



Agenda

Planning Committee

Date:	Wednesday, 6 October 2021 at 10:00 am
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, Chris Dixon, Kiran Mulholland, 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 23 September 2021 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 - 105
	INFORMATION ITEMS:	
5	List of Appeals Decided	106 - 117

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – 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 2021

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 Index

06 October 2021

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	21/0424	ST ANNES HEBREW CONGREGATIONAL SYNAGOGUE, ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PJ OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF REPLACEMENT SINGLE STOREY SYNAGOGUE, THREE STOREY BLOCK OF 9 APARTMENTS AND CAR PARK (ACCESS, LAYOUT, APPEARANCE AND SCALE APPLIED FOR, ALL OTHER MATTERS RESERVED)	Grant	5
2	21/0440	STANLEY LODGE FARM, SALWICK ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SN ERECTION OF AGRICULTURAL BUILDING INCLUDING FORMATION OF HARDSTANDING ACCESS TRACK ACROSS FIELD - PART RETROSPECTIVE APPLICATION	Grant	42
3	21/0598	WILLOW DENE, MOOR HALL LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3RY DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT TWO STOREY DWELLING WITH DETACHED GARAGE INCLUDING RECONFIGURATION OF VEHICLE ACCESS FROM MOOR HALL LANE AND ASSOCIATED HARD AND SOFT LANDSCAPING	Grant	50
4	21/0667	PATHWAYS, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RJ RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Grant	60
5	21/0788	40 BENTLEY DRIVE, KIRKHAM, PRESTON, PR4 2DR TWO STOREY SIDE EXTENSION	Grant	99

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 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 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

Planning Committee Schedule

06 October 2021

Item Number: 1

Committee Date: 6 October 2021

Application Reference:	21/0424	Type of Application:	Outline Planning Permission
Applicant:	Mr Pinkus	Agent :	
Location:	ST ANNES HEBREW CONGREGATIONAL SYNAGOGUE, ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PJ		
Proposal:	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF REPLACEMENT SINGLE STOREY SYNAGOGUE, THREE STOREY BLOCK OF 9 APARTMENTS AND CAR PARK (ACCESS, LAYOUT, APPEARANCE AND SCALE APPLIED FOR, ALL OTHER MATTERS RESERVED)		
Ward:	CENTRAL	Parish:	St Anne's on the Sea
Weeks on Hand:	11	Case Officer:	Matthew Taylor
Reason for Delay:	Not Applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the site of the St Annes Hebrew Congregational Synagogue – a split-level building which occupies an irregularly-shaped parcel of land extending to *circa* 1,600 square metres at the junction of Orchard Road and Richmond Road. The site falls within the settlement boundary and borders the edge of St Annes Town Centre to the northwest. Outline planning permission (including access, layout, scale and appearance as detailed matters) was granted on 25 May 2018 under application reference 17/0762 for the demolition of the existing synagogue and the site's re-development for a mix of uses including a smaller, replacement synagogue alongside a three storey block of 9 apartments. This permission has, however, now lapsed.

The current application is a duplicate of the scheme approved by 17/0762 and, again, seeks outline permission (including access, layout, scale and appearance) for the demolition of the existing synagogue and its replacement with a smaller, single storey synagogue to the eastern part of the site alongside a three storey block of 9 apartments to the west. The current vehicular access onto Orchard Road would be retained to the northwest corner of the site and 13 car parking spaces would be provided to the external areas.

The existing synagogue is a non-designated heritage asset, the significance of which derives principally from its architectural, historic and communal value – attributes which are considered to range from 'moderate' to 'high' significance. Whilst the development's harm to architectural significance arising as a result of the building's demolition would be substantial, elements of the building's exterior and interior which contribute to this significance (e.g.

stained glass, materials and internal fixtures and fittings) would be reused in the construction of the replacement synagogue. The level of harm to historic and communal value is considered to be less than substantial due to the development's provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser heritage value than that which it would replace. In summary, and on balance, it is considered that the harm to the non-designated heritage asset arising from its demolition would not significantly and demonstrably outweigh the benefits of the mixed-use development when taken as a whole.

The same conclusion was reached during the assessment of application 17/0762 in May 2018. While there have been changes in both local (most notably the adoption of the Fylde Local Plan to 2032) and national (most notably the publication of the 2021 version of the National Planning Policy Framework) planning policy since that decision, the policies contained in these replacement/updated documents do not indicate that a fundamentally different approach should be taken to assessing a development's impact on the significance of non-designated heritage assets in comparison to the policy context which was in place in May 2018. Accordingly, there is no compelling reason why a different conclusion should be reached in this case.

The site comprises previously developed land in a highly accessible location within one of the Key Service Centres and Strategic Locations for Development identified in the Local Plan. The proposed development would preserve the existing community use of the site through the provision of a replacement place of worship which is more proportionate in size to the needs of the current congregation, and would make efficient use of land by delivering housing in a suitable location which accords with the development strategy in the Fylde Local Plan to 2032, including the delivery of smaller dwellings for which there is an identified need.

The proposed development, by virtue of its layout, scale, height, roof profile, proportions, materials and design, would assimilate sympathetically with surrounding buildings and would be compatible with the varied character of the street scene. The development's siting and relationship with surrounding buildings would avoid any undue effects on the privacy and amenity of surrounding occupiers through loss of outlook, overlooking and overshadowing, and would ensure appropriate living conditions for future occupiers. No other adverse effects would arise with respect to highway safety, contamination, ecology or flood risk.

Therefore, the proposal is considered to represent sustainable development in accordance with relevant policies of the adopted Development Plan and the National Planning Policy Framework.

Reason for Reporting to Committee

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

Site Description and Location

The application relates to a detached, split-level building occupying a prominent location at the junction of Orchard Road and Richmond Road, St Annes. The building follows a square-shaped footprint with narrow strips of hardstanding to its east, south and west sides providing separation with adjacent properties. A wider forecourt flanking the building's northern (front) elevation onto Orchard Road presents a spacious, open aspect including soft landscaping to the roadside and

preserves a strong building line along the north side of the street. The site falls within the settlement boundary of Lytham St Annes as identified on the Fylde Local Plan to 2032 Policies Map, but is not subject to any other specific designations in the plan. The boundary of St Annes Town Centre straddles the western boundary of the site and the edge of the St Annes on Sea Conservation Area is located approximately 55m to the northwest – though the site itself falls outside both designations.

The application building is presently used as a synagogue and was constructed for this purpose between 1959 and 1964. A small, single-storey extension has been added to the south west corner of the building, but it is otherwise as originally constructed and retains its original fixtures and fittings. The principal façade facing onto Orchard Road follows a stepped parapet forming two lower level ‘wings’ to either side of a taller, central bay. The building is finished in a dark buff brick. Concrete dressings frame a series of tall, round-arched windows to its front and side elevations.

Surrounding buildings include a vacant, three storey office block to the west (nos. 34-36 Orchard Road) which is allocated for housing in the local plan (site reference HS10), a pair of semi-detached, three storey dwellings to the east (nos. 44-46 Orchard Road) and a combination of three and four storey buildings to the rear on Clifton Drive South set at a lower level (by approximately 1m) to the site. A modern, four-storey building presently used as a job centre (Westmorland House) is located to the northwest of the site on the opposite side of Orchard Road and a recently constructed four storey apartment building (‘The Gables’) lies to the northeast on the eastern side of the junction with Richmond Road.

Details of Proposal

The application seeks outline permission for the demolition of the existing synagogue and the site’s subsequent redevelopment for a mix of uses including: i) the erection of a replacement single storey synagogue (use class F1); and ii) a three storey block of nine apartments (8 two-bed and 1 three-bed). Matters of access, layout, scale and external appearance are applied for at this stage, with landscaping being the only matter reserved for future consideration.

The replacement synagogue would follow a broadly rectangular footprint to the eastern end of the site measuring 26.6m in length and between 6m (front) and 9m (rear) in width. The building would occupy a staggered position set back from both the proposed apartment block to the west and no. 44 Orchard Road to the east. The building would be topped by a flat roof with protruding parapet reaching 5.2m in height. A glazed roof lantern composed of salvaged stained glass from the existing building would protrude 1m above the parapet to the front of the building. Externally, the replacement synagogue’s external walls would be finished in brickwork, with a series of vertical windows to the front and side elevations set in stone architraves and also composed of salvaged stained glass. The building’s main entrance would be located on its west side.

The apartment block would be located to the western end of the site, with a 1.9m wide passageway intervening between the replacement synagogue. The apartments would flank the eastern wall of no. 36 Orchard Road with a spacing of 6.5m between the buildings afforded by an intervening access drive. The apartment block would occupy a square-shaped footprint measuring 19.2m in width and 20.4m in length, with a steep hipped roof reaching 7.3m to the eaves and 10m to ridge. The building’s façade facing onto Orchard Road would be articulated by a series of facing gables of varying width and height following an undulating (protruding and recessed) rhythm balanced symmetrically to either side of a central entrance. The apartment block would be finished in a combination of brickwork, render and timber dressings below a grey slate roof.

Externally, the application includes the provision of 13 car parking spaces within the site which are to

be shared between the apartments and synagogue. The existing vehicle access from Orchard Road would be retained to the northwest corner of the site and a driveway flanking the western elevation of the apartments would allow two-way vehicle movements to the rear of the building.

The current proposal is a duplicate of the scheme approved by application 17/0762, with the only change to the supporting documents comprising the addition of an up-to-date bat survey. The development itself is identical to that approved by 17/0762, with the same plans having been submitted.

Relevant Planning History

Application No.	Development	Decision	Date
17/0762	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF REPLACEMENT SINGLE STOREY SYNAGOGUE, 3 STOREY BLOCK OF 9 APARTMENTS AND CAR PARK (ACCESS, LAYOUT, APPEARANCE AND SCALE APPLIED FOR, ALL OTHER MATTERS RESERVED)	Granted	25/05/2018
16/0060	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF A FOUR STOREY BUILDING PROVIDING REPLACEMENT SYNAGOGUE TO GROUND FLOOR AND 18 APARTMENTS (USE CLASS C3) TO UPPER FLOORS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, LAYOUT AND SCALE APPLIED FOR)	Withdrawn by Applicant	23/05/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Annes on the Sea Town Council – Notified of the application on 20 July 2021 and commented on 17 August with the following observations:

- *The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.*
- *The synagogue falls just outside the Conservation Area. A building of some significance, being a classic piece of municipal religious architecture and it would be a shame to lose it.*
- *The two previous applications, 16/0060 18 apart withdrawn, and 17/0762 10 apart was Granted Conditionally in Outline 23/05/2018 is now expired.*
- *See TC's previous Observations and 20th C Objections C135 NPPF, Policy 131 and 135. It seems to be a more modest proposal than the two previous applications, and the design of the apartment block is well thought out.*
- *Will contribute to FBC's housing supply which will be beneficial to the town.*

Statutory Consultees and Observations of Other Interested Parties

Conservation Officer (FBC):

- While the building is locally listed it is outside the nearby St Annes town centre Conservation Area boundary. I have no objection to replacing the oversized synagogue with the proposed smaller building. As it is locally listed, before its demolition a complete and professional photographic record of the building should be deposited in the Historic Environment Record (HER) for Lancashire, so that its impact on St Annes heritage and historic environment legacy can be appreciated in the future.

Greater Manchester Ecology Unit (GMEU):

- An ecology survey has been undertaken and submitted as part of the application (Flight Ecology, 30 June 2021 Ref:J372/D01). The survey was undertaken in June 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines.
- The building on the site was assessed as having negligible potential to support roosting bats and as such no further survey work in relation to bats is required. However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.
- Buildings have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). We would advise that a precautionary informative is recommended to make the applicant aware of the laws which are in place to protect wildlife, such as roosting bats and nesting birds. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.
- Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines (NPPF) and measures such as provision of integrated bat and bird boxes into the new development should be secured.

Historic Environment Team (LCC Archaeology):

- St Annes Hebrew Congregational Synagogue is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record, PRN40195, built in 1959 to a design by A. Maxwell Caplan.
- Previous advice to the Borough Council, both in 2016 & 2017, was that the building was of sufficient historical interest that it should be fully recorded prior to its demolition, and it was a condition (no. 9) of the planning permission for 17/0762 that such a record be made. The Historic Environment Team would like to reiterate the need for such a record, and advise that it is secured by means of an appropriate planning condition in accordance with paragraph 205 of the NPPF.

Lancashire Fire and Rescue Service:

The following recommendations are made to make the applicant aware of conditions which would need to be satisfied as part of any subsequent Building Regulations application:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
- It should be ensured that the proposal is provided with suitable provision of Fire Fighting water which comply with national guidance.

LCC Highways:

- LCC Highways do not have any objections to the proposed outline planning application for the replacement single storey synagogue and three storey block of 9 apartments and are of the opinion the proposed development will not have a detrimental impact on highway safety,

capacity or amenity in the immediate vicinity of the site.

- Conditions are recommended with respect to: i) the laying out of car parking and manoeuvring areas to ensure vehicles can enter and exit the site in forward gear; ii) the submission of a construction management plan; iii) a scheme for the construction of the site access; iv) the submission of a communal car parking scheme, with no spaces to be reserved for individual apartments; v) the provision of scheme for secured, covered cycle storage facilities.

Lead Local Flood Authority (LLFA): Latest comments 20.08.21 as follows:

- The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following condition:
- No above ground works shall take place until a scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include: i) Surface water drainage system layout showing all pipe and structure references, dimensions, design levels; ii) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL; iii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, with provision to ensure that the post-development discharge rate does not exceed the pre-development rate, including an appropriate allowance for climate change; iv) Details of any necessary flow attenuation measures, including the use of SUDS where appropriate; v) Details of how the scheme will be maintained and managed after completion. The scheme shall be implemented in accordance with the duly approved details before any of the buildings hereby approved are first occupied and shall be maintained and managed as such thereafter.

Lytham St Annes Civic Society:

- We regret the loss of the synagogue, a building of great local heritage interest. Described in *The Buildings of England Lancashire North* by Clare Hartwell and Nikolaus Pevsner (2009), as “a striking composition, wholly of its day” (1951), and with a “flowing Festival of Britain sort of design”, this is a building of note.
- We always encourage the re-use of buildings for environmental reasons and in cases like this when demolition means the loss of an important part of the street scene. No proposals for re-use are coming forward.
- We are of course sensitive to the fact that this, like many other religious buildings, is no longer required for its original purpose. We hope that elements of its interior can be preserved within the new, smaller synagogue, and that, before demolition, a complete and professional photographic record of the building will be deposited in the Historic Buildings Record (HER) for Lancashire.

Twentieth Century Society: Object to the application on the following grounds:

- The Twentieth Century Society objected to a 2016 application to demolish the building and erect a 4-storey replacement providing a ground floor synagogue and 18 apartments to the upper floors. We write to object to this application which will result in the total loss of a non-designated heritage asset (NDHA), as recognised by Fylde Borough Council.
- Background – St Anne’s is a post-war synagogue by local Jewish architect A. Maxwell Caplin, built between 1959 and 1964. It is of pale brown brick and is Byzantine in style, and particularly notable for its simple, rectangular massing. A tripartite block is flanked by a round-headed door and windows, which are filled with pastel coloured glass panels depicting biblical landscapes. Of interest is the location of the doorway at the east of the building, which resulted in a non-standard plan form where the Ark and the entrance lie on the same wall. As a result, Caplin adopted an innovative central corridor which separates the Shul from the hall and runs back from the street entrance. Internally, the synagogue has a shallow, barrel-

vaulted ceiling and is softly lit by natural light from the windows and by a number of internal lighting features. Original features include leaded lights and chandeliers by a local firm, and the flowing ironwork of the Bimah which is in a Festival of Britain style. St Anne's is noted in *The Buildings of England: Lancashire North* by Clare Hartwell and Nikolaus Pevsner (2009) as a "striking composition, wholly of its day" and this draws attention to the quality of material used throughout. It is also mentioned in *The Synagogues of Britain and Ireland: An Architectural and Social History* by Sharman Kadish (2011), which emphasises the interest of the plan form, the generosity of the space inside, and the local connections of the architect and materials.

- Policy – Paragraph 189 of the NPPF is relevant here: "Heritage assets range from sites and buildings of local historic value to those of the highest significance [...] These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". Paragraph 190 of the NPPF should be considered: "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment [...] [councils should note] a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place." Paragraph 203 of the NPPF (2021) relates to non-designated heritage assets and should also be considered here: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- Comments – The Twentieth Century Society considers St Anne's Synagogue to be an unlisted building of local heritage significance. The applicant locates significance in the building's historic use and communal value — intangible heritage value which it claims will not be lost through the creation of a new synagogue. While the Society does not disagree, we believe the applicant has underplayed the heritage significance of the existing Synagogue building. The Heritage Statement uses Historic England's decision not to list the building in 2016 to argue that the building lacks architectural interest. However, all Historic England's assessment shows is that the building falls short of the very high bar for listing post-war architecture in England: as the report states "it [the Synagogue] dates to a recent period where particularly careful selectivity is required". The existing Synagogue is clearly of architectural and historic significance, as shown through its inclusion in Pevsner's Lancashire volume, in Kadish's *The Synagogues of Britain and Ireland*, and in the council's identification of it as an NDHA. The application will result in the total loss of a valuable non-designated heritage asset. Despite the applicant's claims, we believe it would be possible to adapt the existing building for the new use required. For these reasons, we object to the demolition of St Anne's Synagogue and urge the local authority to refuse the current application.

United Utilities:

- In accordance with the NPPF and NPPG, the site should be drained on separate systems with foul water draining to the public sewer and surface water draining in the most sustainable way.
- Conditions are recommended requiring: i) the submission of a surface water drainage scheme for the development; and ii) that foul and surface water be drained on separate systems.

Neighbour Observations

Neighbours notified:	20 July 2021
Site notice posted:	27 July 2021
Press notice:	5 August 2021
Amended plans notified:	N/A
No. Of Responses Received:	1
Nature of comments made:	1 objection

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

Character and appearance:

- The existing Synagogue site might be under-utilised at present but I question the necessity to demolish a building which is iconic in it's own way and replace it with the proposed imposing structure. There might be more wisdom in remodelling the existing building to incorporate some apartments whilst retaining the current facade.
- The new apartment building appears to be excessive in size. In particular, its height exceeds that of the existing building and its front elevation would appear unacceptably imposing. While the intention to match the style to adjacent properties is the correct one, the proposed three storey height is too tall.
- The building must have a substantial garden area at the front to replicate those found at surrounding properties.

Highways:

- The junctions of Orchard Road/Richmond Road and Orchard Road/Wood Street are already dangerous to both motorists and pedestrians. There have been several bumps and near misses due to the volume of traffic, parking on roadsides and also the fact that existing road markings have faded away. Additional parking and access demands for the development will create added safety issues and risks for motorists using surrounding roads.
- Given the mix of uses, it is unclear where worshippers at the synagogue will park. This presently takes place on surrounding streets and disabled visitors park on double yellow lines outside and opposite the Gables apartment block.
- The safety of the access/exit onto Orchard Road for the residents of the 9 apartments is questionable.

Effects of construction works:

- The existing roof of the building appears to be asbestos. Therefore, its removal represents a health and safety risk to surrounding occupiers when the building is demolished.
- Even if no asbestos is identified, the dust and dirt created during demolition works, and the subsequent re-building works, will create a nuisance as the wind blows in the direction of the Gables apartment block.
- Noise associated with demolition and rebuilding work will affect the right to quiet enjoyment of neighbouring residents. It is also unclear what the timescale for the completion of the work will be.

While not re-submitted in connection with this application, a letter of representation was submitted by Dr Sharman Kadish of 'Jewish Heritage Studios' on 28.09.17 in connection with application 17/0762. As Dr Kadish's comments are of particular relevance to the assessment of the building's significance

and heritage implications arising from this identical scheme, they are repeated verbatim as follows:

- I feel that it is beyond my remit to comment upon the proposals *per se* for the following reasons:
- I have no official role as a representative of any 'Jewish Heritage Group' to which your letter is addressed. From the end of December 2016 I ceased to be Director of Jewish Heritage UK, (the organisation/charity that I founded back in 2004).
- Under my direction, the remit of Jewish Heritage UK as a building preservation organisation did not significantly extend to unlisted synagogues constructed after the Second World War. This explains why St Anne's was not mentioned in our *Synagogues At Risk? 2015* Quinquennial Report referred to in the Heritage Statement submitted with the present application (clauses 2.5 and 3.13). St Anne's was built between 1959-1964 and not as stated in the Heritage Statement.
- Given that the synagogue (under their president Robert Pincus) have now submitted plans to demolish and redevelop, I would like draw attention to specific items of heritage value within the existing building that would need to be salvaged. The Survey of the Jewish Built Heritage noted these items on a visit to the building back in 2006. These are:
 - **Stained Glass:** 32 separate panels of stained glass in the main prayer hall. We welcome the intention to reuse the stained glass in the new-build synagogue. However, it is unclear from the current proposals exactly how many and which panels will be re-sited or what would be done with any glass left over. We also noted some leaded coloured glass panels in the hall and *Bet Midrash* ('chapel') as well as an attractive slatted timber and glass geometric folding partition (very 1960s) in the hall that could well be reused as a feature in the new-build synagogue.
 - **Light fittings** - bronze light fittings: 14 lamps in all. These appear identical to those in a Grade II 1920s synagogue in Manchester that has been undergoing restoration. Therefore, these ought to be salvaged as potential replacements for broken fittings and shades at the synagogue in Manchester. Some other light fittings were understood to have been removed from Blackpool Synagogue to St Anne's on the merger in 2012. Blackpool is Grade II Listed and it appears that these and some other items, such as memorial tablets etc. were unscrewed and taken away without LBC. This may be a matter that should be looked into in cooperation with the synagogue and Blackpool's CO.
 - The **foundation stone** and **consecration plaque** should be re-sited in the new synagogue's foyer
 - **Pulpit:** Unusual modern design
 - **Synagogue Archives** including minute books, burial registers etc., plus framed colour wash architect's drawing of the old building, should be put in the Local Record Office or other suitable repository (I'd suggest Liverpool Archive's big Jewish collection). Back marriage registers should be sent to the Board of Deputies of British Jews in London for deposit with the Registrar General.
 - **Photography:** A full large format photographic record of the synagogue and site should be made before the interior is stripped for demolition. It would be well worth checking with HE, who have inspected the building in connection with a (failed) application to List, to establish whether they have in fact already sent one of their professional photographers to record the site for their national archive. If not, perhaps a request could be made.

Relevant Planning Policy

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations

indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. As the site also falls within the area of the St Annes on the Sea Neighbourhood Development Plan, the Neighbourhood Plan is also part of the Development Plan in this case.

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD1	Settlement Boundaries
GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
HW2	Community Facilities
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV2	Biodiversity
ENV5	Historic Environment

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

GP1 – Settlement boundary
CH1 – Community facilities
DH1 – Creating a distinctive St Anne's
TR3 – Residential car parking
HOU1 – Housing development
HOU4 – Residential design
SU1 – Incorporate sustainable urban drainage into new development

Other Relevant Policy:

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

Other relevant guidance:

Building for a Healthy Life
National Design Guide
National Model Design Code

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the threshold in Column

2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Background:

The site has been subject to two previous applications for redevelopment. The first (16/0060) involved the demolition of the existing synagogue and its replacement with a four storey building comprising a replacement synagogue to the ground floor with 18 apartments above. This application was withdrawn prior to determination.

Following this, a second application (17/0762) involving the demolition of the existing synagogue and the site's re-development for a replacement, single storey synagogue and separate three storey block of 9 apartments was approved on 25 May 2018. This permission has not, however, been implemented. Although application 17/0762 was granted shortly before the adoption of the FLP on 22 October 2018, the advanced stage of that plan at the time meant that its emerging policies attracted significant weight in the decision-making process and, in turn, the scheme's compliance with them was assessed at that time. Application 17/0762 was also assessed against the policies of the SANDP which remains unaltered.

Accordingly, while planning permission 17/0762 has expired without being implemented, it remains a material consideration insofar as the current application is to be assessed against a similar policy context and is identical to the scheme previously permitted by 17/0762.

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."

The application is submitted in outline with matters of access, layout, scale and appearance applied for. Therefore, the proposal is being considered in respect of these matters only, with the landscaping of the site being reserved for later consideration. Having regard to the provisions of relevant local and national planning policies, the site's designation within the Development Plan, 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 in this case are:

- Whether the site is, as a matter of principle, a suitable location for the type of development and mix of uses proposed.
- Whether the existing synagogue building has sufficient significance as a non-designated heritage asset to resist its demolition and whether the adverse impacts arising from its loss would significantly and demonstrably outweigh the development's benefits.
- The development's effects on the character and appearance of the area.
- The development's impact on the amenity of neighbouring occupiers.
- The scheme's effects on the surrounding highway network.
- Other material considerations relating to developer contributions, ecological effects, contamination and flood risk.

Principle of development:

Site designation and location:

The site falls within the settlement boundary of Lytham St Annes as defined on the FLP and SANDP Policies Maps and is also on the edge of (but outside) the St Annes Town Centre boundary. FLP policy GD1 and SANDP policy GP1 are permissive of development on sites within settlement boundaries providing that these comply with all other relevant Local and Neighbourhood Plan policies. In particular, SANDP policy HOU1 states that housing development on previously developed land and land within the settlement boundary will be positively supported subject to other development plan policies being satisfied.

FLP policy GD6 indicates that mixed use development, including community and residential uses, will be encouraged depending on the nature of individual sites and the character of the surrounding area. In the case of non-strategic sites, policy GD6 a) indicates that mixed use development will be promoted where the following circumstances apply:

- Within an area where the scale and character of uses is such that no single land use predominates. Residential, retailing, business, health, community, educational facilities, recreation, sport, open space and industrial uses may all be represented.

Paragraph 60 of the NPPF sets out the Government's objective of "significantly boosting the supply of homes". FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). 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".

FLP policy DLF1 indicates that 90% of new homes delivered over the plan period will be located in the four Strategic Locations for Development. Policy DLF1 makes an allowance for small housing sites (those amounting to between 1 and 9 homes) that are not allocated in the Plan to "occur throughout the borough where compliance with the other policies of the plan". FLP 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".

The majority of the site is presently occupied by a large building which is flanked by narrow

hardstanding areas on three sides. A soft landscaped forecourt is located to the front. The definition of “previously developed land” in Annex 2 of the NPPF reads as follows:

- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

The application site is previously developed land for the purposes of the definition in the NPPF. Accordingly, the proposal would make efficient use of previously developed land within the settlement boundary of one of the Strategic Locations for Development identified in FLP policy DLF1. The site occupies a location on the edge of the town centre which is highly accessible by modes of transport other than private car. Given the site’s edge of centre location, the surrounding area is characterised by a mix of residential and commercial uses, including the community use of the existing synagogue as a place of worship.

FLP policy H2, with reference to the Fylde Coast Strategic Housing Market Assessment, identifies a specific need for smaller (1, 2 and 3 bed) dwellings within the Borough. The apartments would include a mix of 8 two-bed and 1 three-bed dwellings. Although policy H2 only sets a specific requirement for the delivery of smaller dwellings in respect of developments involving 10 or more houses, the delivery of smaller residential units as part of this development would make a valuable contribution towards meeting the Borough’s identified need for smaller housing units.

Given the above, the site is a suitable location for the proposed mix of replacement community and housing uses in accordance with the provisions of policy EC6 and the objectives of the development strategy in the FLP which seek to direct such uses towards the most sustainable locations. Accordingly, the main issues in this case relate principally to matters concerning the scheme’s detailed design. Although the application is made in outline, all matters other than landscaping have been applied for and so a detailed assessment of the development’s layout, scale, appearance and access can be made at this stage.

Provision of community facilities:

As the proposal includes the demolition of an existing place of worship, it involves the loss of an existing community facility. Policy HW2 of the FLP and SANDP policy CH1 indicate a resistance to the loss of community facilities unless it can be demonstrated that the facility’s continued operation is no longer viable or needed, or can be relocated in an area that is equally accessible by the community. This approach is supported by paragraph 93 c) of the NPPF which requires planning decisions to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.

Whilst the demolition of the existing place of worship would result in the loss of a community facility, this would subsequently be offset by the provision of a new synagogue on the same site as part of a mixed use development. Paragraph 5.1 of the applicant’s heritage statement confirms that “the motivation for redevelopment stems from the current building being much too large for the Jewish congregation and the need for a more manageable facility”. Nevertheless, the preservation of the existing community use on the existing site – albeit on smaller scale to account for a reduced

congregation – would avoid any conflict with the objectives of SANDP policy CH1, FLP policy HW2 and paragraph 93 c) of the NPPF.

With respect to the replacement synagogue, its siting on the edge of the town-centre and co-location with other surrounding uses within one of the Strategic Locations for Development would ensure an appropriate mix of uses in one sustainable and accessible location in compliance with the objectives for the siting of new community facilities in policy HW2. In order to ensure that the replacement synagogue is constructed in tandem with the proposed apartment building (and to avoid a scenario where the apartments are delivered in isolation to the replacement synagogue), a condition has been imposed to prohibit the occupation of any of the apartments until the replacement synagogue building has been substantially completed and made available for use as a place of worship.

Loss of the synagogue and heritage implications:

Background and effects on designated heritage assets:

Paragraph 189 of the NPPF identifies that “heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Prior to the Council’s preparation of its local list of non-designated heritage assets an application for statutory listing of the synagogue was made to Historic England in January 2016. By letter dated 25 February 2016, Historic England indicated that the “Secretary of State for Culture, Media and Sport has decided not to add St Anne’s Synagogue to the List at this time.” While Historic England have determined that the building is not worthy of statutory listing, the report attached to their letter provides a detailed description and assessment of the building. The Salient points of that report are cited below:

“HISTORY AND DETAILS

The synagogue was designed by a little-known Jewish architect named Maxwell Caplan of Southport, and is built of brick (very pale brown for show, red elsewhere) with concrete dressings. The rectangular schul and synagogue are separated by a shared entrance corridor, with the Ark on the same wall as the entrance.

The blocky tripartite front elevation faces east with parapets and a taller centre bay containing a tall, round-arched window with very wide two-tone concrete dressings, flanked by projecting bays with lesser similar windows. To the left the arched entrance to the schul has a three-stepped brick surround – the schul conceals the south side of the synagogue. The rear elevation has a shallow gable with five stepped lancets with concrete arched heads, and two very shallow buttresses. The north elevation is a regimented line of similar windows and buttresses. Internally the ceiling is barrel-vaulted, running down into the window heads. Instead of a ladies’ gallery there is simply a raised area behind the men’s seating, fronted by an openwork screen in flowing Festival of Britain sort of design. The Ark is flanked by curved walls clad in pink marble, and the Bimah has similar ironwork. Most windows contain coloured glass panels showing biblical landscapes, etc. set in palest pastel glazing. The chandeliers are reportedly identical with those found at Manchester’s Higher Crumpsall Synagogue, built at the end of the 1920s.

ASSESSMENT

The St Anne’s synagogue can be compared with earlier examples of a similar style, eg Greenbank Drive,

Liverpool (National Heritage List for England reference 1298791, Grade II), Sunderland (1387275, Grade II) or Chapeltown, Leeds (125639, Grade II). Based on the information provided and with reference to Historic England's Selection Guide for Places of Worship (2011), the Hebrew Congregational Synagogue is not recommended for listing for the following principal reasons:*

- *Date: although it is noted that the synagogue might be the only one in Lancashire of this date, and one of only a small number nationally dating from the 1950s, it dates to a recent period where particularly careful selectivity is required;*
- *Design: despite a robust composition, the design is conservative and plain and does not display the quality and design interest required for a building of this period.*

*Although the Hebrew Congregational Synagogue in St Anne's is not considered to meet the criteria for inclusion on the List, **its local significance has been recognised through the planning process and this assessment against criteria for national interest should not be taken to undermine this local significance [emphasis added].***

With respect to effects on designated heritage assets, paragraph 199 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

The synagogue is located approximately 55m to the southeast of the St Annes on Sea Conservation Area and, as a result of the failed application for statutory listing, is not a “designated heritage asset” for the purposes of the definition in Annex 2 of the NPPF. The boundary of the conservation area follows the corridor of Wood Street and its main vistas follow a southwest – northeast trajectory at right angles to Orchard Road, with the boundary terminating at the junction with Wood Street. Owing to the presence of intervening buildings between this junction and the site, combined with the synagogue’s flat façade and lower height in relation to adjacent buildings on either side, there is limited inter-visibility between the site and the conservation area. This relationship with the conservation area, together within the absence of any nearby statutorily listed buildings, means that the proposed development would also have no perceptible impact on or cause harm to the setting of designated heritage assets for the purposes of NPPF paragraphs 199-202. Nevertheless, an assessment of the building’s significance as a non-designated heritage asset is of relevance in this case.

Assessment of significance:

Annex 2 of the NPPF defines a heritage asset as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”

Paragraphs 194 and 195 of the NPPF state that:

- “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They

should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

The synagogue is a candidate for local listing in accordance with the Council's ongoing strategy for the identification of non-designated heritage assets and is described – under site reference S10 – in that strategy as follows:

- "Byzantine style post-war synagogue by Jewish architect A Maxwell Caplan of Southport which adopts a non-standard plan form. Constructed from brick (very pale brown for show, red elsewhere) with concrete dressings. The rectangular schul and synagogue are separated by a shared entrance corridor, with the Ark on the same wall as the entrance."

While the Conservation Officer indicates that the building is "locally listed", its inclusion on the local list is, however, currently unconfirmed due to an ongoing appeal by the applicant against this local listing in early 2018. This appeal has not been progressed following the decision to grant planning permission for the building's demolition under application 17/0762 in May 2018. Nevertheless, the fact that the building is not presently confirmed as being included on the Council's local list of heritage assets does not, in itself, preclude it from having sufficient value to warrant its classification as a non-designated heritage asset and it is noted that the local listing panel's assessment made prior to the appeal concludes that the synagogue should be included on the local list. The representations received from the Council's Conservation Officer, the County Archaeologist, the Twentieth Century Society, the Lytham St Annes Civic Society, Historic England and the commentary from Dr Sharman Kadish (made at the time of application 17/0762) serve to reinforce this. Accordingly, the Local Planning Authority is of the view that the building is a "non-designated heritage asset" and, in turn, the assessment below is made in the context of the provisions in the NPPF which relate to non-designated heritage assets. It is noted that the applicant's supporting heritage statement makes the same conclusion.

While the Council's Conservation Officer, the County Archaeologist, Dr Sharman Kadish and the Lytham St Annes Civic Society note that the loss of the existing building is regrettable, they do not object to its demolition in principle providing that conditions are imposed to: i) ensure that its historical interest is recorded prior to demolition; and ii) that items of specific significance to the existing building's interior and exterior are preserved and re-used in the replacement synagogue. In contrast, the Twentieth Century Society opine that permission should be refused for the building's demolition on the basis that the scheme "will result in the total loss of a valuable non-designated heritage asset [and] despite the applicant's claims, we believe it would be possible to adapt the existing building for the new use required." Several of these representations refer to the building's inclusion in Pevsner's 'The Buildings of England series: Lancashire, North' (edited by Hartwell, 2009) as follows:

- "SYNAGOGUE, Orchard Road. 1959, by A. Maxwell Caplin. A striking composition, wholly of its day, in a sort of stripped Byzantine style with flat roofs. Very pale brown brick. Blocky tripartite end to the road, where a taller centre containing a very large round-arched window is flanked by bays with lesser windows. N side with a regimented line of similar windows, entrance on the S side. The rear has a group of five stepped windows. Big barrel-arched roof. Instead of a ladies' gallery there is simply an openwork screen. – ARK (where the Torah scrolls are kept) flanked by curved walls clad in pink marble. – BIMAH (from which the Torah is read) with open ironwork in the same flowing Festival of Britain sort of design as elsewhere. – STAINED GLASS. Colourful panels showing biblical landscapes, etc. set in palest pastel glazing."

Policy context:

Paragraph 197 of the NPPF stipulates that, in determining planning applications, local planning authorities should take account of:

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

Having particular regard to effects on non-designated heritage assets paragraph 203 of the NPPF indicates that:

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

With respect to heritage assets, SANDP policy DH1 indicates that development proposals must respect the special interest of non-designated heritage assets, including buildings on the local list. The removal of historic features will be resisted.

In addition, FLP policy ENV5 requires that proposals for development conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde’s designated and undesignated heritage assets. With regard to “locally important heritage assets” (those which are not subject to any statutory protection), the policy indicates that “development which would remove, harm or undermine the significance of a locally important heritage asset, or its contribution to the character of the area, will only be permitted where robust evidence can demonstrate that the public benefits of the development would outweigh the harm based on a balanced judgement. Where the loss of a locally listed asset is permitted, the following will be required:

- Survey and recording of the asset which may include archaeological investigation, which should be deposited with the local Historic Environment Record.
- The replacement building must be of a suitable quality and design and contribute to enhancing local character and identity.
- The salvage and reuse of materials and special features on site or nearby.”

Impact assessment:

The application proposes a mixed-use scheme for residential (9 apartments) and community (replacement synagogue) development following the demolition of the existing synagogue.

For the reasons set out above, the synagogue is a non-designated heritage asset. As the application involves the complete demolition of the existing building, the scale of harm to the heritage asset would be substantial. As set out in paragraph 203 of the NPPF and FLP policy ENV5 this harm must, however, be weighed against the significance of the heritage asset in the context of a balanced judgement (i.e. in the overall planning balance).

The applicant has provided a heritage statement in support of the application which complies with the requirements set out in paragraph 194 of the NPPF. This includes an analysis of the existing building’s significance and an assessment of the development’s impact. Following an assessment of the building’s evidential, historical, communal and aesthetic value, paragraph 3.23 of the statement

opines that “the building’s heritage value stems largely from its historic connections with the St Annes Jewish congregation (illustrative historic value) and the imposing nature of its main façade (aesthetic value).” With reference to these principal values, the statement concludes, at paragraph 5.3, as follows:

“The primary heritage values of the Synagogue are historical, communal and aesthetic in nature. Historically, there are very strong illustrative connections with the activities of the St Annes congregation dating back to their first adoption of the site in 1940. This illustrative historic value is aligned very closely to communal value, which is again intrinsically related to the St Annes congregation for whom the site has provided their main social and religious focus. In terms of aesthetic value, this is principally derived from the building’s prominent main façade, with its Byzantine influences and simple yet imposing volumetric composition. In a contextual sense, the building has an uncompromising design which borrows nothing from the character of the locale and which appears too large for the plot in which it sits.”

With respect to aesthetic value, the heritage statement opines that this relates “almost solely to its façade, the sides and rear being comparatively plain and generally out of view” (paragraph 3.16). The statement also recognises the value of interior features including the “barrel vaulted ceiling and attractive stained glass”, though it suggests that the interior of the building “lies outside the scope of general planning controls”. With respect to the impact arising from the loss of the building, paragraph 5.4 of the heritage statement concludes as follows:

- “In this case the proposals would appear at first sight to result in total loss of the heritage asset and such a loss will doubtless be a concern to those who value the building’s architectural qualities. However, that the heritage values and significances of the site are as much related to historic use and communal value as they are the perceived architectural qualities of the building is crucial to the case, since it demonstrates that the proposals will not in fact result in total loss of heritage value. Indeed the proposals conserve the historic and communal values of the site by sustaining the St Annes congregation in a new, fit for purpose Synagogue building. They also provide a sustainable future for the site and offer an opportunity to construct new buildings which better compliment and harmonise with the historic setting of the site.”

The heritage statement also makes reference to the conservation of elements of the building’s “tangible heritage value” through the proposed “incorporation of stained glass from the existing building into the new synagogue”. The submitted Design and Access Statement goes further than this, with section 6 referring also to the use of materials salvaged from the existing building on the exterior of the replacement synagogue.

Paragraph 3.23 of the heritage statement suggests that the existing building possesses “limited heritage value” and makes reference to “Historic England’s refusal to formally list the building because of a lack of architectural interest” in support of this assertion (paragraph 4.11). Instead, the heritage statement opines that the conservation of heritage value at the site relies primarily on “sustain[ing] the St Annes congregation’s connections with the Orchard Road site” (paragraph 3.27) which would be achieved through the provision of a new place of worship.

While representations from the Twentieth Century Society (TCS) do not disagree with the heritage statement in the respect that “the applicant locates significance in the building’s historic use and communal value – intangible heritage value which it claims will not be lost through the creation of a new synagogue”, they opine that “the applicant has underplayed the heritage significance of the existing Synagogue building” by relying on Historic England’s decision not to statutorily list the building in 2016 “to argue that the building lacks architectural interest”. In particular, the TCS suggest that

Historic England's decision not to statutorily list the building simply "shows that the building falls short of the very high bar for listing post-war architecture in England" and concludes that "the existing Synagogue is clearly of architectural and historic significance, as shown through its inclusion in Pevsner's Lancashire volume, in Kadish's *The Synagogues of Britain and Ireland*, and in the council's identification of it as an NDHA". The TCS also opine that "despite the applicant's claims, we believe it would be possible to adapt the existing building for the new use required."

The County Archaeologist, in comments on both this application and 17/0762, acknowledges the significance of the building as put forward by the TCS but also recognises the constraints associated with maintaining this given the declining congregation. On balance, the archaeologist does not object to the building's demolition but, instead, recommends a programme of building recording. Similar representations are made by the Council's Conservation Officer and the Civic Society. The representations from Dr Sharman Kadish in relation to application 17/0762 provide a helpful catalogue of the building's internal fixtures and fittings of significance which should be preserved and re-located within the replacement building if demolition is permitted. These include stained glass windows, light fittings, the foundation stone and consecration plaque, the pulpit, synagogue archives and photography.

The demolition of the existing building would result in the total loss of the building's architectural significance. Although the heritage statement suggests that the synagogue's aesthetic value is limited to the main façade onto Orchard Road, this underplays the importance of the doorway on the east of the building and its contribution to the unique internal building layout. The heritage statement also underestimates the importance of the building's interior and the fixtures and fittings mentioned in the representation from Dr Kadish. While these may not be protected in the same way as a statutorily listed building, they nonetheless make an important contribution to the building's significance. The heritage statement refers to a "lack of architectural interest" as the main reason for Historic England's decision not to list the building. This is, however, an oversimplification. As cited above and mentioned by the TCS, Historic England's decision was based primarily on the relatively recent period of construction and a "conservative and plain design". Moreover, the response from Historic England makes clear that the building's failure to satisfy the criteria for national listed should not undermine its local significance. Therefore, it is considered that the "limited architectural interest" referred to in the heritage statement represents an underestimation of the building's significance in this regard. Instead, a weighting of 'moderate' architectural interest would be more appropriate in acknowledgement of the building's unique and striking design, albeit that this is in a simple, plain style which is somewhat at odds with the local vernacular.

In spite of the heritage statement's underestimation of the building's architectural interest, it is accepted that its historical/communal value is likely to be of greater ('high') significance, particularly as the existing building replaced the former St Annes Mission Chapel which had stood on the site since *circa* 1900 and was first occupied by a Jewish congregation in 1940 before being replaced by the existing building *circa* 1959. Accordingly, there are strong connections between the community at this site which would be preserved through the provision of a replacement synagogue and the re-use of the existing building's external materials and internal fixtures and fittings. It is, however, also the case that this connection is linked to the religious architecture of the building which makes it instantly distinguishable from the surrounding buildings. Moreover, paragraph 205 of the NPPF makes clear that "the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

The TCS consider that the applicant should explore opportunities to retain and adapt the existing building for the new use required before resorting to demolition. While the NPPF does not explicitly set out this 'sequential' requirement in respect of schemes involving the loss of non-designated

heritage assets in the same way that it does for designated heritage assets (e.g. at paragraph 201 of the Framework), this approach is supported by FLP policy ENV5.

The applicant's architect has provided a statement and sketches showing a design concept for potential conversion to deliver apartments within the western part of the building and the replacement synagogue in the eastern section. This would, however, require the introduction of numerous additional windows to all elevations, alterations to the size and shape of existing openings and the inclusion of internal floors crossing retained arched windows in order to create separate levels. The entrance door and corridor connecting the two elements of the building would also need to be demolished to provide separation between the uses, along with a significant portion of the rearward building in order to provide car parking. In addition, the lack of spacing with adjacent buildings on each side and a reliance on side-facing windows to habitable rooms would restrict outlook and access to natural light to future occupiers (especially the apartments).

While the sketch concept drawing provided by the architect does not necessarily provide a comprehensive investigation of all possible alternatives for the building's conversion (including those involving non-residential uses), it is apparent that the building does not readily lend itself to conversion for the uses applied for in this case and that, even if this were progressed, there would be a need to undertake a series of unsympathetic alternations to the exterior of the building which would also undermine its current architectural value and, in turn, its significance as a non-designated heritage asset as well as presenting complex challenges in respect of other planning considerations (having particular regard to highway safety and the amenity of future occupiers). Moreover, although the TCS opine that "we believe it would be possible to adapt the existing building for the new use required", no details of such a scheme are provided by the TCS nor is a detailed rebuttal of the applicant's suggestion made.

Conclusion and planning balance:

The existing synagogue is a non-designated heritage asset. The significance of the building derives principally from its architectural, historic and communal value – attributes which are considered to range from 'moderate' (in terms of architectural) to 'high' (in terms of historic and communal) significance. Whilst the development's harm to architectural significance arising as a result of the building's demolition would be substantial, elements of the building's exterior and interior which contribute to this significance (e.g. stained glass, materials and internal fixtures and fittings) would be reused in the construction of a replacement synagogue on the site. The level of harm to historic and communal value is considered to be less than substantial due to the development's provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser heritage significance than that which it would replace.

In accordance with the "balanced judgement" in paragraph 203 of the NPPF and FLP policy ENV5, the adverse effects which would arise from the loss of the building must be balanced against the other benefits the scheme would deliver. In this case, the development would contribute to boosting the supply of housing on previously developed land within a key service centre and strategic location for development which occupies a highly accessible location in close proximity to a range of shops and services in the town centre. It would also deliver a mix of smaller house types for which the Fylde Coast SHMA identifies a specific need. These elements of the scheme are wholly in accordance with the aims and objectives of the SANDP, FLP and the NPPF which seek to direct development to the most sustainable locations. Although the Planning Inspectorate's report on the Council's latest Annual Position Statement (which remains extant until October 2021) confirms that "the Council can demonstrate a 5.13-year housing land supply" (thus exceeding the minimum 5-year requirement in

order that the 'tilted balance' in paragraph 11 d) of the NPPF is not engaged), the existence of a five year housing land supply is not, in itself, a reason to refuse applications for residential development in suitable locations which are supported by the development plan, nor does it diminish the importance of delivering new housing to significantly boost the supply set out in paragraph 60 of the NPPF. Accordingly, the delivery of new housing in a location which readily accords with the development strategy set out in the development plan is a benefit of the scheme which must attract significant weight.

The mixed-use development would also provide for a replacement place of worship on the same site following the demolition of the existing building. In the context of the synagogue's diminishing congregation, the applicant contends that the smaller, modern replacement building would offer more manageable, fit-for-purpose accommodation in comparison the existing building. While the introduction of a replacement place of worship on the site would avoid the loss of an existing community facility, this is a neutral factor in the planning balance as this replacement provision is a requirement of the Development Plan (specifically policies HW2 of the FLP and CH1 of the SANDP). In heritage terms, however, retaining an existing synagogue use on the site significantly reduces the harm to significance by preserving historic and communal value (elements of 'high' contribution to the existing building's significance).

On balance, and having particular regard to the provisions in paragraph 203 of the NPPF and FLP policy ENV5 which require a balanced judgement to be taken in relation to proposals affecting non-designated heritage assets, it is considered that the adverse impacts of granting permission arising from the harm to the non-designated heritage asset would not significantly and demonstrably outweigh the benefits from the mixed use development in the overall planning balance. This repeats the conclusion reached when granting permission for an identical development pursuant to application 17/0762. While that application was approved in May 2018, there has been no fundamental change in local or national planning policy concerning how proposals involving the loss of non-designated heritage assets should be treated since that decision was issued to indicate that a different approach should be taken in respect of this application which involves an identical form of development, nor has there been any change in the existing synagogue's significance and value as a non-designated heritage asset.

FLP policy ENV5 sets out three criteria (a – c) which will apply where the loss of a locally listed heritage asset is permitted. These include: a) a survey and recording of the asset (as with paragraph 205 of the NPPF); b) ensuring a replacement building of suitable quality and design which enhances local character (as considered further in the following section); and c) the salvage and re-use of materials and special features. Compliance with these criteria can be secured through appropriate planning conditions (as recommended by consultees).

In addition, paragraph 204 of the NPPF states that "local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred." Accordingly, a condition is also required requiring evidence that a contract for the redevelopment of the site has been entered into before any development involving the demolition of the existing synagogue is commenced. This is to avoid a scenario where, after the granting of reserved matters and the discharge of pre-commencement planning conditions, the existing building could be demolished to preserve the permission without this being followed by any subsequent re-development of the site.

Impact on character and appearance:

FLP policy GD7 states 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). In particular, criteria b), d), g), h), i), k) and l) of the policy identify the following requirements:

- 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, relate well to the surrounding context.
- Applying Secured by Design principles.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly, sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.
- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.

SANDP policy DH1 requires development to be of a high quality design which is “appropriate and sympathetic to the character of the town and its neighbourhoods”. The policy refers to the St Anne’s Design Guide SPD and indicates that “development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards.”

Paragraph 130 of the NPPF sets out six general principles of good design (a – f) and paragraph 133 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for a Healthy Life”. Paragraph 134 of the NPPF 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 [contained in the National Design Guide and National Model Design Code]”.

Appearance, Layout and Scale:

The application includes two distinct elements: (i) a three storey, pitch-roofed apartment block to the western end of the site; and (ii) a replacement synagogue within a flanking flat-roofed, single storey building to the east.

The apartment block would incorporate a square-shaped footprint which, in a similar fashion to the western section of the existing synagogue, would follow the established building line on Orchard Road, thus preserving the open building frontage to the roadside. The apartment block would marginally increase the existing spacing with no. 36 Orchard Road to the west and its ridgeline would be lower than the adjacent property to replicate the roof height of no. 44 to the east. The building’s façade would be organised in five ‘bays’ articulated by individual facing gables with steep-sided pediments equidistantly spaced to either side of a central entrance to present a balanced, symmetrical appearance to Orchard Road with a strong rhythm to the façade. Minor, but symmetrical undulations to these facing gables would present a stepped appearance to the elevation moving away from a central entrance.

Objectors opine that the size of the apartment block is excessive, having particular regard to its three-storey height above and beyond that of the existing building. The present façade of the synagogue incorporates a stepped parapet which conceals a shallow, hipped roof behind. The height of the synagogue's current roof ranges from 7m (on its east side) to 10.9m (on its west side). With the exception of its far eastern 'bay', the apartment building would occupy the western part of the site where the tallest part of the synagogue presently stands. It would sit between existing, taller three-storey buildings on both sides (nos. 36 and 44 Orchard Road) and would have eaves and ridge heights of 7.3m and 10m respectively, with its massing at roof level further reduced by virtue of its hipped profile to each side of the building. In addition to the three storey properties on either side, the apartment building would also be seen in conjunction with the four-storey apartment block at 'The Gables' which occupies the opposing junction to the northeast and is much taller (measuring up to 14.5m to ridge). When seen in this context, the apartment building's scale and massing would not appear excessive and would assimilate comfortably in relation to the three-storey properties on either side and other taller, surrounding buildings on the north side of the junction.

The use of facing gables with steep pitched roofs along with the vertical emphasis added by the depth of window openings to the façade represents a modern interpretation of surrounding building design which would harmonise with its surroundings in terms of the symmetry and rhythm of openings to the front elevation. While the building's side elevations would present a more functional appearance with rows of smaller windows, openings would be arranged in a regimented pattern to reflect the character of surrounding buildings and these elevations would be substantially screened by existing properties to both sides in order that focus is drawn to the principal façade. The combination of brick and render to the apartment's external walls would ensure a contemporary design and draw distinction between staggered and protruding features to the main façade while respecting the mixed palette of materials in the area.

The replacement synagogue would follow a rectangular layout incorporating a stepped, L-shaped footprint in close proximity to the site's eastern and southern boundaries, but maintaining a set back position from the northern boundary with Orchard Road. The building would, albeit on a much smaller scale, echo the tripartite style to the western portion of the existing synagogue by presenting a taller, central parapet flanked by lower, recessed sections to either side. Windows would be set in narrow, vertical openings with stone architraves to replicate those of the existing synagogue (including the re-use of stained glass) and would follow a regimented pattern ensuring a strong sense of rhythm to all elevations.

The replacement synagogue would occupy a staggered position set back from the front walls of the proposed apartment building to the west and no. 44 Orchard Road to the east. Although its flat-roofed design and single storey height would be different from that of surrounding buildings, its staggered siting, reduced scale and flat roof would act in combination to ensure that it appears as a subservient feature in the street scene and one which is closely related to both the existing synagogue and the adjacent apartment building. Certainly, its appearance would be more subdued in comparison to the existing synagogue and in a street scene which includes buildings of varied scale, height, roof profile and design, the single storey building would not appear as an incongruous addition.

For the reasons set out above, the proposed development, by virtue of its layout, scale, height, roof profile, proportions, materials and design, would harmonise with surrounding buildings and would be compatible with the varied character of the street scene in accordance with the objectives of the SANDP, FLP and NPPF (including associated design guidance).

Impact on residential amenity:

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

Furthermore, paragraph 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.”

The three-storey apartment building would flank the eastern wall of no. 36 Orchard Road, with a spacing of *circa* 6.5m achieved between the two buildings. At present, no. 36 comprises an office block and appears to be vacant, with herras fencing restricting access to the front. There is, however, an extant planning permission on the site for the refurbishment of the existing building to allow its re-use as offices (19/0965).

Habitable room windows are proposed in the west side of the apartment building facing the east side of no. 36 which includes single windows to its upper levels and a collection of windows to the ground floor. While the interface distance of *circa* 6.5m between the side-facing windows of the proposed apartments and the opposing side elevation of no. 36 is limited, it is recognised that side-facing habitable room windows over short distances between buildings are not uncommon in the area (e.g. between other houses on Orchard Road to the east). Moreover, the outlook from windows (principally bedrooms) proposed in the western elevation of the apartments would also include oblique views past (to the front and rear) no. 36 Orchard Road (even if 19/0965 were to be implemented). Accordingly, the outlook and access to daylight from the proposed side-facing windows would not be so restricted as to result in unacceptable living conditions for future occupiers when considered in the context of the general pattern, density and character of surrounding development in the area.

To its east side, the ground floor of the apartment block would flank the western wall of the replacement synagogue over a distance of approximately 1.9m. This degree of spacing would rise to approximately 12m with respect to the dwelling at no. 44 Orchard Road at the upper levels. Although views from side-facing bedroom windows in the ground floor on the east side of the apartment block would be restricted by the flanking elevation of the replacement synagogue, that building’s single storey height and flat-roofed design would avoid any unacceptable sense of enclosure to these openings. Views from the apartment’s upper floor windows would be available beyond the roof of the replacement synagogue, with the separation distance of 12m to no. 44 Orchard Road ensuring no adverse effects on this property through overlooking.

The replacement synagogue would flank the western (side) elevation of no. 44 Orchard Road, with a minimum separation of 2.7m achieved between the two buildings. Number 44 has habitable room windows in its western elevation facing towards the site and several windows are proposed in the opposing (east) side of the replacement synagogue. It is noted that the degree of spacing proposed between the replacement synagogue and the side of no. 44 Orchard Road is equal to or greater than that presently available with the existing building and that the current building is 1-2m taller and also contains a row of windows in its east side facing no. 44. Accordingly, this element of the proposal would have no greater impact on the adjoining occupiers in comparison to the current scenario and would not unduly affect the privacy and amenity of adjoining occupiers by reason of its siting, scale, height, massing or design.

The new apartment building would increase the level of separation with properties to the rear on Clifton Drive South (set at a slightly lower level) by approximately 7m in comparison to the rear wall of the existing synagogue. While the replacement synagogue would be equally as close to 307-313 Clifton Drive South, its reduced height and massing in comparison to the existing building would reduce any sense of enclosure to the rear of those properties.

Objectors opine that the demolition of the existing building and construction of the new development would have a harmful impact on the amenity of surrounding occupiers due to nuisances including traffic disruption, noise and dust during the construction period. While it is recognised that there is likely to be some disruption and inconvenience to surrounding occupiers during the construction period, such issues are synonymous with all development projects undertaken in urban settings where sites are surrounded by existing buildings and so are unavoidable. Accordingly, the test in this case is not whether neighbouring occupiers would experience *any* disturbance during the construction period but, instead, what measures should be put in place to mitigate and minimise the effects of demolition/building operations. In this case, a pre-commencement condition has been recommended requiring the submission of a Construction Method Statement to provide details of these mitigation measures.

For the reasons set out above, the proposed development would not have any unacceptable impact on the amenity of existing occupiers through loss of outlook, overshadowing or overlooking and would ensure a good standard of amenity for future occupiers commensurate with the pattern and character of development typical in the area in accordance with the objectives of FLP policy GD7 and the NPPF.

Highways:

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

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

Table A of the JLSP includes the following baseline parking standards for individual dwellings based on the number of bedrooms they provide:

- Single bed houses – 1 space per dwelling.
- 2-3 bed houses – 2 spaces per dwelling.

SANDP policy TR3 relates to residential car parking, though the policy is geared more closely towards schemes involving in-curtilage parking for individual dwellings rather than apartment developments and/or mixed-use schemes. Nevertheless, the policy states that, wherever possible, car parking should be accommodated within the curtilages of dwellings. The policy also advises that “rear parking areas should be small (serving no more than six homes) so that there is a clear sense of ownership and they must should benefit from good natural surveillance.”

Paragraph 107 of the NPPF sets out five principles (a)-e)) which should be followed when setting local parking standards for development. Criteria a) and c) indicate that these standards should take into

account “the accessibility of the development” and “the availability of and opportunities for public transport”. Paragraph 110 b) of the NPPF requires developments to achieve a safe and suitable means of access to sites and paragraph 111 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.”

Access to the site would be gained via the existing dropped crossing from Orchard Road to the northwest corner of the site. A total of 13 car parking spaces would be provided within the site within courtyards to the front (5 spaces) and rear (8 spaces) which would be overlooked by habitable room windows. These spaces would be shared between the apartments and the synagogue. The site occupies a central location on the edge of the town centre and is readily accessible by modes of transport other than private car. When considered in combination with the building’s accessible location, the 13 car parking spaces proposed are considered to be sufficient to serve both uses. An outbuilding is proposed within the rear courtyard of the development which is capable of providing both bin storage and cycling spaces (though there are several other parts of the site where cycle stands could be positioned to encourage travel by alternative modes for both uses).

Objectors question the safety of the existing access into the site, the capacity of the surrounding road network to accommodate the increased vehicle movements associated with the mixed-use development and the lack of parking for worshippers at the replacement synagogue. These concerns are not, however, shared by the Local Highway Authority who have raised no objections on grounds of the development’s access, parking provision, network capacity or highway safety. Instead, conditions are recommended with respect to the laying out of vehicle parking/turning areas, a construction management plan, the construction of the access, the provision of secured cycle parking and a communal parking scheme to ensure that parking spaces within the site remain unallocated for use by future occupiers of both the apartments and replacement synagogue. While it is recognised that worshippers at the synagogue may need to seek alternative parking nearby at busy times, it is also the case that the existing synagogue presently functions without any dedicated off-street parking for the congregation and so the provision of some off-street parking as part of this development would improve the current situation.

As advised by the Local Highway Authority, the proposed development would ensure safe and suitable access and circulation arrangements for all road users and a suitable level of parking provision for the proposal commensurate with its edge-of-town-centre location in order that the development would not have any adverse effects on highway safety or capacity. Suitable provision for cycle storage facilities within the site to encourage travel by more sustainable modes can be secured by condition. Accordingly, the proposal is in compliance with the objectives of SANDP policy TR3, policies GD7, T4 and T5 of the FLP, and the NPPF.

Other matters:

Developer contributions:

The scheme represents “major” development as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as it involves “the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.” Nevertheless, FLP policies H4 and ENV4 indicate that contributions towards affordable housing and open space will only be sought for “market housing schemes of 10 or more homes”. In the absence of an adopted Community Infrastructure Levy, the same threshold is applied to the other contributions mentioned in FLP policy INF1 (including those towards healthcare and education). As the proposed development of 9 dwellings falls below the 10-dwelling threshold, there

is no requirement for this scheme to make these infrastructure contributions.

Ecological impacts:

Section 1 of FLP policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species. Paragraph 174 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity.

As the scheme involves the demolition of the existing synagogue building, it is accompanied by a bat survey which includes internal and external inspections of the building for signs of bat and identification of roosting opportunities. The survey includes the following conclusions:

- The building is predominately well-sealed, with a lack of any external crevices where bats could enter the building or roost within. The internal inspection also did not reveal any evidence of roosting bats, either current or historical.
- The habitat within which the survey building lies is generally relatively poor for bats, as it is dominated by relatively dense residential properties and lacks significant green spaces. In particular, there is a lack of trees and watercourses in the wider area and although there are several ornamental ponds in the vicinity the majority of these are located at the coastal boundary and are therefore very exposed.
- It is therefore concluded that the property has negligible potential for roosting bats. As such, no further survey work is recommended and there will be no requirement for mitigation for any loss of habitat.

The Greater Manchester Ecology Unit (GMEU) have been consulted on the application. GMEU do not disagree with the conclusions in the bat survey and so advise the application can be determined without the need for any further survey work. GMEU advise that, in line with the NPPF, opportunities to enhance the use of the site for wildlife – through the provision of integrated bat and bird boxes within the development – should be secured by condition. Accordingly, the proposed development would not have any adverse effects on the favourable conservation status of protected species and suitable biodiversity enhancement measures can be secured through condition (with opportunities to provide enhancements via ‘landscaping’ being reserved at this stage).

Contamination:

FLP policy GD9 identifies a presumption in favour of the re-development of previously developed land subject to applicants providing evidence of a satisfactory site investigation and showing that any proposed remedial works are adequate to deal with any identified hazards, including the risk to human health and controlled waters from land contamination. This is supported by paragraphs 174 f), 183 and 184 of the NPPF.

As the site is previously developed land and has been occupied by buildings since at least *circa* 1900, this legacy affords the possibility of land contamination from historical uses. Objectors opine that the existing building may have an asbestos roof, though this is unconfirmed and is noted in the bat survey as comprising a combination of “corrugated sheeting”, “felt” and “liquid bitumen”. In any case, the presence of an asbestos roof would not, in itself, provide grounds for automatic refusal of the application as this material could be disposed of appropriately. In these circumstances, it is considered reasonable and necessary to impose a condition requiring a site investigation (and, where necessary,

the implementation of appropriate remediation measures) in respect of contamination to be submitted before any development (which, for clarity, includes any works of demolition) takes place.

Flood risk:

FLP policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 161). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

FLP policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible.

The site falls within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding) as defined on the Flood Map for Planning and as it is under 1 hectare in area. As a result, there is no requirement for a flood risk assessment to be submitted with the application. Nevertheless, as the proposal involves “major” development, the Lead Local Flood Authority (LLFA) have been consulted and United Utilities have also commented. Neither organisation raised any objections to the application subject to the imposition of an appropriate condition requiring the submission of a scheme to dispose of foul and surface water drainage which follows the hierarchy of drainage options set out in the NPPG. Accordingly, appropriate measures would be put in place to ensure that the development would not be at an unacceptable risk of flooding and would not increase flood risk elsewhere.

Conclusions

The application relates to the site of the St Annes Hebrew Congregational Synagogue – a split-level building which occupies an irregularly-shaped parcel of land extending to *circa* 1,600 square metres at the junction of Orchard Road and Richmond Road. The site falls within the settlement boundary and borders the edge of St Annes Town Centre to the northwest. Outline planning permission (including access, layout, scale and appearance as detailed matters) was granted on 25 May 2018 under application reference 17/0762 for the demolition of the existing synagogue and the site’s re-development for a mix of uses including a smaller, replacement synagogue alongside a three storey block of 9 apartments. This permission has, however, now lapsed.

The current application is a duplicate of the scheme approved by 17/0762 and, again, seeks outline permission (including access, layout, scale and appearance) for the demolition of the existing synagogue and its replacement with a smaller, single storey synagogue to the eastern part of the site alongside a three storey block of 9 apartments to the west. The current vehicular access onto Orchard Road would be retained to the northwest corner of the site and 13 car parking spaces would be provided to the external areas.

The existing synagogue is a non-designated heritage asset, the significance of which derives principally from its architectural, historic and communal value – attributes which are considered to range from ‘moderate’ to ‘high’ significance. Whilst the development’s harm to architectural significance arising

as a result of the building's demolition would be substantial, elements of the building's exterior and interior which contribute to this significance (e.g. stained glass, materials and internal fixtures and fittings) would be reused in the construction of the replacement synagogue. The level of harm to historic and communal value is considered to be less than substantial due to the development's provision of a new place of worship on the site in order to ensure its continued use by the congregation in the same location, thereby preserving the use, albeit in a building with lesser heritage value than that which it would replace. In summary, and on balance, it is considered that the harm to the non-designated heritage asset arising from its demolition would not significantly and demonstrably outweigh the benefits of the mixed-use development when taken as a whole.

The same conclusion was reached during the assessment of application 17/0762 in May 2018. While there have been changes in both local (most notably the adoption of the Fylde Local Plan to 2032) and national (most notably the publication of the 2021 version of the National Planning Policy Framework) planning policy since that decision, the policies contained in these replacement/updated documents do not indicate that a fundamentally different approach should be taken to assessing a development's impact on the significance of non-designated heritage assets in comparison to the policy context which was in place in May 2018. Accordingly, there is no compelling reason why a different conclusion should be reached in this case.

The site comprises previously developed land in a highly accessible location within one of the Key Service Centres and Strategic Locations for Development identified in the Local Plan. The proposed development would preserve the existing community use of the site through the provision of a replacement place of worship which is more proportionate in size to the needs of the current congregation and would make efficient use of land by delivering housing in a suitable location which accords with the development strategy in the Fylde Local Plan to 2032, including the delivery of smaller dwellings for which there is an identified need.

The proposed development, by virtue of its layout, scale, height, roof profile, proportions, materials and design, would assimilate sympathetically with surrounding buildings and would be compatible with the varied character of the street scene. The development's siting and relationship with surrounding buildings would avoid any undue effects on the privacy and amenity of surrounding occupiers through loss of outlook, overlooking and overshadowing, and would ensure appropriate living conditions for future occupiers. No other adverse effects would arise with respect to highway safety, contamination, ecology or flood risk.

Therefore, the proposal is considered to represent sustainable development in accordance with relevant policies of the adopted Development Plan and the National Planning Policy Framework.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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 landscaping 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.

4. This permission relates to the following plans:

Drawing no. SYN/1/001 – Location plan.
Drawing no. SYN/1/010 – Proposed site plan.
Drawing no. SYN/1/011 Rev A – Proposed roof plan.
Drawing no. SYN/1/012 – Proposed site plan.
Drawing no. SYN/1/110 – Proposed ground floor plan.
Drawing no. SYN/1/111 – Proposed first floor plan.
Drawing no. SYN/1/112 Rev A – Proposed second floor plan.
Drawing no. SYN/3/310 Rev A – Proposed elevations.
Drawing no. SYN/3/311 Rev A – Proposed street view.
Drawing no. SYN/3/312 Rev A – Proposed elevations.
Drawing no. SYN/3/313 Rev A – Proposed elevations.
Drawing no. SYN/3/314 Rev A – Proposed elevations.

Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall accord with the details shown on the approved plans insofar as they relate to the site area, the mix of uses permitted, the access, appearance, layout and scale of the development, and shall not exceed the maximum quantum of development applied for.

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 as part of this permission.

5. No development involving the demolition of the existing building shall take place unless and until a contract(s) for the carrying out of the works of redevelopment of the site in accordance with this permission and any application for approval of reserved matters which is granted pursuant to condition 1 of this permission has been entered into. The contract(s) shall include: i) details of the terms and conditions applicable to the contract(s); and ii) a schedule, programme and timetable for the carrying out of the works of demolition and the redevelopment of the site (including associated allowances and/or penalties for overruns) and a copy shall be submitted to and approved in writing by the Local Planning Authority before any development involving the demolition of the existing building takes place. The development shall thereafter be carried out in full accordance with the duly approved contract.

Reason: In order that reasonable steps are put in place to ensure the new development hereby approved will proceed after the loss of the existing heritage asset has occurred and to avoid a scenario where the existing building is demolished without this being followed by any subsequent redevelopment of the site which provided the justification for the loss of the heritage asset in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and paragraph 204 of the National Planning Policy Framework (2021).

6. None of the dwellings shall be first occupied until the replacement synagogue building hereby approved has been substantially completed and made available for use as a place of worship.

Reason: To ensure that the dwellings and replacement synagogue are brought forward simultaneously as a comprehensive redevelopment of the site, in order that suitable alternative provision for community facilities is made to compensate for the loss of the existing synagogue, to preserve elements of the historic and communal value of the existing building's significance by ensuring the continued provision of a place of worship on the site and to prevent the dwellings being constructed independently of the replacement synagogue without alternative community provision first having been made in accordance with the requirements of policies CH1 and DH1 of the St Annes on the Sea Neighbourhood Development Plan, Fylde Local Plan to 2032 policies HW2 and ENV5, and the National Planning Policy Framework.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity and to ensure that materials from the existing building are salvaged and re-used on the replacement synagogue building in order to preserve elements of its architectural value in accordance with the requirements of St Annes on the Sea Neighbourhood Development Plan policy DH1, Fylde Local Plan to 2032 policies GD7 and ENV5, and the National Planning Policy Framework.

8. Notwithstanding any details shown on the approved plans and the requirements of condition 4 of this permission, no above ground works of development shall take place until details of all windows and doors to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including architraves, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before each associated building is first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity and to ensure that materials from the existing building are salvaged and re-used on the replacement synagogue building in order to preserve elements of its architectural value in accordance with the requirements of St Annes on the Sea Neighbourhood Development Plan policy DH1, Fylde Local Plan to 2032 policies GD7 and ENV5, and the National Planning Policy Framework.

9. No development (including demolition) shall take place until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) A preliminary risk assessment which identifies:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation based on the results of a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site.
 - c) The results of the site investigation and the detailed risk assessment referred to in b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the duly approved scheme and a verification report confirming its implementation shall be submitted to and approved in writing by the Local Planning Authority before any of the buildings 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.

10. No development (including demolition) shall take place until a Written Scheme of Investigation (WSI) setting out a programme and timetable of historic building recording for the existing synagogue has been submitted to and approved in writing by the local planning authority. The WSI shall include:
 - a) A phased programme and methodology of site investigation and recording which meets the requirements of a level 3 record as set out in the publication 'Understanding Historic Buildings' by Historic England (2016) and includes:
 - a desk-based building assessment.
 - historic building recording, including a full large format photographic record of the synagogue and site before the interior is stripped for demolition.
 - b) A programme for post investigation assessment to include:
 - analysis of the site investigation records.
 - production of a final report on the building's historical interest.
 - c) Provision for publication and dissemination of the analysis and report.
 - d) Provision for archive deposition of the report and records of the site investigation.
 - e) Nomination of an appropriately qualified and experienced professional building recording contractor who complies with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA) to undertake the works set out within the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To record and advance understanding of the heritage asset to be lost and to make information concerning the building's significance as a heritage asset publicly accessible in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

11. Notwithstanding the requirements of condition 10 of this permission, no development (including demolition) shall take place until a scheme for salvaging the following materials, features, fixtures

and fittings of the existing synagogue building and for their reuse on the replacement synagogue building or, where appropriate, deposition with a suitable repository, has been submitted to and approved in writing by the Local Planning Authority:

External:

- a) The exterior brickwork.
- b) Exterior doorways.
- c) The stained glass windows (32 separate panels of stained glass in the main prayer hall).

Internal:

- d) Bronze light fittings (14 in total).
- e) The foundation stone and consecration plaque.
- f) The pulpit.
- g) Synagogue archives (including minute books, burial registers etc.)
- h) A framed, colour wash architect's drawing of the old building.
- i) Back marriage registers.

The scheme shall include details of where the salvaged items are to be stored during the construction period, the precise areas of the replacement synagogue building where they are to be reused and, where appropriate, where they are to be archived, and a timetable for implementation. The development shall thereafter be carried out in full accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure the proportionate conservation and, where appropriate, reuse of the building's features of architectural, historic and communal value which contribute to its significance as a heritage asset in accordance with the requirements of Fylde Local Plan to 2032 policy ENV5 and the National Planning Policy Framework.

12. None of the buildings hereby approved shall be occupied until a scheme for the design and construction (including surface treatment and ground markings) of the vehicle parking and manoeuvring areas shown on drawing no. SYN/1/010 has been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and manoeuvring areas shall thereafter be constructed, marked out and made available for use in accordance with the duly approved scheme before any of the buildings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: In order that suitable provision is made for vehicle parking and manoeuvring and to ensure that appropriate turning space is provided to allow vehicles to enter and exit the site in forward gear in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T5, and the National Planning Policy Framework.

13. None of the buildings hereby approved shall be occupied until a scheme for the communal use of the vehicle parking and manoeuvring areas to be provided pursuant to condition 12 of this permission by all future users of the development (including occupiers of the dwellings and users of the replacement synagogue) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the measures to be put in place (e.g. ground markings, signage, parking enforcement etc.) to ensure that the vehicle parking and manoeuvring areas remain free for communal use by all users of the development and that no spaces are reserved or access restricted for only one of the uses hereby permitted. The scheme shall thereafter be implemented in full accordance with the duly approved details contained therein and all measures associated with it installed before any of the buildings hereby approved are first occupied.

Reason: To ensure that the vehicle parking and manoeuvring areas for the development are retained

at all times for communal use by all future users of the mixed use development and to avoid parking spaces being reserved for the occupiers of individual apartments in order to maximise and avoid restrictions to the use of off-street parking facilities for all users of the development in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, HW2 and T5, and the National Planning Policy Framework.

14. No above ground works of development shall take place until a scheme for the layout, design and construction of the development's access (the siting of which is shown on drawing no. SYN/1/012) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any modifications to be made to the geometry, design and/or configuration of the existing access to the site from Orchard Road, including those to accommodate pedestrian movements. The development's access shall be constructed in accordance with the duly approved scheme and made available for use before any of the buildings hereby approved are first occupied.

Reason: To ensure a suitable and safe means of access to the site for all users and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

15. None of the buildings hereby approved shall be occupied until a scheme for the provision of bicycle parking 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 number of bicycle parking spaces to be provided;
- b) the siting, size, design and materials to be used in the construction of any bicycle store(s); and
- c) a timetable for the provision of the bicycle parking spaces and store(s).

The bicycle parking spaces and store(s) shall be constructed and made available for use in accordance with the duly approved scheme and the timetable contained therein, 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 policies GD7 and T4, and the National Planning Policy Framework.

16. None of the buildings 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 buildings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

17. No above ground works of development shall take place until a scheme for the disposal of foul and

surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- a) separate systems for the disposal of foul and surface water;
- b) details of the surface water drainage system layout showing all pipe and structure references, dimensions and design levels;
- c) finished Floor Levels (FFL) for each buildings in AOD with adjacent ground levels for all sides of each building to confirm a minimum 150mm+ difference for FFL.
- d) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof) including evidence of an assessment of ground conditions and the potential to dispose of surface water through infiltration;
- e) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, with provision to ensure that the post-development discharge rate does not exceed the pre-development rate, including an appropriate allowance for climate change;
- f) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- g) details of how the scheme will be maintained and managed after completion.

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

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

18. None of the buildings hereby approved shall be occupied until a scheme for the installation of integrated bat and bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a) the number, location, height and specification of integrated bat and bird boxes; and
- b) a timetable for their provision.

The integrated bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

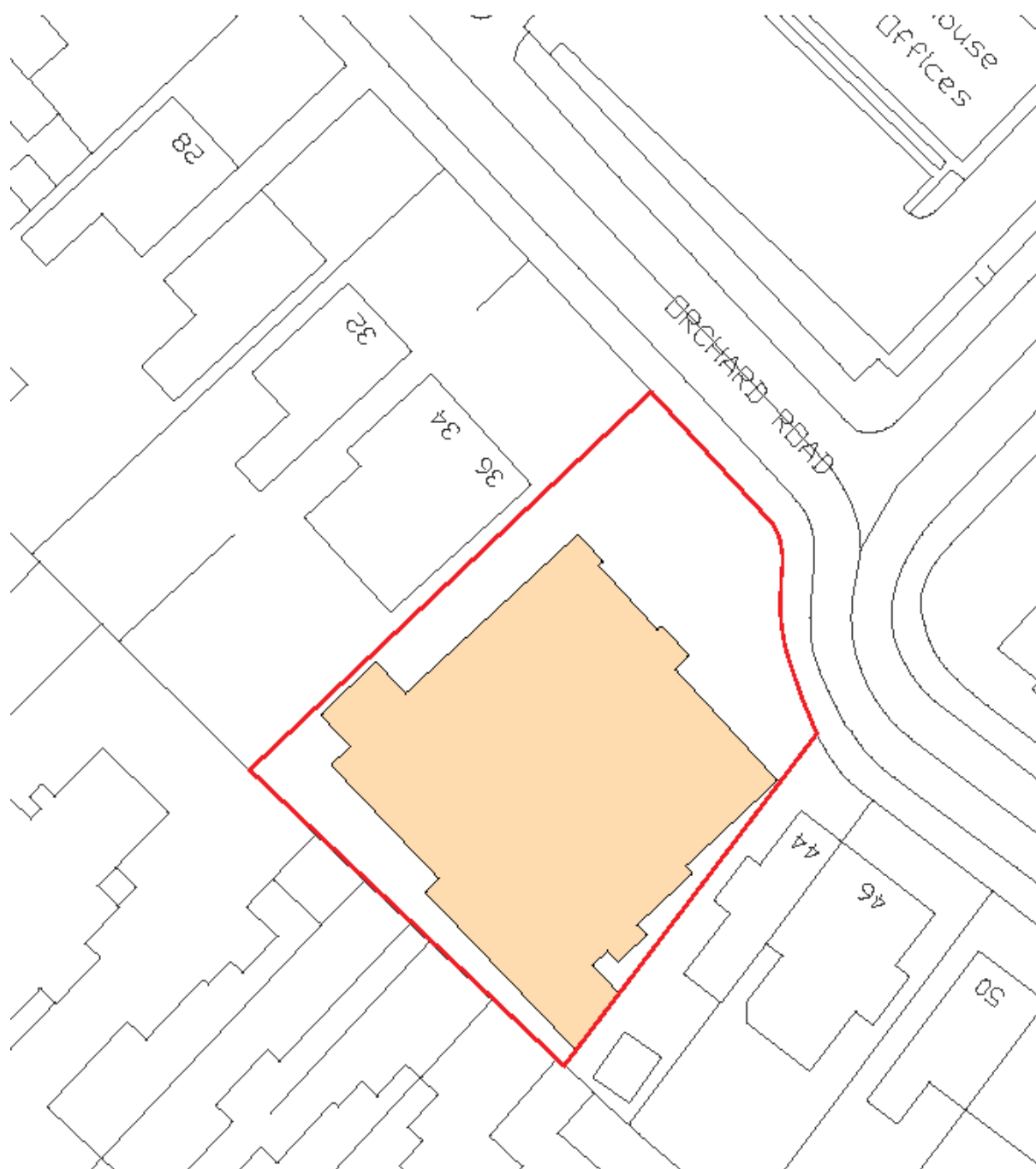
19. No development (including demolition) shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives, contractors and other visitors within the site (off the public highway);
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;

- e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- h) measures to control the emission of dust and dirt during construction;
- i) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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 policy GD7 and the National Planning Policy Framework.



Item Number: 2

Committee Date: 6 October 2021

Application Reference:	21/0440	Type of Application:	Full Planning Permission
Applicant:	Mr Wileman	Agent :	Clover Architectural Design Limited
Location:	STANLEY LODGE FARM, SALWICK ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SN		
Proposal:	ERECTION OF AGRICULTURAL BUILDING INCLUDING FORMATION OF HARDSTANDING ACCESS TRACK ACROSS FIELD - PART RETROSPECTIVE APPLICATION		
Ward:	NEWTON WITH TREALES	Parish:	Treales Roseacre and Wharles
Weeks on Hand:	21	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site relates to an agricultural field that is located to the rear of the application property when viewed from Salwick Road, and so is also visible from Blue Moor. The site is in a rural area where the predominant land uses are agriculture although residential conversion works have recently completed on a series of former brick barns to the rear of the application property. There is also an area of woodland to the west of the site. The site is within the Countryside in the Fylde Local Plan to 2032.

The application is retrospective and relates to the erection of a steel frame building for agricultural purposes. This has dimensions of 23m x 9m and is located alongside the woodland area with access to it provided by a new track that leads to a previously existing field gate on Blue Moor. The application explains that the building is proposed for agricultural purposes associated with the applicant's intended sheep rearing and other agricultural activity on the surrounding land.

Policy GD4 permits the development of buildings that are required for agricultural purposes in the countryside. Whilst this building is not associated with any previously existing agricultural activity, the applicant has provided some information regarding the extent of his land holding and his intentions to undertake a modest agricultural activity from the site. Officers are satisfied that this provides justification for a building, and with the application building being of a limited size, of an agricultural design and character, and sited where it will be seen against the backdrop of the trees and so have a limited impact on the rural character of the area it is considered that the proposal is not in conflict with Policy GD4. A condition is proposed to ensure that the use remains agricultural.

The application does not create any highway safety or other planning issues and so it is recommended for approval as being in accordance with the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032.

Reason for Reporting to Committee

The officer recommendation for approval conflicts 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

This application relates to agricultural land located adjacent to the junction of Salwick Road and Blue Moor in the parish of Treales, Roseacre & Wharles. The land lies between the former farmhouse of Stanley Lodge Farm (to the east) and "Blundell's Wood" to the west. Blue Moor runs along the south of the site and to the north is a former agricultural barn now converted to 3No. dwellings. Open countryside lies beyond on all four sides.

Details of Proposal

This application seeks retrospective planning permission for the erection of an agricultural storage building. The building has a ground footprint measuring 23 metres by 9.3 metres, a dual pitched roof with a 5.4 metre high ridge and 4.4 metre high eaves, and elevations and roof finished in dark green coloured metal profiled sheet cladding. A small area of concrete hard standing has been formed to the front of the building entrances. Access to the building is to be via a new track running from an existing field access gate on Blue Moor to the south and along the western boundary of the field. The track has yet to be formed but is proposed to be of a crushed hard core base with a rolled stone aggregate surface.

The applicant owns the agricultural field within which the building is sited and holds a lease to farm the field to the north of the building, with a total agricultural holding of *circa* 4 hectares in area. It is the applicant's intention to use the land for the production of hay and the grazing of 'Jacob' breed of sheep; ten initially but with an intention to increase the number. He also hopes to introduce some beef cattle in the future. The building is to be used for storage of cropped hay and the following items:

- Tractor
- Trailer
- Haybob
- Baler
- Quad bike
- Mower
- Feed storage
- Sprayers
- Fencing equipment
- Miscellaneous tools and equipment

The application is part retrospective as the storage building has been erected and the surrounding land has been hay cropped and stored in the building. The proposed access track has yet to be formed.

Relevant Planning History

The only history associated with this field is 15/0178 below, with the remaining history listed here relating to wider agricultural and other activities at Stanley Lodge Farm.

Application No.	Development	Decision	Date
21/0269	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS COMPRISING 100% AFFORDABLE HOUSING WITH ASSOCIATED INFRASTRUCTURE	Refused	11/08/2021
20/0797	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 10/0170 TO ADD A CONDITION LISTING THE APPROVED PLANS	Granted	09/11/2020
20/0725	PROPOSED SINGLE STOREY SIDE EXTENSION, PROPOSED ALTERATION OF SIDE WINDOW TO CREATE A DOOR WITH ASSOCIATED STEPS	Granted	24/11/2020
20/0726	CONVERSION OF EXISTING CURTILAGE BUILDING (STABLE BLOCK) TO DOUBLE GARAGE AND ANCILLARY RESIDENTIAL ANNEX, AND CHANGE OF USE OF PADDOCK TO GARDEN CURTILAGE	Granted	24/11/2020
20/0615	MINOR MATERIAL AMENDMENT TO VARY THE APPROVED PLANS UNDER CONDITION 2 OF PLANNING PERMISSION 10/0170 FOR: 1) OMISSION OF FIFTH BEDROOM IN ATTIC SPACE OF EACH DWELLING INCLUDING REMOVAL OF ASSOCIATED ROOF LIGHTS TO FRONT ROOF PLANES; AND 2) INCREASE IN SIZE OF DETACHED OUTBUILDINGS WITHIN REAR GARDENS OF EACH DWELLING TO PROVIDE DOUBLE GARAGES WITH ROOMS IN THE ROOF SPACE AND ASSOCIATED ROOF LIGHTS	Granted	17/11/2020
19/0423	APPLICATION TO DISCHARGE CONDITIONS 3 (MATERIALS) AND 4 (WINDOW DETAILS) OF PLANNING PERMISSION 10/0170	Advice Issued	28/06/2019
15/0832	RETROSPECTIVE APPLICATION FOR SITING OF 4 NO. STATIC CARAVANS FOR THE USE OF AGRICULTURAL WORKERS	Refused	13/03/2017
DISC/10/0170	APPLICATION TO DISCHARGE PLANNING CONDITIONS 5,7,8,9 AND 10 OF PLANNING PERMISSION 10/0170.	Advice Issued	13/11/2015
15/0178	PROPOSED FORMATION OF NEW DRIVEWAY TO DWELLING FROM BLUE MOOR WITH 2.3M HIGH GATES AND GATE POSTS AND ASSOCIATED LANDSCAPING TO CLOSE ACCESS TO SALWICK ROAD	Refused	09/06/2015
10/0170	CONVERSION OF FORMER AGRICULTURAL BUILDING INTO 3NO. DWELLINGS	Granted	31/10/2013
08/0328	RETROSPECTIVE APPLICATION FOR CHANGE OF USE TO STORAGE OF PLANT MACHINERY	Granted	09/07/2008
07/0481	ERECTION OF 3NO. STABLES, TACK ROOM AND GARAGE(RETROSPECTIVE)	Granted	21/06/2007
96/0337	NEW AGRICULTURAL BUILDING FOR HOUSING OF LIVE STOCK	Granted	19/06/1996

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 14 May 2021 and comment:

The Parish Councillors resolved to object to the application because this proposed development in the countryside does not appear to meet the requirements of the applicable policies GD4 and GD7 of the FLP to 2032.

The applicant has not supplied any evidence of an agricultural need.

The applicant has not supplied any quantitative evidence which would justify the need for a building of this size and scale, which has the form of a large industrial building in an a prominent, isolated location in the countryside and not in keeping with protecting the intrinsic value of the countryside.

Statutory Consultees and Observations of Other Interested Parties

National Grid / Cadent Gas

No objection

Health & Safety Executive

Do not advise against approval on safety grounds

Lancashire County Council - Highway Authority

Highways do not have any objections to the proposed agricultural building and are of the opinion the proposed development will not have a detrimental impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified:	14 May 2021
Number of Responses	None

Relevant Planning Policy

Fylde Local Plan to 2032:

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

Other Relevant Policy:

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

Site Constraints

Pipelines
Shell North Western Ethylene Pipeline

Environmental Impact Assessment

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

Comment and Analysis

The Principle of the Proposed Development

The application site is located within countryside as designated in the Fylde Local Plan to 2032 (FLP32) Policies Map. Policy GD4 of the FLP32 limits development within countryside to that which falls within one or more of six categories ('a' through to 'f') set out within the policy. Of these six categories only 'a' is relevant to this application, which provides support for:

"that (development) needed for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area..."

The application site has been visited on several occasions by the case officer and it was apparent during these visits that agricultural activity (in the form of hay cropping and bailing) is being undertaken at the site and that the building is used for the storage of the cropped hay and equipment (tractor, quad bike, trailer, baler) associated with this current agricultural activity. The applicant has advised it also has intention to keep a small number of 'Jacob' sheep on the land and so the building would also be required for the storage of supplemental feed and fencing equipment associated with the keeping of livestock.

Policy GD4 does not require there to be an essential need for an agricultural building, rather that it is needed for the purposes of agriculture. Whilst the level of agricultural activity that is currently undertaken is modest, the building is being used for agriculture and the applicant has explained his intentions to expand that in the coming months and years. Based on the activity seen during the officer visits and the items being stored in the building it is considered that the building is for the purposes of agriculture and so accords with policy GD4 and is acceptable in principle. A condition is to be imposed to require that this is the case, and that the building be removed should agricultural activity cease.

As a further supporting factor, the building is understood to be one that previously stood on land associated with the main agricultural land at Stanley Lodge Farm (as approved under 96/0337 listed above) but has been dismantled and removed from its original location to facilitate the conversion of the brick buildings to residential purposes. Its re-erection and renewed cladding on this part of the wider site ensures that it is not actually a new building at the site, albeit the arrangements for its use have changed as it was originally part of a larger agricultural enterprise.

Visual amenity

The building is finished in dark green cladding and sited towards the western field boundary, in close proximity to "Blundell's Wood" which runs south to north, and approximately 110 metres from Blue Moor and 150 metres from Salwick Road. The building is screened in views from the north by existing built development and mature roadside hedgerow, and in views from the west by Blundell's Wood. It can be seen in views across from Salwick Road and the eastern end of Blue Moor, however from these public vantage points the dark green colour finish of the building blends the building's appearance into the backdrop of Blundell's Wood and reduces its visual impact so that it does not appear unacceptably intrusive or visually harmful to the rural character of the area.

With regard to the access track this would run from an existing field gate on Blue Moor and along the western field boundary to the building. The strip of land along the western boundary is set below the level of the land that forms the main area of the field and thus the greater length of the track would be screened from view by Blundell's Wood to the west and the higher land level to the east.

For the reasons set out above the building and the proposed access track would not be unduly intrusive or harmful to the character of the area and thus are considered to accord with Policy GD7 and ENV1 of the Fylde Local Plan to 2032.

Neighbour amenity

The closest dwelling to the building is the former Stanley Lodge Farm farmhouse in which the applicant lives and which lies approximately 100 metres to the east. The next closest dwellings are those of the recent barn conversion to the north of the former farmhouse and which are also approximately 100 metres distant. These separation distances are sufficiently large as to ensure that neighbour amenity would not be prejudiced by the development.

Access and parking

The proposal would utilise an existing field gate from Blue Moor, together with the proposed track, to access the building. Given the nature and low level of vehicular traffic that would be associated with the use of the building it is considered that this existing field access is appropriate for the context of this development and hence acceptable. County Highways have been consulted on the application and have raised no objections, opining that the proposed development will not have a detrimental impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Conclusions

The application seeks permission for a new agricultural storage building, and associated access track, located within designated countryside in the parish of Treales, Roseacre & Wharles. The development is for the purposes of agriculture and would have no unacceptable impacts on residential amenity, the safe use of the local highway, or rural character of the area. Accordingly the development accords with policies GD4, GD7 and ENV1 of the Fylde Local Plan to 2032. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:
 - Location Plan - Drawing no. 1002 Rev C
 - Proposed Site Plan - Drawing no. 1112 Rev A
 - Building Plans & Elevations - Drawing no. 1111

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

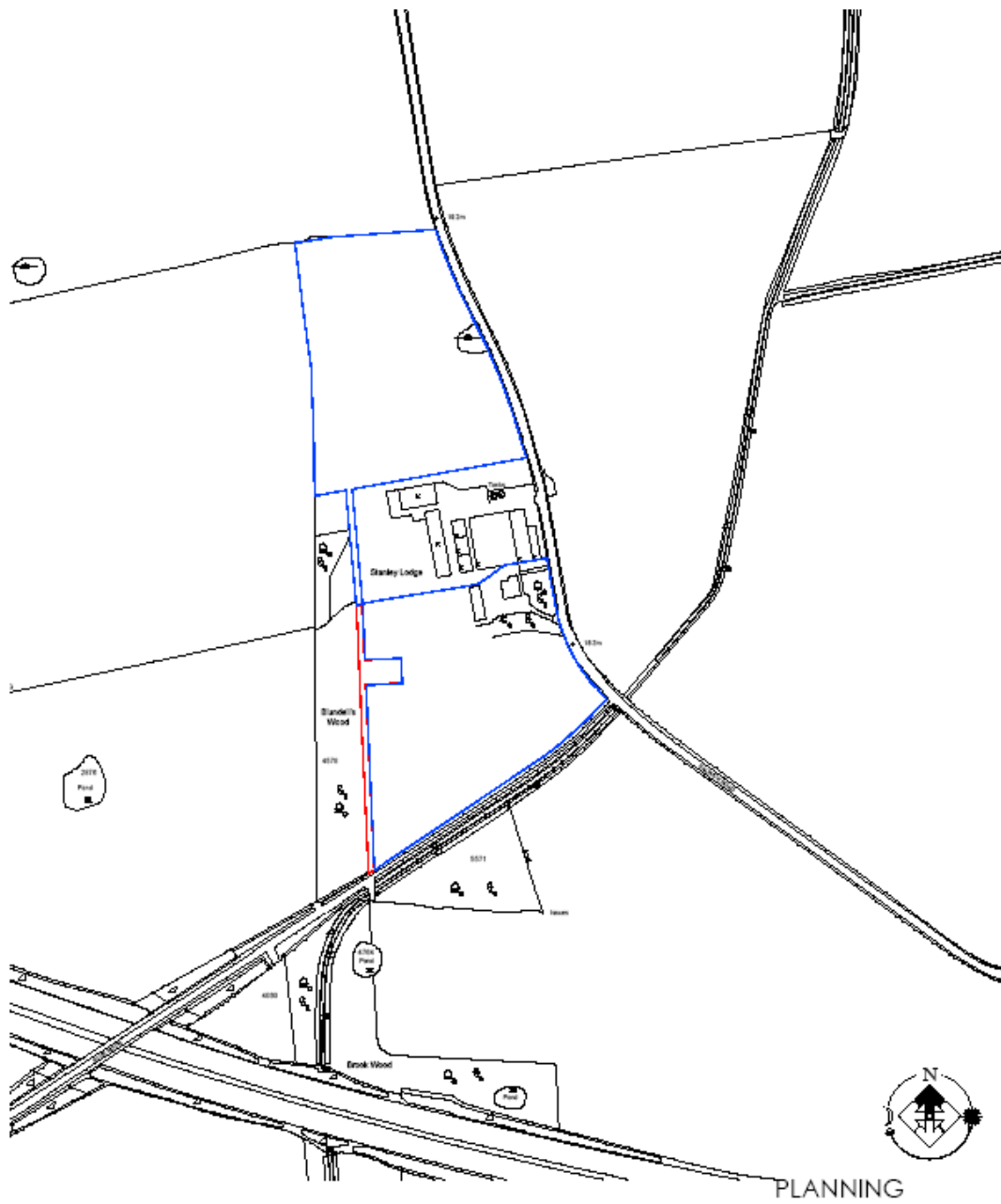
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

2. Prior to the formation of the new access track from Blue Moor a scheme for its construction, to include details of its base layers and finished top surface, shall be submitted to and approved in writing by the Local Planning Authority. The track shall be constructed in full accordance with the duly approved scheme before the access from Blue Moor is first used to access the approved agricultural building.

Reason: To ensure a satisfactory standard of engineering works for the construction of the access track and to ensure the track is in keeping with the rural character of the area in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

3. 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 approved building shall only be used for agricultural purposes. In the event that the need for the building to be used for agricultural purposes within the unit edged in blue on the site plan listed in condition 1 of this permission ceases, then the building shall be removed from the site and the land restored to its previous agricultural grazing land state within a period of no more than 12 months from the date that the agricultural use first ceases.

Reason: To ensure that the future use of the building is limited to the use which justifies its erection, and that the building is to be removed should that use cease in order to preserve the open rural character of the countryside within which it is sited in accordance with Policy GD4 of the Fylde Local Plan to 2032.



Item Number: 3

Committee Date: 6 October 2021

Application Reference:	21/0598	Type of Application:	Full Planning Permission
Applicant:	Mr Hesketh	Agent :	Clover Architectural Design Limited
Location:	WILLOW DENE, MOOR HALL LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3RY		
Proposal:	DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF REPLACEMENT TWO STOREY DWELLING WITH DETACHED GARAGE INCLUDING RECONFIGURATION OF VEHICLE ACCESS FROM MOOR HALL LANE AND ASSOCIATED HARD AND SOFT LANDSCAPING		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	12	Case Officer:	Alan Pinder
Reason for Delay:	Design Improvements and need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a rectangular area of land that is located on the southern side of Moor Hall Lane in Newton, which is a rural road that connects Newton to Kirkham. The site is currently occupied by a single storey dwelling that is uninhabitable due to recent fire damage. Surrounding land uses are agricultural and equestrian in nature, with other isolated dwellings in the wider area.

The application proposes the construction of a replacement of a dwelling which is two storey in scale, is reorientated to face the road, and includes the erection of a detached garage.

Policy GD4 applies to assessment of new development in countryside areas and allows for the erection of replacement dwellings where they satisfy the requirements of Policy H7 relating to the scale of the replacement and its impact on the rural area. Whilst the dwelling is larger than that it replaces in height terms, it is similar in footprint terms, and reflects the design, scale and finished appearance of other properties in the area. As such it reflects the rural character of the particular area and is appropriate for this countryside setting.

The development would not prejudice the amenity of any neighbouring dwellings and no other material matters would arise that might otherwise make the proposal unacceptable at this location. The proposal therefore accords with the relevant policies of the Fylde Local Plan to 2032 and the NPPF, and so is recommended for approval.

Reason for Reporting to Committee

The officer recommendation for approval conflicts 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

This application relates to 'Willow Dene', a detached bungalow dwelling located on the southern side of Moor Hall Lane. Moor Hall Lane is sparsely populated with dwellings, with only three (including the application site) along its 730 metre length. The closest neighbouring dwellings to Willow Dene are Coronation Villa, approximately 160 metres west of the application site, and Moor Hall located approximately 290 metres to the east, with both these properties being on the northern side of Moor Hall Lane.

The closest settlement is Newton, with the site being within that parish. Moor Hall Lane connects the village to other settlements such as Kirkham to the west and Treales to the north. The existing dwelling on the site is currently uninhabitable due to extensive fire damage.

The site is located within countryside as designated on the Fylde Local Plan to 2032 Policies Map, and is neighboured on all sides by open fields.

Details of Proposal

Planning permission is sought for the following:

- a) Demolition of the existing dwelling and its replacement with a two storey dwelling together with detached double garage. The proposed dwelling would have a broad 'T' shaped footprint with dual pitched roofs set at 90 degrees and gabled north, east and south facing elevations. The dwelling would be 11.6 metres wide, 10 metres deep, and a maximum height of 8.1 metres. The front and rear roof slopes would each feature a gabled dormer, and the rear elevation would feature a first floor balcony.
- b) Erection of a detached garage to the rear of the site. This would have a 'traditional' gabled design with a square footprint measuring 6.6 metres by 6.6 metres, and a 5.9 metre high ridge and 2.5 metre high eaves.
- c) Removal of the existing front boundary finish (a combination of tall shrubbery and 2 metre high timber panel/concrete post fence) and its replacement with hedgerow
- d) Reconfiguration of the existing access to increase its width by 0.5 metres (from 4 metres to 4.5 metres) and position it square onto the highway to improve sightlines in both directions.

The dwelling would be set back 2 metres from the front boundary and 3 metres from Moor Hall Lane. The garage would be sited to the rear and side of the dwelling, with a 13 metre set back from the highway.

Relevant Planning History

Application No.	Development	Decision	Date
09/0232	ERECTION OF SINGLE STOREY SIDE EXTENSION, NEW GARAGE AND NEW ACCESS.	Granted	23/07/2009

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 14 July 2021 and comment:

Object to the application on the following grounds:

- *The existing foul drainage system for the property is inadequate and unsatisfactory, and allows sewage to leak into a watercourse, the A583 (Blackpool Road), and Moor Hall Lane*
- *The access/egress arrangements into the site require improvement, and the proposal fails to demonstrate effective use of parking and turning areas within the site*
- *The application form states the proposal is for a two bedroomed dwelling but the proposed floor plans show it will be a three bedroomed dwelling*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Highways do not have any objections in principle to the proposed replacement dwelling, new garage and reconfiguration of vehicle access, providing the applicant can address the issues regarding the location of the garage, as detailed in this report.

The highway adoption records indicate the highway is adopted up to the trunk of the hedge at both sides of the new access, the hedge is not part of the adopted highway. Highways recommend the drives fronting garage to be a minimum of 6m long, this must not include any of the land within the adopted highway. This can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision.

The recommended length of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance between the car and the garage door, with room to open and close the garage door (1.0m), room and 0.4m to walk behind the car.

Greater Manchester Ecology Unit

A bat scoping report survey has been undertaken and submitted as part of the application (UES, 14 July 2021, reference UES03393/01). The survey was undertaken in July 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines.

Protected Sites

The site lies within the Impact Risk Zone for a number of protected sites, and also the bespoke risk zone relating to Recreational Disturbance. This has not been considered within the ecology report. However, the development does not match the description of development which are likely to require further impact assessment for specific designated sites and given the distance from the sites and the small nature of the proposal, there is no significant risk to the designated sites. Similarly for recreation disturbance, the proposal is for a replacement dwelling on the site so no significant increase in recreational activity would be anticipated. No further information in respect of designated sites is considered necessary.

Protected Species

The buildings on the site were assessed for their potential to support roosting bats as well as to look for bats or evidence of roosting bats (such as droppings). No bats or evidence of bats was. The building was assessed as having negligible potential to support roosting bats, as it has suffered fire damage which has caused the roof to collapse and no further survey work in relation to bats is required.

We would advise that a precautionary informative is recommended to make the applicant aware of the laws which are in place to protect certain species, such as roosting bats and nesting birds. Should they find or suspect any such protected species on the site during the development, work should cease and the LPA should be contacted for further advice.

Landscape and Enhancement

Opportunities to enhance the new building for wildlife, such as bats should also be considered, in line national planning guidelines (NPPF). Bat and bird boxes could be incorporated into the new building for example and the landscaping of the scheme should use native/wildlife friendly species where possible.

Neighbour Observations

Neighbours notified:	14 July 2021
Number of Responses	One objection
Summary of Comments	The septic tank for this dwelling is on land owned by Willow Lodge Farm and leaks sewage into a ditch on this land causing contamination.

Relevant Planning Policy

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H7	Replacements and Extensions in Countryside

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of a Replacement Rural Dwelling

The application site is located in the Countryside Area as identified on the Fylde Local Plan to 2032 Policies Map. In these areas the principle of replacement dwellings is acceptable in accordance with the allowance in criterion c) of policy GD4 which states:

c) extensions to existing dwellings and other buildings in accordance with Policy H7.

Whilst the wording doesn't relate to replacement dwellings, that is clearly the intention by virtue of the reference to Policy H7 which is titled 'Replacements of, and Extensions to, Existing Homes in the Countryside'. This apparent oversight is expected to be corrected when the Partial Review of the Fylde Local Plan to 2032 is completed.

The acceptability of a replacement dwelling is therefore subject to the general design criteria as set out for all new development in Policy GD7 of the Plan, and to an additional assessments of the overall scale of the new dwelling compared to the original dwelling and how it respects the character of the surrounding rural area as required by Policy H7 a) and b) of the Plan.

Scale of Replacement Dwelling:

Policy H7 imposes strict restrictions on the scale and design of replacement dwellings compared to the original dwelling with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many smaller rural dwellings been lost in recent years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two pronged approach to assessing applications such as this, by requiring firstly that the replacement dwelling results in no more than a 33% increase in the ground floor area (the footprint) of the original home (criterion a)), and secondly that the appearance of the replacement home respects the character of the surrounding rural area (criterion b)).

Since the adoption of the Fylde Local Plan to 2032 in October 2018 the council has taken a consistent approach to determining applications in accordance with this Policy, and this has been borne out through decisions on appeal as follows:

- In cases where the application property remains a small rural dwelling (i.e. it has 3 bedrooms or less) then the council will rigidly apply the quantitative test of Policy H7 a) and will refuse any replacements and/or extensions that exceed the 33% increase restriction in that element of the Policy. This accords with the approach taken by the Inspector at 2 South View in Lytham (PINS Ref: 3218843).
- In cases where the application property is not a small rural dwelling (i.e. it has 4 bedrooms or more) either as a consequence of previous extensions added to the original dwelling or due to the scale of the original dwelling, then the council will not apply the quantitative test in Policy H7 a). However, the qualitative test in criterion b) of the Policy will be applied. This accords with the approach taken by the Inspector at Many Views (PINS Ref: 3221121).

With regard to scale the original dwelling had a footprint of approximately 75 sqm. This footprint was increased by almost 100% to approximately 147 sqm under planning permission ref. 09/0232 for a large side/rear extension. The replacement dwelling proposed by this application would have a footprint of approximately 105 sqm, which is less than the footprint of the current extended dwelling. Given that the proposed dwelling would have a lesser footprint than the current extended dwelling the proposal must accord with criterion a) of Policy H7.

With regard to criterion b) of policy H7, this requires that replacement homes within countryside areas respect the character of the surrounding rural area. Criteria d), h) and i) of policy GD7 also require developments to demonstrate good design by:

- 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.

Paragraph 127 of the NPPF sets out six general principles of good design (a - f) and paragraph 130 indicates that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".

Moor Hall Lane is sparsely populated with dwellings, with only three (including the application site) along its 730 metre length. The current property on this site is a true bungalow that has its side elevation facing the road. Coronation Villa is a gabled red brick two storey detached dwelling sited approximately 160 metres west of the application site. The third dwelling is Moor Hall, a red brick gabled bungalow dwelling located approximately 290 metres east of the site.

The application proposes that the dwelling will be rotated from its current arrangement so that the front elevation faces the road and so will reflect the arrangement with the other dwellings in the area. It will feature a gabled design with a red brick construction to again reflect the design and materials of the other properties on the lane. The increase to two storey scale is also not out of character, with the resultant building being mid-way in scale between the two other properties. The proposed dwelling will increase from 2 to 3 bedrooms, but in doing so will remain as a smaller rural dwelling of the type that Policy H7 intends to protect the supply of. A condition to remove the permitted development right relating to extensions to the dwelling and construction of outbuildings is justified to ensure that the council retains control over any future proposals to extend the replaced dwelling given the obligations of this policy.

For the reasons outlined above the proposed development is considered to accord with criterion b) of Fylde Local Plan to 2032 policy H7, criteria d), h) and i) of policy GD7 and paragraphs 127 and 130 of the National Planning Policy Framework.

Design and Appearance in Streetscene

The proposed dwelling would be sited closer to the Moor Hall Lane frontage than the existing property such that it would be set *circa* 3 metres from the highway. This repositioning would make the dwelling more visually prominent, although as the site is relatively isolated, being the only dwelling on the southern side of Moor Hall Lane, this will not be incongruous as any siting will be notable in the landscape. The neighbouring dwellings (Coronation Villa and Moor Hall) are both on the northern side of Moor Hall Lane and in excess of 150 metres distant from the site. As such the proposed dwelling would be seen in isolation when viewed from Moor Hall Lane and although it would now be a more visually prominent building its scale, gabled design, and red brick appearance are not considered inappropriate for this rural area.

The proposed hedgerow boundary finish along the frontage of the site would be a visual enhancement over the existing boundary finish, which is comprised for the greater part of a 2 metre high timber panel/concrete post fence with tall unmaintained shrubbery to either side of the access. This fence is presumably in place to provide privacy to the rear garden to the property which is alongside the road boundary. The re-orientation and relocation of the property places the garden area in a more typical location behind the dwelling, so ensuring that appropriate privacy can be

provided without reliance on any fencing to the roadside. A condition to ensure that this fence is removed and the hedge planted is appropriate, along with a condition to remove the permitted development right relating to the erection of fencing so the council has control over any future proposals of this nature.

Residential Amenity

There are no properties that could be potentially affected by the scale, position, overlooking, etc of the replacement dwelling. Accordingly the proposal accords with the criteria of policy GD7 that relate to neighbour amenity.

The neighbouring landowner to the south has referred to impacts of the drainage arrangements of the previously existing property in a representation on the application. These are discussed in the 'other matters' section of this report.

Access & Parking

County Highways have been consulted on the application and have raised no objections to the proposal, opining that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Their comments were made in respect of an earlier version of the site plan to that now under consideration where the garage was sited more forward than is now the case. They raised concerns over the available space for on-site turning that this garage location permitted. As a consequence of their comments, and to improve the site layout in landscape terms, the scheme has been revised to push the garage back and to tweak the site access. This addresses their concerns on that aspect with the re-orientation of the access from the existing arrangement bringing it square on to the highway to improve intervisibility to the west of the access and thus provide greater safety for vehicles exiting the site.

The proposal is therefore considered to accord with the requirement for Policy GD7 relating to the access and parking arrangements for the development.

Other Matters

Drainage - Foul water disposal for the existing dwelling is handled by a septic tank located outside the application site boundary and within an adjoining agricultural field. The Parish Council and the owner of this adjoining field have both objected to the application on the grounds that the existing septic tank is leaking and contaminating the field, a watercourse, the A583 (Blackpool Road), and Moor Hall Lane. The application intends that the proposed new dwelling would utilise the existing dwelling's foul water drainage arrangement and so whilst the objectors' concerns are noted, the technical aspects of this arrangement fall outside the remit of planning and so are not a material consideration in the determination of this application. The objector's concerns regarding the septic have been passed to the council's Building Control department for their attention.

Ecology - The application is supported by an ecological survey in respect of bats and Great Crested Newts (GCN), dated June 2021, which found no evidence of roosting bats or the presence of GCNs. Greater Manchester Ecology Unit has examined the findings of this assessment and the ecological environment of the site and raised no objections to the application, but expressed support for the provision of bat boxes to encourage roosting. A condition can be imposed to secure the details for this and so satisfy the requirements of Policy ENV2.

Conclusions

This application proposes the construction of a replacement of a dwelling located within designated countryside. The design, scale and finished appearance of the proposed dwelling are considered in keeping with the rural character of the area and appropriate for this countryside setting. The development would not prejudice the amenity of any neighbouring dwellings and no other material matters would arise that might otherwise make the proposal unacceptable at this location. The proposal therefore accords with the relevant policies of the Fylde local Plan to 2032 and the NPPF, and so 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 beginning with the date of this permission.

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

2. This permission relates to the following plans:

- a) Location Plan - Drawing no. 1001
- b) Proposed Site Plan - Drawing no. 1101 Rev F
- c) Proposed Dwelling Floor Plans & Elevations - Drawing no. 1100 Rev D
- d) Proposed Garage Floor Plans & Elevations - Drawing no. 1105 Rev A
- e) Proposed Landscaping - Drawing no. 1102 Rev C
- f) Proposed Drainage - Drawing no. 1104 Rev D

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

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

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

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

4. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: The development has been permitted within this countryside area on the basis that the replacement dwelling would have no greater impact on the function and purposes of designating land within the countryside in comparison to the existing development. Accordingly, it is necessary to withdraw permitted development rights that would otherwise allow the construction of large extensions, alterations to roofspace and/or the erection of large outbuildings within garden of the replacement dwelling in order to ensure that such development would not undermine the function and purposes of the countryside in accordance with the requirements of Fylde Local Plan to 2032 policies GD4 and H7.

5. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no gates, fences, walls or other means of enclosure shall be erected, constructed, improved or altered within the garden curtilage.

Reason: To ensure that any boundary treatments provided to enclose the extended garden area are of an appropriate design that is sympathetic to the character and appearance of the site and its surroundings in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7, and the National Planning Policy Framework.

6. The dwelling hereby approved shall not be occupied until a scheme for the installation of bat and bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, location, height, aspect and specification of the bat and bird boxes, and a timetable for their provision. The bat and bird boxes shall thereafter be installed in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

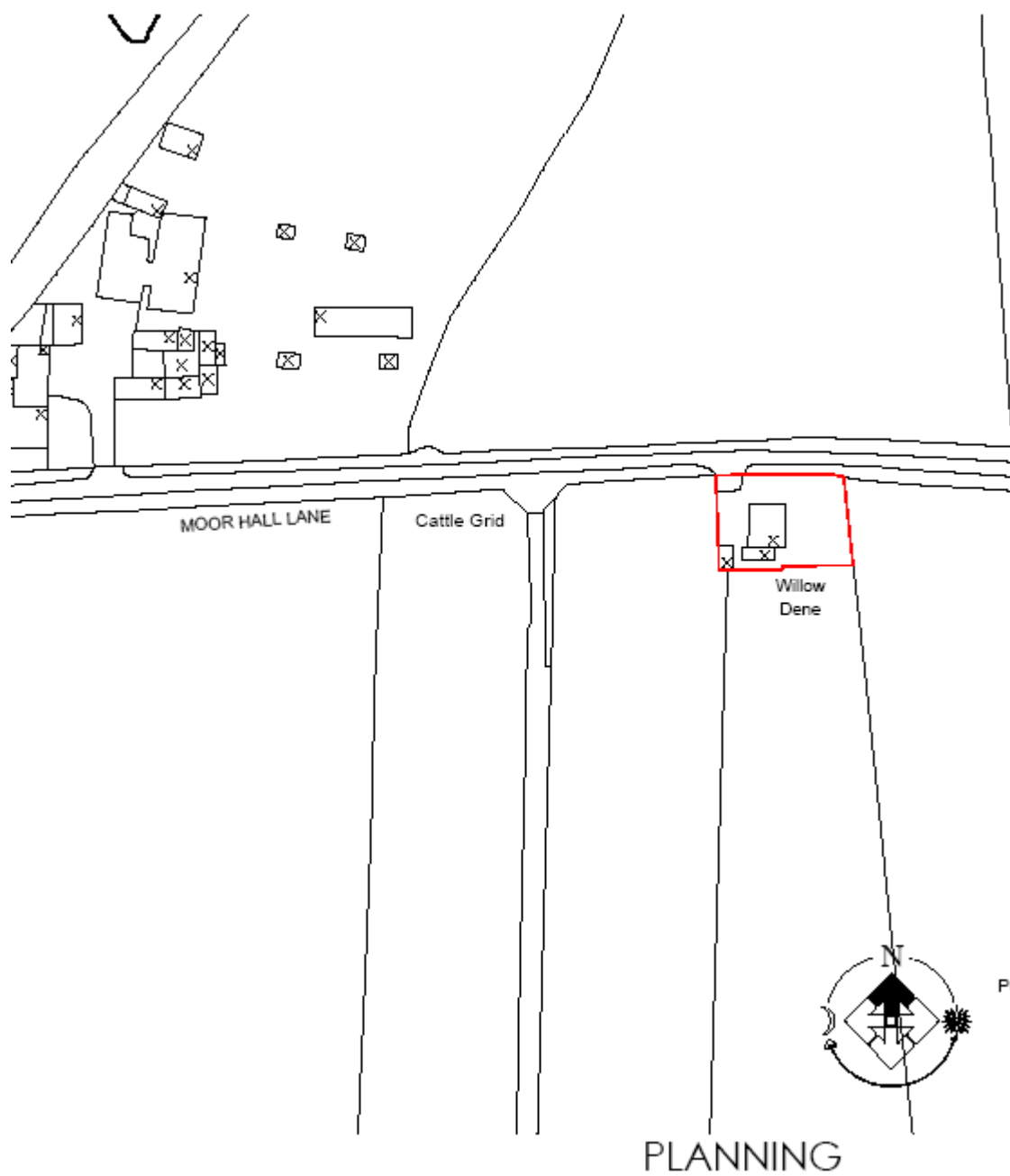
Reason: To ensure that the development delivers appropriate biodiversity enhancements as recommended in section 5 of the document titled "Ecological Assessment" by 'The Environment Partnership' dated February 2020 in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby approved, the site access and internal parking/turning areas indicated on the approved site plan listed in condition 2 of this planning permission shall be provided to the extent and arrangement as shown on that plan. This area shall remain available for use for access, parking and turning at all times thereafter.

Reason: To ensure that an appropriate access to the site is provided and that there are facilities for on-site parking and turning in the interests of the residential amenity of the occupiers and the safety of users of the highway in general. This is to accord with the requirements of Policy GD7 and T5 of the Fylde Local Plan to 2032.

8. Prior to the first occupation of the dwelling hereby approved, the existing timber fence and concrete posts that define the boundary of the site with Moor Hall Lane shall be removed in their entirety, and replaced with the low level boundary hedge planting in the locations indicated on the approved site plan listed in condition 2 of this planning permission. These hedges shall be retained as the sole defining boundary treatment to the site with the highway at all times thereafter.

Reason: To ensure that the replacement dwelling provides an appropriately sympathetic appearance to the lane which reflects its rural location and the general character of the countryside around the site where hedges form the highway boundary treatment. This is to accord with the requirements of Policy GD7 and ENV1 of the Fylde Local Plan to 2032.



Application Reference:	21/0667	Type of Application:	Full Planning Permission
Applicant:	Hannan	Agent :	PLANNING PROBLEMS SOLVED
Location:	PATHWAYS, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RJ		
Proposal:	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING BUILDINGS		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	12	Case Officer:	Matthew Taylor
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant**Summary of Officer Recommendation**

The application involves the redevelopment of an existing garden centre and equestrian yard ('Pathways') located within the Area of Separation (AoS) between Newton and Kirkham. The scheme proposes the demolition of all existing non-residential buildings within the site and their replacement with a residential development of four bungalows. An extant permission on the site allows the demolition of all current buildings (including the existing bungalow) and its comprehensive redevelopment for five dwellings under application reference 19/0486 (granted 11.10.19). This scheme presents an alternative proposal for the redevelopment of the site which retains the existing bungalow to the northern end and seeks to construct four dwellings on the remaining areas to the south of this which are presently occupied by commercial buildings and uses.

The proposed dwellings would be positioned on the lower lying, southerly part of the site and are to replace: i) a plant nursery building; ii) a retail sales/showroom building; iii) a stable block; and iv) various other ancillary structures and external storage/product display areas, with four single storey 'true' bungalows which have a smaller combined footprint, reduced overall scale, low ridge height, lesser encroachment into the countryside and deliver increased areas of soft landscaping across the site in comparison to the existing development.

Whilst the proposed redevelopment of the site for housing does not fall comfortably within any of the limitations in Fylde Local Plan to 2032 policy GD3 where development is permitted in the AoS, there are other material considerations in this case to indicate that a decision which departs from the development plan may be taken. In particular, the proposal involves the redevelopment of previously developed land for a type and scale of development that would have no greater impact on the purposes and function of the AoS when compared to that which already exists on the site and, in several respects, would provide visual and/or landscape enhancements which improve the current situation. Accordingly, the proposed redevelopment would not harm or compromise the objectives of including land within the AoS – which are to

preserve the effectiveness of the gap between settlements, prevent settlements coalescing and to protect the identity and distinctiveness of those settlements.

The proposed dwellings would be compatible with the surrounding vernacular by virtue of their layout, plot size, scale, height, materials and design, and the strengthening of landscaping buffers to the edge of and within the site would achieve appropriate softening and a sympathetic assimilation of the development into the surrounding landscape. The spacing, orientation, massing, screening and fenestration arrangement of the proposed dwellings in relation to each other and neighbouring buildings and land uses would ensure that the development achieves a high standard of amenity for existing and future occupiers. A safe and suitable means of access and off-site highway improvements proportionate to the development's scale would be delivered as part of the scheme in order to ensure that it has no unacceptable impact on road safety, nor would it have a severe, residual cumulative impact on network capacity.

The development would not adversely affect the favourable conservation status of any protected species and suitable biodiversity enhancements would be made as part of the scheme. Appropriate measures can also be put in place to ensure that the proposal would have no adverse effects with respect to flooding and contamination. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Reason for Reporting to Committee

Newton-with-Clifton Parish Council have objected to the application and the officer recommendation is for approval.

Site Description and Location

The application relates to an irregularly shaped parcel of land extending to *circa* 0.58 hectares in area on the south side of the A583 (Blackpool Road), Newton. The land is presently occupied by a series of buildings, hardstandings and a floodlit manège which, in combination, support a small garden centre and equestrian business which is known collectively as 'Pathways'. The site falls within an Area of Separation (AoS) that extends between Kirkham and Newton as defined on the Fylde Local Plan to 2032 Policies Map. An extant planning permission (reference 19/0486) exists on the site which allows its redevelopment for five bungalows following the demolition of all existing buildings.

Pathways is accessed via an existing priority (give way) junction with Blackpool Road which opens onto a formalised (tarmac) parking area to the northeast corner of the site. An informal, gravel-surfaced vehicle storage and sales area is located to the northwest side of the site access and a separate, gated access into the dwelling of Longacres branches in a south easterly direction off the access road. An internal road sweeps round the rear of Longacres before following a linear route flanking the southern site boundary up to the western edge of the site. This internal road and associated parking spaces serve the existing commercial and stable uses. A large bungalow with detached garage set within a separate curtilage is located to the north of these at the head of the entrance road and is prominently in view from Blackpool Road. A combination of hedging and a semi-mature tree belt front a brick wall which forms the bungalow's northern boundary, with its southern boundary to the neighbouring commercial/stable uses marked by a 1.8m high close-boarded fence.

Ground level falls in a general south westerly direction across the site away from the A583, with the

bungalow to the north occupying an elevated position in relation to the commercial/stable buildings on lower lying land to the south. All these commercial buildings are of a single storey height and – running from east to west – include: a plant nursery with a curved ‘polytunnel’ style roof; a sales/showroom building with a pitched ‘saw-tooth’ roof; and a U-shaped, pitch-roofed stable block. The area of land between the north of the commercial buildings and the boundary fence with the bungalow is used as an external storage and display area. The use of the site for these purposes has been confirmed by a certificate of lawfulness (reference 05/0766). Other, smaller buildings connected with the retail and equestrian uses are dotted along the southern perimeter behind a hedgerow that marks the boundary. A floodlit manège enclosed by an earth bund to its north and west sides is located adjacent to the stable building at the western end of the site.

The site is bordered by open fields to the north, west and south. A collection of portal-framed agricultural buildings and brick barns are located at Church Farm a minimum of approximately 42m to the north. The site shares a boundary with a dormer bungalow at Longacres to the northeast. This property has a detached garage and gated entrance to the rear which open onto the internal access road through Pathways. A manège is also located within the garden to the side/rear of Longacres, with its rear boundary abutting the site formed by a combination of timber fencing and a brick wall at approximately 1.8m in height. A bungalow at Oaks Farm lies further to the southeast beyond Longacres. A collection of outbuildings are located within a rectangular strip of land extending in a westerly direction to the rear of that property, with a boundary hedgerow intervening along its northern perimeter with the application site.

Details of Proposal

The application seeks full planning permission for the demolition of all existing non-residential buildings on the southern part of the site (the polytunnel, retail building and stables – including all associated appurtenances) and their replacement with a residential development of four ‘true’ bungalows across two different house types. The existing bungalow and detached garage to the northern part of the site would be retained in-situ, though part of its existing garden area to the south and east of the dwelling would be incorporated into the scheme and so is to be reconfigured.

The proposed dwellings would follow an L-shaped layout arranged around a private drive branching off a wider cul-de-sac estate road emerging from Blackpool Road. All dwellings would be detached and include integral garages in addition to two frontage, off-road car parking spaces. All dwellings would be orientated with a front-facing aspect to the private drive, with two to the eastern part of the site (plots 1 and 2) orientated with their principal (front and rear) elevations running north-south and a second pair to the western part (plots 3 and 4) running perpendicular (east-west) to follow the trajectory of the internal, L-shaped road. The bungalows would be more tightly grouped in comparison to the existing commercial and stable buildings, with the replacement dwellings pulled away from the southern and western boundaries to create deeper garden buffers with adjoining open land. Plots 1 and 2 would provide 3-bed dwellings, with the larger bungalows on plots 3 and 4 having 4 bedrooms.

The 3-bed dwellings on plots 1 and 2 (‘Type A’) would follow square-shaped footprints with shallow outriggers protruding across approximately half the width of their rear elevations. The larger, 4-bed dwellings on plots 3 and 4 (‘Type B’) would be rectangular in shape, with outriggers of different depths forming dual, gable-faced protrusions to the rear. Facing gables with shallow (1m deep) protrusions would occupy broadly central positions to the front of each dwelling merging into flat-roofed canopies to create porches alongside. All dwellings would be ‘true’ bungalows with no dormers in the roofspace and would be topped by shallow, dual-pitched roofs reaching 2.35m to eaves and a maximum of 4.8m to ridge (with the facing gables to the front and rear set at a lower level). The dwellings would be finished in red brick walls and slate roof coverings with aluminium windows set in stone surrounds on

the front elevation.

The existing access to the site from Blackpool Road would be modified to create a new priority junction with visibility splays of 2.4m x 80m in both directions. Both sides of the access would be flanked by 2m wide footways extending into the site for a distance of 7m and merge with the existing footway on Blackpool Road. The current parking area and entrance drive off the access would be narrowed to a 4.8m wide cul-de-sac with landscaped grass verges flanking both sides. The existing access to Longacres which presently branches off the access road at right angles would be retained and extended as necessary to ensure that the current means of access to this property is maintained. Similarly, the alignment of the new estate road and access routes branching off it would ensure that access to the garage and an existing gated entrance at the rear of Longacres would be maintained.

The application includes the construction of a swale and attenuation pond to the southern fringe of the site as a means of disposal for surface water drainage. Foul water would be disposed of via an on-site sewage treatment plant located at the end of the private drive.

Relevant Planning History

Application No.	Development	Decision	Date
19/0486	RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (INCLUDING FOUL WATER TREATMENT PLANTS AND ATTENUATION POND) FOLLOWING DEMOLITION OF EXISTING BUNGALOW AND ALL OTHER BUILDINGS -	Granted	11/10/2019
19/0205	RESUBMISSION OF APPLICATION 19/0205 RESIDENTIAL DEVELOPMENT OF SIX DETACHED DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (INCLUDING FOUL WATER TREATMENT PLANTS) FOLLOWING DEMOLITION OF EXISTING BUNGALOW AND ALL OTHER BUILDINGS	Withdrawn by Applicant	16/04/2019
07/1280	ERECTION OF HAY AND SHAVINGS STORE	Granted	16/04/2008
06/1123	RETROSPECTIVE APPLICATION FOR REMODELLING OF FACADES OF FORMER GLASSHOUSE BUILDING INCLUDING SINGLE STOREY CONSERVATORY EXTENSION.	Granted	20/06/2007
06/1124	BLOCK OF 10 LIVERY STABLES, TACK ROOM, OFFICE & STORE (RETROSPECTIVE APPLICATION)	Granted	20/06/2007
06/1122	RETROSPECTIVE APPLICATION FOR ERECTION OF NURSERY SALES SHED	Granted	20/06/2007
05/0766	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE FOR PATHWAYS NURSERIES	Approve Certificate	23/09/2005
04/0910	Removal of condition 2 on application 3/7/3594 and removal of condition 1 on application 3/7/3594/1	Granted	27/10/2004
04/0031	REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION (CONDITION 1) ATTACHED TO PLANNING PERMISSION 3/7/3594	Granted	31/03/2004
02/0080	NON ILLUMINATED, DUAL BOARDS SIGN TO EXISTING DISPLAY POSTS ADJACENT ROADSIDE	Granted	19/06/2002
98/0390	ERECTION OF TWIN POLYTUNNEL & CREATION OF CAR PARK & HARDSTANDING	Refused	07/10/1998

92/0658	SINGLE STOREY EXTENSION TO SIDE.	Granted	09/10/1992
92/0177	OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLING	Refused	15/07/1992
91/0685	TWO STOREY SIDE EXTENSION AND DORMER EXTENSIONS TO REAR	Granted	03/12/1991
89/0065	EXTENSION TO FORM EN-SUITE BEDROOM	Granted	22/02/1989
88/0906	OUTLINE; 2-HOUSES & GARAGES	Refused	21/12/1988
75/1053	OUTLINE - RESIDENTIAL DEVELOPMENT. (FIELD NO. 1836).	Refused	03/03/1976
77/0805	CHANGE OF USE - PASTURE LAND TO SITE FOR SEASONAL CARAVANS,	Refused	16/11/1977
78/0095	CHANGE OF USE - UNDEVELOPED LAND INTO SEASONAL CARAVAN SITE (7 VANS).	Refused	05/04/1978

Relevant Planning Appeals History

Application No.	Development	Decision	Date
06/1122	RETROSPECTIVE APPLICATION FOR ERECTION OF NURSERY SALES SHED	Withdrawn	16/01/2008
06/1123	RETROSPECTIVE APPLICATION FOR REMODELLING OF FACADES OF FORMER GLASSHOUSE BUILDING INCLUDING SINGLE STOREY CONSERVATORY EXTENSION.	Withdrawn	16/01/2008
06/1124	BLOCK OF 10 LIVERY STABLES, TACK ROOM, OFFICE & STORE (RETROSPECTIVE APPLICATION)	Withdrawn	16/01/2008
78/0095	CHANGE OF USE - UNDEVELOPED LAND INTO SEASONAL CARAVAN SITE (7 VANS).	Dismiss	28/03/1979
88/0906	OUTLINE; 2-HOUSES & GARAGES	Dismiss	10/11/1989

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 20 July 2021 and comment:

Newton with Clifton Parish Council: Notified of the original application on 20.07.21 and of revised plans on 26.08.21. The Parish Council's most recent comments in relation to the revised scheme are dated 02.09.21 and indicate that they object to the application and recommend refusal for the following (summarised) reasons:

Impact on AoS:

- The site is located within an Area of Separation (AOS) as designated on the Fylde Local Plan to 2032 Policies Map. It is considered the proposed development fails to meet any of the limitations where development can be permitted in the AOS under policy GD3 of the local plan and, accordingly, does not fall properly within any of the categories of development that are appropriate within this designation.
- The proposed development should be precluded from representing infill development for the purposes of the allowance in policy GD3 f) due to the proposed development's curtilage and location. The LPA is able to demonstrate a supply of deliverable housing sites in excess of five years, the restrictive approach to new residential development in the AOS contained in current policy GD3 of the Fylde Local Plan to 2032 and there are no other material considerations to indicate that the application should be determined other than in accordance with the development plan.
- The proposed development does not satisfy any of the exceptions where residential development can be permitted in the AOS, it is in conflict with the development strategy in the local plan when

taken as a whole and contrary to the requirements of policies S1, DLF1 and GD3 of the Fylde Local Plan to 2032, and paragraphs 2, 12 and 15 of the NPPF which require developments to come forward in accordance with a genuinely plan-led system.

Character and appearance:

- The proposed development, by virtue of its scale, suburban design and siting is unsympathetic to the rural character of the site and its surroundings, to the detriment of the rural scene, is a cause of injurious urbanisation of and encroachment upon the AOS. It is considered that the proposed development design is of a quality that would not assimilate with its rural surroundings and fails to improve the character and quality of the area in conflict with the requirements of Fylde Local Plan to 2032 policies GD3, GD7 and ENV1, and paragraphs 127, 130 and 170 b) of the NPPF. The proposed development is therefore in conflict with the requirements of policy GD7 of the Fylde Local Plan to 2032 and paragraphs 127 f), 180 a) and 182 of the NPPF. Accordingly, this would compromise the AOS function in protecting the identity and distinctiveness of settlements.
- The application is considered equivocal regarding retention of commercial operation(s) adjacent the proposed development site. The proposed development does not fall within any local plan policy exceptions and would if allowed serve to consolidate that built development which does exist to the detriment of the character of this part of the countryside and would set a precedent for further similar development which would be difficult to resist.

Highway safety:

- The proposed development, fails to meet the requirements of the NPPF as the applicant has not demonstrated that the proposed development will not have severe impact on highway safety. The application does not demonstrate adequate site access provision or any proposed off-site work required in the interest of highway safety. The proposed development fails to adequately promote safe and sustainable travel by modes other than car.

Suggested conditions:

- Should the LPA be minded to grant planning permission council strongly recommends that it is conditional on: i) securing a developer contribution towards mitigating the impact of what is considered an unacceptable development to make it acceptable in planning terms; ii) Highways Act 1980 condition(s) are attached requiring an agreement between the applicant and the local highway authority relating to both on and off site highway issues.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection – No objections. A condition should be imposed on any permission granted requiring an investigation which assesses the risks associated with potential on-site contamination and ground gas migration.

Greater Manchester Ecology Unit (GMEU) – No significant ecological issues were identified by the consultant ecologist. Issues relating to bats, nesting birds and ecological enhancements can be resolved via condition and or informative as follows:

- **Bats** – A bat assessment has been provided for the site. No evidence of bats was found within the buildings surveyed and all assessed as having negligible bat roosting potential. This confirms the findings of a previous survey in 2018. I have no reason to doubt the findings of the report. As individual bats can on occasion turn up in unexpected locations, it is recommended that an informative note is applied to any permission granted to draw attention to requirements if bats are subsequently discovered.
- **Nesting birds** – The development will result in the loss of vegetation and buildings, all of which

provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition be attached preventing any vegetation removal or demolition of buildings during the bird nesting season.

- **Other protected species** – All other protected species that could theoretically be present were not found including a updated eDNA survey for great crested newts. I have no reason to doubt this assessment. No further information or measures are required.
- **Invasive species** – No invasive species were recorded on site. The previous ecological assessment noted Japanese knotweed off-site. An informative should be attached to any permission drawing attention to requirements in respect of invasive species.
- **Biodiversity enhancements** – Section 170 of the NPPF 2019 states that the planning system should contribute to and enhance the natural and local environment. The development site is primarily hardstanding with existing hedgerows retained. New hedgerows and tree planting are proposed which include a good proportion of native species. Some hardstanding will also be replaced with gardens. I am therefore satisfied that mitigation/enhancement will be achieved on-site. I would also recommend inclusion of nesting opportunities for house sparrow and starling both UK biodiversity action plan species recorded on the site. I would have no objection to the landscape proposals being conditioned with a separate condition for bird boxes.

LCC Highways – Initial comments dated 28.07.21 as follows:

- **Summary** – LCC Highways are of the opinion that the proposed development, as presented, fails to meet the requirements of the NPPF as the applicant has not demonstrated that the development will not have severe impact on highway safety and the development fails to adequately promote safe and sustainable travel by modes other than car and would ask that planning permission is refused.
- **Introduction** – The site has extant planning permission for 5 dwellings as part of planning application 19/0486. The site will be accessed by modifying the existing access on to Blackpool Road. Blackpool Road is classified as the A583 road and is categorised as a Strategic route with a speed limit of 50mph fronting the site access. A 2.3m footway fronts the site, the carriageway has four lanes with a width of 12.25m, the opposite side of the road has a 1.5m footway with 1.8m wide verge behind, the road benefits with street lighting. There is a double white solid lining with road studs to discourage vehicles entering the oncoming vehicle lane. To the east of the access is a right turn lane and associated road narrowing to Parrox Lane.
- **Traffic survey** – LCC carried out a full week transport study, beginning on the 29 October 2013 at lighting column 141 on Blackpool Road (approximately 200m east of the site access). The traffic study indicates: - i) The 85th percentile speed is 54mph east bound and 52mph west bound; ii) The average weekday flow of traffic passing the site is 7065 east bound and 7678 west bound; iii) The morning peak traffic period is 8am till 9am with 720 vehicles east bound and 553 vehicles west bound; iv) The evening peak traffic period is 5pm till 6pm with 463 vehicles east bound and 720 vehicles west bound; and v) The average number of HGV movements is 4% / in both directions.
- **Highway impact** – TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 24 two-way vehicular movements a day with an estimated am and pm peak flow of 3 two-way vehicle movements. Highways are of the opinion that the overall number of vehicle movements will decrease but the am and pm peak flows will slightly increase.
- **Site access** – Based on observations on site and the (LCC) traffic count information, (LCC) Highways are of the opinion that the available sight lines from the existing access onto Blackpool Road are acceptable. LCC's five year data base for Personal Injury Accident (PIA),

was checked on the 28 July 2021. The data indicates there has not been any reported incidents near the access to the new development. The five year database for Personal Injury Accident (PIA), shows there has been a collision 200m east of the site access with a motorbike being hit by a car exiting a drive; 50m west overtaking and at the junction with Kirkham By-pass a shunt with a cyclist.

- **Off-site highway works** – East bound vehicles entering the site and east bound vehicles exiting the site need to cross two line lanes of traffic. LCC Highways recommends the applicant provides a right turn lane into the site to allow safer access and egress from the site by reducing the number of lanes passing the site. The right turn lane and associated road narrowing is to tie in with the exiting right turn lane at Parrox Lane, to the east of the site. The right turn lane will work as a traffic calming feature for vehicles passing the site. As part of these works a traffic island will be required to the west of the site access to enforce the right turn lane, protect vehicles in the right turn lane and also aid pedestrians to cross the road.
- **Sustainable links** – The proposed development will increase pedestrian movements to and from the site, Highways are of the opinion that pedestrians will have a desire to walk in both directions from the site to access the local primary and secondary schools, bus stops, pubs and shops, which are all within acceptable walking distances. Highways are of the opinion that the applicant should provide a 2m wide footpath on both sides of the new site access and to continue a minimum of 10m into the site, to improve highway safety for pedestrians at the junction. The pedestrians will also have desire to cross the Blackpool Road and the recommended traffic island should be suitable for pedestrians to use. Until the applicant provides an acceptable scheme to provide a right turn lane with associated traffic island and 2m wide footpath on both sides of the site access LCC Highways are of the opinion that the proposed 4 dwellings will have a severe impact on highway safety and would ask that planning permission is refused.
- **S106 contributions** – LCC Highways are not seeking any section 106 contributions as part of this development providing the recommended section 278 works are provided for the site access and off- site works.
- **Internal highway layout** – The following changes are required to the internal layout: i) sight lines from the accesses to be a minimum of 2m x 11m in both directions based on an estimate 85th percentile speed of 10mph; ii) a turning head is required to allow refuse and emergency vehicles to turn within the site. Highways recommend the turning head to be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant to prove the turning head layout by swept path analysis for a rear twin axel refuse vehicle (11.2m long). The applicant should provide accurate details of the required turning head before determining the application and the turning head protected under condition, for perpetuity; iii) all private drives fronting garages to be a minimum of 6m long, this must not include any of the required 2m wide service verge. This can be reduced to 5.5m if roller shutters are fitted; iv) The refuse collection point must not prevent the turning for refuse and fire appliances.
- **Highway adoption** – The proposed internal highway layout is not to an adoptable standard. If the applicant wishes to offer the road for adoption then the above recommendations must be included in an amended design.

Additional comments dated 21.09.21 following receipt of amended plans as follows:

- The internal layout is acceptable. However, LCC Highways would not accept it for adoption and as such it would remain private.
- With regards to a right turn lane and pedestrian refuge I still consider them appropriate but would accept a condition requiring their provision as per LCC Highways' comments on the previous application (19/0486 – dated 27.08.19). While the level of traffic is reduced by 20% (4 dwellings as opposed to 5 dwellings), the developer is still required under NPPF to promote

sustainable travel and as such the provision of the right turn lane and pedestrian island are considered appropriate and necessary.

- The A583 has had average speed cameras introduced to address road safety issues and any development which generates vehicle and / or pedestrian movements may be asked to introduce measures which are seen as road safety improvements.

Lancashire Fire and Rescue Service – No objections. Comments as follows:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

United Utilities – No objections. Comments as follows:

- In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Neighbour Observations

Neighbours notified:	20.07.21
Site notice posted:	30.07.21
Press notice:	22.07.21
Amended plans notified:	26.08.21
No. Of Responses Received:	Four
Nature of comments made:	Four objections (including two from the same authors).

The appropriate neighbouring properties were notified of the application by letter on 20.07.21 and for a second time on 26.08.21 following the receipt of amended plans. In addition, notices have also been posted at the site and in the press as the application represents a departure from the development plan. Four letters of objection have been received in connection with the application. The points of objection are summarised as follows:

Principle of development:

- The Fylde Local Plan to 2032 refers to a risk of the settlements of Newton and Kirkham merging if the ribbon development between the two settlements is allowed to expand. This is the reason for designating the Area of Separation. Granting permission for this development would be contrary to the objectives of that policy.
- There is ample new housing in the area and no market evidence of demand for the proposed dwellings, especially given that there has been no firm interest in the scheme approved in 2019.

Amenity impacts:

- The dwelling proposed on plot 1 appears to be closer to the neighbouring property at Longacres than was the case with the approved scheme in 2019. This increased proximity would harm the privacy of neighbouring occupiers at Longacres due to overlooking. The dwelling on plot 1 should be re-positioned in the location of plot 2 and the whole development shifted further to the west to site further away from Longacres.

Officer note: At its closest point, the dwelling on plot 1 is positioned a minimum of 8.5m away from the shared boundary at the rear of Longacres and a minimum of 16.5m from the closest part of the neighbouring dwelling (an elongated, single storey outrigger to the rear of the property). The same spacing distances between Plot 1 and Longacres approved as part of application 19/0486 were 9.7m (to the shared boundary) and 10.7m (to the dwelling itself).

- The presence of the current, low-rise commercial units on the site with cameras and secure boundaries provides security and privacy for the occupiers of Longacres and a quiet rural environment outside normal working hours. This would be lost as a result of the proposed residential development.

Highway safety:

- It is difficult to turn right out of the Pathways site onto the A583 due to the excessive speed and flow of traffic. Visibility at the junction is poor due to the presence of hedges and parked vehicles. Pulling out carefully with a horsebox is difficult at present, as to the left there is essentially 3 lines of traffic to watch. Added to this the manoeuvring over a proposed rubble strip with a loaded horsebox will limit acceleration. The risk of accident is high. There have recently been 2 accidents by Church Farm which demonstrate why having a further residential road would be an added risk.

Harm to existing businesses:

- The proposed development would result in the loss of all existing small businesses on the site which are thriving. These businesses contribute to the local community and economy, and to remove them would destroy the livelihoods of the people behind these businesses. Therefore, they should be supported and retained.

Harm to neighbouring land uses:

- The garden of Longacres includes stables, grazing paddocks and a riding arena in close proximity to the site. The proposed residential development would result in added activity, noise and disturbance both during the construction period and from future occupiers which would be detrimental to the welfare of horses kept at Longacres. In addition, future occupiers of the proposed dwellings may be intolerant towards the activities associated with the equestrian household at Longacres and so they may, equally, also be disturbed. Therefore, the proposed development is insensitive to the neighbouring equestrian use and is likely to result in conflicts between the two.

Officer note: It is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, basic question is not whether the private interests of neighbouring occupiers would be harmed from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Access to neighbouring property:

- The proposed layout appears to prevent access to the to the gate at the rear of Longacres which presently opens onto the internal drive and is a necessity for the safe, emergency evacuation of horses and for regular loading on show day from Longacres by larger vehicles.

Officer note: While the occupier of Longacres may presently enjoy access into the site via a gate within their rear boundary, it is also the case that this access opens onto land that is

outside their ownership. Accordingly, unless there is a legal right of access between the rear of Longacres and the site (any breach of which is a civil matter between adjoining landowners and, in turn, not a material planning consideration), the applicant is under no obligation to provide access across their land for an adjoining landowner. In spite of this, the proposed layout provides for a minimum 3m wide 'grasscrete' access between the head of the cul-de-sac and the gate at the rear of Longacres to allow continued vehicle access via this route.

- The proposed, narrowed 4.8m wide access road into the site is not sufficient to allow large horse boxes to access the driveway of Longacres.

Flooding and drainage:

- The scheme proposes to channel surface water from the development down a 4-inch field drain on the southern boundary. During periods of heavy rainfall the area already experiences flooding and so the proposed retention pond needs to be larger than is currently shown in order to retain the volume of surface water within the site. If this is not enlarged then the attenuation pond will not be fit for purpose and the development will result in the flooding of valuable adjacent farmland.
- There are ongoing flooding issues on the A583 which has caused flooding of neighbouring properties. The creation of additional hard surfacing within the site as part of the development will result in an increase in standing water pouring onto neighbouring land.

Ecology:

- The proposed development, in combination with other recent housing developments in Newton, would have an adverse impact on the local ecosystem. Loss of foraging habitat and an availability of sufficient area of grassland, rich in invertebrates, is required for sustainable wildlife populations. These are increasingly lost from development and hard surfacing. Building noise and activity will scare existing wildlife in the area away from their natural habitat, as shown by the other Newton developments.

Relevant Planning Policy

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

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

Fylde Local Plan to 2032:

S1	The Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
GD3	Areas of Separation
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
T5	Parking Standards
INF1	Service Accessibility and Infrastructure

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Other relevant guidance:

Building for a Healthy Life
National Design Guide
National Model Design Code

Environmental Impact Assessment

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

Comment and Analysis

Background and extant permission:

The site has been subject to two previous applications to redevelop it for housing. The first (19/0205) involved a residential development six dwellings following the demolition of all existing buildings on the land (including the current bungalow) and was withdrawn. The second (19/0486) involved a residential development of five dwellings laid out around a central 'courtyard' following the demolition of all existing buildings on the site (including the current bungalow) and was granted on 11 October 2019 following referral to the Planning Committee.

While planning permission 19/0486 has not been implemented, it remains extant until 11 October 2022 and, accordingly, is a material consideration in this application as it represents a legitimate 'fallback' position for the applicant. Moreover, as application 19/0486 was determined in accordance with the policies of the current development plan (the FLP) and the 2019 version of the NPPF, it was assessed against a very similar policy context to that which remains applicable now – with the exception to that being the recent (July 2021) update to the NPPF.

Although the existence of an extant planning permission is a material consideration which weighs in the scheme's favour, it is also the case that each application must be assessed on its own merits. In particular, while the current scheme proposes the same quantum of housing and means of access to the development as that permitted by 19/0486, it also differs by retaining the existing bungalow at Pathways as part of the re-development and with respect to the appearance, scale and layout of the proposed dwellings, and the landscaping of the site.

Policy context and main issues:

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

11 indicate that this means:

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

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

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are:

- The principle of development, including whether it represents an appropriate form of development within the AoS and, if not, whether there are any other material considerations in this case to indicate that the development plan should not be followed.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers and land uses.
- The development’s effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to ecology, flood risk and contamination.

Principle of development:

Accessibility and whether the site is a suitable location for housing:

FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in locations that accord with the development strategy, which follows the four-tier settlement hierarchy set out in policy S1. FLP policy INF1 a) states that, in order to protect and create sustainable communities, proposals for development should “make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity”.

The site forms part of a collection of ribbon of development fronting onto the A583 and is located approximately 370m from the settlement boundary of Newton (southeast) and *circa* 650m from the boundary of Kirkham (northwest). Having regard to the principles established by the *Braintree District Council v Secretary of State for Communities and Local Government & Others [2017]* judgement – which determined that the term ‘isolated’ should be given its ordinary objective meaning of “far away from other places, buildings or people; remote” – it is considered that the site’s relationship with surrounding buildings and its broadly central location amongst existing ribbon development on the A583 means that the proposal would not involve the creation of isolated homes in the countryside for the purposes of FLP policy H6 and paragraph 80 of the NPPF.

Bus stops are located on both sides of the A583. The closest of these are *circa* 56m (westbound) and 290m (eastbound) away from the proposed site access. Alternative bus stops are located around the junction with Bryning Lane between 390m and 540m away. A petrol filling station with a small shop, a restaurant (The Country House/Ali Raj) and Pub (the Bell & Bottle) on Blackpool Road are all within comfortable walking distance of the site, and other services in Netwon and Kirkham are available relatively nearby. Accordingly, the site has reasonable access to local shops, services and existing infrastructure by modes of transport other than private car, commensurate with its rural setting, for the purposes of FLP policy INF1a) and paragraph 105 of the NPPF.

Effects on the AoS:

The site falls within the AoS between Newton and Kirkham and so is outside any of the settlements identified in FLP policy S1. It is not, however, the case that the FLP restricts residential development to areas within the settlement boundaries identified on the Policies Map. In particular, FLP policy S1 indicates that, within the rural areas, “development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as applicable**” (emphasis added). In addition, the “windfalls” section of FLP policy DLF1 indicates that “small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan**” (emphasis added).

Accordingly, the development strategy in FLP policy DLF1 does not confine development to the settlements identified in policy S1, nor does it restrict it to the strategic/non-strategic locations for development set out in policy DLF1, as long as it complies with other policies of the plan.

FLP policy GD3 relates to development within the AoS. The policy states that “development will be assessed in terms of its impact upon the [AoS], including any **harm to the to the effectiveness of the gap between the settlements** and, in particular, **the degree to which the development proposed would compromise the function of the [AoS] in protecting the identity and distinctiveness of settlements**” (emphasis added). Policy GD3 indicates that development within the AoS will be limited to that falling within the following categories (criteria a)-f)):

- that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- the re-use or rehabilitation of existing permanent and substantial buildings;
- extensions to existing dwellings and other buildings in accordance with Policy H7;
- development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- isolated new homes in the countryside which meet the criteria set out in Policy H6.
- minor infill development, of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3, providing that it would not result in any harm to the effectiveness of the gap between the settlements or compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements.

The proposed redevelopment of the site for housing does not fall properly within any of the categories set out in criteria a) – f) of policy GD3. In particular, criteria a), b), d) and e) of the policy are not applicable to the nature of development proposed in this case. Similarly, as the proposal involves the retention of the existing bungalow, criterion c) is not applicable. Although criterion f) of the policy

makes an allowance for “minor infill development”, as the scheme involves the demolition of all existing non-residential buildings on the site and the erection of new buildings in their place, the proposal could not reasonably be considered to represent “infill” development as it is replacing existing buildings rather than filling gaps between them.

As a result, the proposal does not meet any of the limitations in FLP policy GD3 where development is permitted in the AoS. Therefore, the proposal represents a departure from the provisions of the development plan and, in accordance with paragraph 12 of the NPPF, should only be granted if material considerations indicate that the plan should not be followed.

The AoS is a bespoke designation in the FLP which is not referred to explicitly in the NPPF. However, paragraph 7.4 of the local plan sets out the hierarchy of designations for land located outside settlement boundaries. Specifically, paragraph 7.4 identifies that “all land outside settlement boundaries in Fylde is within either the Green Belt or the Areas of Separation or the Countryside. The greatest level of protection [will be] offered to the Green Belt, followed by Areas of Separation and finally the Countryside.” In addition, paragraphs 7.9 and 7.10 of the FLP state as follows with respect to the purpose of the AoS:

7.9) In order to help maintain the openness of areas outside the Green Belt and the identity and distinctiveness of individual settlements, policy GD3 proposes that Areas of Separation are defined. An Area of Separation is different to Green Belt, and tends to be of a significantly smaller scale and located between settlements boundaries that are relatively close and at risk of merging.

7.10) An Area of Separation is designed to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in the coalescence of two distinct and separate settlements.

Given the above, and with particular regard to the hierarchy of protection set out in paragraph 7.4 of the local plan, it follows that development which is not inappropriate in the Green Belt must also not be inappropriate in the AoS, because the AoS is afforded a lesser degree of protection. Accordingly, while the site is not within the Green Belt, chapter 13 of the NPPF which relates to the protection of Green Belt land has relevance in establishing whether there are other material considerations to indicate that the development plan (and, in particular, policy GD3) should not be followed in this case. In particular, paragraph 149 of the NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” subject to seven exceptions (a-g)). The exception in criterion g) provides for:

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

As the scheme does not include the delivery of affordable housing (with the number of dwellings proposed being below the trigger where the provision of affordable housing is required as set out in FLP policy H4), the second limb of paragraph 149 g) is not relevant in this case. However, the first limb of paragraph 145 g) allows developments involving **“the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development”** (emphasis added).

As the AoS is afforded a lesser degree of protection than the Green Belt it must, therefore, be the case that schemes involving the complete redevelopment of previously developed land within the AoS can be permitted providing that they do not have a greater impact on its openness, the identity and distinctiveness of individual settlements and would not result in greater coalescence of or compromise the effectiveness of the gap between distinct and separate settlements (i.e. the purposes of including land within the AoS referred to in policy GD3) than the existing development. The assessment below is based on those tests.

The definition of “previously developed land” is given in Annex 2 of the NPPF as follows:

- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

In this case, the Pathways site includes a mix of residential (the existing bungalow and garage), commercial/garden centre (showroom, retail and plant nursery buildings) and equestrian (stable and tack room) uses and buildings. Parking areas, products for sale and other paraphernalia associated with these uses are also located externally within hardstanding areas, particularly between the commercial buildings and the existing bungalow. All of these uses fall within the definition of “previously developed land” given in the NPPF. Accordingly, the impact of the site’s redevelopment for housing on the AoS is to be assessed in comparison to and against the benchmark of the effects arising from the presence of existing buildings and hardstandings within the site.

The figures in Table 1 provide a quantitative comparison between the scale of the existing and proposed buildings within the site (excluding the existing bungalow which is to be retained outside the site).

Parameter	Existing	Proposed	Difference (existing – proposed)
Combined building floor area (sqm)	1060	860	-200
Maximum building height to ridge (m)	4.1	4.8	+0.7

Table 1 – Comparison between existing and proposed buildings.

As shown in Table 1, the overall floor area of the proposed dwellings would be approximately 18.9% less than the existing buildings. Although the proposed dwellings would have taller ridge heights than the existing buildings, the difference would be minimal, their roof pitches would be shallow, eaves lines would be low (at 2.35m across all plots) and there would be consistency across all plots (unlike the roofs of the current buildings which vary in height and profile).

It is apparent from the quantitative comparison in Table 1 that the proposed bungalows would not appear as overtly large, bulky or tall additions within the site in comparison to existing buildings with respect to their scale, height and roof profiles. Added to this, and as is the case with the existing commercial/stable buildings, topographical changes and the presence of landscaping both within and outside the site means that the replacement dwellings would not appear as more readily prominent

features within the AoS when viewed from surrounding public vantage points, most notably those on Blackpool Road and Parrox Lane. The proposal would also deliver a number of qualitative benefits that would result reduce its impact of the AoS when compared to the existing scenario as follows:

- **Layout** – The proposed dwellings would not extend as far into the site as the existing buildings (having particular regard to the stables), are set further away from southern and western boundaries with adjoining countryside and would include more open land (gardens) surrounding them.
- **Hardstanding** – There would be an overall reduction in the extent of hardstanding within the site and the existing external storage and parking areas for the garden centre, retail and equestrian uses would be removed (either incorporated into the estate road or replaced with landscaped gardens).
- **Soft landscaping** – There would be a substantial increase in the coverage of soft landscaping both within and to the perimeter of the site.
- **Removal of associated outlying uses** – The existing car park and vehicle sales/storage area to the northwest of the access road – though outside the red line boundary (but still within the applicant's ownership and contained within the blue edge) – would be removed and returned to grassland, with a field gate provided from the estate road to allow access into the fields wrapping round the northern and western boundaries of the site.

Given the quantitative and qualitative comparison above, and having regard to the site's central location between an existing ribbon of buildings fronting onto the A583, it is considered that, when taken as a whole, the proposed redevelopment would not have a greater impact on or compromise the purpose and function of the AoS to a greater degree than the existing development. Indeed, in many respects its impact would be reduced and/or improved in comparison to the existing situation. In particular, it would not have a greater impact on openness, it would not narrow the gap between the settlements of Netwon and Kirkham or result in an increased sense of coalescence between them, it would not harm the effectiveness of the gap of between settlements and would not undermine the identity and distinctiveness of those settlements. Accordingly, while the proposed development does not fall comfortably within any of the categories identified in FLP policy GD3, it would not undermine or conflict with the overarching objectives of the policy or the reasons for placing the land within the AoS designation. Therefore, it is considered that there are material considerations in this particular case which carry sufficient weight to indicate that the development plan should not be followed.

In order to ensure that this remains the case, and to avoid the uncontrolled extension of the proposed dwellings (including any increases in height, roof-level massing and/or the erection of large outbuildings within their gardens) which might otherwise undermine the rationale for allowing the development to proceed in the first place, it is considered expedient to withdraw the permitted development rights conferred by Schedule 2, Part 1, Classes A, AA, B, C and E of the GPDO for all dwellings in this case.

Loss of existing commercial uses:

Objectors have referred to the economic harm arising from the loss of the existing commercial uses within the site. The existing garden centre and retail uses have been established through a certificate of lawfulness (05/0766) which allowed "the use of the land for use as nursery with retail sales for the sale of garden related products". The equestrian use has been established by subsequent planning permissions. While the proposed redevelopment of the site for housing would result in the loss of the existing garden centre and retail uses, as the land is not allocated for employment use in the local plan and the current enterprise represents an A1 (retail) use, the provisions of FLP policy EC2 relating to the retention of employment uses in classes B1, B2 and B8 – and, in turn, policy GD8 relating to the viability of these existing uses – are not applicable in this case.

The existing garden centre and retail uses represent a “main town centre use” for the purposes of the definition in Annex 2 of the NPPF. Accordingly, they should normally be situated within or on the edge of a town centre rather than in the out-of-centre location they presently occupy. As a result, the current commercial uses are already somewhat inappropriate in their present location and given the limited, specialist products that are permitted to be sold from the site as referred to in the certificate of lawfulness, their loss would not result in any unduly harmful diminution in the availability of shops and services to serve local needs. It is also the case that the site’s redevelopment for housing will deliver economic benefits both during the construction period and from trips made by future occupiers to support shops and services in the local area. Accordingly, any economic harm arising from the loss of the existing commercial premises is balanced by the economic benefits arising from the proposed redevelopment.

Character and appearance:

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

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

Paragraph 130 of the NPPF sets out six general principles of good design (a – f) and paragraph 133 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for a Healthy Life” (though footnote 2 of BHL notes that it “generally works for developments of around ten homes or more. For smaller developments, the considerations can be useful prompts although not all of them might be appropriate for the scale of the scheme”). Paragraph 131 of the Framework states that “planning [decisions] should ensure that new streets are tree-lined [unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate], that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”. Paragraph 134 of the NPPF 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 [contained in the National Design Guide and National Model Design Code]”. In addition, paragraph 174 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The requirements in FLP policy H2 relating to housing density state that “developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare.”

The proposal involves a development of four bungalows arranged in an L-shaped layout around a shared drive set in a ‘backland’ location away from the frontage of the A583 (Blackpool Road) and to the south of a larger, existing bungalow which occupies an elevated position on adjoining land. Where it runs through the AoS, the thoroughfare of Blackpool Road is characterised by a fragmented pattern of roadside ribbon development interspersed with and separated by intervening open field parcels.

Residential properties generally occupy spacious, elongated plots that back onto open fields beyond – though in several cases (including the application site) a combination of commercial, industrial and/or agricultural development extends further into the countryside at right angles away from the A583.

Dwellings fronting onto the A583 vary in their scale, materials, era and design and include a mix of rural vernacular farmhouses and barns set alongside modern two storey houses and bungalows. Immediately surrounding the application site are bungalows at Pathways, Longacres and Oaks Farm on the south side of Blackpool Road, and two further bungalows (Grange View and Cherry Tree Farm) on the north side of the A583 located directly opposite the site access.

Ground level falls in a general south-westerly direction travelling through the site. As a result, while the existing bungalow at Pathways set close to the northern site boundary is prominently in view from vantage points on Blackpool Road, the existing commercial and stable buildings within the application site behind are barely visible due to a combination of topographical changes and intervening landscaping – including a roadside hedgerow which lines the southern boundary of the A583. As the proposed dwellings would occupy the same parts of the site and are modestly (0.7m) taller, they would be similarly well screened in the surrounding landscape. There are no public rights of way passing through the fields at the rear of the site and more distant views along Blackpool Road are largely screened by the roadside hedgerow.

The highway of Parrox Lane branches off Blackpool Road in a southerly direction to the southeast of the site a minimum distance of *circa* 85m away at its closest point. Views towards the site from Parrox Lane are limited by the presence of roadside hedgerows and other landscaping on intervening land that lies between the application site and this road. There are also two other dwellings and a collection of outbuildings located within this intervening land. When these features are taken in combination with topographical changes along Parrox Lane (as it falls away to the south), the existing commercial buildings at Pathways are not readily visible from vantage points along this highway. Indeed, only the upper parts of the roofs to the existing bungalows at Pathways and Longacres (on elevated land surrounding the site) are visible from this road.

The proposed bungalows would occupy lower-lying land to the southern part of the site in the same broad locations as the existing commercial buildings. The dwellings would have generous spaces between and around them and would be set further away from the site's southern and western boundaries where it adjoins surrounding open land. Existing landscaping within the site – most notably alongside the southern edge of the access road and southern perimeter where it borders Oaks Farm – would be retained and supplementary tree and hedge planting introduced to create enhanced soft-landscaped borders to both the internal estate road and the western fringe of the site. Perimeter boundary treatments (including that separating the new development from the smaller, retained garden of the existing bungalow) would comprise a 1m high post-and-wire stock proof fence backed by hedging. Parking areas would be located to the front of each bungalow on driveway approaches to integral garages, though the majority of front gardens would be soft landscaped behind low dwarf wall enclosures to separate public and private areas.

The dwellings themselves would be uncomplicated in appearance, with consistency in roof heights, profiles, shallow pitches and architectural features to accentuate entrances and roadside facades which present active elevations to the estate road while preserving the simple, uncomplex character of other surrounding buildings. Materials would comprise a mix of red brick, rendered sections to the rear and natural slate roofs. Dark aluminium window frames would be set in stone surrounds to front elevations facing the internal road. Larger areas of floor-to-ceiling glazing would add a lightweight and more contemporary appearance to the rear of each dwelling. All bungalows would be of a 'true' single

storey height with shallow roof pitches that would not provide for rooms in the roof.

Importantly, the overall size, layout and appearance of the proposed dwellings would reflect and respond to the prevailing scale and character of surrounding residential bungalows, and would not have any greater visual impact on the AoS and surrounding landscape when compared to the current buildings within the site. Moreover, the landscaping of the development – having particular regard to the increased coverage of soft landscaping and the siting, height and design of boundary treatments – would screen sensitive borders with open land while ensuring soft, tree-lined edges to the estate road.

As the site has an area of around 0.58ha, the development would deliver a density of *circa* 6.89 dwellings per hectare (dph). While this falls significantly below the target of 30 dph given in FLP policy H2, the low density is driven by the need to ensure that the development has no greater impact on the AoS in comparison to the existing scenario and that it reflects the typically spacious plot sizes which are characteristic of other dwellings in the AoS. Therefore, when taken in its surrounding context, the proposed low density development is justified in this case to avoid any detrimental impact on the character, appearance, distinctiveness and environmental quality of the area.

The proposed development, by virtue of its density, layout, scale, materials, landscaping and design, would be compatible with the character of neighbouring buildings and would assimilate sympathetically with the surrounding countryside in order that it would not adversely affect the character and appearance of the area. The proposed development is therefore in accordance with the requirements of FLP policies GD7, ENV1 and H2, paragraphs 130, 131, 133, 134 and 174 b) of the NPPF, and the parts of associated national design guidance referred to within the Framework which are relevant to this scheme.

Effects on surrounding occupiers:

Criteria c) and o) of FLP 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.”

Paragraph 185 of the NPPF states that planning decisions should “ensure 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”. This includes, in part a) of the paragraph, a need to “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [as set out in the Noise Policy Statement for England].”

Existing occupiers:

The closest neighbouring dwellings are the existing bungalows at Pathways to the north and Longacres to the east (which shares its northern and western boundaries with the site). Other adjacent uses include a farmhouse and collection of agricultural buildings at Church Farm to the north and another dwelling at Oaks Farm to the southeast which also has several agricultural outbuildings within its curtilage. Two bungalows (Grange View and Cherry Tree Farm) are located on the northern side of the A583 directly opposite the site access. The level of separation, spatial relationship and screening between the proposed single storey dwellings and neighbouring properties at Church Farm, Grange View, Cherry Tree Farm and Oaks Farm would avoid the development having any adverse effects on the privacy and amenity of the occupiers at these sites through loss of outlook, overshadowing or overlooking.

The bungalow at Pathways, along with its detached garage, would be retained on elevated land to the north of the site and is orientated with its front elevation facing across open fields to the north and its rear elevation facing in a southerly direction towards the site. The main garden areas to Pathways are located to the side and rear, and are presently enclosed by a combination of walls and fencing reaching *circa* 1.8m in height, which is to be replaced with a 1m high stockproof fence backed by taller hedging as part of the development.

The adjacent dwelling at Longacres is a bungalow with a steep pitched roof which includes a large, flat-roofed dormer to the rear, and occupies a slightly elevated aspect in relation to the site. The bungalow has single storey extensions to the rear, including a flat-roofed protrusion that appears to form a small balcony emerging off the rear dormer and an elongated outrigger to the southwest corner extending close to the shared boundary with Pathways. A detached garage is located further to the rear alongside the western boundary and is orientated with its garage door opening onto a concrete apron that merges with the existing access road. Longacres' shared boundary with the access road is largely composed of *circa* 1.8m high close-boarded timber fencing which screens a manège and stables within the garden to the south side of the bungalow.

The closest of the proposed dwellings (plot 1) would be located a minimum of approximately 8.5m from the shared boundary on the western fringe of Longacres' garden and approximately 16.5m from the closest part of the neighbouring dwelling itself (the rearmost tip of the elongated outrigger). The dwelling on plot 1 would be offset to the southwest of the neighbouring property and orientated with its side elevation facing the mutual garden boundary with Longacres. This side elevation would contain a door and kitchen window. However, these openings would be offset from the rear elevation of the neighbouring dwelling and screened by solid, tall intervening boundary treatments which enclose the garden of Longacres.

The existing dwelling at Pathways is orientated with its rear elevation looking in a southerly direction and would face the front elevations of plots 1 and 2 over a minimum spacing distance of *circa* 23.5m. The shared drive for the proposed development would run through the southern part of the existing dwelling's rear garden, thus narrowing this from around 18m to 9.5m in length. A 1m high stock proof fence fronted by hedging would run along the edge of a verge to the north side of the shared drive to separate the re-configured curtilage of the Pathways bungalow from the development.

Both existing dwellings at Pathways and Longacres are set at a higher level to the development site and all proposed dwellings would be 'true' bungalows with low ridgelines and no rooms in the roof. When these factors are taken in combination with the minimum spacing distances, window arrangements, intervening boundary treatments and spatial relationships – including the offset position of Longacres in relation to the closest dwelling on plot 1 – described above, the proposed

dwelling would not appear as oppressive or overbearing features when seen from neighbouring properties. Accordingly, it is not considered that the proposed development would have any undue effects on the privacy and amenity of existing adjoining occupiers at Longacres or the retained dwelling at Pathways through loss of outlook, overshadowing or overlooking.

The occupiers of Longacres have raised concerns that the use of the site for housing would adversely affect their security and would generate additional noise which could curtail the use of their land for equestrian pursuits associated with the manège and stables located within their curtilage. Concerns are raised with respect to noise disturbance during the construction period and the potential for conflicts arising from the use of their property for equestrian purposes in close proximity to the future occupiers of the proposed dwellings.

In terms of security, the site is presently open to visits by any member of the public during the opening hours of the current businesses. Accordingly, this is likely to generate unrestricted trips by multiple patrons who will not necessarily be regular visitors to the site. Moreover, when the businesses are closed, there is a lack of activity and reduced natural surveillance during those hours. In contrast, visits to the proposed dwellings will be made mostly by people who are familiar with the site (e.g. the homeowners and their friends/family), access around the external areas of the site will be more restricted (e.g. by garden boundary treatments) and there will be a greater degree of natural surveillance at all times of the day. The scheme also includes the introduction of lighting to the estate road and dwellings would be orientated to front onto the roadside with clear, active views of the street. Accordingly, it is likely that the proposed residential development will deliver enhanced levels of security for existing neighbouring occupiers rather than reducing this.

With respect to noise and the continued use of Longacres for equestrian pursuits, it should be noted that the principal use of Longacres is as a dwellinghouse. While a stables and manège have been constructed within the garden of that dwelling, these are incidental to the enjoyment of the dwellinghouse within a planning unit where the principal use is C3. In this respect, the proposed residential development is, in land use planning terms, less likely to generate noise and disturbance to Longacres than the activity associated with the commercial uses that presently occupy the site. Accordingly, the proposed residential development is compatible with the principal use of Longacres as a dwellinghouse.

The occupiers of Longacres are concerned that future occupiers of the development will generate added disturbance to both themselves and the horses kept on their land and, moreover, may be intolerant to noise from equestrian uses within their garden. However, the dominant noise source for both the existing and proposed dwellings is likely to be from road traffic passing along the throughfare of Blackpool Road (a classified, arterial road linking Preston and Fylde). Road traffic noise will be heard throughout the day (including early in the morning and in the evening) and, given the site's proximity to the A583, any noise arising from resident and equestrian activity is likely to be secondary and inconsequential in comparison. Moreover, by virtue of their setting in the countryside, future occupiers of the dwellings will expect to experience a degree of noise associated with rural activities and recreational pursuits (including equestrian uses) and it is not uncommon to find independently occupied rural dwellings located close to stables on neighbouring land. Similarly, there is no reason to conclude that the occupation of residential properties on the site would generate unacceptable noise and disturbance which would disrupt the use of Longacres for equestrian pursuits.

The objective in paragraph 185 of the NPPF is to “avoid noise giving rise to **significant adverse impacts** on health and the quality of life” (emphasis added). The presence of “significant adverse impacts” is a high bar which is more likely to occur when uses that are inherently different and/or incompatible are located in close proximity to one another (e.g. where general industry is proposed adjacent to

housing). In this case, there is no reason to conclude that the siting of the proposed dwellings in relation to existing residential properties nearby would generate any significant adverse impacts in terms of noise which would warrant refusal of the application.

While it is recognised that there is likely to be some noise disturbance and inconvenience to surrounding occupiers during the construction period, such issues are synonymous with all development projects in situations where sites are surrounded by existing buildings and are unavoidable. Accordingly, the test in this case is not whether neighbouring occupiers would experience *any* disturbance during the construction period but, instead, what measures should be put in place to mitigate and minimise the effects of demolition/building operations. In this case, a pre-commencement condition has been recommended requiring the submission of a Construction Method Statement to provide details of these mitigation measures.

The occupiers of Longacres have also raised a number of issues which relate to how the development affects existing access arrangements to their property (both to the bungalow itself, a garage and gate at the rear, and for equestrian-related activities). The proposed layout shows how existing access arrangements will be maintained to both the front and rear of the property and there is no reason why the size and geometry of these accesses would be insufficient for vehicle traffic with reference to the normal standards for residential roads set out in Manual for Streets. It is also noted that the latest response from the Local Highway Authority raises no objections to the proposed internal highway layout, including with respect to the provision of vehicle manoeuvring areas. Appropriate conditions have been recommended requiring the details shown on the approved plans to be implemented concurrently with the development in order to avoid any obstruction of access to Longacres during the construction period.

Future occupiers:

The proposed layout would group detached dwellings around an L-shaped private drive. Generous gardens would surround each property, with separation distances and window configurations between the dwellings following and/or exceeding the guidance in the Council's "Extending Your Home" Supplementary Planning Document in relation to spacing between ground floor windows. The spacing and layout of the proposed bungalows in relation to one another and nearby dwellings outside the site would achieve a high standard of amenity for future occupiers commensurate with the density and character of development in the area and the appropriate treatment of garden boundaries would ensure adequate privacy between properties.

There are existing land uses outside the red line boundary of the development site that have the potential to impact on the amenity of future occupiers. These include:

- A gravelled parking area to the northwest of the site access which was permitted as an overspill car park for the plant nursery and retail use pursuant to planning permission 06/1124, but now also appears to be in use for car sales.
- A floodlit manège adjacent to the western site boundary.

The gravel parking area is currently accessed via an opening off the vehicle forecourt to the front of the site. A large, double-sided hoarding sign advertising existing uses on the site is located to the northeast corner of this car park. The submitted plans show that the access to this car parking area would be closed off by landscaping and, following the demolition of the existing buildings, its purpose as an overspill car park in connection with this use will cease. The gravelled parking area presents a poor visual appearance to the front of the site onto Blackpool Road. Once the proposed residential development is implemented, the need for this parking area will cease and it will be necessary for it to be restored to open grassland in order to ensure an acceptable outlook for future occupiers and to

improve the visual appearance at the site entrance to reflect its residential character and countryside setting. A gated access into this land will be provided off the estate road to allow future maintenance.

The floodlit manège to the western end of the site would be located adjacent to the rear garden of plot 4 and approximately 22m from its rear elevation. While the continued use of the manège itself is unlikely to cause any amenity issues in terms of noise, the use of the existing floodlighting has the potential to create light pollution for future occupiers of plot 4. Accordingly, it is considered expedient to impose a condition requiring, where shown to be necessary, the existing floodlights to be modified in order to limit potential light spillage towards the dwelling on plot 4. This could involve reducing the height of the floodlights and/or fitting shields/hoods to the lights to limit their spillage towards the proposed dwelling. Any proposed means of mitigation will, however, only be possible to establish once an assessment of the existing floodlighting is undertaken.

While the two features mentioned above do not fall within the red line boundary for the site, they are located on adjoining land that is also owned by the applicant (i.e. within the blue line). Therefore, it is possible to impose conditions requiring the cessation and/or modification of these uses as part of this planning permission. Specifically, it is considered that the gravelled car park should be returned to grassland before any of the dwellings are first occupied, and that the existing floodlights to the manège be, where necessary, modified before the dwelling on plot 4 is first occupied in order to ensure that the amenity of future occupiers is not diminished by these adjoining land uses.

Effects on the highway network:

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that:

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

Paragraph 104 c) of the NPPF states, among other things, that “transport issues should be considered from the earliest stages of plan-making and development proposals, so that: opportunities to promote walking, cycling and public transport use are identified and pursued”.

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
- 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.” Paragraph 112 of the Framework indicates that, within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The application is accompanied by a Transport Statement (TS). The TS is the same as that submitted with application 19/0486 and makes the following conclusions with respect to transport impacts:

- With reference to the TRICS database, the level of traffic generation arising from the development would result in an estimated 3 two-way vehicle trips during peak periods. This would be significantly lower than the number of vehicle movements associated with existing uses on the site.
- There have been no recorded injury accidents on Blackpool Road, at, or within 50 metres of, the existing access during the most recent 5 year period of data and there are no capacity issues in the vicinity of the site.
- The proposed redevelopment scheme to provide 5 dwellings at the Pathways site would not have a material impact on the operation, or safety, of the local highway network and the proposed development will be accessible by means of transport other than the private car.

The site is accessed via an existing priority (give way) junction onto the A583. This access point would be narrowed from 10m to 6m, with 2m wide footways wrapping round both sides at the junction with Blackpool Road. The estate road branching off the access would then narrow to 4.8m approaching a central turning head before reducing to 3.7m in width along a shared drive serving three of the properties. Visibility splays of 2.4m x 80m would be achieved in both directions at the junction of the site access with Blackpool Road. A turning head would be provided to the front of plot 1 to allow manoeuvring by larger vehicles (including refuse wagons). Two off-road parking spaces would be provided on driveways to front of each dwelling, with an additional space available within integral garages.

The Local Highway Authority (LHA) accept the traffic generation figures for the development identified in the TS (a peak flow of 3 two-way vehicle movements per hour) and that the level of traffic generated by this development is likely to be less than that arising from the current use. The LHA also consider the proposed visibility splays of 2.4m x 80m at the junction of the site access with Blackpool Road to be acceptable in this instance. Updated comments from the LHA following the receipt of amended plans also advise that the internal layout is acceptable, but would not be adopted by the LHA and so must remain private. No issues are raised with respect to the level of parking provision and arrangements shown on the amended layout and 2m footways have been shown around the junction of the site access with Blackpool Road.

The main outstanding issue raised by the LHA relates to the need for the development to provide a dedicated right turn lane into the site from Blackpool Road, including an associated traffic island to the west of the site access. The LHA indicate that this is needed in the interests of highway safety for the following reasons:

- East bound vehicles entering the site and east bound vehicles exiting the site need to cross two lanes of traffic. A right turn lane into the site will allow safer access and egress from the site by reducing the number of lanes passing the site. The right turn lane and associated road narrowing is to tie in with the exiting right turn lane at Parrox Lane, to the east of the site.
- The right turn lane will work as a traffic calming feature for vehicle passing the site. As part of these works a traffic island will be required to the west of the site access to enforce the right turn lane, protect vehicles in the right turn lane and also aid pedestrians to cross the road.
- The proposed development will increase pedestrian movements to and from the site. Pedestrians will have a desire to walk in both directions from the site to access the local primary and secondary schools, bus stops, pubs, shops, which are all within acceptable walking distances.
- The A583 has had average speed cameras introduced to address road safety issues and any development which generates vehicle and / or pedestrian movements may be asked to introduce measures which are seen as road safety improvements. The developer is still required under NPPF to promote sustainable travel and as such the provision of the right turn lane and pedestrian island are considered appropriate and necessary.

Although the original response from the LHA dated 28.07.21 advised that “planning permission is refused until the applicant provides an acceptable scheme to provide a right turn lane with associated traffic island”, the updated response dated 21.09.21 indicates that, whilst the right hand turn lane and pedestrian refuge are still required, they may be secured through the imposition of an appropriate planning condition.

Whilst the current scheme involves the construction of 4 (rather than 5) new dwellings on the site, as it involves the retention of the existing bungalow at Pathways the end result would, in quantitative terms, be the same as that approved by 19/0486. However, the LHA’s comments on this application differ, to some extent, from those made on 27.08.19 in connection with application 19/0486. In particular, the LHA’s comments dated 27.08.19 identify that “whilst the number of vehicle movements to the site will not increase as a result of the proposal the nature of pedestrian movement will change. A residential development is likely to include child, elderly and disabled pedestrian to the highway network and to ensure the walking and public transport remain viable options to travel adequate facilities for them must be provided”. On this basis, the LHA’s comments of 27.08.19 indicate that “the simplest solution would be to install a pedestrian refuge. This would provide linkage to public transport and aid with walking strategies for the development. An added benefit of providing a pedestrian refuge would be that it provides the opportunity to provide a right turn facility into the site.”

Accordingly, while the LHA’s comments of 27.08.19 identify the “opportunity to provide a right turn facility into the site”, they do not require the developer to provide this as part of the permission and, instead, limit their request to the provision of a pedestrian refuge only. This is carried through to the wording in condition 16 of planning permission 19/0486 as follows:

No above ground works shall take place until a scheme for the siting, layout, design and construction specification of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- a) The provision of a pedestrian refuge within the carriageway of Blackpool Road. The location of the pedestrian refuge should allow for the future creation of a right turn facility into the site*

from Blackpool Road.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the dwellings hereby approved are first occupied.

However, in this case, the comments of the LHA explicitly require the development proposed by this application to provide both a right hand turn lane and pedestrian refuge, despite the quantum of housing being unchanged. Paragraph 56 of the NPPF states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” In this case, condition 16 of extant planning permission 19/0486 provides a fallback position for the applicant where they could construct the same quantum of housing within the site as that which would arise from this development but with the only off-site highway works required being the provision of a pedestrian refuge on Blackpool Road. Given the existence of this fallback position, it is not considered that the introduction of an additional requirement for the applicant to also provide a dedicated right hand turn lane in tandem with the pedestrian refuge would meet the test of reasonableness in paragraph 56 of the Framework. This is particularly pertinent given the LHA’s acceptance that the proposed development is likely to generate fewer vehicle movements than the current use (thus reducing the need for a dedicated right hand turn lane) and that the pedestrian refuge is, instead, required principally to address the increased number and change in the type of pedestrian movements to the site arising from the change in land use (whereas patrons of the existing businesses are less likely to travel to the site on foot and do not require access to other local services). The provision of a pedestrian refuge would, in any case, also give an opportunity to create a right hand turn facility into the site at a future point in time if required (though the provision of this turning lane would be by the LHA rather than the developer).

While the LHA’s responses do not include a list of recommended conditions (with the exception of the off-site highway works on Blackpool Road), it is considered expedient to impose the other highway-related conditions mentioned in the LHA’s response for application 19/0486 (as they appear on the decision notice for that permission) concerning the construction specification and future maintenance arrangements for the estate road and submission of a construction management plan.

For the reasons set out above, the proposed development would achieve a safe and suitable means of access for all users, would not have an unacceptable impact on highway safety and would not have a serve residual cumulative impact on the surrounding road network. The scheme is therefore in accordance with FLP policy GD7 and the NPPF.

Other matters:

Ecology:

Section 1 of FLP policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species. Paragraph 174 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity.

The land does not form part of any designated nature conservation site, nor are there any nearby. An ecology survey submitted with the application concludes that existing habitats within the site are of

low ecological value and focusses on the potential for existing buildings and habitats to be used by protected species. A series of recommendations are made with respect to: i) protecting the existing hedgerow along the southern boundary of the site; ii) the use of low impact lighting and baffles to prevent light spillage onto existing vegetation on site boundaries; iii) reasonable avoidance measures for badgers, reptiles, common toad and hedgehog; iv) limiting any vegetation clearance to the winter months where possible; v) the inclusion of biodiversity enhancement measures including native tree and shrub planting and the introduction of bat and bird boxes.

GMEU have commented on the submitted ecology survey and agree with the findings in relation an absence of evidence of protected species on the site (including roosting bats within the buildings to be demolished) and recommend the imposition of conditions to deal with points iv) and v) within the ecology survey mentioned above. Accordingly, the development would not conflict with the requirements of FLP policy ENV2 and appropriate avoidance/enhancement measures can be secured through the imposition of planning conditions.

Flood risk:

FLP policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 161). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j).

FLP policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible.

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. An indicative drainage strategy for the site shows the installation of a storm water swale and attenuation pond along the southern site boundary (the lowest point) to dispose of surface water. Foul water would be dealt with by a shared sewage treatment plant for the dwellings.

Objectors opine that the size of the attenuation pond and swale would lack sufficient capacity to deal with surface water generated by the development. Notwithstanding that there is no technical evidence to support this assertion, it is the case that the surface water drainage details shown on the layout are indicative only and are not intended to provide a comprehensive drainage strategy at this stage. Indeed, an annotation on the layout notes that “stormwater swale, outlet and retention pond drainage [are] subject to detailed specification and drainage calculations”. Accordingly, the dimensions of these features could change as part of a formalised drainage strategy which is to be secured through the imposition of a planning condition. The spacious garden sizes to plots bordering the swale and attenuation pond leave sufficient space within the site for these features to be enlarged without impacting the development layout. It is also apparent that the proposal would result in a reduction in the extent of buildings and hardstandings within the site which would reduce the current impermeable area and the inclusion of surface water attenuation within open, natural features is promoted by FLP policy CL2 ahead of hard engineered solutions.

As the application does not involve major development, the Lead Local Flood Authority are not a statutory consultee in this case. Nevertheless, United Utilities have recommended that planning conditions are attached requiring precise details of foul and surface water drainage to be submitted. There is also need for any drainage strategy to: i) clarify where surface water from the site will discharge to (in accordance with the drainage hierarchy in the NPPG); and ii) demonstrate that the rate of surface water discharge from the development will be restricted to greenfield run-off rate (to meet the objective in policy CL2). These requirements can be secured through an appropriate planning condition to ensure that the development does not increase the risk of flooding and makes appropriate provision for the disposal of foul and surface water in accordance with the objectives of FLP policies CL1 and CL2, and the NPPF.

Contamination:

FLP policy GD9 identifies a presumption in favour of the re-development of previously developed land subject to applicants providing evidence of a satisfactory site investigation and showing that any proposed remedial works are adequate to deal with any identified hazards, including the risk to human health and controlled waters from land contamination. This is supported by paragraphs 174 f), 183 and 184 of the NPPF.

There are several historical uses on the site that have the potential to cause contamination. As no desk study or ground investigation has been submitted with the application, the Council's Environmental Protection Service has recommended that an appropriate condition be imposed requiring a risk assessment for contamination before any ground works commence in order to comply with the requirements of FLP policy GD9 and the NPPF. An appropriate condition is recommended in this regard.

Conclusions

The application involves the redevelopment of an existing garden centre and equestrian yard ('Pathways') located within the Area of Separation (AoS) between Newton and Kirkham. The scheme proposes the demolition of all existing non-residential buildings within the site and their replacement with a residential development of four bungalows. An extant permission on the site allows the demolition of all current buildings (including the existing bungalow) and its comprehensive redevelopment for five dwellings under application reference 19/0486 (granted 11.10.19). This scheme presents an alternative proposal for the redevelopment of the site which retains the existing bungalow to the northern end and seeks to construct four dwellings on the remaining areas to the south of this which are presently occupied by commercial buildings and uses.

The proposed dwellings would be positioned on the lower lying, southerly part of the site and are to replace: i) a plant nursery building; ii) a retail sales/showroom building; iii) a stable block; and iv) various other ancillary structures and external storage/product display areas, with four single storey 'true' bungalows which have a smaller combined footprint, reduced overall scale, low ridge height, lesser encroachment into the countryside and deliver increased areas of soft landscaping across the site in comparison to the existing development.

Whilst the proposed redevelopment of the site for housing does not fall comfortably within any of the limitations in Fylde Local Plan to 2032 policy GD3 where development is permitted in the AoS, there are other material considerations in this case to indicate that a decision which departs from the development plan may be taken. In particular, the proposal involves the redevelopment of previously developed land for a type and scale of development that would have no greater impact on the purposes and function of the AoS when compared to that which already exists on the site and, in

several respects, would provide visual and/or landscape enhancements which improve the current situation. Accordingly, the proposed redevelopment would not harm or compromise the objectives of including land within the AoS – which are to preserve the effectiveness of the gap between settlements, prevent settlements coalescing and to protect the identity and distinctiveness of those settlements.

The proposed dwellings would be compatible with the surrounding vernacular by virtue of their layout, plot size, scale, height, materials and design, and the strengthening of landscaping buffers to the edge of and within the site would achieve appropriate softening and a sympathetic assimilation of the development into the surrounding landscape. The spacing, orientation, massing, screening and fenestration arrangement of the proposed dwellings in relation to each other and neighbouring buildings and land uses would ensure that the development achieves a high standard of amenity for existing and future occupiers. A safe and suitable means of access and off-site highway improvements proportionate to the development's scale would be delivered as part of the scheme in order to ensure that it has no unacceptable impact on road safety, nor would it have a severe, residual cumulative impact on network capacity.

The development would not adversely affect the favourable conservation status of any protected species and suitable biodiversity enhancements would be made as part of the scheme. Appropriate measures can also be put in place to ensure that the proposal would have no adverse effects with respect to flooding and contamination. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

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:

Drawing no. NCR/JC/PATH/01 Rev A – Location plan.
Drawing no. NCR/JC/PATH/03 Rev B – Site plan as proposed.
Drawing no. NCR/JC/PATH/04 Rev A – Dwelling type A ground floor layout & roof plan.
Drawing no. NCR/JC/PATH/05 Rev A – Dwelling type B ground floor layout & roof plan.
Drawing no. NCR/JC/PATH/06 – Dwelling type B (handed) ground floor layout & roof plan.
Drawing no. NCR/JC/PATH/07 Rev A – Dwelling type A elevations.
Drawing no. NCR/JC/PATH/08 Rev A – Dwelling type B elevations.
Drawing no. NCR/JC/PATH/09 – Dwelling type B (handed) elevations.

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

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

3. All existing buildings and associated appurtenances falling within the red line boundary shown on drawing no. NCR/JC/PATH/02 Rev A shall be demolished in their entirety and removed from the site before any of the dwellings hereby approved are first occupied.

Reason: The development has been permitted on the basis that it involves the complete redevelopment of the site for a new use which would have no greater impact on the Area of Separation in comparison to the existing use. Accordingly, all existing buildings and appurtenances connected with the present use must be removed from the site to allow and justify the site's redevelopment for the replacement residential use. This is also required in order to avoid conflicts between the existing and proposed uses that would arise if they were to co-exist simultaneously (i.e. if the development were to be carried out in a piecemeal fashion) so as to ensure a high standard of amenity for future occupiers. The condition is required in order to comply with the objectives of Fylde Local Plan to 2032 policies GD3 and GD7, and the National Planning Policy Framework.

4. None of the dwellings hereby approved shall be first occupied until a scheme for the restoration of the whole of the existing overspill car parking area located to the northwest side of the site access (the extent of which is identified by dark green hatching on drawing no. NCR/JC/PATH/03 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- The cessation of the existing land use within that area and the removal of all existing hardstanding, vehicles, advertisements and any other appurtenances connected with that use.
- The restoration of the land to open greenspace, including details of all surface treatment and landscaping works, means of enclosure and, where necessary, a schedule of the type, species, siting, planting distances and a programme of planting of any trees, hedges and shrubs; and
- A timetable for implementation.

The duly approved restoration scheme shall be carried out in accordance with the details and timetable contained therein, and shall be completed in full before any of the dwellings hereby approved are first occupied.

Reason: To ensure that existing ancillary land uses connected within the current use of the site (which fall within the applicant's ownership, but outside the boundary of the development site) cease and that the affected areas are treated in a manner which is sympathetic to their countryside setting in order to provide enhancements to the landscaping of the site which would offset the development's visual impact on the surrounding landscape and Area of Separation, and to ensure that existing land uses adjoining the proposed development do not adversely affect the amenity of future occupiers of the approved dwellings as a result noise disturbance, poor outlook or any other nuisance. The condition is required in order to comply with the objectives of Fylde Local Plan to 2032 policies GD3, GD7 and ENV1, and the National Planning Policy Framework.

5. Before the dwelling on plot 4 hereby approved is first occupied, a scheme for the retention of the existing floodlights surrounding the manège to the west of the site (the location of which is identified by yellow hatching on drawing no. NCR/JC/PATH/03 Rev B) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) An assessment of the effects of the existing floodlighting on surrounding occupiers, both existing and proposed (having particular regard to the future occupiers of the dwelling on plot 4), including an analysis of existing luminance levels and light spillage arising from the current floodlighting.
- b) Details of any measures to mitigate the effects of light spillage towards surrounding land uses (both existing and proposed) including, where necessary, modifications to the height of the existing lighting columns, the angle of installation for the floodlights

- and any hoods or shields to be fitted to them.
- c) Details of the times when the floodlights will and will not be switched on.

The duly approved scheme shall be implemented in accordance with the details contained therein before the dwelling on plot 4 is first occupied, and all floodlights associated with the manège shall be maintained and operated as such thereafter.

Reason: To ensure that future occupiers of the dwelling on plot 4 which is located adjacent to the existing manège do not experience unacceptable effects on their amenity as a result of light pollution in order to ensure a high standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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

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

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no windows or doors shall be installed in any of the buildings hereby approved unless and until details of their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile have first been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the duly approved details before any of the dwellings are first occupied, and shall be retained as such thereafter.

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

8. No above ground works of development shall take place until details of the finished floor levels for each dwelling and the ground levels for the external areas of the site, above ordnance datum, have been 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 development and surrounding buildings, and between the approved dwellings, in the interests of ensuring a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

9. 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:

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

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

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

- a) separate systems for the disposal of foul and surface water;
- b) details of the siting, size, capacity, design and operation of any sewage treatment plant(s);
- c) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
- d) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development run-off rate reduces discharge to greenfield run-off rates (including an appropriate allowance for climate change);
- e) details of the size, siting and design of any necessary flow attenuation measures, including the use of Sustainable Drainage Systems where practical; and
- f) details of how the scheme will be maintained and managed after completion.

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

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

11. None of the dwellings hereby approved shall be first occupied until details of the height, design, materials and finish of all boundary treatments within the development (the siting and type of which is shown on drawing no. NCR/JC/PATH/03 Rev B) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before each associated dwelling is first occupied, and shall be retained as

such thereafter.

Reason: To ensure clear demarcation of public and private areas, to achieve adequate levels of privacy between neighbouring dwellings and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

12. All the means of enclosure and additional/extended areas of hard and soft surfacing (including those required to maintain existing means of vehicular and/or pedestrian access) to be provided alongside the shared boundary with the property known as “Longacres, Blackpool Road, Preston, PR4 3RJ” shall be constructed and made available for use in accordance with the details shown on drawing no. NCR/JC/PATH/03 Rev B before any works to modify the existing internal access road through the site first take place. The duly constructed means of enclosure and additional/extended areas of hard and soft surfacing shall be retained as such thereafter.

Reason: To maintain a safe and suitable means of access to Longacres both during and after the construction period before any works to alter the existing internal access road from which Longacres takes its access take place and to provide an appropriate boundary treatment to screen the development from existing occupiers in interests of the privacy of neighbouring residents in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

13. The soft landscaping scheme for the development set out in the following plans and documents shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings hereby approved, after the dwelling on each associated plot is first occupied; and ii) in the case of landscaping on all the other areas of the site located outside the curtilages of the dwellings, after the development is substantially completed.

- a) Drawing no. NCR/JC/PATH/03 Rev B.
- b) Document titled “Landscaping – Planting information”.
- c) Document titled “Tree Planting Detail”.

The areas which are landscaped shall be maintained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene by providing tree lined streets and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

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

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;

- g) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- h) measures to control the emission of dust and dirt during construction;

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 policy GD7 and the National Planning Policy Framework.

15. No above ground works of development shall take place until a scheme for the design and construction of the development's access (the siting, layout and geometry of which is shown on drawing no. NCR/JC/PATH/03 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- minimum visibility splays of 2.4 metres x 80 metres in both directions at the junction of the site access with Blackpool Road;
- the provision of 2 metre wide footways extending into the site on each side of the access to merge with the existing footways on Blackpool Road in the positions shown on drawing no. NCR/JC/PATH/03 Rev B, including the provision of tactile paving.

The development's access shall be constructed in accordance with the duly approved scheme and made available for use concurrently with any works to modify the existing internal access road through the site, ensuring that access to the property known as "Longacres, Blackpool Road, Preston, PR4 3RJ" is maintained at all times. 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), the visibility splay in a) shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure a suitable and safe means of access to the site for all users both during and after construction and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

16. No above ground works of development shall take place until a scheme for the siting, layout, design and construction of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- The provision of a pedestrian refuge within the carriageway of Blackpool Road to the west of the development's access. The location of the pedestrian refuge should allow for the future creation of a right turn facility into the site from Blackpool Road.

The highway improvement works shall be implemented and made available for use in full accordance with the duly approved scheme before any of the dwellings hereby approved are first occupied.

Reason: To secure proportionate improvements to surrounding highway infrastructure that will provide a safe and suitable means of access to the development for all users in the interests of highway safety, to ensure that appropriate opportunities to promote sustainable transport modes are taken up given the type of development and its location and to give priority to pedestrian movements that encourage modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

17. No above ground works of development shall take place until a scheme for the design, construction (including surface treatment) and drainage of the following features shown on drawing no. NCR/JC/PATH/03 Rev B has been submitted to and approved in writing by the Local Planning Authority:

- a) the estate road and private drive;
- b) the extended vehicle access into the property known as "Longacres, Blackpool Road, Preston, PR4 3RJ"; and
- c) all other hard landscaped areas within the site.

The feature described in b) shall be constructed and made available for use concurrently with any works to modify the existing internal access road through the site, ensuring that access to the property known as "Longacres, Blackpool Road, Preston, PR4 3RJ" is maintained at all times, and the features described in a) and c) shall be constructed and made available for use before any of the dwellings hereby approved are first occupied, all in accordance with the details in the duly approved scheme.

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

18. None of the dwellings hereby approved shall be first occupied until a scheme setting out arrangements for the future management and maintenance of the estate road and private drive to be constructed pursuant to condition 17 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out arrangements for adoption of the estate road by an appropriate public body or statutory undertaker, or management and maintenance by a private resident management company. The estate road and private drive shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that suitable arrangements are put in place for the future management and maintenance of communal areas intended to provide access to the development, to ensure that a safe and suitable means of access to the site is maintained for all users in the interests of highway safety, and to safeguard the amenity of future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

19. The car parking spaces for each dwelling shown on drawing no. NCR/JC/PATH/03 Rev B shall be laid out and made available for use in accordance with the details shown on the approved plan before each associated dwelling is first occupied. The duly constructed parking spaces shall be retained as such thereafter for the parking of vehicles.

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

20. No demolition of buildings or clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1st March and 31st August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the buildings and/or vegetation to be cleared do 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 demolition of buildings or 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.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the revocation and re-enactment thereof, with or without modification), no development permitted in Schedule 2, Part 1, Classes A, AA, B, C and E shall be carried out to any of the dwellings hereby approved.

Reason: The development has been permitted within the Area of Separation on the basis that the site's redevelopment for housing would have no greater impact on the function and purposes of designating land within the Area of Separation in comparison to the existing development. Accordingly, it is necessary to withdraw those permitted development rights that would otherwise allow the construction of large extensions, alterations to roof space and/or the erection of large outbuildings within the curtilages of the dwellings in order to ensure that such development would not undermine the function and purposes of the Area of Separation in accordance with the requirements of Fylde Local Plan to 2032 policies GD3 and H7.

22. None of the dwellings hereby approved shall be occupied until a scheme for the incorporation of the following biodiversity enhancement measures (including details of their number, location and specification) into the development and a timetable for their provision has been submitted to and approved in writing by the Local Planning Authority:

- a) The installation of bat boxes and/or bat access panels.
- b) The installation of bird boxes which provide nesting opportunities for house sparrow and starling.

The biodiversity enhancement measures shall thereafter be provided in accordance with the details and timetable in the duly approved scheme, and shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 policy ENV2 and the National Planning Policy Framework.

23. No development shall take place until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Area of the hedgerow located alongside the southern boundary of the site (identified as "H1" in the "Tree Survey & Report" by West Lancashire Borough Council dated October 2018). The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed along the northern (inner) edge of hedgerow H1 for its full length within the site. The CEZ shall be maintained in the duly installed position during the entirety of the construction period insofar as it relates to the affected area of the site.

Reason: To ensure that adequate measures are put in place to protect the existing hedgerow which is to be retained as part of the development before any construction works commence in order to safeguard existing natural assets at the site which contribute to visual amenity and biodiversity in accordance with the requirements of Fylde Local Plan to 2032 policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

24. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, a scheme for the installation of any exterior lighting to be installed on the building(s) and/or the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is installed. The scheme shall include details of the lighting's: i) position and height on the building(s) and/or site; ii) spillage, luminance and angle of installation; and iii) any shields or hoods to be fixed to the lights. All exterior lighting shall thereafter 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 existing and future 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 policy GD7 and the National Planning Policy Framework.



Item Number: 5

Committee Date: 6 October 2021

Application Reference:	21/0788	Type of Application:	Householder Planning Application
Applicant:	Mr Hernon	Agent :	Architectural Services (NW) Ltd
Location:	40 BENTLEY DRIVE, KIRKHAM, PRESTON, PR4 2DR		
Proposal:	TWO STOREY SIDE EXTENSION		
Ward:	KIRKHAM NORTH	Parish:	Kirkham
Weeks on Hand:	6	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to the erection of a two storey side extension to a dwelling which is located on a residential estate of similar properties at St. Georges Park, Kirkham. The extension runs for generally the full depth of the property and provides an integral garage and workshop at ground floor with a bedroom and ensuite above.

It has attracted objections from the Town Council who are concerned about the design, relationship to neighbours and access to the rear, and from a neighbour concerned about the relationship to their property.

However, it is considered that the proposed extension is of an appropriate scale and design for the dwelling given its residential context. The design will appear subservient to the host dwelling and the relationship to the neighbours is acceptable due to the lack of impact on any habitable windows. Accordingly, the application accords with the requirements of Policy GD7 of the Fylde Local Plan to 2032 with regards the design of residential extension and the aims of the National Planning Policy Framework. It is therefore recommended for approval by Members.

Reason for Reporting to Committee

The officer recommendation for approval is in conflict with the views of the Town Council and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application relates to 40 Bentley Drive, Kirkham. This is a two storey, detached property situated within a cul-de-sac position which forms part of the wider St. Georges Park estate. This

part of the estate primarily consists of residential properties of differing house types and styles. The application property is one which is designed with a gable end fronting the highway and with a mono pitched porch over the front entrance and is situated on the west side of the road.

The site is within the settlement of Kirkham as designated on the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for a two storey side extension to the south side of the dwelling. The extension measures 9 metres in depth at ground floor from the front elevation to the rear x 2.5 metres in width. The design of the extension includes an asymmetrical roof which has lower eaves to the front at 2.4 metres in height with the eaves at 4.8 metres to the rear and with a ridge height of 6.6 metres.

The extension is designed to appear as single storey with a dormer in the roof to the front elevation and as a two storey structure to the rear. The development will provide a garage and a workshop to the ground floor with a bedroom and a bathroom to the first floor.

The extension is to be constructed in materials to match the existing dwelling.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

Kirkham Town Council notified on 24 August 2021 and comment:

I can confirm that Kirkham Town Council object to the below application for the following reasons;

- *The extension as proposed would not allow for any access for maintenance to the South West elevation*
- *Reduce light into the window of next doors property*
- *Would invade next doors privacy possibly – their extension would be very close to next doors landing window*
- *There are no other properties on the estate who have had this work completed.*

Statutory Consultees and Observations of Other Interested Parties

none received

Neighbour Observations

Neighbours notified:	24 August 2021
Number of Responses:	1 letter received
Summary of Comments:	<p>The letter is from a direct neighbour and raises objection due to:</p> <ul style="list-style-type: none">• The extension would create an overall feeling of a loss of privacy and invasion of space• It would be out of character with the rest of surrounding properties• The proximity to the neighbouring property would prevent them appearing as a detached property• The application property would no longer have access to the side for maintenance without access from our property• It affects the window on side of the property which is the only source of light to landing and stairs• There is a potential for loss of driveway space.

Relevant Planning Policy

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

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

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Environmental Impact Assessment

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

Comment and Analysis

Principle

The application site is located within one of the settlement boundaries identified on the Fylde Local

Plan to 2032 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 developments compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the Fylde Local Plan to 2032 are of greatest relevance, having particular regard firstly to the developments 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

Fylde Local Plan to 2032 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). 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.

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

The application property is a detached two storey property within the St. Georges Park estate in Kirkham which includes a mix of commercial, industrial and residential uses. However, this application relates to a dwelling within the residential part of the estate, which was developed in several phases. The application property is in a part of the site previously known as the 'cabbage patch' which consists of 40 dwellings of a mix of house types, with the house type of the application property repeated throughout this part of the estate and are arranged in an irregular pattern and layout.

Whilst some of neighbouring properties have been extended and had garages added, it is the case that there is no direct comparison to the development being proposed in this application. Notwithstanding this, regard should be had to the siting of the dwelling in the street and the resultant impact of the development, rather than its similarity to previous developments. In this case the development being proposed is to a dwelling which is discreetly located in the cul-de-sac, with the extension purposefully designed to limit its impact by setting down the eaves to be lower to the front elevation, by the inclusion of a dormer, and by the setback position of the ridge. Consequently, the bulk of the extension is set back and is not immediately obvious when viewed from the street where it is also partially screened by the neighbouring property. As such the extended dwelling will not appear over dominant in the street scene and is not out of keeping with the character of the host dwelling or those of its neighbours.

Therefore the development is in accordance with the requirements of criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

Fylde Local Plan to 2032 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”.

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.”

Comments have been received from neighbours objecting to the proposal for the reasons set out in brief above.

The development is being proposed to the south side of the property and the application property is set slightly further forward than its neighbours to the south side. Whilst this is the case, the extension is to be in line with the mono pitched roof of the existing porch at ground floor level which is in line with the integral garage on the neighbour's property. The roof is pitched back with the dormer no further forwards than the front elevation of the neighbouring property and the overall length of the extension set no further backwards. This gives it an appropriate spatial relationship to that property to provide massing or other impacts.

Whilst there is a window in the side elevation of no. 42 Bentley Drive which faces the application property, this does not serve a habitable room, being to the landing and stairs as quoted in the comments above. As such the development will not be overbearing or result in an undue loss of light to habitable rooms for the occupiers of the neighbouring property, which is the test to be applied for compliance with Policy GD& and the joint house extensions SPD which provides guidance on such matters.

There are no windows proposed in the side elevation of the extension and those in the front and rear of the development will over look the street and applicant's own garden. The window to the rear serves an ensuite and so will be obscurely glazed to further limit possible overlooking opportunities.

As a consequence of the siting of the development on the south side the occupiers of the properties to the north side will not be affected.

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 includes the provision of a garage at ground floor. LCC parking standards require an internal width of 3 metres for housing a motor vehicle and so the proposal is substandard for accommodating a motor car. However, the application property is currently gated off on the side elevation and so currently only provides off road parking for one vehicle. The proposed garage could provide accommodation for other forms of motorised transport and so it is considered that 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.

Other Matters

Whilst neighbouring residents and the Town Council have raised issues relating to access for the future maintenance of the applicant's property this is not a material planning consideration which is relevant to the determination of a planning application as this is an issue which is covered by civil law.

Other issues raised by the Town Council and neighbours are covered in other section of this report set out above.

Conclusion

The application relates to the erection of extensions at a dwelling in the settlement of Kirkham. 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, 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 beginning with the date of this permission.

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 1941.01
- Proposed Site, floor and elevation Plans Drawing no. 1941.02 Rev P1

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

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

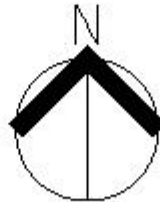
3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used in the construction of the approved development shall match those of the existing dwellinghouse in terms of type, colour, texture and scale.

Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.



LOCATION PLAN

SCALE 1:1250



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	6 OCTOBER 2021	5
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 20/8/21 and 24/9/2021.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 20 August 2021 and 24 September 2021. The Inspector's decision letters are attached for information.

A claim for costs against the council was made on application 20/0404. The decision notice on this remains outstanding at the time of the preparation of this agenda and so will be circulated with the late observations in the event it is received before the date of the Committee.

Rec No: 1			
29 March 2021	20/0404	HOME FARM, WATCHWOOD DRIVE, LYTHAM, LYTHAM ST ANNES, FY8 4NP ERECTION OF 2.5 STOREY DETACHED DWELLING WITH ATTACHED SINGLE STOREY SWIMMING POOL ANNEX AND DETACHED GARAGE / OUTBUILDING IN WALLED GARDEN WITH NEW ACCESS DRIVEWAYS FROM WATCHWOOD DRIVE AND ASSOCIATED LANDSCAPING	Written Representations Case Officer: AS
Fylde Dec. Level	COMM		
Appeal Decision:	Dismiss: 13 September 2021		
Rec No: 2			
04 May 2021	19/0855	WINDY HARBOUR HOLIDAY CENTRE, WINDY HARBOUR ROAD, LITTLE ECCLESTON WITH LARBRECK, POULTON LE FYLDE, FY6 8NB CHANGE OF USE OF LAND TO ALLOW THE SITING OF AN ADDITIONAL 74 STATIC CARAVANS FOR HOLIDAY USE - RESUBMISSION OF APPLICATION 18/0655	Written Representations Case Officer: RT
Fylde Dec. Level	DEL		
Appeal Decision:	Dismiss: 01 September 2021		

Appeal Decision

Site visit made on 10 August 2021

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 13 September 2021

Appeal Ref: APP/M2325/W/21/3267270

Home Farm, Watchwood Drive, Lytham St Annes, Lancashire FY8 4NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Home Farm Lytham Limited against the decision of Fylde Borough Council.
 - The application Ref 20/0404, dated 12 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same.
-

Decision

1. The appeal is dismissed.

Reasons

Background Information

2. Home Farm is to the north of the built up area of Lytham St Annes. It was, originally, associated with, and supported occupation of, Lytham Hall, which was built in the mid-18th century. The Hall is a Grade I listed building and is about 400 metres to the south-west of Home Farm. Lytham Hall and Home Farm, which are in separate ownership, are principal built features of the Grade II listed Lytham Hall Registered Park and Garden. Access to Home Farm is off Ballam Road along, as noted on application drawings, Watchwood Drive (this is stated as being Green Drive on Street Map and Google Maps but will be referred to as Watchwood Drive).

3. Home Farm, when it was associated with Lytham Hall, included a farmhouse, stables, farm buildings and a walled garden. It subsequently became an independent farm and the walled garden was concreted over and occupied by a large portal frame building. The walls surrounding the garden became dilapidated and only about half of the walls remain, these being in poor condition and partly propped. The current owner of Home Farm, the Appellant, has removed the building and has undertaken extensive improvements to the farmhouse and stables and their surroundings. The walled garden is the site of the proposed dwelling.

Main Issues

4. The main issues are; first, whether the proposed dwelling would comply with development plan housing policy; and second, the effect of the proposed development on the significance of Lytham Hall Registered Park and Garden.

The first issue - development plan policy

5. The development plan includes the Fylde Local Plan to 2032 (FLP). The FLP Proposals Map identifies the appeal site to be in a countryside area. FLP policies S1 and DLF1 are strategic development location policies that do not support the proposed location of a dwelling in the countryside. FLP policy GD7 requires development to be of a high standard of design and FLP policy GD4 states that development in the countryside will be limited to, amongst other things, isolated new homes which meet the criteria set out in FLP policy H6.

6. FLP policy H6 states that isolated homes in the countryside will only be permitted where, amongst other things, the exceptional quality of design of the building helps to raise standards of design in the countryside, and the exceptional quality or innovative nature of the design of the house would: a) be truly outstanding or innovative, helping to raise standards of design more generally in the countryside; b) reflect the highest standards of architecture; c) significantly enhance its setting; d) be sensitive to the defining characteristics of the local area; and e) protect the local environment.

7. The proposed dwelling would be an isolated home in the countryside. FLP policy H6 is therefore a relevant policy and, it must be noted, all of its criteria must be met for a proposed dwelling to be in compliance with the policy. The dwelling itself would have two principal storeys, with rooms in the roofspace, and a rectangular footprint about 25 metres wide and 20 metres deep. It would be centrally located in the walled garden and would have a single storey leisure complex attached to its north-east corner. In the north-east corner of the site there would be a four car garage and the site would be landscaped.

8. The house is designed in the Georgian style; chosen to, taken from the Design and Access Statement (DAS) submitted with the application, "...respect the history of the site...(and)...the surrounding built context..." which includes Lytham Hall. The dwelling would be constructed with the highest quality materials and its design is, in some respects, commendable. It would have the symmetry and elegance of the Georgian style and would have features such as box sash windows, brick elevations with sandstone detailing, a slate mansard roof and symmetrical chimney stacks that are typical of Georgian architecture.

9. However, there are some features of the design that undermine its integrity. There is nothing Georgian about double garage doors under flat lintels and the flat roofed leisure complex would be incongruous because flat roofs of such a wide span, ten metres, could not have been achieved in the Georgian era; modern technology would need to be incorporated to support the roof. The garage building has been designed as a stand alone building, see drawing no. 20-02 PL 10 'Proposed Garage Building Elevations', but it would be sited to abut the garden wall, as shown on drawing no. 20-05 PL 04 Rev A 'Proposed Site Plan'.

10. The garden wall abutting the garage building would be about 4.3 metres high and the garage building would have an eaves height of about 3.95 metres. The garage building as it is shown on drawing no. 20-02 PL10 simply could not be built to have a stone cornice projecting eaves on its rear elevation if it were to be sited as shown on drawing no. 20-05 PL 04 Rev A. The relationship of the garage building to the garden wall would be clumsy and the resulting valley gutter is an unresolved element of the overall design.

11. The relationship of the garage building to the garden wall is highlighted because to remedy the poor relationship would require the building to be located away from the wall. This would narrow the gap between the garage building and the leisure complex to less than is required for access into the garage thus necessitating the relocation of the dwelling. This, in turn, would require changes to the design of the formal landscaped garden and to the location of a new opening in the east garden wall, if it were to remain aligned with the main entrance into the dwelling in the centre of its east elevation. The location of a new opening in the west wall of the garden would also need to be reconsidered.

12. The DAS refers to coated steel heritage range rainwater hoppers and downpipes but these are not shown on the elevational drawings submitted with the application. All elements of the dwelling would have hidden gutters behind sandstone cornices and how rainwater hoppers relate to the cornices and how downpipes pass through or around the sandstone string course on the two storey element of the dwelling are crucial to the detailed design of the development. Neither these nor the location of the garage building are matters that can be dealt with through the imposition of conditions because they are matters that affect whether the design of the development can be considered to be outstanding.

13. The proof of evidence in support of the appeal by Nicola de Quincey states that "The design is modest and not dominating when compared with Lytham Hall...". But there is no visual relationship between Lytham Hall and the proposed dwelling so any comparison between the two is not relevant. The proposed six bedroom dwelling would have a floor area, setting aside second floor storage areas, of about 1200 square metres. There is no doubt that the dwelling would be very large and, in terms of footprint, the development would take up about 20% of the walled garden. It would, furthermore, rise to an overall height of about 12.8 metres. It would dominate its immediate surroundings.

14. Traditional elements of Home Farm consist of single storey stable buildings and modest residential buildings. This close knit group of buildings is immediately to the south of the walled garden. The walled garden and other traditional elements of Home Farm are historically and visually linked, and are visually appealing. Notwithstanding the presence of large modern agricultural buildings to the north-west and west of the walled garden, the proposed development, given its physical size and position, would dominate not only its immediate surroundings but the visually appealing group of traditional buildings at Home Farm.

15. The Georgian style of architecture, established and refined in the late 18th and early 19th centuries and revived in the early 20th century, has often been copied and has influenced the design of residential buildings throughout the country. But copying an historic style can never be innovative and no claim is made that the development would utilise any pioneering or inventive technology. In this regard it is claimed that the development would be carbon neutral, but no detailed explanation has been given of how this would be achieved.

16. The research that has been carried out to support the proposed development is commendable and the design of the house and its surrounding garden is, as claimed, integrated. But the detailed design of the house and the detached garage, as previously described, is flawed and the flaws undermine the integrated design. The house, furthermore, and given its physical size, would dominate the walled garden and the traditional group of buildings at Home Farm. The proposed development would not therefore be outstanding, would not reflect

the highest standards of architecture, would not significantly enhance its setting, and would not be sensitive to the defining characteristics of the local area. The proposed development thus conflicts with FLP policies H6, GD4 and GD7.

The second issue - the significance of Lytham Hall Registered Park and Garden

17. Lytham Hall Park was established to be the gardens and pleasure grounds of Lytham Hall, and Home Farm served the occupants of the Hall. Home Farm, including the walled garden, is listed by the Council as a Non-designated Heritage Asset but they do not allege any harm to the non-designated asset in the reasons for refusal of the application. However, the Heritage Statement submitted with the application correctly points out that the two designated heritage assets and the non-designated heritage asset, Lytham Hall, Lytham Hall Park and Home Farm, "...are intrinsically linked"; Lytham Hall and Home Farm being the principal historic built elements encompassed by the designated Park.

18. The reinstatement of the original walls of the walled garden is promoted as being the reintroduction of "...a historically important structure..." that would "...be seen in context with Home Farm and some of the other original buildings at the site". But it is central to the Appellant's case that the reintroduction of the 'historically important structure' would not be possible without the construction of the dwelling, which would thus, it is claimed, be enabling development. But the re-instated walls would be viewed not just in the context of Home Farm as it currently is but also in the context of the dwelling that would be built within them. Whether any harm caused by the enabling development is acceptable is considered later.

19. With regard to this issue the proposed dwelling, given its physical size and its position within the walled garden, would, for the reasons already given in relation to the first main issue, adversely affect the significance of Home Farm. Furthermore, given Home Farm's accepted intrinsic link to Lytham Hall Park, the proposed dwelling would adversely affect the historic interest and significance of the Registered Park and Garden. The proposed development thus conflicts with FLP policy ENV15. With regard to paragraph 202 of the National Planning Policy Framework (NPPF) the adverse effect on the significance of the Registered Park and Garden would be less than substantial.

The Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

21. Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. Though specific to designated heritage assets it is not unreasonable to also apply this approach to non-designated heritage assets. The Appellant maintains, with regard to Section 38(6) of the 2004 Act and paragraph 202 of the NPPF, that a material consideration and a public benefit would be the repair and rebuilding of the walls around the walled garden and thus the re-instatement, enhancement and conservation of the non-designated heritage asset.

22. The DAS submitted with the application sets out the proposed project phasing. Construction of the proposed dwelling would follow the repair and

protection of retained sections of wall and only after completion of the dwelling would the proposed works to reinstate the kitchen walls be commenced. The aforementioned Heritage Statement states that "The future repair and maintenance of the wall...would be secured via a Legal Agreement under the Town and Country Planning Act 1990 (as amended)". No Unilateral Undertaking made under Section 106 of this Act has been submitted so there is no legal mechanism in place to ensure that the walls are reinstated after completion of the proposed dwelling. There is therefore no certainty that the proposed development would be completed in its entirety and the weight to be given to heritage benefit is diminished.

23. The proposed garage building, as previously mentioned, would abut the wall of the walled garden. Part of the abutment would be to an existing section of wall and it is not clear how this section of wall would be preserved whilst foundations are installed for the garage building. Application drawings 20-05 PL 11 and 20-05 PL 12 show existing and proposed elevations of the walled garden walls. The first of these drawings shows 'Wall 3' as being a section of existing north wall that would be, as noted on the drawing, 'retained and repaired', and this also applies to other sections of existing wall. But the proposed north wall elevation shows the retained section of wall to be exactly the same as new sections of the wall. For these reasons there must be some doubt that, once the dwelling is built, the stated intention to retain and repair sections of existing wall would be realised.

24. A publication by Historic England is 'Enabling Development and Heritage Assets'. Paragraph 19 addresses circumstances such as found in this case where enabling development, the proposed dwelling, causes harm to heritage assets, Home Farm and the Registered Park and Garden. The Appellant has done much to improve and conserve the buildings at Home Farm but the enabling development required to continue those efforts would cause harm to the significance of Home Farm and thus to the significance of Lytham Hall Park. As a matter of planning judgement, the benefit gained by the reinstatement of the walls to the significance of those historic assets would be outweighed by the harm that would be caused.

25. All matters mentioned in support of the appeal have been taken into account but they do not, either individually or collectively, outweigh the overall conclusion.

Overall conclusion

26. The proposed dwelling would be an isolated dwelling in the countryside but would not, most crucially, be truly outstanding or innovative. The dwelling would thus conflict with FLP policy H6 and thus also with FLP policies S1, DL1, GD4 and GD7. The proposed development would also adversely affect the historic interest and significance of the Lytham Hall Registered Park and Garden and would conflict with FLP policy ENV15.

27. The proposed development conflicts with the development plan and there are no material considerations to justify determination of the appeal other than in accordance with the development plan. Planning permission is therefore withheld for 'erection of dwelling and garaging, re-instatement of the wall and walled garden and vehicular access to same' at Home Farm, Watchwood Drive, Lytham St Annes.

John Braithwaite

Inspector



Appeal Decision

Site Visit made on 13 July 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/M2325/W/21/3271650

**Windy Harbour Holiday Centre, Windy Harbour Road, Little Ecclestone
With Larbreck, Poulton Le Fylde FY6 8NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Partingtons Holiday Centres against the decision of Fylde Borough Council.
 - The application Ref 19/0855, dated 21 October 2019, was refused by notice dated 28 September 2020.
 - The development proposed is a change of use of land to allow the siting of an additional 74 static caravans for holiday use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address as set out in the Local Planning Authority's (LPA) decision notice as this is a more accurate reflection of the site's location.
3. The appellant's Habitat Regulations Assessment considers the scheme's effects as a result of increased recreational use of the Ribble Estuary. However, the proposal is located directly adjacent to the Wyre Estuary and I have considered its consequent effects on this basis.
4. The LPA's second reason for refusal centres around a lack of any drainage details to support the proposal. A letter from 'Waterline Environmental Ltd', dated 3 December 2018, was subsequently submitted with the appeal. As both the LPA and interested parties have had the opportunity to review this as part of the appeal documentation, I do not consider that any party would be disadvantaged by its submission, and I have therefore taken this into account in my decision.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced the main parties as they were invited to comment on the implications of this for the appeal. I have had regard to any comments made in this regard.

Main Issues

6. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,

- Whether the proposal would provide adequate arrangements for the disposal of foul water from the site.

Reasons

Character and appearance

7. The appeal site is an area of land within the Windy Harbour Holiday Centre, an established caravan park located in the countryside to the east of Poulton Le Fylde, and to the immediate south of the River Wyre. The site can be described as three distinct areas where static caravans are proposed to be sited. The first is located centrally within the holiday park, to the rear of the reception building, and is currently used by touring caravans. 38 units are proposed in this area. The second relates to an area of open space along the western boundary of the site where 10 units are proposed. The third is an area of open space along the southern boundary of the site where 26 units are proposed.
8. The LPA does not object to the proposal with respect to the siting of additional static caravans and associated infrastructure in the first two areas. I observed during my visit that these areas are more closely associated with the existing layout of the caravan park and therefore I see no reason to disagree with the LPA's conclusions in this regard. Consequently, the LPA's concerns are limited to the development of the southern area of the site.
9. The existing caravans, lodges and associated infrastructure, including areas of hardstanding and roads, are confined to the north of the site and away from the area where the 26 additional units are now proposed. The main part of the caravan park is separated from this southern area by a man-made embankment topped with a row of mature willow trees which together provide a mature landscape feature that screens the site from surrounding views.
10. The southern area of the site can be characterised as an area of open amenity grassland, used by visitors as a recreational field, and comprises close mown grass which has grown rank towards the site boundaries. While the site is not within an area of special landscape designation, its open undeveloped parkland character provides an attractive setting to the caravan park at a point of transition with the surrounding rural character of the area. It therefore makes a positive contribution to the surrounding area and is highly visible in views from the footpath/cycle way along Pool Foot Lane, which runs along the southern boundary of the site.
11. In addition to the siting of 26 static caravans, the proposal would include areas of hardstanding and each unit would have an area of decking and a private parking space. A perimeter road would also provide access throughout the extended area of the caravan site. The introduction of these features and the associated domestic paraphernalia would substantially alter the landscape character of the southern area of the site resulting in a harmful urbanising effect that would diminish the open undeveloped qualities of the site.
12. The development's wider visibility in the landscape would be mitigated to an extent by the caravan park's existing perimeter planting, particularly in views from the west. Nevertheless, its presence would be noticeable in short range views through gaps in the vegetation along the southern boundary from Pool Foot Lane. Indeed, I saw that much of the vegetation along this southern boundary is deciduous and therefore the patchy nature of the boundary would afford glimpsed views of the development for most of the year, and it would be

increasingly visible at times of the year when there would be reduced leaf cover.

13. The proposal is supported by a Landscape and Visual Appraisal Report¹ (the LVAR) which identifies the site and its surroundings as being of medium landscape value, and I would agree with its assessment in this regard. The LVAR is accompanied by a comprehensive Landscape Master Plan for the entirety of the appeal site. This proposes landscape zones to the west and south via the introduction of a semi-natural woodland belt to reflect the typical width of woodland belts found in the locality and it would include transplants and feathered trees in an attempt to provide some instant screening.
14. However, the proposed planting would take some time to mature, with the LVAR concluding that the development would be entirely screened after 15 years of growth. This would be an unacceptable period of visual harm to the area. In fact, it appears to me that the Landscaping Masterplan is predicated on screening the development from view rather than successfully integrating it into its surroundings. In any case, the proposed landscaping would not overcome the loss of the site's open undeveloped qualities and, in this respect, its contribution to the wider setting of the caravan park and the surrounding countryside.
15. Whilst I acknowledge that the proposal would provide additional tourist accommodation in the area, I do not find the associated economic benefits and the benefits arising from any biodiversity gain, as a result of the additional planting, to be of sufficient weight to outweigh the harm I have found to the character and appearance of the area.
16. The appellant has drawn my attention to the LPA's support for the development of a golf resort with 495 holiday lodges, a hotel and leisure facilities² located on land to the south of Pool Foot Lane. It is put to me that this development would substantially change the character of the surrounding landscape. However, I have no evidence before me to confirm that this scheme has been approved, as it appears there are some unresolved issues. I cannot therefore be sure that this other development would go ahead as proposed. Therefore, I must consider the appeal on its own merits with regard to the character and appearance of the surrounding landscape as it currently exists. Therefore, this does not alter my findings on this main issue.
17. Consequently, I find that the proposed development would significantly harm the character and appearance of the surrounding area. In doing so, it would be contrary to policies GD4, GD7, ENV1, EC6 and EC7 of the Fylde Local Plan to 2032 (adopted 2018) (the FLP) and the associated provisions of the Framework. Together, amongst other things, these policies seek to protect the rural character of the countryside from unacceptable development, expect proposals to demonstrate high quality design with regard to visual impact on the surrounding landscape and supports the provision of tourism facilities that are sensitively designed.

Drainage

18. Policy CL1 of the FLP requires new development to retain water quality and efficiency, amongst other things. This is constant with paragraph 174 of the

¹ Landscape and Visual Appraisal Report by ReLandscape, dated October 2019

² LPA Ref. 19/0318

Framework which seeks to enhance the natural and local environment by preventing new development from contributing to water pollution.

19. The caravan park currently operates under an Environmental Permit which is regulated by the Environment Agency and allows the discharge of treated effluent from an on-site sewerage treatment plant into the River Wyre Estuary, a Site of Special Scientific Interest with several European habitat designations. The appellant has advised that foul water generated from the proposal will also be treated and disposed of in this way. However, no details or a specification of the water treatment facility have been provided to support the proposed development and therefore I cannot be certain that this would be an adequate arrangement for the disposal of foul water from the site.
20. Whilst the Environment Agency does not object to the proposal, it has expressed concerns that recent samples of treated effluent from the site have not met the required standard, resulting in a breach of the site's environmental permit. The appellant has submitted a letter from Waterline Environmental Ltd³, who maintain the onsite water treatment plant, advising that the treatment plant can accommodate the proposal within its existing capacity and confirming that samples taken in Autumn 2018 showed as a failure. However, I note that this correspondence pre-dates the comments from the Environment Agency by almost one year and there is no evidence before me to confirm that the treatment plant is now operating to the standard required by the environmental permit.
21. The appellant has suggested that sufficient safeguards can be provided using a combination of conditions and the extant environmental permit procedure. Nevertheless, I have not been presented with a condition that would secure the necessary safeguards and given recent breaches of the site's environmental permit and its proximity to designated protected areas, it would be unacceptable to leave this matter to be controlled by conditions.
22. Overall, in this regard, I conclude that it has not been demonstrated that the proposal would provide adequate arrangements for the disposal of foul water from the site. Therefore, the proposal would conflict with Policies CL1, ENV1 and ENV2 of the FLP which together seek to maintain water quality and ensure that development does not adversely affect the nature conservation assets of the coastline.

Other Matters

23. The proposal is in close proximity to the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Morecambe Bay Ramsar Site, and the Morecambe Bay Special Area of Conservation (SAC). This estuary environment, including saltmarshes, mudflats and sandflats along with large shallow inlets and bays provides sensitive habitat and essential feeding grounds for an ensemble of internationally important numbers of birds and other species. The Conservation of Habitats and Species Regulations 2017 (as amended) require the competent authority to undertake an Appropriate Assessment prior to the granting of permission for any project. In the context of this appeal, this responsibility falls to me.
24. The proposal would be likely to attract additional tourists to the area increasing the recreational pressures on this part of the river estuary and coastline. The loss of recreation ground within the site could compound such pressure. There

³ Letter from Waterline Environmental Ltd to Partingtons Holiday Parks, dated 3 December 2018

is also the risk of additional pollution from increases in foul water discharge into the estuary. There are therefore likely to be significant effects on the integrity of the designated protected areas when considered alone or in combination with other projects and plans.

25. The appellant has provided a Habitats Regulations Assessment to support the proposal, but contrary to my screening assessment it concluded that there would be no significant effects and no mitigation was required. However, it suggested information packs to advise visitors of the sensitive nature of the adjacent estuary. Subject to securing these, Natural England did not object to the proposal.
26. Nevertheless, I have very limited information before me regarding the proposed visitor packs, including their content, their means of distribution, how they would be paid for and how they would be secured long term. Therefore, I am not satisfied that this mitigation would be effective or that a suitable mechanism has been put forward to secure it. However, as I am dismissing the appeal on other grounds, I do not need to consider this matter further.

Conclusion

27. I have found that the proposal would be harmful to the character and appearance of the surrounding area and it has not been demonstrated that the proposal would provide adequate arrangements for the disposal of foul water.
28. Consequently, for the above reasons, the proposal is contrary to the policies of the development plan and no material considerations of sufficient weight have been advanced to justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR