></p> <p><i>Policy GD1 confirms that developments will be assessed against all relevant policies of the LP and any inconsistencies i.e., Outside the Settlement Boundary, will have to be agreed.</i></p> <p><i>Emerging Partial Review of the Fylde Local Plan to 2032 (FLP32). The Partial Review principally relates to the proposed revised housing requirement for the residual plan period from 2019 to 2032, which is reduced from 415 (net) homes per annum to 305 (net) homes per annum and results from the up-to-date calculation of local housing need in accordance with the standard method.</i></p> <p><i>(As Statuary Consultees), The Town Council's Observations conclude that the proposed development does not comply with NPPF, The Local Plan, or NP, by virtue of proposing zero contribution to much needed Affordable Housing Supply.</i></p> <p><i>Observations: Object</i></p> <p><i>In addition to the Town Council's previous Objections: Object. 1. Share concerns raised by LCC Highways especially in relation to "piecemeal" development and proposals.</i></p> <p><i>2. Outside the settlement boundary.</i></p> <p><i>3. Negative impact on natural environment.</i></p> <p><i>The proposal is based on No Affordable Housing Element when NPPF requirement is 30% minimum.</i></p> <p><i>We also have concerns about flooding with the statement that 'due to ground levels (the site) will require a pumped system with an underground pumping station' for foul water discharge (Section 5.40 of the 'Planning and Affordable Housing Statement').</i></p>
--	---

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	<i>No objection subject to conditions relating to land contamination, and noise assessment to inform possible mitigation within the construction of dwellings.</i>
Electricity North West	<p><i>The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.</i></p> <p><i>Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.</i></p> <p><i>The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.</i></p> <p><i>They then refer to documents that highlight how work close to electricity assets should be safely implemented.</i></p>
NHS Fylde & Wyre Clinical Commissioning Group (CCG)	<p><i>No objection subject to financial contribution of £14,355.</i></p> <p><i>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.</i></p> <p><i>The obligation should also include the provision for the reimbursement of any legal costs incurred in completing the agreement.</i></p> <p><i>We would highlight " that failure to secure the contribution we have requested effectively means that we are objecting to the application".</i></p> <p><i>This proposal will generate approximately 125 new patient registrations based on dwelling mix provided).</i></p> <p><i>The proposed development falls within the catchment area of Ansdell Medical Centre which is located a mile away. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice.</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>(The Ansdell Medical Centre is located 1.0 mile from the development and would therefore be the practice where most of the new residents register for general medical services.)</i></p> <p><i>From a CCG perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.</i></p> <p><i>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.</i></p>
LLFA	<p><i>No objection subject to conditions requiring:</i></p> <ol style="list-style-type: none"> <i>1. development to accord with the flood risk assessment.</i> <i>2. submission of surface water drainage details.</i> <i>3. construction phase surface water details.</i> <i>4. Operation, maintenance & verification report of surface water design.</i>
United Utilities	<p><i>No objection subject to conditions requiring:</i></p> <ol style="list-style-type: none"> <i>1. submission of surface water drainage details.</i> <i>2. Foul and surface water to be drained on separate systems.</i> <i>3. Operation, maintenance & verification report of surface water design.</i>
Lancashire Fire & Rescue	<p><i>No objection and advice offered with regards to building regulations.</i></p>
Natural England	<p><i>No objection subject to appropriate mitigation.</i></p> <p><i>We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:</i></p> <ul style="list-style-type: none"> <i>• Ribble & Alt Estuaries Special Protection Area (SPA);</i> <i>• Ribble & Alt Estuaries Ramsar site; and</i> <i>• Ribble Estuary Site of Special Scientific Interest (SSSI).</i> <p><i>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured, as set out in the appropriate assessment submitted in support of the Application:</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<ul style="list-style-type: none"> • <i>Homeowner information packs to be provided to each new dwelling.</i> <p><i>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites and advice on other natural environment issues is set out below.</i></p> <p><u><i>Internationally designated sites</i></u> <i>The Application Site is within 2.5km of Ribble & Alt Estuaries Ramsar site, and Ribble & Alt Estuaries SPA.</i></p> <p><i>In our last written response (dated 08 October 2021), Natural England requested further information in order to determine the significance of potential impacts upon the above sites, and the scope for any mitigation required, in the form of a Habitats Regulations Assessment (HRA) to include an appropriate assessment.</i></p> <p><u><i>Further advice on mitigation</i></u> <i>Natural England have now reviewed the Shadow HRA prepared by Envirotech NW Ltd on behalf of your authority which has been submitted in support of the above planning application.</i></p> <p><i>Natural England notes that the HRA has not been produced by your authority, but by the Applicant. In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), as competent authority it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</i></p> <p><i>The Shadow appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</i></p> <p><i>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required, as set out within the appropriate assessment on page 15 of the Shadow HRA:</i></p> <p><i>Homeowner information packs to be provided to each new dwelling, which will include (but may not be limited to):</i></p> <ul style="list-style-type: none"> • <i>Introduction letter to the pack, setting out the issue and providing a contents page of included documents.</i> • <i>Description of the FLL site and its features, this should include a map explaining the boundaries of FLL.</i>
--	--

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<ul style="list-style-type: none"> • <i>An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the FLL.</i> • <i>List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).</i> • <i>Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).</i> • <i>Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).</i> • <i>Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).</i> <p><i>The following principles shall be applied to the homeowner information packs:</i></p> <ul style="list-style-type: none"> • <i>The householder packs are tailored to the location of the development and the Natura 2000 designated sites in the area.</i> • <i>Tailored to the audience using clear and easy to understand language.</i> • <i>An appropriate format is used to present and share the householder packs (i.e. print, size).</i> <p><i>We advise that appropriate planning conditions or obligations should be attached to any planning permission to secure these measures.</i></p> <p><u><i>Site of Special Scientific Interest</i></u> <i>The Application Site is within 2.5km of Ribble Estuary Site of Special Scientific Interest (SSSI). Our concerns regarding this SSSI coincide with those as mentioned above for the SPA and Ramsar site.</i></p> <p><i>Therefore we are content that providing the application is undertaken in strict accordance with the details submitted, and providing the above conditions are secured, the development is not likely to damage the interest features for which these sites have been notified.</i></p> <p><i>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.</i></p>
<p>Ecological (GMEU)</p> <p>Consultant</p>	<p>No objection subject to condition.</p> <p><u><i>Impact on designated wildlife sites.</i></u> <i>The application site is within 3km of the Ribble and Alt Estuaries Special Protection Area (SPA), a European designated site. Under the terms of Conservation of Habitats and Species Regulations 2019 (as amended), the Council has a formal requirement to assess the</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>potential harmful impact of the proposal on the special interest of the SPA in the determination of the planning application.</i></p> <p><i>The applicant has provided a 'shadow' HRA which the Council could consider adopting to comply with the terms of the legislation. This HRA has concluded that the development proposal will not cause any harm to designated sites, providing that as a Condition of any approval which may be granted to the development a Homeowners Pack is provided to new residents of the development. The purpose of this Pack is to mitigate any possible disturbance to birds using the nearby Estuary arising from recreation. I would agree with the conclusion of the HRA, and would recommend that as a Condition of any permission granted to the proposal, a Homeowners Pack is required to be prepared.</i></p> <p><i>The site is also adjacent to the 'Lytham Moss' Biological Heritage Site (BHS) and is close to 'Lytham Moss Copse' BHS. Lytham Moss Copse was originally designated because it supported a population of Tree Sparrows. This population has unfortunately now become extinct and the reason for the designation is redundant.</i></p> <p><i>There will be no direct land-take of the Lytham Moss BHS sites resulting from the development proposal and the development will not result in any (further) fragmentation of the sites. Whilst there may be some indirect disturbance to birds using the BHS sites caused by an increase in the local population, the population increase from this relatively small site is unlikely to be substantive. The effect can be mitigated by provision of the Homeowners Pack recommended above.</i></p> <p><u><i>Ecological value of the application site</i></u> <i>The ecological survey and assessment of the site provided to inform the application has been undertaken by suitably qualified consultants and is to appropriate and proportionate standards.</i></p> <p><i>The survey has found that the site is not itself designated for its nature conservation value and is considered to have only low potential to support any specially protected or priority species. Overall I would not disagree with this assessment.</i></p> <p><i>However, there are some features of local nature conservation interest that should be taken into account in any future detailed layout proposals, including hedgerows, shrubs and a small watercourse. I would recommend –</i></p> <ul style="list-style-type: none"> <i>• that no vegetation clearance required by the scheme take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.</i> <i>• that the precautions for avoidance of possible harm to bats as detailed in section 7.4 of the 'Envirotech' ecological survey report provided to inform the application should be required</i>
--	--

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>to be implemented. All UK bats and their resting places are specially protected in law.</i></p> <ul style="list-style-type: none"> <i>That as part of any future Reserved Matters applications, a fully detailed landscape plan is required to be prepared. The Landscape Plan should take into account the need for the development to achieve an enhancement in the nature conservation value of the site.</i>
LCC Highways	<p>No objection subject to conditions requiring detailed design of access and off site highway works of improvements to Wildings Lane (including footpath to west side of Wildings Lane, dropped crossing and tactile paving), improvement of west and east bound bus stop on Heyhouses Lane to provide DDA compliancy and shelter, provision of access & off site highway works pre-occupation, provision of a travel plan, construction method statement, visibility splays and a pre-construction road condition survey.</p> <p><u>Background</u> <i>North of this application site, construction is underway for the proposed Care Home at the site known as HS50 – Valentine Kennels on the adopted Fylde Local Plan to 2032 (PA No. 19/0642). The ongoing works include the site access and highway improvement works on Wilding's Lane. I would note that the long-term access strategy for the Care Home facility sees access taken from new highway infrastructure that will be delivered as part of the wider Queensway development site. However, in the interim period, access to the Care Home remains via Wilding's Lane.</i></p> <p><i>As noted, this proposed development lies immediately to the east and south of the approved Queensway site (i.e., if approved, would continue the built environment without any area of separation). Of key importance in regard to the Queensway development, was that Wilding's Lane cannot be used to provide future vehicular access into any part of the Queensway site as per all Masterplans. As the Queensway site is built out and the necessary highway infrastructure delivered, Wilding's Lane is to be closed to vehicular traffic (immediately north of the Roseacre site) to provide a necessary high-quality link for sustainable transport modes.</i></p> <p><i>LCC Highways have been engaged in pre-application discussions with the applicant for this site, which was concluded with a written pre-application advice note 20th March 2021. As such, many of the details of the application have been agreed in advance and have been carried forward into this application.</i></p> <p><u>Access Strategy</u> <i>The site layout indicates that the proposed vehicular access strategy to serve the development will be off Wilding's Lane.</i></p> <p><i>A number of infrastructure changes, that were previously subject to delivery by the expired application at this site, are being delivered by</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>the care home application (PA No. 19/0642/FUL). This includes a change in priority at the Wilding's Lane / Jubilee Way junction and the delivery of an (at least) 2m wide footpath along the west of Wilding's Lane, from Heyhouses Lane north up to the point where adopted highway narrows at the boundary between No's. 11 and 15 Wilding's Lane.</i></p> <p><i>There is a section of Wilding's Lane (adjacent to No. 13, 15 and 17) where the ownership is unknown and is currently being investigated. LCC are investigating the status of this land to understand all possible options to best deliver access for emerging development. This application proposes two access designs.</i></p> <p><i>Access Option 1 proposes the use of the full extent of the lane (including the land currently under investigation). A 5.5m carriageway is shown along Wilding's Lane. Access Option 2 proposes an access arrangement that does not require the unknown land as described above. This option is the fallback position, dependant on the ongoing investigation. A 5.5m carriageway is proposed, which reduces to 3.5m, at a priority / give way arrangement adjacent to No. 12 Wilding's Lane.</i></p> <p><i>It is likely that vehicles larger than the large car would find it difficult to manoeuvre to/from the existing properties on Wilding's Lane, considering Access Option 2. For this reason, at detailed design stage, Access option 1 is to be progressed primarily. If, at this stage, a currently unforeseen and unresolvable land issue on Wilding's Lane does not allow the implementation of Access Option 1, only then should Access Option 2 be progressed. This is to be protected by a suitably worded condition.</i></p> <p><i>Both options provide crossing points across Wilding's Lane with a 2m footpath on the eastern side of Wilding's Lane. Access Option 1 provides the footway from the southern red edge boundary of the application site, and Access Option 2 provides the footway from where the road will narrow. The proposed footpath on the eastern side should extend along the full site frontage with Wilding's Lane, within the red line boundary of the application site. To be clear, the footway to the north of the site should be completed to ensure contiguous footway as development comes forward on the HSS1 site to the north. The access layouts shown on drawings J32-5505-PS-001 (Rev D, dated 19/11/2021) and J32-5505-PS-005 (Rev D, dated 19/11/2021), provided via email on 19th and 21st November 2021, show contiguous footway to the north of the site.</i></p> <p><i>As suggested during the pre-application discussions, the applicant should progress both access options for the planning application, until the position regarding the unknown land is concluded.</i></p>
--	--

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><i>The proposed trip generation for the proposed development are 7 arrivals and 23 departures in the AM Peak and 23 arrivals and 12 departures in the PM Peak.</i></p> <p><u><i>Junction Assessment</i></u> <i>Following LCC Highways' pre-application advice, the application provides assessment of the Heyhouses Lane / Wilding's Lane junction using Junctions 9 (PICADY module). Table 6.2 the TS shows that the junction operated within capacity. In the future year scenario, with the proposed development and committed developments, there is a low residual cumulative impact on queuing, delay and capacity on the Heyhouses Lane / Wilding's Lane junction. Table 3.2 of the Highways TN provides updated modelling results for the Wilding's Lane / Heyhouses Lane junction including the Queensway traffic. The information shows that the junction operates within capacity.</i></p> <p><u><i>Accident Analysis</i></u> <i>The TS reviews the latest five-year accident record, over the local network. Having reviewed the most up to date collision data records held on LCC's Highways system, I am satisfied that the influenced network with the development will not result in residual safety issues.</i></p> <p><u><i>Public Transport</i></u> <i>There are 2 bus stops located within 400m of the site, which are served by Service 78. The frequency and routes covered by this service deem the site is adequately served by public transport. The northbound bus stop is DDA compliant, however the southbound bus stop will benefit from an upgrade to provide the raised kerb. This to be provided by this applicant, through the s278 agreement.</i></p> <p><i>As user requirements increase with development, it is expected that improvements will be required to the existing infrastructure, including consideration for the provision of shelters, and DDA compliant stops, to be provided by this applicant.</i></p> <p><u><i>Travel Plan</i></u> <i>A full Travel Plan and its implementation will be appropriate for this development proposal and should be conditioned by suitably worded condition and £6k contribution toward support and implementation of the Travel Plan.</i></p>
LCC Education	<p>This is an objection to the planning application. The objection will be withdrawn if the following education requirements are met.</p> <p><u><i>Primary School provision:</i></u> <i>Latest projections for the local primary schools show there to be 355 places available in 5 years' time, with additional planning approvals expected to generate a demand for a further 3 school place. With an expected pupil yield of 19 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

	<p><u>Secondary School provision:</u></p> <p><i>Latest projections for the local secondary schools show there to be a shortfall of 195 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 8 places from this development the shortfall would increase to 203.</i></p> <p><i>Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 8 places (8 x £24753 = £198024.00).</i></p> <p><u>Expenditure Project:</u></p> <p><i>The nominated project is at Lytham St Anne's Technology and Performing Arts College and/or St Bede's Catholic High School. These are the closest secondary schools to the development that have space to accommodate an expansion. This is subject to:</i></p> <ul style="list-style-type: none"><i>• willingness of school governing body to expand suitability of site.</i><i>• planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.</i><i>• consultation with local schools and the community</i><i>• parental preference at the time that the places are required</i><i>• school standards at the time that the places are required</i><i>• availability of other funding streams</i> <p><i>Should the secondary education contribution not be spent on the project named within this assessment, the County Council will return the entire sum to the owner. Furthermore, the County Council will ensure that sufficient local secondary school places are provided to address the impact of the development at no cost to the owner.</i></p> <p><i>If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable.</i></p> <p><i>Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.</i></p>
--	--

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

National Air Traffic Services (NATS)	<i>No objection subject to condition requiring final layout and mitigation that may include modification of radar software.</i>
Environment Agency	<p><i>No comments to make.</i></p> <p><i>There are no statutory or non-statutory consultation triggers for this proposal on our consultation checklist (attached for info), so there is no requirement for us to respond. Those triggers being:</i></p> <p><i>Development, other than minor development or as defined in our FRSA, which is carried out on land:</i></p> <ul style="list-style-type: none"> <i>• within Flood Zone 2 or 3, or</i> <i>• in an area within Flood Zone 1 which has critical drainage problems as notified by the Environment Agency.</i>
Blackpool Airport (BA)	<p><i>The following comments have been made:</i></p> <ul style="list-style-type: none"> <i>• Cranes height during construction. Contact to be made with BA if exceeding 10m prior to works commencing.</i> <i>• No non-domestic water features such as communal ponds or water courses (bird attractant).</i> <i>• No trees of any significant size... certainly not above the planned rooftop level (height safeguarding and bird attractant).</i> <i>• No development above planned rooftop level, such as TV antennae, amateur radio masts etc. (Height and technical safeguarding).</i> <i>• Streetlights are to be shielded so cannot be seen from aircraft approaching to land from the east, and aligned so that they could not be mistaken for runway lights; ie parallel equally spaced lights aligned west/east would fall into this category.</i>
Keppie Massie (KM)	<p>KM were instructed to assess the applicants Viability Appraisal. After protracted dialogue and submission of additional information by the applicant, KM comment:</p> <p><i>In summary based on the updated construction cost position the application proposals are not sufficiently viable to support affordable housing or S106 contributions. The construction cost assessment includes for a notional length of sheet piling to the surface water and rising main. The applicant contends based on experience from the adjacent site that sheet piling is required, whilst our QS believes there is some uncertainty regarding this. Should this not be required a potential saving of £378k could allow the scheme to support the required S106 contributions.</i></p> <p><i>If the applicant demonstrates that sheet piling is required then there will be not be a contribution. If however sheet piling is required then they would be required to pay all S106 contributions and possibly a small contribution towards affordable housing.</i></p>

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	09/09/2021
Amended plans notified:	n/a
Site Notice Date:	17/08/2021
Press Notice Date:	23/09/2021
Number of Responses	Total number of comments 10
Summary of Comments	The comments received are all in opposition to the application and can be summarised as:

- Application site is in a countryside location.
- Application is for permission to develop green belt land.
- The proposed development is over-intensive and would cause loss of designated countryside. It is not in accordance with the Revised Preferred Option (RPO) of the Local Plan nor the neighbourhood plan for St Annes. This site is excluded for development in both planning policy documents.
- The real fear is that the 52 house development is just the tip of the iceberg. Back in 2017 (Planning Application 16/1025) sought approval for the building of 550 houses, although it was turned down the more recent approval to allow the Retirement Village to go ahead on adjacent land will open the door to further development.
- There is already new housing on Queensway, behind Booths and on Shepherd Road so another building development on agricultural land is not needed.
- Over development of the area.
- Flooding of house and the local area in general, fields are continually under water.
- Underground/ blocked ditches. Contains water all year and is completely overgrown/blocked. Every Summer the water stagnates, particularly in hot weather.
- Several years ago we were told by the council that whoever owns the land next to the ditch is a Riparian owner, and as such with other landowners is responsible for the maintenance of said ditch. Will the owners of the new homes built alongside the ditch be informed of this responsibility?
- Subsidence is a problem in this area as a whole. In Winter and in wet periods, a large part of the proposed site (which is much lower than surrounding land) is underwater for long periods, and is certainly not suitable for residential buildings. Again, how are you going to ensure this will not happen, despite referencing efforts to do so, and incredibly having noted no flooding risk in the associated paperwork?
- LCC does not support further piecemeal development off Wildings Lane beyond the existing built environment that is not in line with the properly planned approach as set out at the Queensway inquiry. This was their stated position when consulted on the adjacent application at Valentines Kennels and this position remains unchanged.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- Development off Wildings Lane that is not in accordance with a properly planned approach is contrary to the decision by the Secretary of State in relation to the larger Queensway site insofar as it secures a high-quality pedestrian/cycleway through Wildings Lane to Heyhouses Lane.
- 52 dwellings will mean that well over 100 cars could be accessing the development and the site application plan appears to allow traffic to use Wildings Lane just with traffic calming measures.
- Extra traffic on Wildings Lane and Heyhouses Lane.
- Wildings Lane is not suitable for any more traffic.
- Precedence for future developers using Wildings Lane as means of access.
- Junction of Wildings Lane/ Heyhouses Lane is dangerous, it regularly floods and has a blind spot.
- No footpath on Wildings Lane and pedestrians regularly are in the road as the lane is used regularly by walkers, dog walkers, horse riders etc... this will be more problematic when the care facility opens and worse if the Moss link road is not constructed.
- no pavement outside my property I am unsighted to the right where all this construction traffic comes.
- Traffic flows restricted on Wildings Lane due to construction vehicle parking, causing problems for access by emergency vehicles.
- Detrimental to public safety and would most likely make Jubilee Way into a main thoroughfare for Lytham, etc. which as a circular road would not be ideal, and equally so as it was not built for that increased weight of traffic.
- Accidents do happen, especially in Winter, when these roads are never gritted, but are always the last in St Anne's to de-frost and so cars often skid along Jubilee Way.
- The raised ironworks caused by subsidence on Jubilee Way are a problem when cars approach in opposite directions at the same time, they are impossible to avoid and drivers have to brake or risk damage to the underneath of their vehicles.
- Noise, disruption will be excessive.
- Noise disturbance from construction vehicles accessing the car facility site prior to 07:30.
- For the past 8 years we have had constant noise following the developments on the old Civil Service site at Heyhouses, resulting in PILING for Housing, Care homes, Waters Edge Pub, Booths Supermarket plus Houses on the ex Hewlett Packard Site and also the current Retirement Village on Wildings Lane. The noise and vibration has been continuous for so many years. We have recently had to decorate again due to hairline cracks in internal walls and ceilings.
- Each vehicle traversing the lane throws up clouds of dust making it a very unpleasant environment and I have often had to pick up food paper wrapping cast aside by the workmen who walk up and down to Booths to buy food and drink.
- Existing construction of care facility resulted has churned up road surface so that it is not safe to walk down Wildings Lane.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- Impact to local wildlife – nesting birds, hedgehogs, sparrowhawks, woodpeckers, bats, frogs, squirrels, all in the area. The moss is used by Swans, lapwings, hares and curlews. The habitat is already being disturbed for the care village, several trees have already been cut down on that development.
- encompasses roosting grounds for large flocks of native birds and also flocks in transit along our Fylde coast in autumn and spring. This oasis will be eliminated by the proposed development.
- reducing the effect of carbon on the environment and increase the risk of global warming. As we know global warming has badly affected our climate with extreme weather events.
- Effect on infrastructure - Water mains, Sewerage, Gas and Electrical Mains are already overstretched with constant disruption to repair/extend existing infrastructure.
- Lack of services to support growth including doctors, dentists and schools.
- Access from the proposed sight onto Jubilee Way will increase the incidence of dog fouling on the green areas off Jubilee Way.
- Residential amenity will be adversely impacted by the visual impact of the development. The effect of the development on the character of the neighbourhood with the loss of existing views of countryside from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

Relevant Planning Policy & Government Guidance

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 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

Fylde Local Plan to 2032 (incorporating Partial Review):

DLF1 - Development Locations for Fylde

SL1 - Lytham and St Annes Strategic Locations for Development

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

GD8 - Demonstrating Viability

H1 - Housing Delivery and the Allocation of Housing Land

H2 - Density and Mix of New Residential Development

H4 - Affordable Housing

INF2 - Developer Contribution

T4 - Enhancing Sustainable Transport Choice

T5 - Parking Standards

ENV2 - Biodiversity

ENV4 - Provision of New Open Space

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

St Anne's on the Sea Neighbourhood Development Plan 2016-2031 (SANDP)

GP1 – Settlement Boundary.

EN1 – Sites of biological and geographical importance.

TR1 – Accessibility for all.

TR2 – Better public transport.

HOU1 – Housing development.

SU1 – Incorporate sustainable urban drainage into new development.

DEL1 – Developer contributions.

Other Relevant Guidance:

NPPF – National Planning Policy Framework (July 2021).

NPPG – 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 and does not need to be accompanied by a formal Environmental Statement.

Comment and Analysis

Scope of Assessment

The application is submitted in outline, with matters relating to access applied for only. Therefore, the proposal is being considered in respect of these matters only, with the appearance, landscaping, layout and scale of the development being reserved for later consideration through subsequent reserved matter(s) application.

Having regard to the provisions of relevant local and national planning policies, the nature of the development and land uses proposed, and the comments received from members of the public and consultees, it is considered that the main issues pertinent in the assessment of this application are:

- Principle of residential development on the site, including anticipated density.
- Highway safety.
- Other material considerations relating to residential amenity, flood risk and drainage, ecology, health, education and viability.

Principle of residential development on the site, including anticipated density:

The site falls within the settlement boundary of Lytham St Annes as defined on the Fylde Local Plan to 2032 (Incorporating partial review) (FLPPR) Policies Maps. FLPPR policy GD1 is generally supportive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies.

Paragraph 60 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes". The FLPPR outlines the Council's housing strategy to meet this objective, with several policies of relevance outlined below.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

FLPPR policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). FLPPR policy H1 c) stipulates that the Council will provide for and manage the delivery of new housing by “ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the “Liverpool” method from the start of each annual monitoring period and in locations that are in line with Policy DLF1”.

Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in accordance with a development strategy which follows the four-tier settlement hierarchy set out in policy S1. FLP policy S1 identifies St Annes as a “Key Service Centre” sitting at the top of the settlement hierarchy and policy DLF1 identifies Lytham and St Annes as one of four “Strategic Locations for Development”. In addition, DLF1 states that 90% of new homes delivered over the plan period will be located in the four Strategic Locations for Development.

Policy SL1 identifies a number of sustainable greenfield sites on the edge of settlements to help meet the Fylde’s housing requirement, allocating the application site as a non-strategic housing site (ref: HS61). This allocation weighs heavily in support of the principle of residential development.

It is also relevant at this time to consider the number of dwellings proposed. In this respect Policy H2 of the FLPPR requires a minimum net residential density of 30 homes per hectare. Taking into account the site size (1.7 hectares) as confirmed by the submitted application form and number of dwellings proposed, the density of the scheme equates to 30.5 homes per hectare. On this basis the number of dwellings proposed accords with the density requirements for new housing development as required by Policy H2.

Alongside the density requirements, Policy H2 of the FLPPR also makes reference to the sale and nature of the accommodation. This is in two areas: a need for developments of over 10 dwellings to provide at least 50% of the properties as smaller (-3 bed) dwellings, and that those of over 20 dwellings should provide at least 20% of the dwellings to meet the specifics of optional technical standard M4(3(2a)) relating to wheelchair accessibility to support the potential for elderly occupation of the properties. As this is an outline application there are no details of these at this stage as they would be assessed as part of the reserved matter of appearance. However this decision would be the grant of planning permission and so this is the appropriate point where these policy obligations are secured. This is through the imposition of planning conditions that will specify that the reserved matters submissions will need to satisfy these policy obligations.

Members should note that the St Annes on the Sea Neighbourhood Development Plan (SANDP) designates the application site outside of the settlement boundary and within the Open Countryside. Policy GP1 (Settlement Boundary) of the SANDP is of relevance and states that development will be directed towards the settlement boundary, and that development outside of such areas will be assessed against national policy and any relevant development plan policies. Policy HOU1 of the SANDP also directs residential development toward sites within the settlement boundary.

There is therefore an inconsistency between the application site’s allocation as a ‘non-strategic housing allocation’ within the FLPPR and the ‘countryside designation’ of the SANDP. Planning Practice Guidance (Neighbouring Planning) stipulates that a neighbourhood plan ‘should support the delivery of strategic policies set out in the local plan’. In this regard, the allocation of housing sites within the FLPPR is considered to be a strategic policy of that plan. Accordingly, the application should be determined in accordance with the allocation set out in the FLPPR which indicates that the site is within the settlement boundary and allocated for housing development. It is also relevant to note that the FLPPR was adopted (December 2021) after adoption of the SANDP (May 2017), reinforcing the outdated nature of the SANDP.

It can therefore be concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason, the site's allocation for housing within the FLPPR takes precedence in the decision making process. The proposal for 52 dwellings is in accordance with the above policies of the FLPPR and the principle of development is therefore supported.

Highway Safety

FLP policy GD7 supports good design subject to specific criteria. Criteria relevant to the current proposal include:

- (q) The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design.
- (r) should not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user
- (s) appropriate provision of public transport, access on cycle or foot, and consideration of specific groups in the community.

In addition, Policy H2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel.

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states 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.

Objective 7 of the SANDP seeks to ensure that the Town is safe, accessible and attractive to all its residents, visitors and people who work in it. Policy HOU4 of the SANDP requires housing development greater than 25 dwellings to provide details of vehicular access arrangements, Policies TR1 and TR2 support new development that improve access to all, including the elderly and disabled, and encourage improvements of public transport.

The application seeks outline consent for the construction of up 52 dwellings along with the vehicular access arrangement to the development. Given the outline nature of the planning application, the highway assessment is restricted to the design of the access into the site and the associated intensification of vehicles using Wildings Lane, as well those roads and junctions within the vicinity, including that of Wildings Lane and Heyhouses Lane.

A range of objections have been received from local residents concerning the use of Wildings Lane for access purposes, referring to increased number of vehicles and resultant safety issues, the precedence of other developers using Wildings Lane as an access, safety concerns over the junction of Wildings Lane/ Heyhouses Lane, lack of footpaths to Wildings Lane, and fact that LCC does not support further piecemeal development off Wildings Lane beyond the existing built environment as that is not in line with the properly planned approach as set out at the Queensway inquiry including provision of a high-quality pedestrian/cycleway through Wildings Lane to Heyhouses Lane.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The applicant confirms that there is an area of unadopted road to the western side of Wildings Lane and opposing the application site that is not registered. The outcome of dialogue concerning ownership will determine the final road layout, and on this basis the applicant has provided 2 different access road designs that takes account of this land ownership issue:

- Option 1 assumes that the land in question can be developed and provides for a simple continuation of Wildings Lane and footpath.
- Option 2 assumes that this land cannot be utilised, resulting in Wildings Lane being widened into the application site and use of Priority Give Way road markings.

The proposed access into the site has been designed to facilitate closure of Wildings Lane, though this closure will only take place once vehicular access to adjoining land parcels is provided from the north through the larger Queensway housing development. The closure includes provision of a shared cycle/ pedestrian link which ensures that Wildings Lane will, in time, only serve as a means of vehicular access to the current application site, with adjacent land parcels being accessed from the north– reflecting the agreed access strategy for the wider development.

Members should note that a care home, further along Wildings Lane, is presently in the latter stages of construction (ref: 19/0642). As agreed by the approving Planning Committee, the care home has been granted temporary use of Wildings Lane until such a time that vehicular access becomes available from the Queensway housing development. Following that, the care home is required to stop up Wildings Lane. It is not known at this time when the closure will take place, though it is expected to be delivered by Phases 5 and 6 which are the latter phases of the Queensway housing scheme. The care home approval also requires specific off-site highway work improvements that include:

- provision of a footpath along Wildings Lane linking from Heyhouses Lane to the boundary of the current planning application.
- Re-prioritisation of the Wildings Lane/ Jubilee Way junction.
- The eventual stopping up of Wildings Lane with a shared cycle/ pedestrian link.

This planning application is accompanied by a Transport Statement (mode transport planning, J325505 version 1.4, 10th August 2021) (TS). The TS reports 2 slight road collisions in 2017 and that on this basis there is no evidence to suggest that the highway layout, design or condition are significant factors of road collisions, nor is there evidence to suggest that the development would increase risk of such. The site is assessed to have good accessibility to local amenities including supermarket, bus stops, cycle routes, local shops and schools all within reasonable walking distance. The TS estimates that the proposed development will generate 30 two way trips during the AM peak hour and 34 two way trips in the PM peak hour. The TS also considered the operation of the Heyhouses Lane/ Wildings Lane junction, which included existing traffic as well as that resultant from committed development (including temporary use of Wildings Lane by the care facility), confirming that the junction will operate '*below capacity*' and with '*minimal queuing*'. The TS concludes:

- The site is located to the north of an established residential area with a range of local amenities accessible in Lytham St Annes.
- Following a review of the most recent Personal Injury Collision records, there is no evidence to show the proposed development will have a detrimental impact on highway safety.
- A safe and suitable site access can be achieved through the two options proposed.
- The proposed car parking provision will be agreed with LCC as part of the Reserved Matters Application.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- The proposed development is expected to generate 30 two-way trips during the AM peak hour and 34 two-way trips during the PM peak hour. This is equivalent to around 1 trip every two minutes and therefore it can be reasonably concluded that the development will have a low impact on the local highway network.
- The junction capacity analysis results demonstrate that the Wildings Lane / Heyhouses Lane priority junction will operate comfortably within capacity during the AM and PM peaks in the 2026 future year with development scenarios. Development traffic will therefore have a low residual cumulative impact on queuing, delay and capacity.

Lancashire County Council as the local highway authority (HA) have been consulted on the application. With regards to the 2 access options, they comment that Option 1 should be progressed to detailed design stage subject to resolution of the land ownership issue, since Option 2 discourages access to some neighbouring properties (13 and 15 Wildings Lane) by 'vehicles larger than the large car'. Both options provide crossing points across Wildings Lane with a 2m footpath on the eastern side of Wildings Lane. The footway to the north of Wildings Lane should be completed to ensure a contiguous footway as development comes forward with development beyond within the allocation. Submitted swept path drawings demonstrate that refuse vehicles and large cars can negotiate the access simultaneously without conflict.

The development will result in an increased number of vehicles using the Wildings Lane/ Heyhouses Lane junction. The HA accept the traffic modelling, trip generation rates and distribution of such on the network that is presented within the TS, and confirm that the TS has considered appropriate committed and emerging development, indeed acknowledging that '*vehicular access to the former Valentine Kennel site via Wilding's Lane is for an interim period only*'. They do not raise any concern with conclusions drawn within the TS concerning the junction of Wildings Lane/ Heyhouses Lane or accident analysis.

The HA confirm that the proposal does not directly affect any public rights of way though should provide footway connections within the application site along Wildings Lane, and that 2 bus stops located 400m from the site ensure that that site is adequately served by public transport, requiring improvements to these stops, including provision of a shelter and Disability Discrimination Act compliancy.

The application site is located within a sensitive area, with existing housing located in close proximity. It is therefore imperative that the development is constructed so as to safeguard highway safety. The HA have therefore requested submission of a Construction Management Plan which will take into consideration vehicle movements, waste disposal, deliveries and contractor parking. This can be controlled by condition with details being required prior to works commencing on the site.

The HA confirm that they have no objection to the proposal, subject to the provision of the proposed highway works and off site works to improve sustainable travel, as well as a construction method statement, Travel Plan and £6000 financial contribution toward the implementation and monitoring of that Plan. Such matters can be controlled by condition and/ or Section 106 Agreement. Accordingly, the proposed access arrangements are compliant with the development plan, SANDP and the NPPF21.

Other Matters – Ecology

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets. Importantly the strongest protection will be given to sites of international importance (predominantly the Ribble and Alt Estuaries Special Protection Area and Ramsar site), development affecting sites of local importance will be provided where it is necessary to

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

meet an overriding local public need or where in relation to nature conservation purposes. Development within or affecting nature conservation or ecological networks must adhere to set criteria. Those relevant to the current proposal include proposals that enhance or conserve biodiversity will be supported, and, provision of mitigation measures where development is considered necessary. Planning permission will be refused in circumstances where significant harm cannot be avoided. Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.

The above policies are considered to reflect guidance within the NPPF21.

Policy EN1 of the SANDP states that development which is likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted.

The proposal is made in outline form, relating to matters of access only. The site layout, including retention and provision of new landscaping is therefore unknown, thus assessment of ecology at this time relates only to those matters relative to the site's redevelopment. The planning application is accompanied by an Ecological Appraisal, Shadow Habitat regulations Assessment and Tree Survey.

The Ecology Appraisal (EA) included a full botanical survey of the site to establish the presence or otherwise of notable species that may be affected by the proposal. Key findings are summarised below:

- Plant species - predominantly poor semi-improved grassland, with smaller pockets of tall herb and fern, and scrub, which are common in the local area and of low ecological value. It is advised that all trees should be retained where feasible, and compensatory landscaping, including mature and wildlife friendly species, be provided.
- Amphibians - there are no ponds on or within 250m of the site and no records of great crested newts (GCN) were found within 2km. Aquatic habitats were present on the site and a running water course close to the eastern boundary, albeit this is an unfavourable breeding habitat for GCN and of low value to the common toad. As there are no potentially suitable ponds located within 250m, it is highly unlikely that the site would be within the range of GCN and it is therefore unlikely they are present on the site. No mitigation is suggested, though advice is provided with regards to cessation of works if presence of GCN is found.
- Badger – There are no badger records within 2km of the site. Setts were not found to be present on the site, and lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. It is advised that works take place during daylight hours as badgers are more likely to commute over the site over night.
- Bats – 8 records of common pipistrelle bats within 2km of the site. Foraging habitat at the site is very poor being open and exposed, and grassland offers negligible opportunity. There will not be significant degradation of foraging habitat as a consequence of the development provided boundary ditches are retained or loss compensated by landscaping within the scheme. There is no indication of bats roosting within bushes or leylandii of the bungalows garden area. No evidence of bats present within existing buildings on the site. Reasonable avoidance measures are advised to be undertaken during the construction period, including pre-demolition inspection, as well as use of bat friendly lighting and bat boxes within the development.
- Birds – House sparrow were noted as nesting in the house under the eaves and a stable block was found to hold 4 swallow nests. The pasture within the proposed development site comprises very small, fenced compartments grazed by horses for much of the year and is

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

therefore not considered to provide suitable habitat for wintering birds. Site clearance should avoid the nesting season, proposed landscaping should include opportunity for nesting and artificial nesting sites.

- Brown Hare – 9 records of this species found within 2 km, but no indication of presence on the site. Use reduced by its open and exposed nature and regular human activity. It is advised that works take place during daylight hours as brown hare are more likely to commute over the site over night.
- Otter – No record of otters within 2km of the site and no indication of presence on the site. The ditches are considered unlikely to support fish other than eel. There are no waterbodies in proximity to the site which would be attractive to amphibians. It is advised that works take place during daylight hours as otters are more likely to commute over the site over night.
- Water Vole – 5 records within 2 km of the site and vegetation growing adjacent to ditches could be accessed by this species. No evidence (droppings, feeding piles or footprints) found on site, and precautionary mitigation is suggested to retain or recreate soft edges to the ditches. A pre-commencement survey is advised and subsequent method statement for their protection during construction necessary if found to be present.

The Shadow Habitat Regulations Assessment (SHRA) considered all Likely Significant Effects to two statutory designated wildlife sites of European importance (Ribble and Alt Estuaries SPA and Ribble and Alt Estuaries Ramsar) and included consideration of records held Fylde Bird Club, as well as that gained from other planning applications in the vicinity. Site surveys were also undertaken in 2020/21 which identified active construction close by, acting to displace birds from fields. Due to the presence of this construction, historic records are considered appropriate by the applicant's ecologist. Key findings reported include:

- Previous reporting (Atmos consulting, 2016) confirmed the presence of Whooper swans within 200m of the application site, with pink footed geese found 400m and Bewick's swans 300m respectively. As such, no significant displacement effects are therefore predicted for Bewick's swans or Pink-footed geese. With regards to Whooper swans, the level of use that form part of the SPA population or the support provided by the locale where the sighting occurs appears to be low and very intermittent. Use of the site and/ or surrounding land by curlew is low, representing approximately 0.7% of the SPA population of this species.
- The 2020/21 survey data also suggests a lack of use of fields immediately adjacent the site by Bewick's swan, Whooper swan, Pink-footed goose and Curlew.
- LERN data set confirm the absence of records of these species from and within 200m of the site.
- The proposed development would not have any impact on the supporting processes upon which the habitats of the qualifying features rely, or on the populations of the qualifying features. Similarly, there would be no effect on the distribution of the qualifying features within the site.
- The proposed development is not situated within the Ribble and Alt Estuaries SPA and there would be no effect on habitats within the SPA.
- The habitats within the application site are unsuitable for feeding waterfowl and there are no records of swans or geese occurring within the Fylde Bird Club data set.
- There would therefore be no effect on the extent and distribution of the habitats of the qualifying species.
- In-combination effects with 2 other developments (Queensway (housing) and Valentines kennels (care home – reported as housing though a care home is under construction) considered, and whilst recreational pressure on the SPA may increase, no significant effects were concluded.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- Implementation of the application with appropriate mitigation will not have a significant impact on the special interest of the SPA sites concerned.
- Mitigation is suggested in the form of Homeowner Packs for all occupants of the development, to raise awareness of the statutorily designated wildlife sites, highlighting the sensitivity of the area and impacts caused as a result of recreational disturbance.

The Council's ecological consultant (GMEU) were consulted on the application. They agree with the findings of the applicants Shadow HRA, subject to all new occupants of the development being provided with a Homeowners Pack. Lytham Moss Biological Heritage Site (BHS) and Lytham Moss Copse BHS are located adjacent to the application site – the latter being designated due to the presence of a Tree Sparrow population that is no longer present following removal of their habitat some years back ensuring that the reason for this designation is now redundant. GMEU report that there may be some in-direct disturbance to birds using the Lytham Moss BHS due to increased human activity in the locality, but this increase is small and effects can be mitigated by the Homeowners Pack. GMEU also concur with the EA findings that the site has low potential to support specially protected or priority species and makes suggestion for inclusion of hedgerows, shrubs and watercourse with the reserved matters layout. Conditions requiring site clearance outside of the bird nesting season, implementation of the bat precautionary measures provided within the applicants EA and landscaping details as part of subsequent reserved matters applications are recommended.

Natural England have also raised no objection to the development, requiring adoption of the Shadow HRA by the Council and stating that the application would have an adverse effect on SPA, RAMSAR and SSSI sites, though this effect could be mitigated through the provision of Homeowner Packs.

The application site is of limited ecological value, and it has been demonstrated that the development will have no Likely Significant Effect to any statutory sites of nature conservation interest subject to provision of Homeowner Packs. Biodiversity measures can be incorporated into the final scheme through retention/ new provision of landscaping, bat habitat and bird nesting opportunities in lieu of any ecological value that will be lost. Subject to the imposition of suggested conditions, the development will protect the boroughs biodiversity assets in accordance with Policy ENV2.

Other Matters - Residential Amenity

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses, including those existing residents that live adjacent and prospective occupants of new housing. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance to neighbours of the application site or those living within the development, as well as disturbance during the construction period.

The proposal is made in outline form, relating to matters of access only. The site layout, including position of dwellings on the site and their relationship to neighbouring properties is not therefore known at this time and will be assessed through subsequent reserved matters applications. Assessment is therefore related to the development of the site in general, most notably increased vehicles using Wildings Lane and the construction process.

Objection letters have been received on grounds relating to disturbance during the construction period, referring especially to disturbance resultant from construction of the care facility on Wildings Lane. In addition, concerns of vibration have also been referenced.

The development will increase the number of vehicles using Wildings Lane to access new housing, and this has the opportunity to increase disturbance to residents that live on Wildings Lane as a

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

consequence of increased road noise. The TS reports that the development is expected to generate 30 two-way trips during the AM peak hour and 34 two-way trips during the PM peak hour, equivalent to 1 trip every two minutes. This demonstrates that vehicular use of Wildings Lane is low, even during busier periods of the day, and that associated noise disturbance would be same. The low road speed of vehicles will also reduce noise disturbance. In conclusion whilst the number of vehicles associated to the development will increase, the levels of disturbance are not considered to be of sufficient scale to warrant refusal of the proposal. The temporary use of Wildings Lane by the care home must also be factored into this assessment, albeit for the same reasons, the combined effect of additional vehicles using Wildings Lane to neighbour amenity is not considered sufficient grounds for refusal.

With regards to construction disturbance, it is inevitable that there will be disruption for neighbours during this period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions will be imposed to reduce this disruption for neighbours including construction hours restriction (including deliveries to site), wheel wash facility, noise/ dust/ vibration controls.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy GD7.

Other Matters - Flood risk and Drainage

Policy CL1 requires all new development should minimise flood risk by a number of specific criteria, including ensuring use of sustainable surface water drainage solutions, ensuring new development is directed away from high risk areas of flooding (Flood Zone 2 and 3) and the incorporation of mitigation in lower risk areas. Policy CL2 provides detailed design guidance for surface water drainage strategies, including attenuation requirements.

Policy SU1 of the SANDP requires use of sustainable urban drainage systems (SUDS) within new development, including use of ponds, swales and permeable paving, unless otherwise agreed by the Council and statutory consultees. SUDS should form a positive feature of the development, being an integral part of green infrastructure and street network, mitigate adverse effects from surface water run off on people, property and ecology.

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map.

The planning application included a Flood Risk Assessment (ELLUC Projects, revision F4, 19/08/2021) which confirms:

- Risk from fluvial flooding from adjacent watercourses, drains and other waterbodies is considered to be low.
- Environment Agency mapping confirms that the site is not at risk from surface water flooding and risk of such is categorised to be low as well.
- Risk of groundwater flooding is also considered to be minimal though will necessitate the increase of existing land levels by a minimum of 150mm.
- Infiltration drainage for surface water may not be feasible due to the presence of land drains and watercourses within the locality, combined with low site levels and a high water table.

The surface water drainage strategy for the development is also confirmed within the FRA, which outlines that the site will drain to directly into a new surface water attenuation system comprising of oversized pipes and cellular storage tanks, before discharging at an attenuated rate (to be confirmed with the LLFA) into the watercourse situated to the eastern boundary of the application site. Surface

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

water flows rates will be designed to ensure that the existing green field flow rates from the site are maintained.

The Lead Local Flood Authority and United utilities have not raised objection to the proposal subject to condition relating to construction being in accordance with the FRA, submission of drainage strategy, construction phase surface water management plan and operation, maintenance and verification report of the constructed drainage system.

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding and that a satisfactory drainage solution is feasible for the development that accords with the drainage hierarchy, in accordance with the development plan and NPPF.

Other Matters – Health and Well Being

FLP Policy HW1 d) seeks to reduce health in-equalities through seeking financial contributions towards new or enhanced facilities where new housing results in a shortfall or worsening of provision. Similarly, FLP Policy INF2 e) requires development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community, including health. Policy DEL1 of the SANDP presents a similar policy position as the FLPPR.

The NHS Blackpool Clinical Commissioning Group (CCG) comment that the development sits within the catchment area of Ansdell Centre and that the pressure resultant from 52 dwellings (125 people based upon an average of 2.4 persons per unit), along with all other committed development, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice. Whilst the CCG was replaced by the **NHS Lancashire and South Cumbria Integrated Care Board in July 2022 that new body retains the same responsibility for ensuring adequate health provision is available in the sub-region and so the CCG comments that pre-date the change remain relevant.**

A financial contribution of £14,355 towards reconfiguration of Ansdell Medical Centre has therefore been requested, with payment made pre-commencement of development to ensure that the additional capacity is created in advance of the population growth. This is in accordance with the CCG's methodology for calculating the impact of new development on health service capacity, and which has been adopted by Fylde Council for use in the determination of planning applications. The CCG comment that their comments will represent objection if the applicant does not commit to payment.

The development has the potential to draw new residents into the area and impinge upon existing service provision at Ansdell Medical Centre as a consequence. The contribution request is therefore valid and consistent with the development plan requirements.

Other Matters – Education

Policy INF2 e) requires development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community, including education. Policy DEL1 of the SANDP presents a similar policy position as the FLPPR.

Lancashire County Council as Local Education Authority (LCCE) have raised objection to the development and comment that their objection will be withdrawn on the proviso that the applicant

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

provides a financial contribution of £198,024 towards the provision of 8 secondary school places to assist in meeting the education demands of the development. They expect that this contribution will be used to provide additional places at Lytham St Annes Technology and Performing Arts College and/or St Bedes Catholic High School as the closest schools to the site. This position is formed on the basis that there is a shortfall of 195 places, taking into account levels of inward/ outward migration at schools presently, as well as those development within planning consent. The cost per place used in this assessment is in line with the Education Methodology at the point of assessment.

With regards to primary school provision, LCCE comment that the development will have an expected pupil yield of 19, though there is a surplus of 355 places available within existing schools to cater for this demand so no contribution is sought for this level of education.

LCCE report that the development will place increased pressure on secondary schools within the area and that existing schools cannot cater for this demand due to a deficiency of spaces on their school roll. The contribution request is therefore valid and consistent with the development plan requirements.

Other Matters - Viability

As per above comment, the proposal requires education and health contributions to mitigate the shortfall of provision of these existing services. In addition, the applicant is also expected to contribute £6,000 toward implementation and monitoring of a Travel Plan and £52,000 for the enhancement or new provision of public open space.

The level of required financial contribution expected of the development is summarised below:

- £198,024 (Education, the development will result in the 8 secondary school places)
- £52,000 (Open Space, £1000 per unit)
- £14,355 (Health, 125 new patient registrations based on dwelling mix provided)
- £6,000 (Travel Plan monitoring)

In addition, Policy FLPPR H4 requires the provision of 30% affordable housing on all private market housing schemes of 10 or more homes, and so that is a 'development cost' for the scheme.

Notwithstanding the policy requirements for these contributions, the applicant contends that development of the site is not viable when factoring in the Council's requirement for affordable housing and financial contributions.

In this regard, Policy H4 of the FLPPR states that the Council will take account of viability when assessing affordable housing requirements of individual schemes, allowing provision of affordable housing below the 30% threshold required by Policy H4. However, the Council will expect robust financially-based justification to be provided by the applicant, demonstrating that the development would be unviable with a higher level of affordable housing than proposed.

Moreover, Policy INF2 requires new development to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community. The wording of Policy INF2 makes it clear that this mitigation is '*subject to viability*', stating '*Where a development is made unviable by the requirements of a planning obligation, the Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.*'

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Policy DEL1 if the SANDP states that development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services, environment and requirements of the community. But as per above policies of the FLPPR, there is exception to this requirement where development would be made unviable as a result of a contribution, subject to appropriate evidence being submitted by the applicant.

In accordance with the requirements of Policy H4, INF2 and DEL1, the applicant has submitted a Viability Appraisal (Cushman & Wakefield, 2112ZJ00, October 2021) (VA) of the site, as well as further information with regards to abnormal costs associated to ground conditions, including the need for preloading of the site and sheet piling of drainage. The VA concludes that there is no scope for any affordable housing provision or other S106 contributions from the proposed scheme.

Due to the complex nature of this matter, the Local Planning Authority have sought external advice from consultants Keppie Massie (KM) to assess the viability arrangements. This process has resulted in protracted dialogue with the applicant and consequent delay in referral of this application to Planning Committee, focussed primarily on the reported abnormal costs associated to construction of the development by the applicant. Following this negotiation KM are now satisfied with majority of the information provided by the applicant, however there remains a single outstanding matter relating to the applicant's claim that sheet piling is necessary for all drainage excavations. KM assert that there is uncertainty in relation to the need for sheet piling of drainage excavations, since the required preloading of the site could mitigate the need for piling and this would result in a saving of £378,000. This figure could then support affordable housing requirements and/ or other financial contributions.

Notwithstanding this disagreement over the true viability position, it is your Officers' advice that Members can progress determination of the planning application, subject to necessary safeguards in the circumstance that sheet piling is not required as it has been demonstrated that these savings could support financial contribution for AH or S106 contribution. In essence the wording of a S106 agreement will be designed to require the developer to confirm whether the sheet piling is necessary prior to construction, and then include a mechanism for the payment of contributions if it is found that this is not the case. The agreement would then ensure that this #saving# would be used to contribute toward affordable housing in the first instance, with any surplus put toward education, health care, public open space and travel plan monitoring in that priority order.

Policy H4 requires provision of affordable housing on the site in the first instance, although does allow off site provision by exception. In this circumstance, the requirement for affordable housing will be dictated by the need, or otherwise, for piling of drainage runs and this will only be known following a start of works on the site. It is too late at this point to insist that affordable housing is provided on the site, thus by exception, an off-site contribution is considered the most appropriate mechanism of delivery.

LCC education and the NHS Fylde & Wyre Clinical Commissioning Group confirm that if requested contributions are not forthcoming then this will invoke objection on grounds that the development would not be sustainable. Whilst these consultees may not consider the development to be sustainable in relation to the availability of education and health care within the area, the proposal is considered to be sustainable in all other respects, as per above assessment. Members should also be aware that FLPPR policy INF2 allows for reduced payment of obligations, subject to viability. On that basis, the requirements of policy INF2 are sufficient to outweigh the objections raised.

Conclusions

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

The application site is located within the settlement boundary of St Annes and is allocated as a non strategic housing site within the Fylde Local Plan to 2032 (Incorporating Partial Review). Density of housing proposed is approximately 30 dwellings per hectare and therefore accords with provision of policy H2.

Whilst the St Anne's on the Sea Neighbourhood Development Plan 2016-2031 places the application site outside of the settlement boundary, within Open Countryside, and is therefore contrary to the housing locational policies of that plan (GP1 and HOU4). Notwithstanding, it has been concluded that the SANDP is not up to date with the FLPPR, and importantly, does not support the delivery of strategic housing policies set out in the FLPPR. For this reason the sites allocation for housing within the FLPPR takes precedence in the decision making process. The principle of residential development on the site is therefore supported.

The development would not compromise the safe, efficient or convenient movement of all highway users, and there are no amenity, drainage or ecological issues of note that cannot be dealt with by condition post determination.

The proposal requires affordable housing and financial contribution towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community. Notwithstanding, the applicant has provided sufficient evidence to demonstrate that the development will be made unviable as consequence of the affordable housing and required contributions.

There is a single matter of disagreement with regards to viability, relative to costs and need for sheet piling of drainage, and it has been demonstrated that potential savings could support financial contribution for affordable housing and/ or financial contributions. It is considered that this matter should not delay determination of the application since necessary safeguards can be imposed upon the applicant to ensure provision of affordable housing and/ or financial contribution in the event that sheet piling is not needed. In essence the S106 will require the developer to confirm whether the sheet piling is necessary, and a mechanism for payment of contributions if it is found that this is not the case.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

That the decision to GRANT Planning Permission be delegated to the Head of Planning, in consultation with the Chairman and Vice-Chairman of the Planning Committee, with that decision being subject to the satisfactory completion of a Section 106 agreement and a schedule of appropriate conditions.

The S106 Agreement is to secure:

1. At least 28 working days before the commencement of development (excluding any demolition, site clearance and preloading of the site) the owner and developer shall submit an independent technical assessment from a Chartered Civil Engineer registered with the Institution of Civil Engineers (supported by relevant drawings) to the Council demonstrating that sheet piling for all drainage infrastructure within the development is reasonably necessary in order to adequately support the loadings from that infrastructure.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

2. On the basis of the evidence submitted, if the Council are satisfied that sheet piling of drainage infrastructure is not reasonably necessary, the Owner and developer shall provide a mechanism for the payment of £378,000 (index linked) financial contribution which will be put towards the provision of off-site affordable housing in the first instance, in accordance with Policy H4 and the Affordable Housing Supplementary Planning Document. Where any surplus remains then this shall contribute toward the following requirements in order of priority:
 - a) a financial contribution of £198,024 towards the improvement of education capacity in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the FLPPR.
 - b) A financial contribution of £14,355 towards the improvement of health care in the vicinity of the site in accordance with the requirements of Policies HW2 and INF2 of the FLPPR.
 - c) a financial contribution of £1,000 per dwelling (£52,000) towards securing enhanced or new provision of off site public open space in accordance with the requirements of Policies ENV4 and INF2 of the FLPPR.
 - d) a financial contribution of £6,000, towards the implementation and monitoring of a Travel Plan in accordance with the requirements of Policies H2 and GD7 of the FLPPR.
 - e) a financial contribution of £300 for each trigger and each element of the agreement to support 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 suggested Planning Conditions and Reasons are as follows, but are to be subject to final consideration and agreement by the Head of Planning as set out above:

1. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as the "reserved matters") before any development takes place:
 - the appearance,
 - landscaping,
 - layout and
 - scale of the development.

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

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

4. This permission relates to the following plans:

- Development Framework - Drawing No. ROW/SKL-237
- Preliminary Site Access Option 1 - Drawing No. J32/5505-PS-001 revision D
- Preliminary Site Access Option 2 - Drawing No. J32/5505-PS-002 revision D
- Interim combined highways works plan - Drawing No. J32/5505-PS-003
- Visibility Splays - Drawing No. J32-5505-PS-008 revision B
- Forward Visibility Splay - Drawing No. J32-5505-PS-009 revision A

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with and/or not exceed the details shown on the approved plans insofar as they relate to the site area, the quantum of development and the means of access to the development.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established by this permission.

5. Any application which seeks approval for the reserved matters of layout, scale or appearance pursuant to condition 1 of this permission shall provide for:

at least 50% of the dwellings as 1-3 bedroom homes.

at least 20% of the dwellings to be designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3)(2)(a) (wheelchair-adaptable dwellings) contained in Part M, Schedule 1 of the Building Regulations 2010 (as amended),

Reason: To ensure that the development delivers a broad mix of types and sizes of home suitable for a broad range of age groups to reflect the demographics and housing requirements of the Borough as set out in the Fylde Coast Strategic Housing Market Assessment 2014 (or any successor document) in accordance with the requirements of Fylde Local Plan to 2032 policy H2 and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved (excluding demolition and site clearance), details of the finished floor levels for the buildings and the ground levels for the external areas of the site, above ordnance datum, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the proposed buildings and between the development and surrounding buildings before ground works to establish site levels are completed in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. So far as practicable, any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which retains existing trees and hedgerows located to the southern boundary of the application site sharing a boundary with 12 Wildings Lane, 1-3 Commonwealth Close (inclusive).

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the developments visual impact to neighbouring properties, in the interests of ensuring a good standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

8. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and archaeological sites and ancient monuments.

where necessary, an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: In order that appropriate investigations are undertaken to determine whether the site (or part of it) is contaminated before any development takes place, to avoid any disturbance of contaminated land while carrying out the development, to ensure the safe development of the site and to secure appropriate remediation of any contamination before development takes place in order to prevent pollution of the surrounding environment in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Local Plan to 2032 policy GD9 and the National Planning Policy Framework.

9. The development hereby approved shall be constructed in complete accordance with the principles set out within the submitted Flood Risk Assessment (Ref: ELLUC Projects, ELLUC-CP-21029-FRA revision F4, 19/08/2021). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

10. Prior to commencement of the development hereby approved (excluding any demolition, site clearance or preloading of the site), details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(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);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with policies CL1 and CL2 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

11. No development shall take place until a scheme for the management of surface water and pollution prevention during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.

b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall thereafter be carried out in accordance with the duly approved scheme for the entirety of the construction period.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during the construction phase in order that it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact existing or proposed water bodies in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1, CL2 and GD9, and the National Planning Policy Framework.

12. Prior to the first occupation of any part of the development hereby approved, a Surface Water Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition 10 (or detail any minor

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

13. Prior to the first occupation of any part of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development scheme, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly;
- and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained in accordance policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

14. Prior to the first occupation of any part of the development hereby approved, full details of a homeowner's pack that will be made available to new and future occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The homeowner packs shall highlight and explain the sensitivity of the surrounding areas, and include (but will not be limited to) the following information:

- a) Introduction letter to the pack, setting out the issue and providing a contents page of included documents.
- b) Description of the Functionally Linked Land (FLL) and Biological Heritage Site (BHS) and their features, this should include a map explaining the boundaries of FLL and BHS.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- c) An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the FLL and BHS.
- d) List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- e) Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).
- f) Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- g) Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032, the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

15. No part of the development hereby approved shall be commenced until a Construction Environmental Management Plan: Biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) A risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) If necessary, the times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) If necessary, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The duly approved CEMP shall be implemented concurrently with the construction of the development and shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on water quality, linked water-dependent nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

16. No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in writing by the Local Planning Authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

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

17. Prior to the first occupation of any part of the development hereby approved, a scheme for the provision of bat roosting boxes and bird nesting boxes shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

18. Prior to commencement of the development hereby approved (excluding demolition), a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles shall be undertaken. Findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity in accordance with policy ENV2 of the Fylde Local Plan to 2032, and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

19. The precautions for avoidance of possible harm to bats as detailed in section 7.4 of the Preliminary Ecological Appraisal (Envirotech, 7113 version 2, 17/08/2021) shall be implemented in full throughout demolition, site clearance and construction of the development.

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.

20. Prior to commencement of the development hereby approved (excluding any demolition, site clearance or preloading of the site), a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The site accesses and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The site access and off site highway works to be covered by this condition includes:

- (i) the site access junction off Wilding's Lane and associated improvement works on Wilding's Lane, as shown in Drawing No. J32-5505-PS-001 Rev D (Access Option 1, dated 19/11/2021) and Drawing No. J32-5505-PS-002 Rev D (Access Option 2, dated 19/11/2021);
- (ii) Improvement to the westbound bus stop on Heyhouses Lane (immediately northwest of Wilding's Lane) to provide a shelter; and
- (iii) Improvement to the eastbound bus stop on Heyhouses Lane (immediately southeast of Main Drive) to provide a Disability Discrimination Act compliant raised kerb and shelter.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Note: Access Option 1 is to be progressed, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highway Authority. Access Option 2 therefore, would only be progressed if an unforeseen, unresolvable land issue arises on Wilding's Lane.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure in order to achieve a safe and suitable means of access to the development for all users in the interests of highway safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

21. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 19 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

22. Prior to the first occupation of any part of the development hereby approved, Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

23. No development shall take place (including site clearance, demolition, siting of site compound/welfare facilities and preloading of the site) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:

- a) continued access to be maintained to and from the care home facility on Wilding's Lane, north of this development site, at all times;
- b) 24 Hour emergency contact number;
- c) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- d) areas designated for the loading, unloading and storage of plant and materials;
- e) arrangements for the parking of vehicles for site operatives and visitors;
- f) Construction vehicle routing to and from the site;
- g) arrangements for turning of vehicles within the site;
- h) swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- i) Measures to protect vulnerable road users (including pedestrians, cyclists and horse riders);

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

- j) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- k) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- l) measures to control the emission of dust and dirt during the construction period;
- m) measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- n) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- o) the siting, luminance and design of any external lighting to be used during the construction period;
- o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- q) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

The development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties and to avoid obstruction of the surrounding highway network during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof, with or without modification), visibility splays as detailed on drawing numbers J32-5505-PS-008 Rev B and J32-5505-PS-009 Rev A shall be kept clear of:

- a) any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.
- b) any overhanging tree branches lower than 2.4 metres in height.

Reason: To ensure adequate visibility at the junction of the development's access with the public highway and to maintain a safe and suitable means of access to the development for all users in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

25. No development shall take place (including site clearance, demolition, siting of site compound/welfare facilities and preloading of the site) until a road condition survey has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane that includes the application site up to and including the junction with Heyhouses Lane. The survey must consist of:
- a) A plan to a scale of 1:1000 showing the location of all defects identified;
 - b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Within 1 month of the development's practical completion (the point when all the dwellings are substantially constructed) a road survey showing the post-development condition of the same stretch of the road (The extent of the area to be surveyed shall include as a minimum, the entire length of Wildings Lane from the application site up to and including its junction with Heyhouses Lane) shall be submitted to and approved in writing by the Local Planning Authority. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

The post-development survey shall be accompanied by a scheme which details the extent and construction specification for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development surveys. The works of resurfacing and/or repair set out in the scheme accompanying the post-development survey shall be implemented in full within 1 month of the Local Planning Authority giving its written approval.

Reason: Construction traffic associated with the development has the potential to cause significant deterioration to the surface of Wildings Lane and its junction with Heyhouses Lane. The developer is required to undertake works of repair to the road surface where deterioration arises as a result of its use by heavy construction vehicles between the pre and post construction periods. The works of resurfacing and/or repair are required in order to ensure continued safe and convenient access for other road users in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

26. No above ground work shall take place (excluding site clearance, demolition or preloading) until the following information has been submitted to and approved in writing by the Local Planning Authority:

1. A detailed plan for the proposed buildings within that parcel demonstrating that there would be no detrimental impact upon the operation of St Annes Radar; or,
2. Details of a scheme to mitigate any detrimental impact upon the St Annes Radar, including any associated timescales for implementation of the mitigation works.

The approved scheme of mitigation shall be implemented in accordance with the approved details and within the approved timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not have a harmful impact on the operation of the St Annes radar station in the interests of aviation safety and in order that the development does not prejudice the operation of any existing aerodrome in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies DLF1 and T3, and the National Planning Policy Framework.

27. On site works, including any heavy vehicular movements and deliveries to/from the site, shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To ensure that appropriate measures are put in place to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Informative(s)

1. Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Habitat Regulation Assessment Adoption Informative:

In issuing this decision the local planning authority has had regard to the document titled 'Shadow habitats regulations Assessment' (Envirotech, 7113 version 3, 04/10/2021) 'Ecological Assessment, Appendix 5: Information to Inform a Habitats Regulations Assessment' (Avianecology, ref: Light-068-1087 Issue V3, dated: 24/03/2022) and the comments from Natural England in their letter dated 17th November 2021 confirming that they are in agreement with the report findings that the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment by 'Envirotech Ecological Consultants' as part of its decision.

3. Information Pack Informative

The following principles shall be applied to the homeowner information packs:

- a) The householder packs are tailored to the location of the development and the Natura2000 designated sites in the area.
- b) Tailored to the audience using clear and easy to understand language.
- c) An appropriate format is used to present and share the householder packs (i.e. print, size).

4. Highway Informatives:

a) The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

b) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Lancashire County Council, Highways in the first instance, to ascertain the details of such an agreement and the information to be provided.

c) Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

5. Crane Height Informative

The developer is advised that in the event that the construction of the development hereby approved is to be undertaken using a crane that exceeds a height of 10m above ground level to the tip of any jib or other point, then the details of the dates that the crane is to be present at site, its specific location within the site, and the specific timing that it is to be extended above that height are to be provided to Blackpool Airport no less than 28 days before its arrival at site. This is to ensure that air safety is not compromised by this activity.

AGENDA FOR 26 APRIL 2023 PLANNING COMMITTEE

Location Plan for 21/0811



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	26 APRIL 2023	5
EXCLUSION OF THE PUBLIC			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100A (4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined under paragraph 5, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

STATUTORY BACKGROUND

1. Section 100A of the Local Government Act 1972 requires all council and committee meetings to be open to the public except¹ to the extent that they are excluded by a resolution.
2. Councillors can only pass a resolution to exclude the public from a meeting during an item of business if it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.
3. The categories of information that are "exempt information" are described in schedule 12A to the act.

LEGALLY PRIVILEGED INFORMATION

4. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings can be exempt information. But it is only exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CONSIDERATION OF WHETHER TO EXCLUDE THE PUBLIC

5. Like any resolution, a resolution to exclude the public needs to be proposed and seconded. It can be debated under the normal rules for debates. If there is a debate, councillors should be careful not to disclose any of the information in the potentially exempt report during the debate.
6. In deciding whether to exclude the public, councillors will want to consider the following questions:
 - a. What is the public interest in maintaining the exemption? In other words, what damage would be done by the information in the report entering the public domain?
 - b. What is the public interest in disclosing the information? There is always a public interest in the openness, accountability, and transparency of public bodies, and in demonstrating proper stewardship of public funds.

¹ Section 100A also requires the public to be excluded during discussion of information furnished to the council by a Government department upon terms which forbid the disclosure of the information to the public and information which is forbidden to be disclosed to the public by law or a court order.

- c. Does the public interest in maintaining the exemption outweigh the public interest in disclosing the information? The public can only be excluded if the answer to that question is "yes".

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	26 APRIL 2023	7
LIST OF APPEALS DECIDED			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 18 March and 14 April 2023.

For a copy of the decision letter click on the decision in the tables included in the appendix and follow the link to the Appeal where you will find the decision letter and other appeal documents.

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Index of Appeal Decisions

Appeal decisions received between 18 March 2023 and 14 April 2023.

For a copy of the decision letter click on the decision in the tables below and follow the link to the Appeal where you will find the decision letter and other appeal documents.

App. No.	21/1077	FBC Decision:	Refusal	Level:	Delegated
Location:	10 BATH STREET, LYTHAM ST ANNES, FY8 5ES				
Description:	DEMOLITION OF SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, ROOF LIFT TO SINGLE STOREY OUTRIGGER, REPLACEMENT OF GROUND AND FIRST FLOOR WINDOWS TO SIDE ELEVATION WITH TIMBER SLIDING SASH WINDOW, AND REPLACEMENT OF REAR FIRST FLOOR WINDOW TO MATCH STYLE OF EXISTING WINDOW.				
PINS Decision	Allowed	Date:	4 April 2023	Costs:	N/A

App. No.	21/1097	FBC Decision:	Refusal	Level:	Delegated
Location:	10 BATH STREET, LYTHAM ST ANNES, FY8 5ES				
Description:	LISTED BUILDING CONSENT FOR DEMOLITION OF SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, REPLACEMENT OF GROUND AND FIRST FLOOR WINDOWS TO SIDE ELEVATION WITH TIMBER SLIDING SASH WINDOW, AND REPLACEMENT OF REAR FIRST FLOOR WINDOW TO MATCH STYLE OF EXISTING WINDOW.				
PINS Decision	Allowed	Date:	4 April 2023	Costs:	N/A

App. No.	22/0438	FBC Decision:	Refusal	Level:	Delegated
Location:	307 CHURCH ROAD, ST ANNES, FY8 3NP				
Description:	FORMATION OF VEHICLE ACCESS TO CLASSIFIED ROAD INCLUDING REMOVAL OF FRONT GARDEN WALL AND FORMATION OF HARDSTANDING DRIVEWAY WITHIN FRONT GARDEN				
PINS Decision	Dismissed	Date:	12 April 2023	Costs:	N/A