

# Agenda

## Development Management Committee



Date	Wednesday, 13 November 2013 at 10:00 am
Venue	Town Hall, St Annes. FY8 1LW
Committee members	Councillor Ben Aitken (Chairman) Councillor Kevin Eastham (Vice-Chairman)  Councillors Tim Armit, Maxine Chew, Peter Collins, Fabian Craig-Wilson, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

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1	<b>Declarations of Interest:</b> Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the previous meeting held on 9 October 2013 as a correct record (previously circulated)	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
4	<b>Development Management Matters</b>	<b>As Numbered</b>

The code of conduct for members can be found in the council's constitution at [www.fylde.gov.uk/council-and-democracy/constitution](http://www.fylde.gov.uk/council-and-democracy/constitution)

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## 13 November 2013

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2	12/0759	GREAT CARR SIDE FARM, WREA BROOK LANE, BRYNING WITH WARTON, PRESTON, PR4 3PP CONVERSION OF TWO AGRICULTURAL BUILDINGS TO FORM THREE RESIDENTIAL DWELLINGS.	Grant	12
3	13/0343	DOBBIES GARDEN CENTRE, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XL CHANGE OF USE OF PARKING SPACES AND FORMER PLANTED AREA TO HAND CAR WASH AND VALET FACILITY, INCLUDING SITING OF 8M X 4M CANOPY, AND 4.9M X 2.5M PORTABLE OFFICE/STORE BUILDING.	Grant	22
4	13/0448	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG APPLICATION FOR THE APPROVAL OF ALL RESERVED MATTERS (LANDSCAPE, LAYOUT, ACCESS, APPEARANCE, SCALE) PURSUANT TO APPLICATION 12/0465 FOR THE DEVELOPMENT OF 162 RESIDENTIAL DWELLINGS	Approve Subj 106	30
5	13/0449	FBC OFFICES, DERBY ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3AJ PROPOSED ERECTION OF 24NO. DWELLINGS FOLLOWING DEMOLITION OF FORMER COUNCIL OFFICES AND ASSOCIATED BUILDINGS	Approve Subj 106	42

6	13/0450	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG FULL PLANNING APPLICATION FOR THE DEVELOPMENT OF A RETAIL FOODSTORE (SIZE 3,319 SQ M GROSS/ 2,230 SQ M NET) AND ASSOCIATED CAR PARKING, PUBLIC SQUARE AND LANDSCAPING	Approve Subj 106	58
7	13/0453	WARTON HALL FARM, LODGE LANE, BRYNING WITH WARTON, LYTHAM ST ANNES, FY8 5RP RE-SUBMISSION OF 13/0192 - OUTLINE APPLICATION FOR ERECTION OF LOG CABIN AS ADDITIONAL AGRICULTURAL WORKERS DWELLING FOLLOWING REMOVAL OF FORMER CHICKEN SHEDS (ALL MATTERS RESERVED)	Refuse	77
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# Development Management Committee Schedule 13 November 2013

**Item Number:** 1      **Committee Date:** 13 November 2013

<b>Application Reference:</b> 12/0068		<b>Type of Application:</b> Change of Use	
<b>Applicant:</b>	Mr Threlfall	<b>Agent :</b>	CFM Consultants Ltd.
<b>Location:</b>	REAM HILLS FARM, MYTHOP ROAD, WEETON WITH PREESE, PRESTON, PR4 3NB		
<b>Proposal:</b>	CHANGE OF USE OF LAND AND BUILDINGS TO GENERAL STORAGE IN ADDITION TO EXISTING STORAGE OF ACCIDENT DAMAGED AND POLICE RECOVERED VEHICLES, AND EXTENSION OF AREA AUTHORISED FOR SUCH STORAGE		
<b>Parish:</b>	Weeton with Preese	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	92	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Protracted negotiations with the applicant.		

**Summary of Recommended Decision:** Grant

## **Summary of Officer Recommendation**

The application relates to the extension of area and items stored at a long established storage operation in the countryside outside of Weeton village.

Policy SP8 relates to the reasonable expansion of commercial interests in countryside areas and so is relevant to this proposal. This policy permits such expansions providing that they do not have an adverse impact on the countryside, do not increase the developed area of the site and do not increase the height of buildings. As this proposal all remains within a compounded area surrounded by planted mounds it complies with these requirements and so is in accordance with Policy SP8.

This Policy is consistent with more recent government guidance in para 28 of the NPPF which promotes the diversification of land-based rural business to create jobs and prosperity in those areas. The application is, therefore, recommended for approval subject to conditions to control the operation.

## **Reason for Reporting to Committee**

A series of previous applications relating to the vehicle storage use of this site have been determined by Committee, and as this scheme seeks permission to vary the nature of the storage use the council's Scheme of Delegation requires that the decision is made by Committee.

## **Site Description and Location**

Ream Hills Farm is located to the north of the M55 and accessed from Mythop Road to the west of Weeton village. The site began as a farm but has diversified to include a water park, caravan and camping site and vehicle storage operation. Agricultural activity remains and is associated with the rearing of deer.

The application site is a rectangular compound area measuring 300m x 220m. It contains a pair of buildings that were constructed for agricultural purposes but have been used for purposes associated with vehicle storage since the mid-1990s. The surrounding area is a gravel / road planing surfaced area with vehicles stored in various parts. The compound is surrounded by a 4m high mound that has become established by planting and so serves as an effective screen with this assisted by the location of the site in the rural landscape.

## **Details of Proposal**

The application relates to the vehicle storage arrangements at the site. These are currently authorised under planning permission 04/0348 which makes a previous temporary use of the site for vehicle storage permanent, and provides controls over the extent of that storage, the height of vehicles that are stored and the requirement for the site where storage is approved to be surrounded by a landscaped mound.

The site was originally used for the storage of accident damaged and recovered vehicles associated with activity of the Police. This application seeks to allow diversification from this restricted use to also allow other vehicle storage including boats and general storage within the buildings and open area.

A supporting statement is provided which explains how the location and landscaping of the site will allow this diversification to be undertaken without any detriment to the character of the area. The conclusion to this states:

*"The submitted proposal utilises the existing development and provides a wider range of opportunities for the site owner to maintain his business in these difficult economic times. The proposal will not impact on the visual aspects of the countryside as all the approved tree screening and planting is now well established and no additional publicly visible areas will be utilised. Storage heights will be maintained as existing restrictions excluding a small number of un-obtrusive power boat masts.*

*More than adequate vehicular servicing is provided and the proposed use will not unduly increase vehicular movements from the previous levels which have proved (to) not impact on highway safety matters over the last 20 years.*

*The proposed use is entirely appropriate for the location, will not have detrimental impacts, will assist in retaining the viability of the site and should be supported as continuing to provide employment and responsible use of resources."*

## **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0659	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0356 TO REMOVE REQUIREMENT FOR DOCUMENTARY EVIDENCE IN SUPPORT OF HOLIDAY USE, AND	Granted	12/01/2013

12/0585	VARIATION OF CONDITION 6 OF PLANNING PERMISSION 12/0356 TO EXCLUDE HOLIDAY LODGES FROM REQUIREMENT TO BE ASSOCIATED WITH EXISTING LEISURE FACILITY CERTIFICATE OF LAWFULNESS FOR EXISTING USE FOR STORAGE OF A BOAT	Withdrawn - Invalid	22/03/2013
12/0709	PROPOSED ERECTION OF ANCILLARY FACILITIES TO SUPPORT CARAVAN SITE (2 X TOILET BLOCKS, TICKET OFFICE, ACCESS TRACKS AND LANDSCAPING)	Granted	22/02/2013
12/0356	CHANGE OF USE OF LAND TO HOLIDAY LODGE AND TOURING PARK, COMPRISING OF 6 LODGES, 25 TOURING PITCHES AND A TENTING FIELD.	Granted	22/08/2012
11/0676	CERTIFICATE OF LAWFULNESS APPLICATION FOR EXISTING USE OF BOATS ON THE LAKE.	Withdrawn by Applicant	20/01/2012
10/0673	RETROSPECTIVE APPLICATION FOR OFFICE EXTENSION AND BALCONY	Granted	24/08/2011
11/0002	RETROSPECTIVE CHANGE OF USE FROM FISHING LAKE TO MIXED USE OF FISHING LAKE AND WAKEBOARDING FACILITY. RETENTION OF VARIOUS ASSOCIATED STRUCTURES INCLUDING PYLONS AND TOW CABLE ASSOCIATED WITH WAKEBOARDING, CHANGING ROOM AND STORE BUILDING, TOILET BUILDING, CAFE, FISHING CLUBHOUSE, DECKING AREA AND WOODEN WALKWAY.	Granted	15/03/2011
09/0437	LANCASHIRE COUNTY COUNCIL APPLICATION - RAISE LEVELS TO FORM NEW PADDOCK	Raise No Objection	29/07/2009
09/0151	CLEAN FILL AND TOP SOIL TO FORM GRASS PADDOCK	Withdrawn by Applicant	25/03/2009
05/0931	CHANGE OF USE OF PART OF BUILDING TO HELICOPTER SERVICE AREA AND NEW HARD STANDING AREA FOR HELICOPTER LANDING.	Granted	04/11/2005
AG/05/0005	AGRICULTURAL DETERMINATION FOR DEER SHED.	Permission not required	26/10/2005
AG/05/0001	AGRICULTURAL DETERMINATION FOR DEER SHED	Permission not required	24/05/2005
04/0348	RENEWAL OF TEMPORARY CONSENT FOR CHANGE OF USE OF EXISTING BARNs TO VEHICLES STORAGE, PLUS OFFICE/RECEPTION PORTACABIN (PREVIOUS TEMPORARY APPROVAL 00/0764) CONSTRUCTION OF	Granted	21/07/2004

	LANDSCAPED MOUNDING TO SUPPLEMENT EXISTING MOUNDING AND REMOVAL OF COND.3 ON PP 98/0346 & COND.5 ON PP 00/0764 ,TO PERMIT EXTERNAL CAR STORAGE.		
04/0244	CERTIFICATE OF LAWFULNESS FOR STORAGE OF VEHICLES	Refuse Certificate	15/06/2004
03/1154	REMOVAL OF CONDITION 5 APP. NO. 00/764 RE STORAGE OF ACCIDENT DAMAGED VEHICLE & CONDITION 3 APP. NO. 98/346	Refused	25/02/2004
02/0944	REMOVAL OF CONDITION 5 ON APPLICATION 5/00/764 & CONDITION NO 3 ON 5/98/346 TO ALLOW EXTERNAL STORAGE OF VEHICLES, AND EXTENSION OF HARD SURFACED AREAS	Refused	21/01/2003
02/0945	ADDITIONAL/AMENDED BUNDING AND SCREENED LANDSCAPED EMBANKMENT	Refused	16/01/2003
01/0586	CHANGE OF USE OF AGRICULTURAL LAND TO EXTEND SITE AND SCREENING LANDSCAPED EMBANKMENT	Refused	06/11/2002
A/01/0006	ERECTION OF AGRICULTURAL BUILDING FOR DEER	Permission Required	06/02/2002
00/0764	CHANGE OF USE OF EXISTING BARN TO VEHICLE STORAGE PLUS OFFICE/RECEPTION PORTACABIN	Granted	25/04/2001
00/0650	EXTENSION TO EXISTING BUILDING FOR STORAGE OF VEHICLES - RETROSPECTIVE	Granted	29/11/2000
99/0002	RECONSTRUCTION OF 6,600 VOLT OVERHEAD LINE ADJACENT TO MYTHOP ROAD, WEETON AND REMOVAL OF TWO SPANS OF LOW VOLTAGE OVERHEAD LINE TO WESTFIELD COTTAGES.	Raise No Objection	24/02/1999
98/0346	CHANGE OF USE OF BARN FOR STORAGE OF VEHICLES.	Granted	02/10/1998
97/0067	RE-SUBMISSION OF APPLICATION NO. 5/96/0677 FOR EXTENDED LEISURE FISHING LAKE AND ASSOCIATED CAR PARKING (REDUCED AREA 5.9 ACRES)	Granted	26/03/1997
96/0677	AMENDMENTS TO PREVIOUSLY APPROVED SCHEME 5/94/579 FOR ENLARGEMENT OF LEISURE FISHING LAKE AND ASSOCIATED CAR PARKING	Refused	03/01/1997
96/0016	RENEWAL OF TEMP CONSENT 5/93/0836 TO CONTINUE USE OF AGRICULTURAL BARN TO STORE VEHICLES	Granted	24/04/1996
94/0579	LEISURE FISHING LAKE AND	Granted	26/10/1994



93/0836	ASSOCIATED CAR PARKING AREA CHANGE OF USE OF PART OF AGRICULTURAL STORAGE BARN TO STORING VEHICLES	Granted	12/04/1994
93/0272	ERECTION OF BARN FOR LIVESTOCK AND GENERAL FARM PURPOSES	Granted	16/06/1993
93/0073	PROPOSED SUPPLY TO REAM HILLS FARM & RECONSTRUCTION OF 6600 VOLT OVERHEAD LINE	Granted	24/03/1993
92/0738	ERECT BARN FOR LIVESTOCK AND GENERAL FARM PURPOSES	Granted	23/12/1992
92/0140	FARMHOUSE, GARAGE AND BARN.	Granted	20/05/1992
91/0506	OUTLINE APPLICATION FOR DETACHED FARMHOUSE	Granted	06/11/1991
90/0399	SITING OF RESIDENTIAL CARAVAN FOR AGRICULTURAL WORKER	Granted	10/10/1990

### **Relevant Planning Appeals History**

None to report

### **Parish Council Observations**

Weeton with Preese Parish Council notified on 15 February 2012 and raise no objections.

### **Statutory Consultees**

#### **County Highway Authority**

They have assessed the proposal and note that there are no increases in the extent of the buildings or site area utilised for storage, or of the access to the site. They make no objections to the application on that basis subject to the internal access road having sufficient width to allow vehicles to pass, or of a passing place being introduced by condition.

### **Observations of Other Interested Parties**

None to report.

### **Neighbour Observations**

**Neighbours notified:** No Neighbours Notified but site notice posted  
**No. Of Responses Received:** None

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
SP09	Diversification of rural economy
EP14	Landscaping of new developments

#### **Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
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## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Background**

The site has a long and complex planning history and is essentially used for four separate uses: the original agricultural operation continues in the form of a deer raising operation, a fishing lake has been excavated and recently granted planning permission for use as a wakeboard facility, a caravan and camping site has recently gained planning permission and is currently being developed, and the storage use associated with this application.

The storage use began in 1994 when a then recently erected agricultural barn was granted a two year temporary permission to be used for storing vehicles. This was associated with the collection of vehicles involved in motorway accidents and those recovered by the police and insurance companies. This use was extended for further temporary periods and extended to other agricultural buildings on the site before being made a permanent use of the site under planning permission 04/0348 which also included the construction of a mound around the site to provide a visual screen to the site.

### **Proposal**

This proposal involves two aspects: a diversification from the vehicle storage that is permitted by that permission, and an increase in the area that is used for storage.

### **Range of Items stored**

The alteration in the nature of the storage is a reaction to the applicant no longer having contracts to store vehicles for the police and insurance companies and so diversifying the type of storage offered. This continues to include damaged vehicles, but also extends to caravans, boats, fairground rides, vans and HGVs. The existing planning permission includes a restriction on the height of storage to no more than 4m and a number of items stored at the site, such as a boat and fairground ride, have exceeded this limit and been visible from off site. This height is important as it matches the height of the established landscaped mound around the site and so serves to limit the visual impact of the storage on its countryside location. This mound serves that function well, and so the relaxation of the range of items stored at the premises will not have any material impact on the countryside and so is considered that this aspect of the proposal can be approved, subject to the restriction of the height of external storage retained.

### **Area of Storage**

The existing approved area for storage involves 2 steel framed buildings and a yard area at 3 sides of them. The proposal here is to extend this to surround the buildings on all sides. The increased area measures 100m x 35m and was being used for storage at the time of the officer site visit. It also seems that it has been used for storage for some time as a previously submitted application for a Lawful Development Certificate relating to this proposal included a series of affidavits from visitors to the site who evidenced the use of this area (as well as the range of items stored extending beyond the lawful vehicles). This application (11/0676) was never made valid due to inadequacies in the information submitted, but the information is of assistance in assessing this application.

The extended area is within the compound formed by the mound and so will have a limited impact on the wider countryside. It is closer to the agricultural land and the caravan/camping site currently under development, but it is in the applicant's interest that the storage does not adversely impact on these operations. With the limited visual impact, and the likelihood that the use is lawful in any event

based on the affidavit information, it is considered that this extended area of storage is acceptable.

#### **Highway Aspects**

The site has an existing access to Mythop Road which has good width and visibility. There is an internal access road that serves the various elements and has a good width to allow vehicles to pass without any conflict. The extension to the storage operation as is proposed is unlikely to lead to any material increase in the vehicle use of the site and so trip movements to it.

#### **Conclusions**

The application relates to the extension of area and items stored at a long established storage operation in the countryside outside of Weeton village.

Policy SP8 relates to the reasonable expansion of commercial interests in countryside areas and so is relevant to this proposal. This policy permits such expansions providing that they do not have an adverse impact on the countryside, do not increase the developed area of the site and do not increase the height of buildings. As this proposal all remains within a compounded area surrounded by planted mounds it complies with these requirements and so is in accordance with Policy SP8.

This Policy is consistent with more recent government guidance in para 28 of the NPPF which promotes the diversification of land-based rural business to create jobs and prosperity in those areas. The application is therefore recommended for approval subject to conditions to control the operation to storage.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. That the areas of external storage shall be as indicated on CFM consultants drawing RH/4161/0102A as submitted to the Local Planning Authority on 15 April 2013.

To appropriately identify the extent of storage hereby approved as required by Policy SP8 of the Fylde Borough Local Plan.

2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 1995, the land and buildings included within this application site shall be used solely for storage purposes within Class B8 of the Town & Country Planning (Use Classes) Order and not for any other purpose including vehicle repair and maintenance or as a car breakers / scrap yard.

In order to prevent the establishment of an inappropriate use in the rural area and to ensure that the development does not attract inappropriate numbers of vehicles to a site in a rural location.

3. There shall be no external storage above a height of 4 metres from ground level other than in the area hatched in green on the approved plan where storage shall not exceed 6m in height.

In the interests of visual amenity in the area, with the higher limit acceptable as views of that area are protected by being set against the backdrop of the buildings from off site views

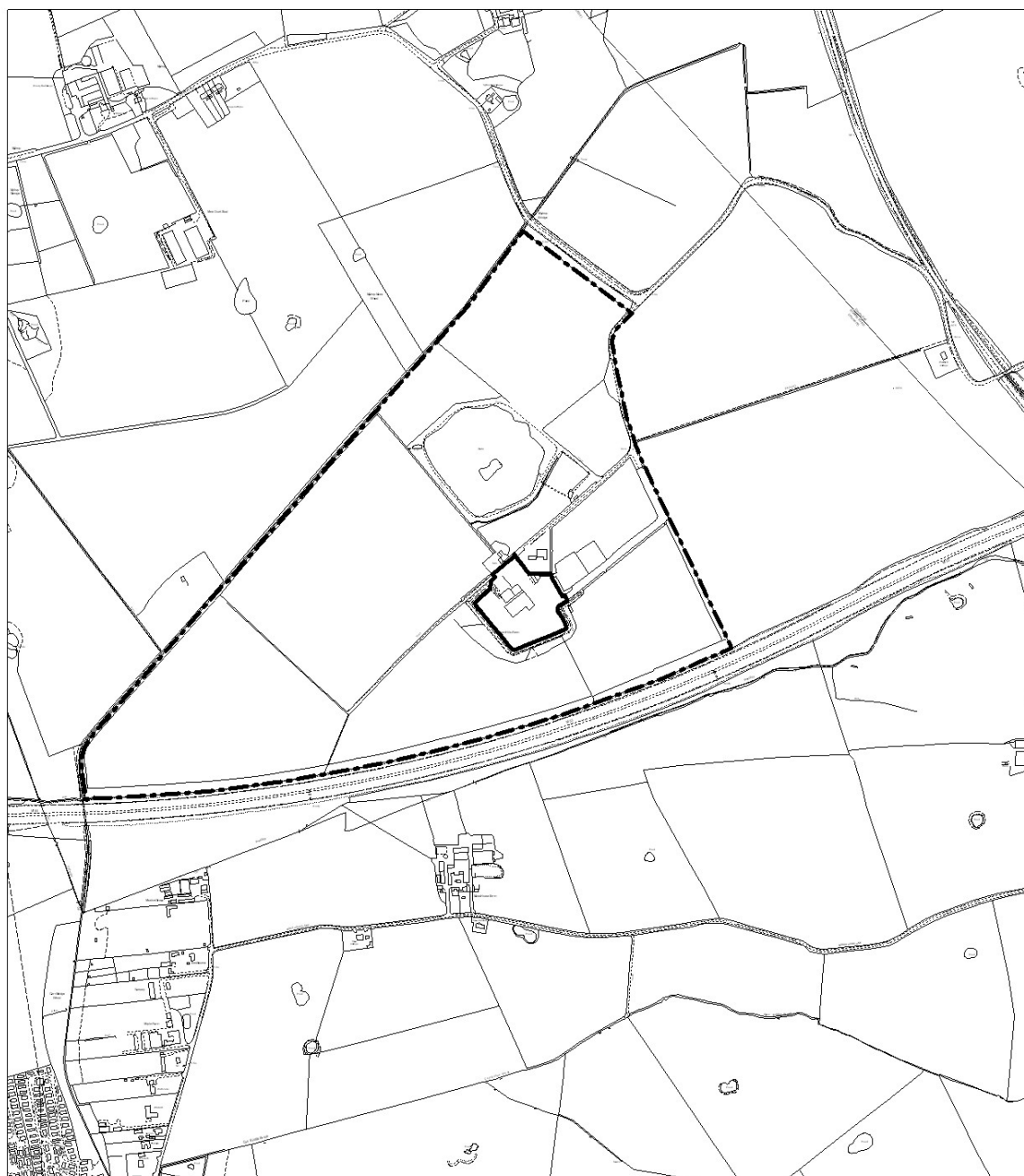
4. The area of bund indicated alongside the additional external storage area on the approved

plan shall be planted, in accordance with a scheme that shall be submitted to and approved in writing by the local planning authority, with a mix of native species to reflect the landscaping scheme introduced on the existing bunds around the previously approved storage areas no later than the end of the next available planting season (i.e. by the end of February 2014).

To ensure that the extended storage areas have an acceptable impact on the character of the rural area as required by Policy SP2 of the Fylde Borough Local Plan.

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

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



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Application No. 5/12/0068	Address Ream Hills Farm, Mythop Road, Weeton	Grid Ref. E.3369 : N.4339	Scale 0 50 100 150 200 m 

**Item Number: 2      Committee Date: 13 November 2013**

<b>Application Reference:</b> 12/0759		<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Simon Rigby	<b>Agent :</b>	Croft Goode Ltd
<b>Location:</b>	GREAT CARR SIDE FARM, WREA BROOK LANE, BRYNING WITH WARTON, PRESTON, PR4 3PP		
<b>Proposal:</b>	CONVERSION OF TWO AGRICULTURAL BUILDINGS TO FORM THREE RESIDENTIAL DWELLINGS.		
<b>Parish:</b>	Bryning with Warton	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	35	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Awaiting further information from applicant.		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application seeks planning permission for the conversion of two redundant agricultural buildings on a former farm to three residential dwellings.

The proposal would also help to ensure the retention of these buildings which reflect the borough's historical agricultural heritage, and contribute to housing numbers without causing any detriment to matters of planning importance. As such the residential use is considered acceptable subject to the imposition of a 'Grampian' condition to secure off-site highway improvement works to Wrea Brook Lane prior to the commencement of construction works.

**Reason for Reporting to Committee**

The Parish Council's objection to the application is at odds with the Officer recommendation for approval

**Site Description and Location**

The application site forms part of a former farmstead, comprising of a farmhouse and associated redundant agricultural buildings. It is located at the end of Wrea Brook Lane, within designated countryside and immediately adjacent to (but outside of) the Warton Green Belt.

**Details of Proposal**

Full planning permission is sought for the conversion of two redundant agricultural buildings to form three new dwellings. The two buildings in question are in the form of a large brick built storage barn (conversion to two units - referred to as units 4 and 5 in the application) which is believed to date from the early 20th century, and a smaller single storey former 'piggery' (conversion to one unit - referred to as unit 3 in the application) which is believed to date from the late 18th century.

### Unit 3

The existing building's main form and eaves/ridge heights would be retained as part of the conversion, and an attached double garage added onto the west side elevation. Additional fenestrations would be created to the front and rear elevations as part of the facilitation for residential use, and rooflights added to the front and rear roof slopes. The main barn entrance would be retained to provide the entrance hall into the dwelling. The external finish would be render to the front elevations and red facing brickwork to the rear, with a slated roof.

### Units 4 and 5

The existing building is a traditional brick built barn, with a fully gabled roof, a Wain door, characteristic circular window openings to the upper front elevation, and standard square window openings to the lower front and rear elevations. There is a small single storey lean-to extension on the west elevation that would be removed as part of the conversion. The conversion would retain the existing Wain door to the front and create two Wain style openings in the rear elevation. The appearance of the front of the building would be balanced by the formation of two additional circular window openings to the upper floor and additional square openings on the ground floor. Larger window openings would be added to the rear elevation along its whole length. The external finish would retain the brickwork with slated roof.

Two detached double garages associated with units 4 and 5 would be located at either end of the building and constructed from matching materials.

The application is supported by a Design & Access Statement, a Structural Appraisal of the buildings, and Bat/Barn Owl mitigation reports.

### Relevant Planning History

Application No.	Development	Decision	Date
DEM/11/0002	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF SECTIONS OF BARN	Permission not required	23/12/2011
11/0061	PARTIAL DEMOLITION AND CONVERSION OF TWO AGRICULTURAL BUILDINGS TO FORM THREE RESIDENTIAL DWELLINGS. ERECTION OF THREE DOUBLE GARAGES.	Withdrawn by Applicant	11/05/2011
79/0051	OUTLINE FOR BUNGALOW FOR FOREMAN IN CHARGE OF PIGGERIES.	Granted	30/05/1979
80/0087	RESERVED MATTERS - DETACHED BUNGALOW.	Granted	05/03/1980

### Relevant Planning Appeals History

None.

### Parish Council Observations

Bryning with Warton Parish Council notified on 21 December 2012

### **Summary of Response**

The Parish Council does not object to the principle of the conversion of the buildings to dwellings but objects to the proposal on the grounds that the existing access road is unsuitable for further residential properties and would be detrimental to highway safety without improvements to Wrea Brook Lane.

## **Statutory Consultees**

### **County Highway Authority**

No concerns regarding the level of parking provision or site layout. The impact of the development on Wrea Brook Lane and the junction of Bryning Lane with Wrea Brook Lane raises concerns. Wrea Brook Lane is not suited to two way traffic although it is possible to undertake improvements in the form of passing places and such works could be obtained via a suitable condition. However the sightlines at the junction of Wrea Brook Lane and Bryning Lane are a concern and their improvement could not be carried out within highway limits and hence third party land would be required. As the application stands permission should be refused on the grounds that traffic generated by the development would have an adverse impact on highway safety in that adequate mitigation measures cannot be carried out at the junction of Bryning Lane and Wrea Brook Lane.

### **Ministry of Defence - Safeguarding**

No safeguarding objections

### **BAE Systems**

No objections

### **LCC: (Ecology)**

Initially requested additional details to the submitted ecology report to clarify proposed mitigation measures. These further details have been submitted and the County Ecologist is now agreeable to the proposed mitigation

### **Building Control Manager**

Advice provided on revised internal floor layout in order to accord with current Building Regulations. Layout amended as a result and now acceptable.

### **Environmental Protection Team**

No objections however the applicant should be made aware of the following:

1. Many farm buildings are constructed with asbestos cement roof tiles. The applicant shall ensure that during conversion this material is removed in accordance with the asbestos at work regulations and deposited at a licensed asbestos waste receiving site.
2. There shall be no burning of any material on site. All waste material shall be removed by a registered waste carrier and deposited at a licensed waste receiving site.

### **The Ramblers Association**

There is no mention of footpath 14 either in the supporting documents or in the proposed plan. Historically this footpath has connected onto the track to the west of the property, which is shown on the location plan, which then runs through this property becoming a road which leads out onto Bryning Lane. This road/track is identified as Green infrastructure right up to the property so it is presumed this will remain intact and as such the access from footpath 14 through the property via this track should also be retained even though it is not marked as a public right of way.

## **Observations of Other Interested Parties**

### **LCC (Archaeology)**

The farmhouse and barns are shown on the 1st edition Ordnance Survey Map, surveyed in 1844, hence the surviving buildings demonstrate the development of the farm complex through time. The two barns to be converted should therefore be considered to be of



sufficient historical interest to merit recording prior to their conversion and if permission is granted an archaeological record of the buildings should be secured by the following condition:

*No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.*

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.*

### **Neighbour Observations**

**Neighbours notified:** 21 December 2012

**No. Of Responses Received:** None

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP03	Development in green belt
SP06	Conversion of rural buildings to residential use
HL02	Development control criteria for new housing proposals

#### **Other Relevant Policy:**

NPPF: National Planning Policy Framework

#### **Site Constraints**

Within Green Belt  
Within countryside area

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of Residential Use**

The relevant local plan policy against which to assess this application is Policy SP6. SP6 permits the conversion of existing buildings to residential use if the building has a particular historical value and the building is unsuitable for commercial use.

The main barn is typical in its scale and arrangement of many such brick barns associated with the Fylde agricultural heritage, and is in a reasonably sound condition. The smaller 'piggery' outbuilding is believed to date from the late 18th century, and despite its age is assessed in the Structural Report as being sufficiently stable enough for conversion. The Council's Building Control Officers have not disputed the conclusions of the structural survey.

Given the age and condition of the buildings it is considered that there is an architectural / historic merit in their retention, despite its change of use from agricultural use. This view is supported by the County Archaeologist who has requested a condition requiring the submission of a programme for building recording and analysis of the two buildings.

The National Planning Policy Framework (NPPF) provides more up-to-date policy guidance and emphasises the need for borough's to be able to deliver a 5 year supply of housing. At present Fylde is unable to do so and this development provides a good opportunity to provide three additional residential units in the borough; providing additional weight to supporting the principle of the development.

With regard to the potential commercial use of the buildings, whilst it is appreciated that local plan policy considers this to be a preferred option the site is located at the end of a long single lane access road which does not suit itself to a level of traffic (i.e. employees, visitors, deliveries, etc.) that could result if commercial enterprises were carried on from the site. Hence the use of the buildings for commercial operations is not considered to be an appropriate or viable option.

Having due regard for all the above points it is considered that the principle of the conversion is acceptable.

#### Appearance

The main form and character features of both buildings would be retained as part of the conversion. However in order to adapt the two buildings for residential use additional fenestration is required to provide adequate natural light to the interior areas. The additional fenestrations to the front elevations of both buildings respect the existing window openings in terms of form and design, and do not create a cluttered appearance. The re-worked rear elevation of the main barn would feature a greater number of additional window openings and whilst on first appraisal the fenestrations on this elevation may appear excessive by contrast to the existing, the two main openings are characteristic of the Wain doors associated with barns of this type, and given that this elevation is directed towards open countryside it is considered that the rear elevation fenestrations are an acceptable compromise as this development will bring these buildings of historic interest back into maintained usage.

#### Neighbour Relationship

The only properties likely to be affected by the proposed development are the two existing dwellings sited opposite the main barn. These dwellings form part of the former farmstead but are outside of the red edge of the application site. The minimum separation distance between these frontages, together with the limited openings to the front of the proposed barn conversion are such that loss of privacy and overlooking of either property is not considered to be a concern.

#### Access

LCC Highways (LCCH) are agreeable to the proposed level of on-site parking provision. However they have raised two concerns regarding a) the unsuitability of Wrea Brook Lane to two way traffic, and b) the poor sightlines when exiting Wrea Brook Lane onto Bryning Lane. With regard to the first concern LCCH acknowledge that it is possible to improve the situation to an acceptable level by the provision of passing places along Wrea Brook Lane. To this end the applicant has submitted an indicative drawing for an Access Road Plan that shows eight proposed passing places to be formed along the length of Wrea Brook Lane. These proposed works fall outside the application site but could be carried out within the limits of the highway hence a 'Grampian' condition could be imposed to require adequate passing places to be formed and completed prior to the commencement of the development (if approved).

With regard to the second concern, the improvement of the sightlines could not be carried out within the confines of the highway and hence would require third party land that is outside the control of the applicant. Whilst LCCH's concern is noted, the level of additional traffic generated by the proposed three new dwellings, and which would be exiting Wrea Brook Lane onto Bryning Lane, would be small. As the existing junction has successfully managed the vehicular traffic from the existing dwellings and farm on Wrea Brook Lane it is considered that under these circumstances the refusal of permission on the basis of LCC Highways concern is not sustainable.

### Ecology

As the application involves alterations to redundant farm buildings there are potential ecological implications for bats and barn owls. Survey reports submitted with the application identified a Barn Owl Roost within the Main Barn and bats roosts within both buildings. As such the applicant will require a European Protected Species Licence to ensure the proposed development works are compliant with wildlife legislation.

Such licences are issued by Natural England and subject to 3 tests which have to be met by the applicant, these being:

1. The development is required for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
2. There is no satisfactory alternative
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

Planning case law has confirmed that Local Planning Authorities must be satisfied that the proposed development meets these three tests prior to the granting of planning permission. The County Ecologist has assessed the submitted mitigation measures and is of the opinion they are sufficient to meet the requirements of test 3. With regard to test 1, the buildings are considered to be of historic interest and the proposed conversions will enable the buildings to be preserved in good condition. This assertion is supported by the comments of the LCC Archaeologist who confirms the building is of historic interest and has requested a programme of building recording and analysis be carried out prior to the commencement of development. With regard to test 2, the site is no longer a working farm and as such the buildings are unused and hence there is no incentive to maintain their already deteriorating fabric. This may ultimately result in the loss of this bat habitat if the deterioration extended to a point where the buildings had to be demolished for health and safety reasons. In the absence of any published guidance from Natural England in respect of assessing arguments for the three tests officers are satisfied that there is no satisfactory alternative for these buildings and hence the requirements of test 2 have been met. Subject to the mitigation being secured by condition the proposal will comply with the requirements of Policy EP18 and the relevant part of the NPPF.

### Conclusions

The application relates to the conversion of two unused agricultural buildings that were originally associated with now ceased agricultural activity at Great Carr Side Farm. The buildings are generally sound and capable of converting to a residential without substantial rebuilding works. The location of the site is not considered appropriate for a commercial use of the buildings and their conversion to dwellings would ensure the retention of these buildings which are of historical interest and would contribute towards the delivery of the Borough's housing supply. The development is considered to accord with Policy SP6 of the Fylde Borough Local Plan relating to residential conversions and so the application is recommended for approval subject to a series of planning conditions.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

ensure the approved standard of development is achieved.

2. The development hereby approved shall relate to the works shown on the following plans;

- Proposed Site Plan - Croft Goode Architects drawing no. 08-1328-P10 Rev D
- Unit 3 Existing - Croft Goode Architects drawing no. 08-1328-P04
- Unit 3 Proposed - Croft Goode Architects drawing no. 08-1328-P13 Rev B
- Units 4 & 5 Existing - Croft Goode Architects drawing no. 08-1328-P05
- Units 4 & 5 Proposed - Croft Goode Architects drawing no. 08-1328-P15 Rev E
- Garage Plan & Elevations - Croft Goode Architects drawing no. 08-1328-P18 Rev B
- Proposed Parkland Fencing - Croft Goode Architects drawing no. 08-1328-P16
- Barn Owl Nesting Box Detail - Croft Goode Architects drawing no. 08-1328-P19

For clarity in defining the permission.

3. No construction of any dwelling hereby approved shall be commenced until the vehicle passing places along Wrea Brook Lane (as indicated on the submitted drawing 'Access Road Plan', drawing no. 08-1328-P02) have been constructed in accordance with a specification to be submitted to and agreed in writing by the Local Planning Authority.

To ensure the provision all necessary highway improvements in the interests of highway safety as required by Policy HL2 of the Fylde Borough Local Plan

4. Notwithstanding any denotation on the approved plans samples of the facing materials, render, roof treatment and wall cladding shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

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

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

6. Prior to the installation of new doors and windows detailed drawings of those doors and windows, at scale 1:20, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved details shall be used in the development. All window frames shall be set in no less than 100mm reveal and thereafter maintained as such to the satisfaction of the Local Planning Authority.

To secure appropriate materials and details of fenestration given the special interest of the former agricultural building.

7. The development hereby approved shall be implemented in full accordance with the recommendations set out in the following documents produced by LOBO Ecology and submitted with the application:

- Bat Method Statement - Great Carr Side Farm, dated March 2013
- Method Statement - Barn Owl & Breeding Birds - Great Carr Side Farm, dated July 2011
- Letter dated 29 July 2013 - addressed to Mr Alan Pinder and commencing "Thank you for sending through LCC comments relating to ecology at Great Carr Side Farm"

To safeguard the habitat and population of protected species around the site during the development in accordance with Policy EP19 of the Fylde Borough Local Plan as Altered (October 2005)

8. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E, F of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

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

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

9. Notwithstanding the provision of Classes A, B, C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

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

10. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include grass highway verge, car parking and shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals

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

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

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

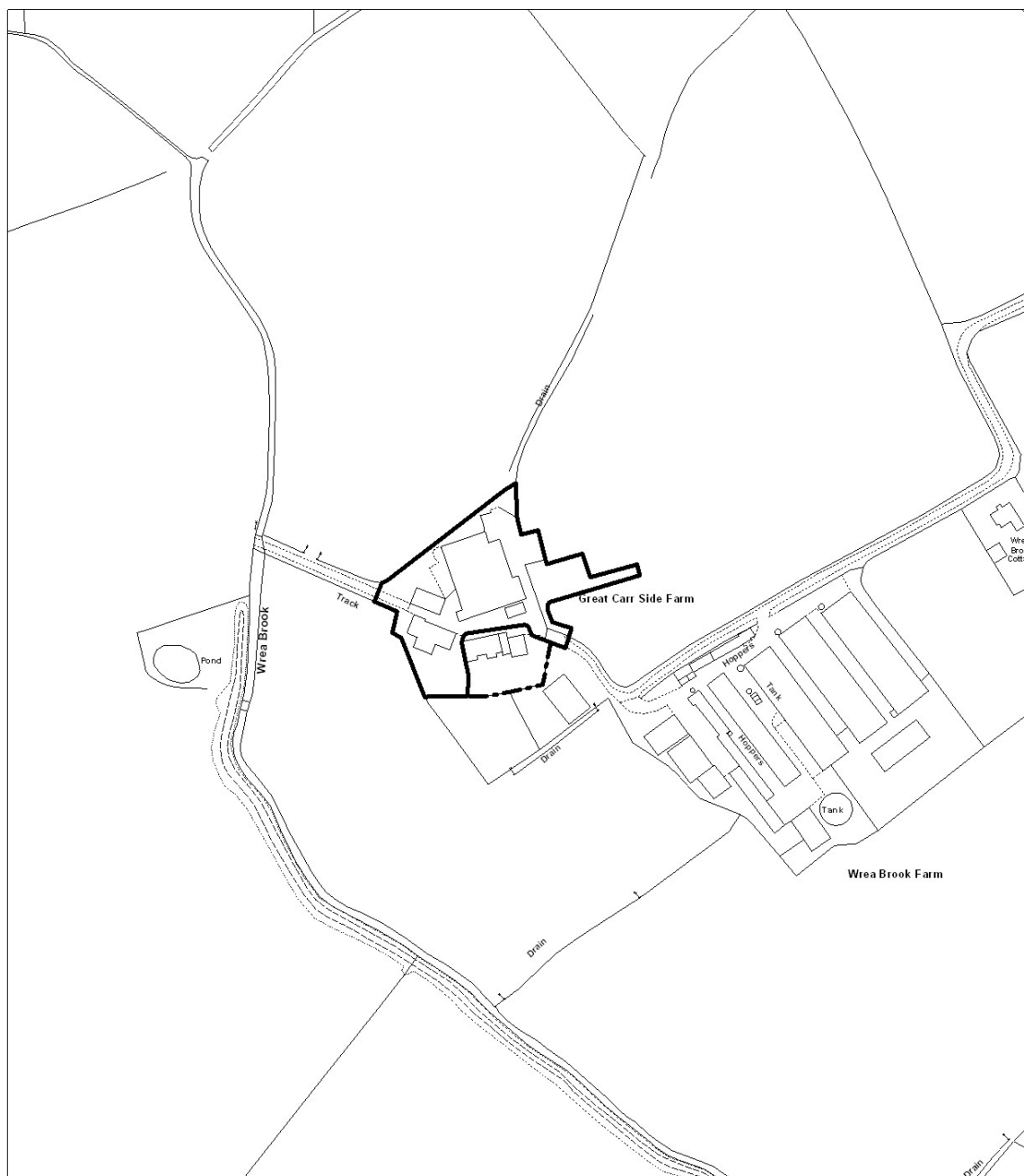
To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

12. A full drainage scheme incorporating details of foul and surface water connections are to be submitted to the Local Planning Authority for written approval prior to the commencement of development and subsequently only those works shall be implemented.

To ensure the provision of a satisfactory drainage scheme.

13. The extent of the repair and rebuilding works to be undertaken as part of the conversion of the building hereby approved shall be strictly limited to the works identified in section 3 - 'Conclusions and Recommendations' of the structural appraisal produced by Graham Schofield Associates and authored by Graham Schofield, dated February 2011 (project no. 2010.206).

To ensure that the building is appropriately converted without excessive rebuilding elements.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/12/0759	Address Great Carr Side Farm, Wrea Brook Lane, Warton	Grid Ref. E.3391 : N.4291	Scale 0 10 20 30 40 m 

**Item Number: 3      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0343		<b>Type of Application:</b> Change of Use	
<b>Applicant:</b>	SHMS (UK) Ltd	<b>Agent :</b>	Haydon Environmental Consultants
<b>Location:</b>	DOBBIES GARDEN CENTRE, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XL		
<b>Proposal:</b>	CHANGE OF USE OF PARKING SPACES AND FORMER PLANTED AREA TO HAND CAR WASH AND VALET FACILITY, INCLUDING SITING OF 8M X 4M CANOPY, AND 4.9M X 2.5M PORTABLE OFFICE/STORE BUILDING.		
<b>Parish:</b>	Newton with Clifton	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Delayed due to need to reconsult		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application seeks permission for the siting and installation of hand car wash and valeting business on an area of the existing car park at Dobbies Garden Centre. It is considered that the revised siting and drainage scheme in this application has overcome objections raised on a similar application submitted in 2009. Accordingly the proposal complies with Policies SP2, SP8 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF and is recommended for approval by Members.

**Reason for Reporting to Committee**

This application is on the agenda as the Parish Council have objected to the proposal. As the officer recommendation is for approval the Council's scheme of delegation requires that the application be determined by the Development Management Committee.

**Site Description and Location**

The application site is Dobbies Garden Centre, Blackpool Road, Clifton. The application specifically refers to an area on the rear of the car park to the west side of the main sales building on the site. The site is within an area designated as Countryside in the Fylde Borough Local Plan, as altered (October 2005).

**Details of Proposal**

This application seeks permission for a change of use of part of an area of the car park for use for a hand car wash and valet business including the siting of a portable office/store building measuring 4.9 metres by 2.5 metres and an 8 metres by 4 metres canopy.



**Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0596	SITING OF HAND CAR WASH TO INCLUDE TEMPORARY CANOPY AND PORTABLE OFFICE BUILDING	Refused	24/11/2009
06/0166	PROPOSED SINGLE STOREY EXTENSION TO RESTAURANT AT SIDE OF BUILDING	Granted	27/04/2006
05/0693	VARIATION OF CONDITION NO. 4 ON APPLICATION 04/948 IN RESPECT OF REQUIRING THAT THE LAND TO THE REAR OF THE SITE IS NOT SEPARATED FROM THE MAIN ENTERPRISE	Granted	14/09/2005
04/0948	RESUBMISSION OF 5/04/0651 - CHANGE OF USE OF LAND AS OUTDOOR SALES AREA FOR THE DISPLAY AND SALE OF GARDEN BUILDINGS INCLUDING GREENHOUSES, CONSERVATORIES, SHEDS, SUMMER HOUSES. AMENDMENTS TO CAR PARKING.	Granted	27/01/2005
04/0651	CHANGE OF USE: LAND AS OUTDOOR SALES AREA FOR THE DISPLAY AND SALE OF GARDEN BUILDINGS	Withdrawn by Applicant	27/08/2004
01/0837	ERECTION OF PLANT PROTECTION CANOPY AT REAR OF BLG. COVERED WALKWAY & PLANT SHADE HOUSE. SPRINKLER & IRRIGATION TANK WITH PUMP HOUSE	Granted	03/01/2002
01/0089	SITING OF TEMPORARY BUILDING AND PLANTERIA DURING RE-DEVELOPMENT PERIOD	Granted	28/03/2001
01/0088	CHANGE OF USE OF LAND FROM FORMER PLANT GROWING AREA TO OUTDOOR PLANT MARKET FOR GARDEN CENTRE.	Granted	28/03/2001
00/0518	RESERVED MATTERS RE: APP. NO. 5/99/727 FOR RE-DEVELOPMENT OF GARDEN CENTRE, CAR PARK & EXTN. TO CURTILAGE	Granted	01/11/2000
99/0727	OUTLINE APPLICATION FOR RE-DEVELOPMENT OF RETAIL AREA INCLUDING NEW GARDEN CENTRE BUILDING, EXTENSION TO CURTILAGE AND CAR PARK	Granted	01/12/1999
99/0435	PROPOSED REVISED VEHICULAR ACCESS AND NEW CAR PARKING PROVISION.	Granted	08/09/1999
94/0413	CHANGE OF USE OF PART OF GARDEN CENTRE TO PERMIT THE SALE OF PET SUPPLIES (RETROSPECTIVE)	Granted	17/08/1994

94/0137	ERECTION OF A TEMPORARY GARAGE	Granted	13/04/1994
93/0213	MODIFICATION OF CONDITION 2 ON APP. 5/91/0535 RELATING TO NEW ACCESS ARRANGEMENTS	Withdrawn by Applicant	26/10/1993
88/1079	CHANGE OF USE; FROM NURSERY TO NURSERY & GARDEN CENTRE	Granted	22/03/1989

### **Relevant Planning Appeals History**

None.

### **Parish Council Observations**

Newton with Clifton Parish Council notified on 11 June 2013 and state:

*"The proposed car wash is a new and separate business to the existing use and would unnecessarily add to a service provision already considered sufficient in the parish area. By reason of the nature of the activity and its lack of reasonable connection to the existing business the proposal is considered to be detrimental to the visual amenity of the area and contrary to the aims and provisions of the Fylde Borough Local Plan which seeks to control development generally in the countryside.*

*The proposed change of use of parking spaces with the consequential reduction in available vehicle parking is considered detrimental to the safe operations of the site. The proposal is for a new and separate business to the existing use and would by reasons of the nature of the activity, its lack of reasonable connection to the existing business and the placement of a modular building and canopy on the site, be detrimental to the visual amenity of the countryside area.*

*The proposed development would not comply with the adopted Fylde Borough Local Plan, which presumes against development in the open countryside outside defined settlements, by reason of its design and location within a designated countryside area. The proposal, if allowed, will 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 elsewhere in the countryside which would be difficult to resist."*

### **Statutory Consultees**

#### **Environment Agency**

##### **Original Environment Agency position**

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system which poses an unacceptable risk of pollution to the water environment. We therefore recommend that planning permission be refused on this basis for the following reason.

The drainage details submitted with the application suggest that vehicle wash water will be directed to the existing private treatment system. The discharge of water contaminated with soaps and detergents would have a detrimental effect on the performance of an existing package treatment plant. This objection is supported by national planning policy as set out in DETR Circular 03/99 which recognises that where non-mains sewage systems pose significant risks to the environment which cannot be overcome by a planning condition, this would normally be sufficient to justify refusal of planning permission (paragraph 7).

Our objection could be overcome if a sealed drainage system was used, discharging to a

tank that was periodically emptied and the contents transferred to a sewage treatment works. Alternatively, the wash water could be directed to the main sewer.

Further comments provided on 'reed bed' system

In response to our objection, a revised site plan and details of a proposed reed bed system have been submitted which will ensure that the run off from the proposed development does not pose a risk of pollution to the adjacent watercourse. As such, **we withdraw our objection** to the proposed development but recommend that any subsequent approval is conditioned as follows:-

**CONDITION** No vehicles shall use the facility until such time as the vertical Flow Reed bed System as detailed in the plans submitted by e-mail to Fylde BC by Haydon Environmental Consultants on 4 October 2013 has been constructed and all contaminated run-off from the car wash will subsequently be disposed of via this system

**REASON** To ensure that the development does not increase the risk of pollution to the water environment

**Environmental Protection Team**

None received

**Observations of Other Interested Parties**

Comments have been received from the **CPRE** who state:

*"We note that this garden centre is located outside any settlement and is in a countryside area with the land designated for agriculture in the Adopted Local Plan as altered October 2005. We note further that the proposed car wash facility would be sited at the northwest corner of the site remote from other buildings.*

*We do not consider a car wash facility as a suitable development for an area designated for agriculture in that it does not meet the criteria set out in Policy SP2 of the Adopted Local Plan. In particular we are of the opinion that it is inappropriate as a form of diversification to the activities of a garden centre in so far as there is no suggestion in the application that this development is necessary to ensure the continuation or viability of the existing enterprise. Indeed, we see it as completely separate and therefore a new enterprise.*

*We are also unhappy with the location of this facility, remote from any other buildings on the site. This location would cause maximum undesirable visual impact in this rural area.*

*For these reasons we object to this application."*

**Neighbour Observations**

**Neighbours notified:** 11 June 2013

**No. Of Responses Received:** none received

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
EP24	Pollution of ground water

**Other Relevant Policy:**

NPPF:

National Planning Policy Framework

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis****Background**

This application is the second application for the Dobbies site for a hand car wash facility. Planning permission was sought in 2009 for a car wash and valeting business, but was subsequently refused for reasons of visual impact and water pollution. This earlier application proposed the siting of a cabin/office and a canopy on the same side of the sales building as this application, this was to be located to the front of the perimeter of the site on land which was outside of the boundaries of the car park and unsurfaced.

Since the refusal of the previous application the applicants have sought to overcome the objections and now seek in this application to locate the office cabin and the canopy to the rear of the site on a surfaced area of the car park, close to the main building.

**Principle**

Policies SP2, SP8 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) are relevant to this application together with the aims of the National Planning Policy Framework.

Policy SP2 refers to development in countryside areas and seeks to restrict development to that which is essentially required for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area.

Dobbies Garden Centre was granted outline permission in 1999 and the previous use of the site as a plant nursery ceased. Therefore the use of the site for a use other than agriculture or horticulture purposes has already been established.

Policy SP8 refers to the reasonable expansion of existing businesses and commercial operations in countryside areas subject to compliance with the criteria of the policy.

Criterion 1 refers to impact on character and appearance of the countryside. The cabin in its revised siting is screened from view when approaching from the east by the large garden centre building and by the setback distance and mature landscaped buffer to the front and the west of the site. A high timber fence to the rear of the proposed site would screen the building from the rear. The cabin is to be dark green and the canopy 'off-white'. No fixed machinery will be installed. It is considered that the revised siting is acceptable and will not result in a detriment to the visual amenity or the open character of the area.

The scale of the cabin is small when viewed against the scale of the existing buildings and does not represent a major increase in the developed parts of the site. The 'Handy Andy' car wash facility being proposed is one of several being operated in 'Dobbies Garden World' across the country. Whilst 'Dobbies' is primarily a garden centre, it is noted that the building contains other concessions.

**Water pollution**

Application 09/0596 was refused on the grounds that the applicant had failed to demonstrate that the

disposal of surface water and trade effluent arising from the use would not contaminate the sewer network or cause pollution/flooding. Initially this re-submission did not include any drainage scheme however, during the course of the application the applicant submitted a proposal for a reed bed system with a soakaway comprising of willow and iris to aid evaporation. The Environment Agency have supplied their additional comments, reported above and have withdrawn their objection to the scheme. On this basis the proposal is considered to comply with Policy EP24 of the local plan.

#### **Parking**

The Parish Council have also commented on the loss of car parking spaces as a result of this proposal. The building is to be 2.5 metres wide and the canopy 4 metres in width, this is less than the standard width for three car parking spaces. Whilst cars waiting to be washed will take up other car parking spaces on the site, it is most likely that the majority of these will be customers of the garden centre. The area is well laid out with sufficient parking available to the front and the west side of the building to cater for visitors to the garden centre. This is not considered to be a reasonable justification for the refusal of this application.

#### **Other matters**

The Parish Council have referred to there being sufficient provision for this type of facility in the Parish. Matters of competition or perceived over-provision of a facility are not issues that can be taken into account when determining the application.

There are no neighbouring dwellings in the immediate vicinity of the site that could suffer disturbance from its activity.

#### **Conclusions**

Since the submission and refusal of the earlier application the NPPF has been introduced which presumes in favour of sustainable development. The NPPF aims to support economic growth in rural areas in order to create jobs and prosperity. This proposal is small scale however it does provide for customer choice and will provide jobs. The objections raised in the earlier application have been overcome with this re-submission in that the scheme will not result in a detriment to visual amenity or water pollution and accordingly complies with the relevant policies of the NPPF and the Fylde Borough Local Plan.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

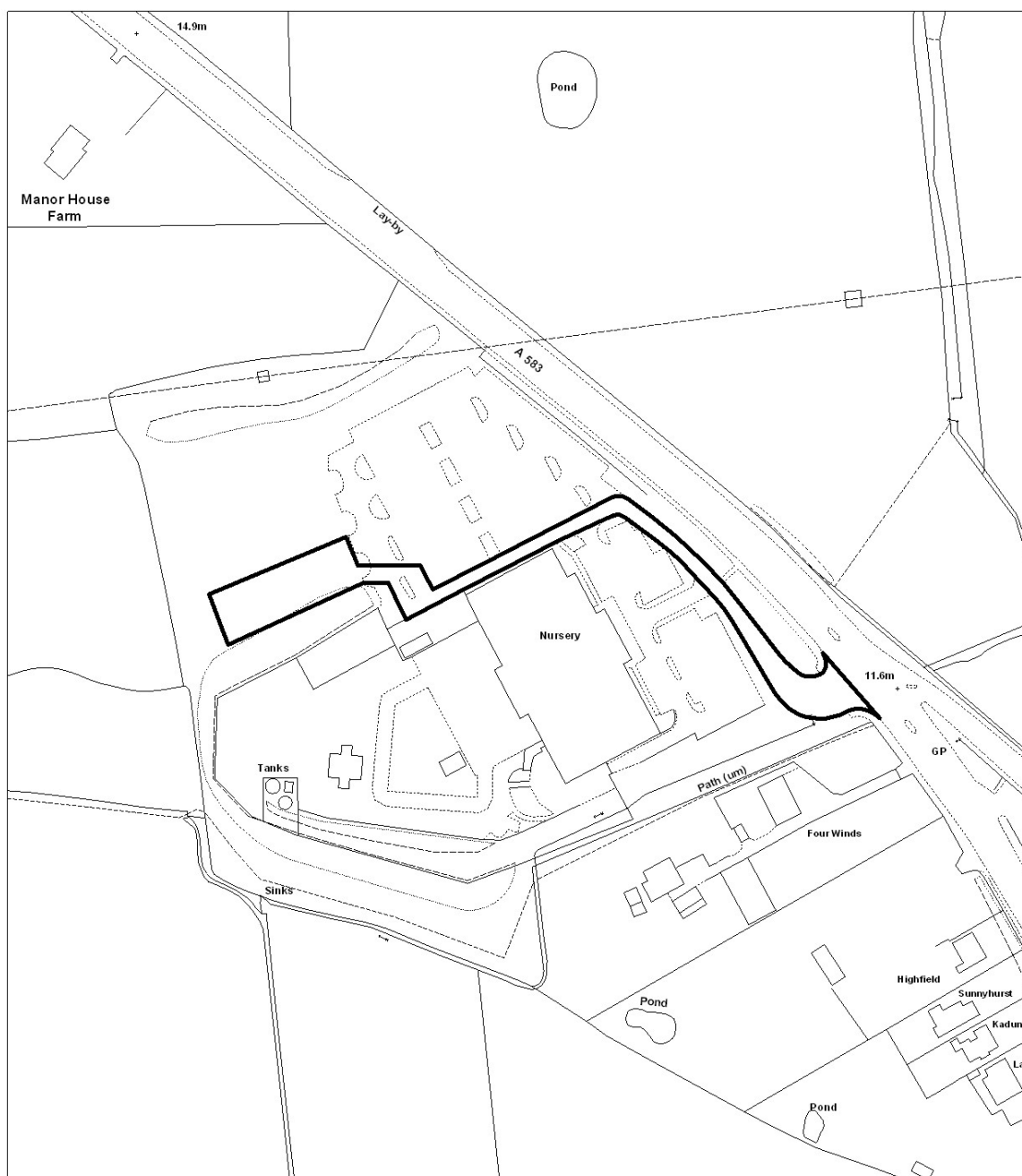
2. This consent relates to the revised plan[s] received by the Local Planning Authority on the 4th October 2013.

For the avoidance of doubt and as agreed with the applicant / agent.

3. No vehicle shall use the facility until such time as the vertical Flow Reed bed System as

detailed in the plans submitted to the Local Planning Authority on 4th October 2013 has been constructed and all contaminated run-off from the car wash will subsequently be disposed of via this system.

To ensure that the development does not increase the risk of pollution to the water environment.



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Application No. 5/13/0343	Address Dobbies Garden Centre, Blackpool Road, Clifton	Grid Ref. E.3459 : N.4305	Scale 0 10 20 30 40 m 

**Item Number: 4      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0448		<b>Type of Application:</b> Reserved Matters	
<b>Applicant:</b>	Heyhouses 1 Ltd and Trillium UK Ltd	<b>Agent :</b>	TURLEY ASSOCIATES
<b>Location:</b>	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG		
<b>Proposal:</b>	APPLICATION FOR THE APPROVAL OF ALL RESERVED MATTERS (LANDSCAPE, LAYOUT, ACCESS, APPEARANCE, SCALE) PURSUANT TO APPLICATION 12/0465 FOR THE DEVELOPMENT OF 162 RESIDENTIAL DWELLINGS		
<b>Parish:</b>	Heyhouses	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Mr M Atherton
<b>Reason for Delay:</b>	In order to seek improvements to the layout of the site.		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The application is for the approval of reserved matters on a residential development proposal on the former Civil Service site at Heyhouses Lane. The scheme proposes the erection of 162 dwellings, the formation of public open space and the vehicular access to land on the west side of Heyhouses Lane following the approval of the outline application for a mixed use development including residential use approved in 2012.

The dwellings proposed are considered to be of an appropriate design, density and arrangement on the site. The scheme delivers the 10% affordable houses, on site public open space, appropriate ecological mitigation and general landscaping required by the outline permission. As such the proposal is in full accordance with the relevant policies of the Fylde Borough Local Plan and other material considerations. Therefore it is recommended that the reserved matters be approved subject to a s106 agreement (in accordance with the outline permission) and a series of conditions relating to matters not included in the outline planning permission.

**Reason for Reporting to Committee**

The application is for major development and therefore requires determination by the Development Management Committee

**Site Description and Location**

The site forms part of a former Civil Service site, it is allocated for employment purposes within the Adopted Fylde Borough Local Plan. A number of buildings due west of the site boundary & in close proximity to Shepherd Road remain in employment use and are occupied by Hewlett Packard. The site contains a series of single & two storey prefabricated & brick buildings, some of which are in an H plan form, providing 28,466 sq. metres of office accommodation and externally, there are 1,700 car



parking spaces. The northern boundary of the site is formed by a mixture of allotments & residential properties accessed from Elswick Place, Roseacre Place & Heyhouses Court. The eastern boundary comprises Heyhouses Lane with houses beyond and further residential development lies to the east accessed from Pilling Avenue. The site is situated within the settlement of St. Anne's and a small proportion of the site adjacent to Heyhouses Lane is situated within one of the units of the Lytham Coastal Changes Site of Special Scientific Interest (SSSI).

### **Details of Proposal**

Applications 13/0450 & 13/0635 relating to adjoining sites are also on this agenda for consideration by Committee.

Outline planning permission was granted for a mixed use development (ref 12/465) in October 2012 including a residential development (class C3) comprising up to 250 dwellings and a retirement village comprising up to 85 apartments (class C3). The approval was an outline permission and this application is for the reserved matters relating to the residential element and approval of the access, appearance, landscaping, layout and scale.

The proposal is for a reduced number of dwellings, 162 in total by a combination of Morris Homes (132 dwellings) and Hollinwood Homes (30 dwellings). There is a vacant plot which is adjacent to this application site and within the area of the previous outline approval, which could be the subject of a further reserved matters application for the retirement living complex which was granted permission as part of the outline approval.

The dwellings are provided in a mix of terraced dwellings, pairs of semi-detached houses and detached houses. The terraced houses would be 2 bedrooomed units, the semis are 2 storey and provide 3 bedrooms and the detached are 2 storey and provide 3 & 4 bedrooms. These are from the Developer's standard range of house types of a typical style, design and materials to others constructed by these developers on new sites.

The scheme also delivers significant areas of Public Open Space in the centre of the site and on the site of the SSSI. It also includes scope for footpath/cycle & open space connectivity to adjoining land which may come forward for development in the future.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0465	RESUBMISSION OF APPLICATION 11/0173 FOR OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 m2 RETAIL FOODSTORE (CLASS A1); 930 m2 COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP	Approved with 106 Agreement	02/10/2012

	TO 85 DWELLINGS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.		
DEM/11/0003	DEMOLITION OF EXISTING SINGLE AND TWO STORY PRE-FABRICATED AND BRICK BUILDINGS, TIMBER BUILDINGS.	Permission Required	13/12/2011
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPEACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.	Refused	08/03/2012

#### **Relevant Planning Appeals History**

N/A

#### **Parish Council Observations**

St Anne's on the Sea Town Council notified on 31 July 2013

**Summary of Response:** Concern that the proposed road junction layout will be insufficient for the increased traffic flow.

## **Statutory Consultees**

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

No written response received at the time of writing this report.

### **United Utilities - Water**

No objection subject to foul and surface water drainage conditions

### **Environment Agency**

No further comments since the previous outline approval.

### **Lancashire County Ecology Service**

The applications are supported by an updated Ecological Assessment.

A Bat Re-emergence survey is required prior to determination.

Mitigations and compensation for biodiversity should be secured by condition.

### **Blackpool Borough Council**

No response received

### **Landscape and Urban Design Officer**

Details of play grounds, play equipment, location, surface material, construction details, play provision and the planting details to this area. Require submission along with details of who will be responsible for maintenance of the play area.

### **Natural England**

This letter represents Natural England's response to your consultation made under Article 10 of the Town and Country Planning (General Development Procedure) Order and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

#### **Site of Special Scientific Interest**

This application is in close proximity to Unit 6 of Lytham Coastal Changes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, and the satisfactory discharge of conditions attached the outline planning consent (application ref 12/0465).

This proposed development is part of a larger, multi-phased redevelopment scheme of the former Government Offices site at Heyhouses Lane that was granted outline planning permission in 2012 (application ref 12/0465). The decision notice, dated 01/10/2012, included a number of conditions, in particular condition 13 that requires a Management Plan for the Site of Special Scientific Interest (SSSI) to be submitted to and approved in writing by the Local Planning Authority, in order to protect the special geological features of the SSSI.

Condition 20 requires the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority and specifies that the CEMP must include details of measures to protect the Site of Special Scientific Interest (SSSI).

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to reconsult Natural England.

### **Protected species - Bats**

From the information provided in support of the application, Natural England considers that it is unclear whether there are suitable habitats or features such as roosts on, or in the vicinity of the application site which may support bats.

We advise that further clarification on the habitats present and their ability to support bats is required in accordance with the Bat mitigation guidelines. Specifically, we recommend the following information is provided before determination of the application:

- The results of evening emergence/dawn re-entry survey - carried out between April and September, in order to ascertain presence/absence of a bat roost in the chimney stack of building B1,

In the absence of the above information, Natural England is unable to advise the Council of the implications of this proposal for bats. Natural England's standing advice provides guidance on how protected species should be dealt with in the planning system.

#### **Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

#### **FURTHER RESPONSE RECEIVED 10th October 2013:**

It is noted that a survey for European Protected Species (Bats) has been undertaken in support of the proposal. Natural England does not object to the proposed development. On the basis of the information available, our advice is that the proposed development would be unlikely to affect bats.

## **Observations of Other Interested Parties**

### **Lancashire Constabulary**

No objection to the proposed development, recommending crime reduction methods which have been forwarded to the Applicant.

## **Neighbour Observations**

**Neighbours notified:** 31 July 2013 & site notice displayed

**No. Of Responses Received:** 5 letters of objection

**Nature of comments made:**

**Concern re:**

1. Extra traffic
2. Object to any dwellings over 1storey high, due to loss of view & loss of privacy
3. Existing trees and greenery should be kept
4. There should be no community areas within the development as these could become a communal area for underage drinkers/anti-social behaviour

## **Relevant Planning Policy**

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

EMP1	Business & industrial land allocations
EMP2	Existing business & industrial uses
EP14	Landscaping of new developments
EP16	Development in or near SSSI's
EP19	Protected species
EP25	Development and waste water
EP23	Pollution of surface water
HL02	Development control criteria for new housing proposals
SP01	Development within settlements
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TR13	St Annes to M55 link road
TREC17	Public Open Space within New Housing Developments

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
IHP	Interim Housing Policy
NPPF	National Planning Policy Framework

### **Site Constraints**

SSSI  
Within urban area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle of Development**

The principle of the development has been accepted with the granting of the outline application, which approved up to 250 dwellings, in addition to a retirement living complex.

### **Design and Scale of Dwellings**

The site sits between the existing offices used by HP, an allotment and existing residential developments. The dwellings are of a range of styles and vary between 2 and 3 storeys. The neighbouring residential development is largely at 2 storey, but there are 3 storey blocks of apartments near the site on Heyhouses Lane & Grassington Road, therefore, it is considered that the 3 storey dwellings are of an acceptable scale. The proposal contains a mixture of dwelling designs from this developer's standard portfolio, which is considered to be acceptable given that the area has no particular established residential style. Amended plans have been received following negotiations between Council Officers & the Applicant's design team in order to try and enhance the appearance of certain house types, clustering of house types in order to add character to the development and also to improve landscaping and boundary treatments

### **Layout of Dwellings**

The layout has also been improved since first submission with the dwellings having better relationships to each other. The proposed dwellings are also a sufficient distance from the existing dwellings situated around the perimeter of the site, so as not to lead to any harmful impact on residential amenity. The layout is largely geometric to follow the pattern established by the design parameters of the outline approval and to facilitate access through the site.

### **Affordable Housing**

The section 106 agreement under the outline approval required 10% affordable housing provision. This reserved matters application proposes 16 affordable houses (a mix of 2 & 3 bed dwellings) to be constructed by Morris Homes & Hollinwood Homes. The dispersal of these dwellings within the site is considered to be a benefit. There is a demand for affordable housing in this part of the borough and the units which this development would provide will be beneficial in meeting the identified demand for affordable family housing in the area and the borough as a whole in the time scale of its development.

### **Public Open Space**

A condition on the outline planning permission requires that the reserved matters application includes the provision of public open space and play facilities in line with Policy TREC17 of the Local Plan. This scheme proposes a fully equipped play area with areas of informal open space in the centre of the site. It is also proposed to develop a significant area of landscaped open space with pedestrian links through this area on the site of the SSSI which borders the application site & Heyhouses Lane.

The play area is centrally located within the site, it is easily accessible and is overlooked by a number of dwellings. The use of this area for the siting of the open space in this area is an obvious benefit of the layout.

The applicant has not confirmed how the open space and play areas will be maintained, therefore, a condition is required regarding the ongoing maintenance of the open space.

### **Highways**

At the time of writing the report, Lancashire County Council in their role as The Highway Authority have not formally respond to the consultation on this application as they have requested additional traffic modelling work from the Applicant which has recently been submitted.

With regard to the previous outline application (ref: 12/465) for the mixed use redevelopment of the site as a whole which was identical to this proposal, the County Highway Authority raised no objection. They concluded there is adequate capacity on the existing highway network to safely accommodate the traffic that will be associated with the proposal and raised no objection, subject to the proposed mitigation in respect of both s278 works and s106 planning contributions (in particular with regard to an appropriate level of contribution towards the M55 to Heyhouses Link).

LCC undertook an evaluation of the traffic figures presented for the extant outline approval on this site and the potential Queensway development & also undertook an independent review of the overall impact as a result of both these proposals. They concluded the highway network has adequate capacity to cope with the combined developments.

The trip rates provided for the retail element were considered acceptable & a road safety analysis was carried out, which was deemed to present a limited risk to highway users from this scale of development.

It was concluded that there was sufficient capacity for the highway network to cope with the altered traffic flow.

These factors are a material consideration in evaluating the overall impact of the proposal on the local transport network. While there is an existing vehicular access from Heyhouses Lane, there remains a need to mitigate the impact that the proposed changes will have on the local network.

It is clear that conditions and traffic patterns on the local network have changed since the existing site was granted permission and also the requirements with regard to sustainable development. It is, therefore, not an acceptable approach to determine that if a proposal does not lead to a substantial increase in traffic movements (with consideration for peak period only) that the proposal should be deemed acceptable. Given the increase in traffic movements that can be expected off peak and at weekends there remains a clear requirement to address sustainable development and the need for improvements on the local transport network.

As such LCC requested planning contributions from the outline approval and a contribution of £300,000 was agreed as part of the section 106 agreement to support improvements to the local network and sustainable transport links & any funding should be used to improve public transport/pedestrian/cycle linkages in the area. LCC are likely to do so again with regard to the current application and if these requests are received prior to the date of the Committee meeting, they will be reported via the Late Observations Schedule.

### **Site of Special Scientific Interest**

Some of the landscaping & pedestrian links associated with this proposal come within the boundary of Unit 6 of Lytham Coastal Changes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, and the satisfactory discharge of conditions attached the outline planning consent (application ref 12/0465).

This proposed development is part of a larger, multi-phased redevelopment scheme of the former Government Offices site at Heyhouses Lane that was granted outline planning permission in 2012 (application ref 12/0465). The decision notice included a number of conditions, in particular condition 13 that required a Management Plan for the Site of Special Scientific Interest (SSSI) to be submitted to and approved in writing by the Local Planning Authority, in order to protect the special geological features of the SSSI and Condition 20 requires the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority and specifies that the CEMP must include details of measures to protect the Site of Special Scientific Interest (SSSI). These conditions should be re-imposed on this application, if approval is granted.

### **Ecology**

The site provides potential bat roosting habitat and details of a further bat re-emergence/entry survey have been submitted as recommended by LCC Ecology and Natural England who have raised no objection to this survey work. A limited variety of bird species may nest in the trees, shrubs and

buildings on the site. Due to the nature of the habitats present on the site and in close proximity, it is considered unlikely that any nesting birds on the site are specially protected. Also, there are no previous records of protected species for the site and its immediate environs. However, if it is necessary to carry out tree or shrub removal or building demolition during the bird breeding season, then a nesting bird check must be carried out by a qualified ecologist prior to works going ahead to ensure that no active nests will be affected. A Badger Survey found some potential foraging habitat although no evidence was recorded. Provision, should be made to keep under review the potential for badgers to subsequently occupy existing mammal holes on the development site. These recommendations would have to be secured by planning conditions.

### **Flood Risk**

The site is not within an area at risk of flooding according to the Flood Risk Map & the Environment Agency are satisfied that the proposed development will not be at an unacceptable risk of flooding, nor will it exacerbate flood risk elsewhere.

### **Drainage**

United Utilities have no objection to the proposed development providing the site is drained on a separate system, with only foul drainage connected into the 1000mm diameter combined foul sewer in Heyhouses Lane. Surface water should discharge to the private watercourse running along the boundary of the site and the rear of Nateby Close & Pilling Avenue. If the Committee are minded to approve the application, full details of the surface & foul water drainage connections would be required by planning condition.

### **S106 contributions**

The section 106 agreement with the outline permission (ref:12/465) made the following provisions:

Highway contribution - £300,000

Travel plan contribution – £6,000 for residential development between 80 & 160 dwellings; and £12,000 for food retail (Class A1) development of between 1,600sqm and 2,400sqm;

Education contribution - £4,072 per unit

Public realm contribution - £350,000

Affordable housing – 10% minimum

The Applicant has suggested that the heads of terms from the existing S106 be varied as follows:

Highway contribution - £300,000

Travel plan contribution – £23,630: £6,000 apportioned to residential development and £17,630 apportioned to the retail development. NB the latter is based on a pro-rata calculation of the contribution set out in the original S106 Agreement (i.e. £12,000 for any phase of development containing between 1,600 and 2,400 sqm GEA of food retail Class A1 floorspace)

Education contribution - £4,072 per unit (total to be paid = £659,664)

Public realm contribution - £350,000

Affordable housing – 10% minimum (total of 17 units).

There has been no formal consultation response from the County Highway Authority at the time of writing this report. If they are requesting additional contributions these will have to be considered against the CIL tests and if found to be justified, will need incorporating in a legal agreement.

### **Conclusions**

The application is for the approval of reserved matters on a residential development proposal on land at Heyhouses Lane between the HP office buildings and surrounding residential development. The scheme proposes 162 dwellings and the formation of the vehicular access and areas of public open



space following the approval of the outline application in 2012.

The scheme delivers the affordable houses, on site public open space, vehicular access and an appropriately designed layout. As such the proposal is in full accordance with the relevant policies of the Fylde Borough Local Plan and other material considerations. Therefore it is recommended that the reserved matters be approved subject to the completion of a s106 agreement to resolve the details of the affordable housing delivery and a series of conditions relating to matters not included in the outline planning permission.

### **Recommendation**

That, Subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 10% of the proposed dwellings to be affordable properties,
- a contribution towards education provision of £659,664,
- a financial contribution of up to £420,000 towards securing public realm works in the vicinity of the site,
- a financial contribution to £300,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £23, 630 towards a travel plan

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions:

**(Where the Section 106 agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Head of Planning & Regeneration to refuse the application as being contrary to the provisions of the Interim Housing Policy)**

1. This consent relates to the revised plans received by the Local Planning Authority on the 29th October 2013.

For the avoidance of doubt and as agreed with the applicant / agent.

2. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In order to ensure a satisfactory standard of development.

3. Tree, shrub & grass planting plans as indicated in the Landscape Design (04) Section of the Design & Access Statement as approved under this planning permission shall be implemented during the first available planting season following the completion of the development, and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural

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

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

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

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

5. That prior to the occupation of any dwelling hereby approved, details of the on-going maintenance of the communal areas of the site, the areas of public open space and any other areas that are not part of the domestic curtilage to any dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall then be implemented and operated thereafter.

To ensure the on-going maintenance and management of these public areas in the interests of the character of the area and the amenity of the occupiers of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0448	Address Electronic Data Systems, Heyhouses Lane, Lytham St Annes	Grid Ref. E.3338 : N.4293	Scale 0 20 40 60 80 m 

**Item Number: 5      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0449		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b>	Applethwaite Limited	<b>Agent :</b>	MPSL Planning & Design
<b>Location:</b>	FBC OFFICES, DERBY ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3AJ		
<b>Proposal:</b>	PROPOSED ERECTION OF 24NO. DWELLINGS FOLLOWING DEMOLITION OF FORMER COUNCIL OFFICES AND ASSOCIATED BUILDINGS		
<b>Parish:</b>	Medlar with Wesham	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Amy Aspinall
<b>Reason for Delay:</b>	Awaiting additional information from the applicant.		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The proposal relates to the clearance of the site and the erection of 24 dwellings on the resultant site. The principle of residential development on this site is accepted under policy SP1 of the Fylde Borough Local Plan (as altered 2005).

The NPPF provides that housing applications should be considered in the context of a presumption in favour of sustainable development. Paragraphs 14, 47 and 49 of the NPPF are a strong factor to be weighed in favour of this residential development proposal, and the addition of 24 dwellings would make a contribution to the Council's housing land supply.

At the time of writing this report the impact on matters of ecological importance are still outstanding, but will be addressed as an update to the Development Management Committee. Subject to this matter being resolved, the scheme is considered to deliver sustainable development and so it is appropriate that planning permission be granted.

The recommendation is to delegate the authority to approve the application to the Head of Planning and Regeneration to allow these issues to be resolved (including the consideration of any implications raised by them) and the consideration of a viability appraisal of the site which has been submitted to allow consideration as to whether the scheme can deliver affordable housing and other such matters.

**Reason for Reporting to Committee**

The application has been referred to the Development Management Committee as the application is for major housing development and is on land owned by Fylde Borough Council.

**Site Description and Location**

The application site is a generally rectangular area off Derby Road in Wesham and contains a disused

office block, formerly occupied by the Primary Care Trust and previously Fylde Borough Council. There are also a number of outbuildings throughout the site.

The site is accessed off Derby Road in Wesham, with parking provided in various areas across the site. The surrounding land use is predominantly residential with the site falling wholly within the Wesham settlement boundary, as defined by the Fylde Borough Local Plan (as altered 2005).

The Blackpool to Preston railway line runs directly to the rear of the site forming its southern boundary, with the site almost opposite Kirkham and Wesham Station and visible from the platforms. There are a series of mature trees across the site, notably on its southern and western boundaries. These are not protected only by virtue of the site being owned by the council which is considered to be a 'responsible landlord' under the legislation.

### **Details of Proposal**

The application seeks full planning permission for 24 No 3 and 4 bedroom dwellings, including a new vehicular access off Derby Road. The layout of the development is centred around the main spinal road with turning head to the south of the site, and a small number of dwellings occupying the Derby Road frontage. The proposed dwellings would be varied in their appearance, with several house types providing variety and visual interest in the streetscene. The properties would be detached and two storeys in height, with garage accommodation either integral or detached. Off-street parking would be provided within the development.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0670	OUTLINE PLANNING APPLICATION FOR PROPOSED DEVELOPMENT OF RESIDENTIAL CARE HOME (50 NO. BED) USE CLASS C2, DEMOLITION OF EXISTING BUILDINGS	Approved with 106 Agreement	10/05/2011
03/0668	PROPOSED 47 APARTMENTS IN TWO AND THREE STOREY BLOCKS WITH DEMOLITION OF EXISTING BUILDINGS	Finally Disposed Of	06/08/2009
01/0170	SINGLE STOREY EXTENSION TO FRONT ELEVATION	Granted	30/04/2001

### **Relevant Planning Appeals History**

None to report.

### **Parish Council Observations**

Medlar with Wesham Parish Council notified on 26 July 2013 and replied to confirm no specific observations.

### **Statutory Consultees**

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

No objection to the proposed level of use of Derby Road associated with the development, or the layout of the development or the parking arrangements. They propose a series of conditions relating to:

- (i) road to be constructed to base level before dwellings commence

- (ii) scheme for visibility splays of 2.4m by 43m including no obstructions to the visibility splay
- (iii) wheel cleaning facilities
- (iv) closure of existing access and reinstatement of verge / footway
- (v) no development to commence until all highway works have been constructed.

#### **United Utilities**

No objection subject to foul and surface water drainage condition

#### **Electricity North West**

No objection but advisory notes provided

#### **Tree Officer**

The Council's Tree Officer has assessed the application and undertaken further discussions with the applicant since the initial consultation response. The outcome is summarised below:

- Those trees identified within the application for removal, can be removed.
- West Boundary – those trees in close proximity to the building plots can be removed
- South Boundary – the removal of trees and the replacement with heavy standards would be acceptable.
- Tree Protection – There are other trees on the site that are worthy of protection and it is important that conditions are imposed to ensure that these are given adequate protection from damage during construction.

#### **Lancashire County Ecology Service**

Raise objection to the proposal as further information is required prior to a favourable determination of the application in relation to the potential for the trees on the southern boundary (which are to be removed in the development) to provide roosts for bats.

#### **Environmental Protection Team**

No objection subject to conditions requiring a land contamination assessment prior to the commencement of development; and a restriction on construction hours to 08.00 – 18.00 Mondays to Friday, 08.00 – 13.00 Saturday and not on Sundays or Bank Holidays

#### **Network Rail**

Raise no objection, but request conditions in relation to demolition method statement, fencing to railway boundary, drainage and excavations

#### **Observations of Other Interested Parties**

NA

#### **Neighbour Observations**

**Neighbours notified:** 26 July 2013

**No. Of Responses Received:** 2

**Nature of comments made:**

At the time of report preparation 1No objection from 5 Townhill Walk has been received and 1No representation from 28 Railway Terrace which raises no objection.

Firstly the objection is summarised with the key issues:

- The number of houses being built
- The impact on the community and school
- Overlooking of existing houses
- Consideration of mature trees and wildlife

The representation seeks clarification on the following areas

- Site levels

- Foul and surface water drainage details
- Retention of mature trees to the boundary with 28 Railway Terrace and the railway fully supported - if further planting is intended 'Medlar Trees' are recommended.
- Access to the outside boundary hedge for maintenance purposes or will new residents be responsible for maintenance
- Concern in relation to existing site boundary treatments being retained resulting in privacy issues and will funnel vandals from plots 11 and 12 to 28 Railway Terrace
- Clarification of boundary line
- Will security fencing be erected during construction to prevent vandalism and access to the railway line?
- Consideration of retaining green space and not just lawns which can be changed to hard standing at some point

### **Relevant Planning Policy**

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

SP1 Development within Settlements  
 HL2 Development Control Criteria for Housing Proposals  
 EP1 Built Environment  
 EP12 Conservation of Trees and Woodlands  
 EP14 Landscaping  
 EP19 Protected Species

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
IHP	Interim Housing Policy

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of Development**

The site is situated within the defined settlement boundary of Wesham where the principle of residential development is accepted under Fylde Borough Local Plan policy SP1. Policy HL2 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms; do not adversely affect neighbouring amenity; are compatible in land use terms; are situated in sustainable locations; are acceptable in highways safety terms; and maintain or enhance local biodiversity.

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision taking.

The NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. As of 31st March 2013 the Council's Housing Land Supply figure was 3.1 years supply and therefore a shortfall exists. Paragraph 49 must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14, which for decision taking means:

- Approving development proposals that accord with the Development Plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission

unless:

- 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; or
- specific policies in the Framework indicate development should be restricted.

The proposal would result in the loss of a site currently or previously in employment use, and with the shortage of employment land identified in the Fylde Employment Study, this is a material consideration in the determination of this application. Policy EMP2 of the Fylde Borough Local Plan seeks to prevent the loss of certain employment sites to alternative uses. The application site is not designated as an employment site that should be protected under this policy, being an unallocated site within the settlement boundary. In such circumstances, and in the absence of a 5 year supply of housing land, it is considered that it would not be appropriate to resist its residential development on the basis of protecting an employment use. The key issues to consider is whether or not there are any adverse impacts in relation to ecology, design, highways safety, or neighbouring residential amenity, which would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply.

#### Access

There is an existing access to the site from Derby Road which has served the historic Council depot and office use and so will have generated a significant volume of staff and visitor traffic through the day. The proposal features 24 dwellings, with all but 3 of these accessed from a relocated access point to Derby Road that is provided with an adoptable standard width, turning head, footways, etc. The other 3 dwellings have driveways direct from Derby Road.

Lancashire County Council Highways have assessed the application and raise no objection subject to conditions relating to (i) road to be constructed to base level before dwellings commence (ii) scheme for visibility splays of 2.4m by 43m including no obstructions to the visibility splay (iii) wheel cleaning facilities (iv) closure of existing access and reinstatement of verge / footway (v) no development to commence until all highway works have been constructed.

Conditions to deal with these matters, where relevant to planning, can be imposed and will ensure that the access arrangements are in accordance with criteria 9 of Policy HL2 of the Fylde Borough Local Plan.

#### Design

The layout of the development is centred around the main spine road with a turning head to the south of the site. The small number of dwellings fronting Derby Road. The surrounding locality is characterised by housing of varying styles and appearance ranging from traditional terraced properties, to 60's style dwellings, and more recent housing developments.

The proposed dwellings would be detached at 2 storeys in height and comprised of 4 No house types which would provide visual interest within the streetscene. Given the surrounding forms of development, the proposed design would be appropriate and would enhance the character of this area, particularly in relation to the frontage along Derby Road, which retains the most significant trees in that area. The NPPF at paragraph 58 advises that decisions should optimise the potential of the site to accommodate development, and it is considered that the number of dwellings proposed and its layout achieves this objective. The boundary treatment plan indicates that existing site boundaries will be retained, however it is noted from the site visit that these are in disrepair in some parts, with others being inadequate to provide privacy. This could be addressed by a suitable condition.

In design terms, the proposed development would be of an acceptable scale, layout and appearance, and would accord with Local plan policy HL2 and the NPPF at paragraph 17(4).

#### Amenity

The proposal would be compatible with the surrounding land use which is predominantly residential.



The site itself slopes down from Derby Road towards the railway line to the south, and floor levels have been provided with the application which indicate a smoothing of the slope from that on the existing site. The layout of the proposal centres around the internal road and turning head with the rear gardens backing on to the east, west and south site boundaries.

In terms of plots 21 and 22 these would back on to the rear of 2-8 Townhill Walk, although there is an existing footpath in-between. Numbers 2-8 Townhill Walk are 2 storey properties and the proposal would achieve a separation distance between the principal elevations of around 20 metres which is an acceptable standard to avoid adverse impacts of overlooking and loss of privacy. In terms of plots 23 and 24 these would face the side elevation of 40 Derby Road which is a terraced bungalow, and a rear access area. A distance of around 19 metres would be achieved and again this is an acceptable standard.

Plot 20 would be sited to the northwest of 12 Pendle Court, and plot 21 would be situated to the north. No side facing windows to the south elevation are proposed to plot 21, and only a landing window is proposed to the side facing east elevation of plot 20, thereby avoiding overlooking or loss of privacy impacts to this existing property.

Plot 18 would face the rear of 10 and 11 Pendle Court, with a separation of around 20 metres which would avoid undue overlooking and loss of privacy to this property. The side elevation of plot 17 would face 7 and 8 Pendle Court but would contain no principal windows, which is acceptable.

Plot 11 would face the side elevation and rear garden of number 28 Railway Terrace. The garden of plot 11 would have a depth of around 10 metres, and this is considered to be an acceptable relationship. Plots 7 and 8 would face the side elevation of flats 3, 5 and 7 Medlar Gate. This property is a three storey building with several windows facing into the application site, however these are obscure glazed, non-principal windows and would not therefore overlook the proposed dwellings. A distance of around 14 metres is achieved from the rear elevation of plot 8 to this building, and whilst this relationship is tight given the height of the flats at 3 storey, it is not significant enough to warrant refusal of the application.

Plot 1 would be situated adjacent to 1 and 2 Medlar Gate, facing the Derby Road frontage and this would be an acceptable relationship.

In conclusion in regard to the effect of the development on the amenity of existing neighbours and that of future occupiers of the site, it is considered that the proposed development would have an acceptable relationship with existing forms of development, and the layout would provide an acceptable level of amenity for future occupiers of the dwellings. The proposal would comply with Local Plan policy HL2 and the NPPF at paragraph 17(4).

### Trees

The site contains a number of trees on the southern and western boundaries, and other trees to the Derby Road frontage. The trees are not protected as a consequence of the site being in the council's ownership and so controlled by a 'responsible landlord'. The application is supported with an arboricultural report which assesses the quality of these trees, a further report has been submitted to assess the potential implications of the development on these trees, and necessary protection methods. The Council's Arboricultural Officer has reviewed the submitted information and visited the site to assess the actual impacts on these trees. Discussions have also been held with the applicant and a revised landscaping scheme has been submitted.

It is considered that plots 12-17 are too close to the existing trees which form the boundary to the south of the site adjacent to the railway line and the juxtaposition of these elements may lead to pressure from future residents to remove the trees. These trees can be seen from public vantage points, in particular the railway station to the rear of the site and are an attractive feature. The trees are located in close proximity to a large garage/depot building that is redundant and to be demolished as

part of the project. The trees along this boundary have grown in close proximity to this building and the removal of the building may destabilise the trees and the trees may also be damaged during the demolition of the buildings. The desirability of retaining these trees also needs to be balanced against the benefits of the scheme in delivering sustainable development and economic growth, and making the best use of land. The NPPF at paragraph 14 is clear that residential proposals should be approved unless 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. In determining this balance it is considered that these trees can be removed provided a revised landscaping scheme is provided which retains plots 12-17 in the same position but proposes a replacement planting scheme of heavy standard trees and appropriate boundary landscaping. This would reduce the immediate impact of the loss of trees in this area, and over time would mature to provide further screening mitigation.

To the western boundary a number of plots are also in proximity to existing trees. However these are not of a high amenity value but do provide soft screening between the application site and the adjacent residential properties. The revised landscaping scheme identifies the removal of some trees along this boundary with a level of new tree planting in some areas, and is considered to be acceptable.

Tree planting and grassed frontages are proposed in the landscaping scheme which would soften the scheme and enhance visual amenity within the development. A tree protection condition for existing trees would be attached accordingly.

#### Sustainability

The application site is situated within the settlement boundary of Wesham, and would utilise a brownfield site. The use of brownfield sites forms one of the core planning principles of the NPPF at paragraph 17. The development would benefit from the local amenities on offer within Wesham and is under 1 mile from Kirkham town centre which offers more wide ranging services. The site is accessible by a choice means of sustainable transport options including main bus routes and nearby train stations.

#### Ecology

The site contains a number of trees and buildings that have the potential to provide roosting and nesting opportunities to bats which are a protected species. The submitted information identifies a bat roost within one of the buildings and a potential roost within the trees to the southern boundary. A licence would need to be obtained from Natural England in respect of the development. At the time of report preparation, the presence or otherwise of bats within these trees has not been fully established and as these trees are identified for removal further surveys are required prior to determination of the application. Detailed mitigation and compensatory measures will also be required to offset any losses once this is established and in order to satisfactorily pass the 3 tests of the Habitat Regulations.

The submitted surveys reveal no evidence of badgers on the site, however given the proximity of the railway corridor they may be potential for badgers to start using the site. The County Ecologist considers that a further precautionary survey should be carried out immediately prior to the commencement of works and this could be conditioned accordingly.

The proposal would result in the loss of nesting opportunities for birds which could be compensated for by the installation of other nesting opportunities within the development. A scheme would be conditioned accordingly. A condition is also necessary to ensure that no site works take place between 1 March and 31 August, unless surveys are carried out to demonstrate that nesting birds would not be affected.

Existing hedgerows and groups of trees provide suitable foraging and sheltering areas for hedgehogs which are Species of Principal Importance. As the majority of suitable hedgehog habitat will be removed, replacement hibernating / breeding sites could be provided along the southern boundary in the form of hedgehog houses. This could be conditioned accordingly.

In summary, the ecological issues identified in relation to bats remain outstanding, although the applicant is understood to be progressing this. Any update will be provided to the Development Management Committee, however if these concerns are not resolved the development will not comply with the requirements of Policy EP18 and EP19 and so should be recommended for refusal. If these issues are addressed then a series of conditions should be imposed to ensure the development does not harm matters of ecological importance.

### Viability

At the time that this report was being finalised the applicant submitted a viability report which argues that the delivery of affordable housing and other contributions would remove the economic viability of the site and so prevent the development from being implemented. Government advice is that the viability of a development should not be compromised by the requirement for contributions towards community infrastructure. In line with normal practice, the applicant's viability report is being assessed by the Council's retained surveyors in order to ensure that it is an accurate reflection of the development's finances. The recommendation of this report reflects the potential for this viability assessment to be considered sound and so require a lesser level of contributions to be paid. The delivery of affordable housing and the other community infrastructure contributions as set out below will be dependent upon the findings of the assessment of the viability appraisal which should be available before this application is considered by Committee.

### Affordable Housing

The site is in a settlement location where there is a good access to shops, employment and other such services. As such the site is in a suitable location for the delivery of on-site affordable housing to meet the identified need for such accommodation in the area and across the borough as a whole.

The urban option of the Interim Housing Policy (Revised 13 February 2013) applies and seeks the delivery of affordable housing on site where a scheme provides 15 dwellings or more. The proposal here is for 24 dwellings and the IHP would seek to secure 30% of the dwellings to be affordable i.e. 7 affordable units to be provided on site. Full details of this (i.e. delivery, tenure, retention, etc.) are yet to be agreed and, if the provision of such housing is demonstrated to be financially viable, these units should be secured via a s106 agreement to be completed prior to any grant of planning permission.

### Education

The access to local education is an important element of assessing the sustainability of a development. This is explained in paragraph 72 of NPPF which refers to the importance of school places being available to meet the needs of existing and new communities. Local Plan policy CF2 deals with this issue and enables the council to secure financial contributions from developments where there is a clear shortfall in school places.

To provide the council with an understanding of the capacity of local schools Lancashire County Council as Local Education Authority has provided a consultation response on this matter. In their assessment of education capacity they look at the projected capacity of all local education authority controlled schools within 2 miles of the site for primary education and 3 miles for secondary at a time when the development is likely to be constructed, and also with consideration of other developments in the area that will take up capacity at those schools.

Their assessment with regard to primary school provision is that the available places at the 8 primary schools within 2 miles of the development will be more than taken up by existing growth and other developments in the area with planning permission. As such they make a request that this application contributes towards the increase in overall education capacity in the area to accommodate the anticipated yield of pupils from this development, which is 7 places. This amounts to £83,163, and can be secured by a clause to a s106 agreement.

With regard to secondary school places, they estimate that Carr Hill School in Kirkham, which is the only secondary school within 3 miles of the development, will have sufficient capacity in 5 years to

accommodate the anticipated yield of 3 places from this site, and that from other sites with planning permission in the area. As such there is no request for any funding with respect to secondary school places.

The delivery of funding from a development to meet the education needs of its residents is an accepted contribution from developments, and is supported by NPPF guidance and Local Plan policy. There is an identified shortfall of primary school places in the area and so your officers recommended that, subject to the findings of the viability assessment, the requested contribution of £83,163 is an appropriate contribution from this development that should be included in a s106 agreement prior to any grant of planning permission.

#### Public Realm

It is appropriate that a development of this scale and location makes contributions towards any public realm improvements in the immediate area of the site to enhance the attractiveness of these facilities to the residents of the development. This is an important element of the council's Interim Housing Policy, and is secured under Policy EP1 of the Fylde Borough Local Plan. The public realm improvements are delivered through the Regeneration Framework that was adopted in 2010 with Project 10 relating to improvements to Wesham. This project has an estimated cost of up to £250,000, but the project remains at an early stage of delivery and has not been worked up yet. Clearly contributions will be required from a series of developments to deliver the project, but the regeneration team advises that the minimum contribution that would be required to deliver an element of the project is £25,000.

With the proximity of the site to Wesham town centre, and the scale of the contribution requested being proportionate to the development it is considered that this is a reasonable sum for the development to provide towards this council priority. Officers recommend that, subject to the findings of the viability assessment, a clause to require this payment be included in any s106 agreement associated with this planning permission.

#### Public Open Space

In terms of public open space provision, the site is situated opposite a sizeable children's play area and public open space. It is considered that this site would meet the reasonable requirements from this development and it would not be appropriate to require an additional play area as part of the proposed development in such close proximity to this existing facility. However, it is recognised that the development will lead to greater use of the play area and so it is considered that a financial contribution, which would improve the quality and capacity of the play area, should be required from this development. It is considered that, subject to the findings of the viability assessment, a sum of £1,000 per plot, i.e. £24,000 should be sought from the developer in lieu of on-site play area provision.

#### Drainage

The site has existing surface water and foul drainage connections. The proposed development will revise these, but it is considered likely that a suitable scheme can be provided. Full details of these and foul and surface water drainage connections are required, but can be conditioned accordingly. The topography of the site is such that a pumping station will be required to take the foul water from the bottom of the site to the sewer in Derby Road, with this secured by condition.

#### Other Matters

Boundary Line – A neighbour has requested that clarification is provided with regard to the exact location of the site boundary. This is defined on the Location Plan red edge with a standard condition appropriate to ensure that fences and walls of a satisfactory appearance are erected around the site. Security – Neighbours have expressed concern over site security issues during construction. This is a matter that is covered by other legislation and is not material in the determination of this application. Access for maintenance of boundary hedge – This is not a material planning consideration.

## **Conclusions**

The application relates to the erection of 24 dwellings on a brownfield site in Wesham that has formerly provided Fylde Borough Council's offices, but has not been actively used for some time.

The NPPF provides that housing applications should be considered in the context of a presumption in favour of sustainable development. Paragraphs 14, 47 and 49 of the NPPF are a strong factor to be weighed in favour of this residential development proposal, and the addition of 24 dwellings would make a contribution to the Council's housing land supply. The principle of the development is also acceptable under policies SP1 and HL2 of the Fylde Borough Local Plan. The proposal would be suitable in design terms and would not be detrimental to neighbouring residential amenity. The proposed development does not raise any concerns in highways safety terms.

At the time of writing this report the impact on matters of ecological importance are still outstanding, but will be addressed as an update to the Development Management Committee. Subject to this matter being resolved, the scheme is considered to deliver sustainable development and so it is appropriate that planning permission be granted.

The actual recommendation is to delegate the authority to approve the application to the Head of Planning and Regeneration to allow these issues to be resolved (including the consideration of any implications raised by them) and the consideration of a viability appraisal of the site.

## **Recommendation**

That the authority to GRANT Planning Permission be delegated to the Head of Planning & Regeneration subject to:

- The resolution of outstanding ecological issues which may involve the imposition of additional conditions to accord with ecological protection legislation
- The completion of a s106 agreement to secure:
  - The details of the delivery, management and operation of 30% of the properties on site as affordable dwellings, or some other suitable mechanism to deliver that level of affordable housing provision in the borough,
  - The payment, and the phasing of that payment, of a sum of £83,163 towards the enhancement of primary school provision in the area to serve the educational requirements of the pupils that are estimated to occupy the site,
  - The payment of a sum of £24,000 to be used for the upgrading of existing play areas in the vicinity of the site, and
  - The payment, and the phasing of that payment, of a sum of £25,000 towards the enhancement of the public realm of Wesham town centre in accordance with Project 10 of the Regeneration Framework.

(These contributions are required unless the applicant provides sufficient financial documentary evidence to robustly demonstrate that their provision would make the development of the scheme unviable. If this demonstrates that only some of the contributions can be viably made then they shall be provided in the priority order listed above)

and subject to the following conditions:

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

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

2. This consent relates to the following approved plans:
  1. Location Plan (received by the Local Planning Authority on 22/07/2013)
  2. Site Layout Drawing Number 01 Rev C (received by the Local Planning Authority on 16/10/2013)
  3. Drawing 4B1197 Special for Plot 24 (received by the Local Planning Authority on 10/10/2013)
  4. Drawing 3B900 (received by the Local Planning Authority on 22/07/2013)
  5. Drawing 3B995 (received by the Local Planning Authority on 22/07/2013)
  6. Drawing 4B1099 (received by the Local Planning Authority on 22/07/2013)
  7. Drawing 4B1110 (received by the Local Planning Authority on 22/07/2013)
  8. Drawing 4B1197 (received by the Local Planning Authority on 22/07/2013)
  9. Garage Details Drawing Number 05 (received by the Local Planning Authority on 22/07/2013)
  10. Drawing number D001 (in relation to FFL) (received by the Local Planning Authority on 22/07/2013)

For the avoidance of doubt and as agreed with the applicant / agent.

3. Notwithstanding any denotation on the approved plans, details of the external roofing and facing treatments shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development, unless otherwise agreed in writing with the Authority.

Reason: In the interests of visual amenity and the appearance of the development in the locality

4. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
  - (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
  - (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- (a) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (b) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: In the interests of the amenity of future occupants as the proposal is for a sensitive end use

- 5. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems, together with any necessary surface water regulation system restricting surface water runoff from the site to 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

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

- 6. The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before the construction of any dwellings hereby permitted commences.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 7. That prior to the commencement of construction of any dwelling hereby approved, a visibility splay of 2.4m x 43m in both directions shall be provided at the access point to Derby Road. These visibility splays shall be retained free from any obstruction above 900mm in height from ground level at all times thereafter.

Reason: To ensure that adequate visibility is provided and retained at the site at all times as required by Policy HL2 of the Fylde Borough Local Plan (as altered 2005)

- 8. No development shall commence until a scheme for the construction of the site access has been submitted to and approved in writing by the Local Planning Authority. No dwellings hereby approved shall be occupied until the site access has been constructed in accordance with the approved details and made available for use.

Reason: To ensure that satisfactory access is provided to serve the development.

- 9. No dwellings hereby approved shall be occupied until the existing accesses are physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing is reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway in the interests of highways safety

10. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved Construction Plan.

Reason: To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

11. Prior to the commencement of the development hereby approved, details of the boundary treatments around the site perimeter shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be provided prior to the occupation of the dwellings and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan (as altered 2005)

12. That to the southern boundary with the railway line a suitable trespass proof fence of at least 1.8 metres in height shall be provided prior to commencement of construction works, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of railway safety

13. That the development of the site shall be undertaken in accordance with the FFL of the dwellings and surrounding land indicated on the site drainage general arrangement drawing number D001, unless any deviations from these levels are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the construction of the plot in question.

Reason: To ensure the site is constructed with a satisfactory relationship to neighbouring dwellings as required by Policy HL2 of the Fylde Borough Local Plan (as altered 2005)

14. Prior to the commencement of the development hereby approved, details of the external appearance of the pumping station shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development in the locality

15. Prior to the commencement of the development hereby approved a method statement for the demolition of existing buildings on site must be submitted to and approved in writing



by the Local Planning Authority. Demolition shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Due to the proximity of buildings to trees and the railway line

16. No site clearance, site preparation or development work shall take place until a revised habitat creation/landscaping plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with specialist advisors. The approved plan shall be implemented in full no later than the first available planting season following the completion of the construction of the development, and subsequently shall be maintained for a period of no less than 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality and to provide replacement habitat in the interests of nature conservation and biodiversity.

17. All trees, shrubs and hedgerows being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2012 Trees in relation to design, demolition and construction- Recommendations*).

Reason: To safeguard existing trees and hedgerows.

18. No works shall commence until details of replacement bird breeding opportunities to be installed within the site, to include provision for Starling, House Sparrow, Dunnock and Song Thrush, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the dwellings hereby approved.

Reason: In the interests of nature conservation and biodiversity.

19. No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. Such surveys shall be submitted to and approved in writing by the Local Planning Authority, prior to these works commencing.

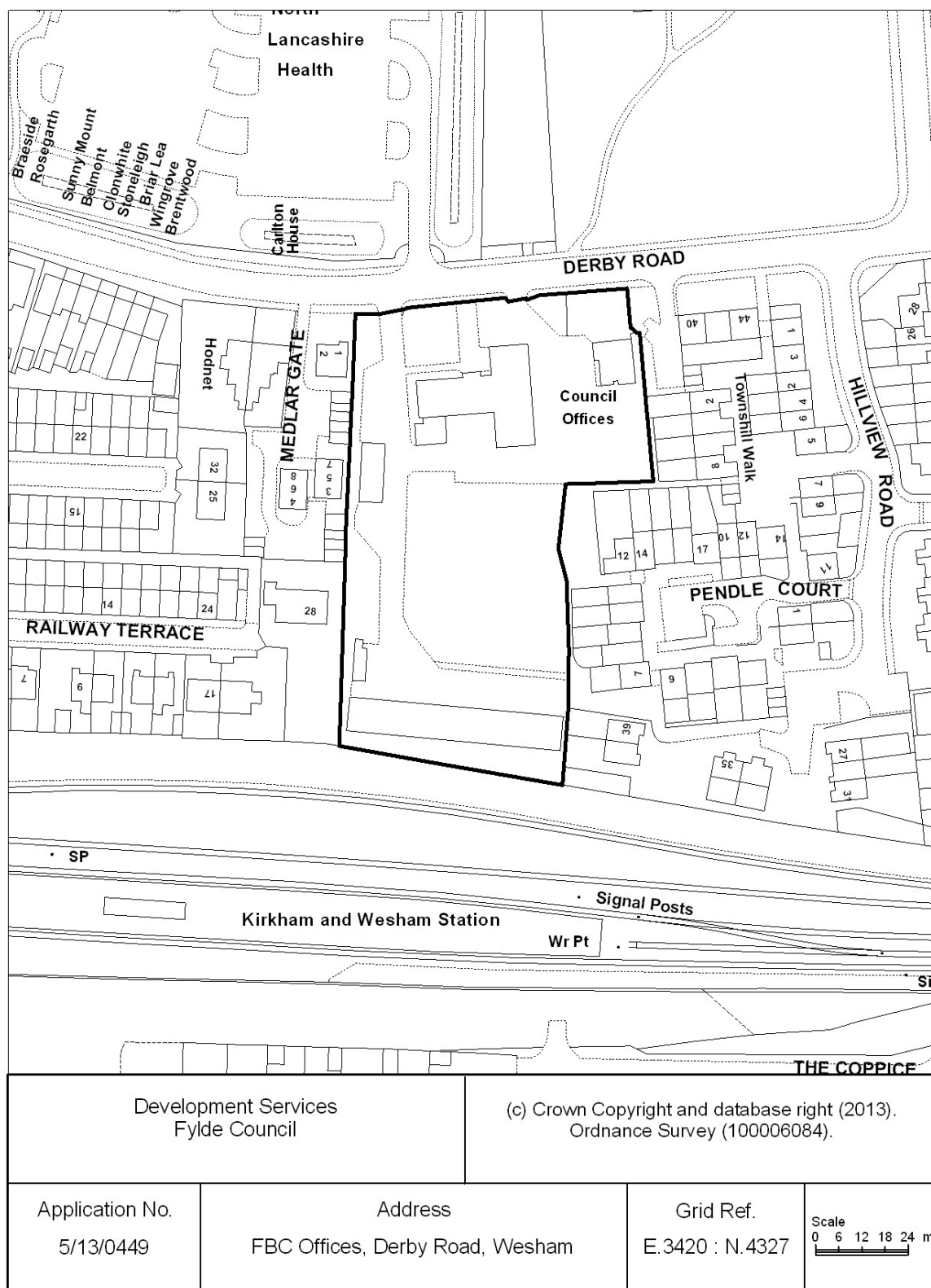
Reason: To safeguard nature conservation interests.

20. Prior to the commencement of works there shall be a repeat survey for badgers on the site and surrounding area. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority. Any necessary and approved measures for the protection of badgers will be implemented in full, in line with the phasing outlined in the approved survey.

Reason: To safeguard nature conservation interests.

21. The Development should not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive.

Reason: In the interests of protected species.



**Item Number: 6      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0450		<b>Type of Application:</b> Full Planning Permission	
<b>Applicant:</b>	HEYHOUSES 1 LTD	<b>Agent :</b>	TURLEY ASSOCIATES
<b>Location:</b>	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG		
<b>Proposal:</b>	FULL PLANNING APPLICATION FOR THE DEVELOPMENT OF A RETAIL FOODSTORE (SIZE 3,319 SQ M GROSS/ 2,230 SQ M NET) AND ASSOCIATED CAR PARKING, PUBLIC SQUARE AND LANDSCAPING		
<b>Parish:</b>	Heyhouses	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Mr M Atherton
<b>Reason for Delay:</b>	To seek design improvements to the proposed retail store.		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The proposed development complies with national planning guidance and policies SH13 & SH14 of the Adopted Fylde Borough Local Plan as although there would be some retail impact on town and local centres, this would be mitigated by planning conditions and obligations, which would ensure there is not a reason to justify a refusal of planning permission. There would be no harmful impact on other acknowledged planning interests such as the character of the area, residential amenity, drainage, highway safety, the SSSI, nor ecological matters.

**Reason for Reporting to Committee**

The application involves major development and therefore requires determination by the Development Management Committee.

**Site Description and Location**

The site forms part of a former Civil Service site, it is allocated for employment purposes within the Adopted Fylde Borough Local Plan. A number of buildings due west of the site boundary & in close proximity to Shepherd Road remain in employment use and are occupied by Hewlett Packard. The site contains a series of single & two storey prefabricated & brick buildings, some of which are in an H plan form, providing 28,466 sq. metres of office accommodation and externally, there are 1,700 car parking spaces. The northern boundary of the site is formed by a mixture of allotments & residential properties accessed from Elswick Place, Roseacre Place & Heyhouses Court. The eastern boundary comprises Heyhouses Lane with houses beyond and further residential development lies to the east accessed from Pilling Avenue. The site is situated within the settlement of St. Anne's and to the south of the site adjacent to Heyhouses Lane is one of the units of the Lytham Coastal Changes Site of Special Scientific Interest.

## **Details of Proposal**

Applications 13/0448 & 13/0635 which relate to adjoining sites are also on this agenda for consideration by Committee.

This is a full application for a 2 storey building for a supermarket, with servicing, a cafe, car parking, a public square and landscaping. The gross floor area of the building is 3319 square metres, with a net floor area of 2230 square metres. The proposal would be situated in the north east section of the whole development site which benefits from outline approval (ref: 12/0465) & the area of the Booths application site amounts to 1.2 hectares.

The 2 storey element of the building would have a height of 12 metres to the ridge of the roof, with a corner turret to a maximum height of 14.7 metres. The cafe and the internal servicing area would both have a height of 8.5 metres to the pitch of the roof. The maximum length of the building would be 67.3 metres with a maximum width of 61 metres.

201 no. car parking spaces are proposed including 10 disabled spaces & 10 mother & child spaces. 3 no. cycle racks are also proposed in different locations around the site.

Soft landscaping would take place around the site perimeter & car park and it is also proposed to form a public square adjacent to the site entrance.

The retail element of the previous outline approval at this site (ref 12/0465) proposed a 1,860 sq. m foodstore & 930 sq. m of commercial floorspace to be occupied on a flexible basis by virtue of Class E of part 3 of Schedule 2 of the General Permitted Development Order 1995 for retail (Class A1) and/or financial & professional services (class A2) and/or restaurants & cafes (class A3) and/or takeaways (class A5) and/or community uses (class D1).

## **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0465	RESUBMISSION OF APPLICATION 11/0173 FOR OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 m <sup>2</sup> RETAIL FOODSTORE (CLASS A1); 930 m <sup>2</sup> COMMERCIAL FLOORSPEACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 DWELLINGS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED	Approved with 106 Agreement	02/10/2012

	DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.		
DEM/11/0003	DEMOLITION OF EXISTING SINGLE AND TWO STORY PRE-FABRICATED AND BRICK BUILDINGS, TIMBER BUILDINGS.	Permission Required	13/12/2011
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.	Refused	08/03/2012

### **Relevant Planning Appeals History**

N/A

### **Parish Council Observations**

St Anne's on the Sea Town Council notified on 31 July 2013

**Summary of Response:** SUPPORT. It is considered that the store and the proposed occupier will be beneficial to local residents.

### **Statutory Consultees**

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

No response received

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

No objection subject to conditions relating to foul and surface water drainage.

## **Environment Agency**

We have no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:-

The application site area exceeds 1 ha and is accompanied by a Flood Risk Assessment (FRA). A detailed drainage design has not been submitted and we would therefore recommend that any subsequent approval is conditioned as follows:-

**Condition** No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason** To prevent the increased risk of flooding, both on and off site Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Oil interceptor efficiency is enhanced by connecting any roof water in to the surface water system downstream of the interceptor. However, if the unit is sized accordingly, taking the area of roof drainage into account, then roof water may pass via the interceptor.

We also recommend that the developer considers the following as part of the scheme:-

- Water management in the development, including, dealing with grey waters
- Use of sustainable forms of construction including recycling of materials
- Energy efficient buildings

## **Lancashire County Ecology Service**

The applications are supported by an updated Ecological Assessment.

A Bat Re-emergence survey is required prior to determination.

Mitigations and compensation for biodiversity should be secured by condition.

## **Blackpool Borough Council**

No response received

## Natural England

This letter represents Natural England's response to your consultation made under Article 10 of the Town and Country Planning (General Development Procedure) Order and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

### Site of Special Scientific Interest

This application is in close proximity to Unit 6 of Lytham Coastal Changes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, and the satisfactory discharge of conditions attached the outline planning consent (application ref 12/0465).

This proposed development is part of a larger, multi-phased redevelopment scheme of the former Government Offices site at Heyhouses Lane that was granted outline planning permission in 2012 (application ref 12/0465). The decision notice, dated 01/10/2012, included a number of conditions, in particular condition 13 that requires a Management Plan for the Site of Special Scientific Interest (SSSI) to be submitted to and approved in writing by the Local Planning Authority, in order to protect the special geological features of the SSSI.

Condition 20 requires the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority and specifies that the CEMP must include details of measures to protect the Site of Special Scientific Interest (SSSI).

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to reconsult Natural England.

### Protected species - Bats

From the information provided in support of the application, Natural England considers that it is unclear whether there are suitable habitats or features such as roosts on, or in the vicinity of the application site which may support bats.

We advise that further clarification on the habitats present and their ability to support bats is required in accordance with the Bat mitigation guidelines. Specifically, we recommend the following information is provided before determination of the application:

- The results of evening emergence/dawn re-entry survey - carried out between April and September, in order to ascertain presence/absence of a bat roost in the chimney stack of building B1

In the absence of the above information, Natural England is unable to advise the Council of the implications of this proposal for bats. Natural England's standing advice provides guidance on how protected species should be dealt with in the planning system.

### Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.



Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

#### **FURTHER RESPONSE RECEIVED 10th October 2013:**

It is noted that a survey for European Protected Species (Bats) has been undertaken in support of the proposal. Natural England does not object to the proposed development. On the basis of the information available, our advice is that the proposed development would be unlikely to affect bats.

#### **Observations of Other Interested Parties**

##### **Lancashire Constabulary:**

No objection to the proposed development, recommending crime reduction methods which have been forwarded to the Applicant.

#### **Neighbour Observations**

**Neighbours notified:** 31 July 2013

**Amended plans notified:** 24 October 2013

**No. Of Responses Received:** 5 letters of SUPPORT/CONCERN

**Nature of comments made:**

SUPPORT

1. Support development on brownfield sites.
2. Welcome new businesses & jobs
3. The design of the proposal is good
4. If it is as good a standard of building as the neighbouring new development in Grassington road it will enhance the area.
5. Goods sold may be less expensive than in other local shops.
6. The setting back of the store 2 metres into the site

CONCERN

1. Increased traffic, noise, customers and deliveries to this quiet residential area.
2. Impact on the town centre and local shops. Closure would lead to empty/derelict shops.  
What will the Council do to protect local businesses?
3. The lack of screening in front mean it will stand out in an area of gardens, trees and

shrubs.

4. No details of how the increased traffic flow will be controlled.
5. There should be restrictions on opening & delivery times to limit noise.
6. Overlooking from the upper floor windows

### **Relevant Planning Policy**

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

EMP1	Business & industrial land allocations
EMP2	Existing business & industrial uses
EP14	Landscaping of new developments
EP16	Development in or near SSSI's
EP23	Pollution of surface water
EP25	Development and waste water
SH12	Protection of existing local centres and village shops
SH13	Provision of large retail stores
SP01	Development within settlements
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TR13	St Annes to M55 link road

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
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### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of Development**

The principle of the development has been accepted with the granting of the outline application which included retail provision. However, the current proposal is for a larger supermarket of 3319 square metres whereas the outline approval proposed a foodstore of 1,860 square metres & a number of smaller commercial units totalling an area of 930 square metres. Therefore, the combined retail element of that proposal amounted to 2,790 square metres.

#### **Retail**

The foodstore proposed in the current application effectively replaces the foodstore and A1, A2, A3, A5 and D1 units of the outline application.

No operator was identified for the supermarket within the outline application approved in October 2012, however Booths Supermarkets are the Applicant for this proposal. Booths presently operate a store at Woodlands Road, Ansdell which is just over a mile to the south of the current Application Site. The intention is that the Booths store at Woodlands Road would cease trading following the opening of Booths on the Application Site.

The development approved by planning permission reference 12/0465 is a material consideration in the determination of the current application for a foodstore. Bearing in mind that the existing approval remains capable of being implemented, it represents a “fall back” position and is therefore significant when considering the current proposals.

Two questions arise in the context of the current proposals:

1. whether there are any changes in circumstances since the Council's decision to approve application reference 12/0465; and
2. whether the differences between the current proposals and the approved scheme cause sufficient harm to justify refusing planning permission.

In respect of the second question, the fact that the Council considered it necessary to impose conditions on application reference 12/0465 to control the size of a supermarket on the site is relevant.

#### Policy

Policy SH13 of the Adopted Fylde Borough Local Plan is concerned with large new retail developments. There is no definition or guidance within the Local Plan as to the scale of development which falls within the scope of this policy. However the policy indicates that development will be permitted within existing town centres. Proposals on edge-of-centre and out-of-centre locations will not be permitted unless the need for development has been demonstrated and there is no sequentially preferable site; or the character of the development would be inappropriately located within a town centre; that the nature and scale of the proposal is appropriate to the site and the catchment area it seeks to serve; and the development would not in itself, or in conjunction with other schemes, significantly prejudice the vitality and viability of any nearby town centre. It goes on to say that proposals for large new retail development would not be acceptable on land identified for employment use unless it is demonstrated that no other location is available.

The criteria within Policy SH13 have been overtaken by the National Planning Policy Framework (The Framework) specifically in that there is no longer a requirement in national policy to demonstrate the need for development.

Saved" Policy SH14 sets out further criteria that large new retail developments are required to satisfy. These are:

- a) There is no significant adverse impact on the character or visual amenities of the area;
- b) The development would not be detrimental to the amenities of adjacent or nearby residents;
- c) The location is served by a satisfactory existing level of public transport or, as a result of investment by the developer is brought to a satisfactory level of service;
- d) The local road network is able to accommodate predicted traffic levels;
- e) The site has good access for vehicles, pedestrians and cyclists;
- f) The development can be demonstrated to have no adverse effect on overall travel patterns and would not lead to increased dependence on and use of the motor car.

National guidance advises that an out of centre retail proposal should be considered against the sequential assessment and the impact tests as outlined in the Framework and the Applicant has submitted a statement which does this.

This has been assessed on behalf of the Council by a firm of Chartered Town Planners appointed by the Council to act as an independent Retail Consultant and they have provided advice within a written assessment of the Applicant's proposals.

#### With regard to the sequential assessment:

Five potential sites have been identified and assessed within the Retail Assessment submitted in support of the application. These include the site of the Former Conservative Club (the Aldi site), in St. Anne's town centre. All the sites considered were assessed in the context of application reference 12/0465 and were found not to be sequentially preferable to the Application Site.

In summary, the Retail Assessment reflects the position reached in determining application reference 12/0465 that there are no sequentially preferable sites on which to accommodate the proposed development. However, Officers have also considered the West Cliffe Centre at Lytham which is

presently the subject of an outline planning application for residential development. This site lies close to Lytham Town Centre and is immediately adjacent to the existing Booths store. Whilst this may provide a potential opportunity for retail development in a sequentially preferable location, it is unrealistic to expect Booths to develop a second store adjacent to an existing one. Therefore, the West Cliffe Centre is not suitable to meet the requirement and consequently it does not qualify as a sequentially preferable site.

Therefore, there are no sequentially preferable sites available in Lytham & St. Anne's town centre's which are available, suitable and viable.

#### With regard to the retail impact of the proposed development:

Woodlands Road at Ansdell is designated a District Centre in the centre hierarchy defined in the emerging Local Plan (and a Local Centre in the adopted Local Plan). Booths is the principal supermarket and anchor within the centre. The role of Booths within the centre as dominating the convenience retail sector and providing an anchor is acknowledged in the Applicant's Retail Assessment. The existing Booths is evidently a significant attraction within the centre and the household survey within the Applicant's Retail Assessment (and retail analysis flowing from the survey), shows that Booths at Woodlands Road presently trades at a level higher than company average. The closure of this store would have the effect of significantly reducing convenience expenditure within the centre, reducing choice and the overall attractiveness of the district centre as a place to visit. A consequence is that there are likely to be fewer visitors to the centre and it is likely to be a less attractive place to invest. Therefore, the closure of Booths at Woodlands Road would result in a significant adverse impact on the centre.

However, there are two factors which are highly material to the consideration of the application proposals in this context. The first is the extant outline planning permission on the site which remains capable of being implemented and represents a "fall-back" position. It should be borne in mind that the existing approval includes a supermarket which is larger in scale than the Booths store at Haven Road, Lytham. Whilst the current proposals may represent a preferred option from a commercial perspective, there remains a realistic prospect the extant permission (12/465) would be implemented if the current application was refused.

Furthermore, there is the possibility that the approved development with a smaller supermarket but the unit shops for A1, A2, A3, A5 and D1 uses would provide for a wider range of activity on the site that could potentially have a greater impact on district and local centres compared to the application proposals.

The second factor that is significantly material is the fact that there are no planning controls available that could be reasonably applied, to prevent Booths from closing the Woodlands Road store should they choose to do so. Booths have clearly gone through a process of rationalising and renewing their representation within the Borough and this is consistent with Government policy to encourage a dynamic and efficient retail sector. A refusal of planning permission of the current application provides no guarantees that Booths at Woodland Road would remain open.

Furthermore, if the supermarket within the application scheme was to be occupied by another operator there are unlikely to be grounds to justify refusing planning permission on the grounds of impact on other centres.

#### Summary on retail matters

With regard to the sequential approach to site selection, the only new site which has been identified is the West Cliffe Centre adjacent to the Booths store at Lytham. It is considered unreasonable to expect Booths to develop a new store immediately adjacent to an existing store. The site is therefore not suitable to meet the requirement the current application is intended to serve. Therefore the proposals

satisfy the requirements of the sequential approach to site selection.

With regard to the likely impacts of the proposals, the Retail Assessment supporting the application has not considered whether the proposed Sainsbury's in the Talbot Gateway proposal at Blackpool would have an impact on shopping patterns within the catchment the application proposals are intended to serve. There may be the potential for Talbot Gateway to impact on Sainsbury's at St Annes. However, survey evidence indicates that trading levels at Sainsbury's at St Anne's are buoyant and the store is likely to continue to trade at a healthy level notwithstanding trade diversion to Aldi on the site of the Conservative Club and to the current application.

The most important issue in terms of impact is the implication of the current proposals for Woodlands Road, Ansdell. The position is that Booths have indicated they would close their store at Ansdell following the opening of a new store on the Application site. The loss of Booths would cause significant adverse harm to the centre. This would normally justify the refusal of planning permission. However, in this case, there is a "fall-back" position and your officers consider there is a reasonable prospect that the existing approval would be implemented in the event that the current application is refused. It should be borne in mind that the existing approved scheme (ref 12/465) provides a supermarket which is larger in scale than the existing Booths at Lytham which is a recent development. It is possible that Booths could occupy the approved scheme in the event that the current application was refused. It is also considered that the unit shops and the potential mix of uses within the approved scheme could potentially have a greater adverse impact on existing nearby centres compared to the application proposals.

In considering whether the effects of the proposed development on Woodlands Road Centre would justify refusing planning permission, account needs to be taken of the fact that Booths may close the store in any event and there are no effective controls in the planning system to prevent this happening. Furthermore, if the operator of the supermarket on the application site was another company and not Booths, there would be no grounds to refuse planning permission on the basis of impact on Woodlands Road.

Consequently, in terms of the likely impacts of the proposals, notwithstanding the implications for Woodlands Road Centre, your officers consider it would not be reasonable to refuse planning permission. The "fall-back" position; the fact that there are no planning controls to prevent Booths from closing the store at Woodlands Road; and that there may be some advantage in the current proposals over the approved scheme in terms of impact on existing centres because the current proposals omit unit shops; are the factors which have led to this conclusion. However, it is clear that the current proposal would have some adverse impact on Woodlands Road and so it is considered that mitigation of these impacts should be sought in order to reduce these impacts as set out below.

#### Retail Conditions:

In the event that planning approval is granted, it is considered the following conditions should be attached to the permission:

The planning permission should place a limitation on the total net floorspace within the proposed supermarket (2,230 square metres) and there should be a limitation on the comparison floorspace within the store to 223 square metres (10%) of the floor area, together with a restriction preventing the sale of clothes & shoes. Comparison goods include items such as toilet rolls and pet food which Booths would wish to sell and are considered typical of most supermarket's retail offer.

Also, there should be a condition prohibiting the sub-division of the supermarket to create additional retail units. An advantage of the current proposals over the approved scheme is that they do not include unit shops that introduce a variety of uses that could draw further activity away from existing centres.

### Legal agreement

The following points should be incorporated within a Legal Obligation:

Your officers are of the opinion that some certainty should be provided that the Booths unit at Woodlands Road will be re-occupied by a convenience goods retailer. At the least there should be a requirement that any marketing by Booths of the Woodlands Road supermarket should be free of any encumbrance or covenant that would inhibit re-occupation by a foodstore. If this reassurance cannot be provided prior to the determination of the application, then it should be incorporated as part of a legal agreement.

Bearing in mind the adverse impact on Woodlands Road Centre it would be appropriate to seek a contribution for public realm works that would render the local centre more attractive as a destination for local shopping. It is considered, therefore, justified to seek to mitigate this additional impact by requesting a contribution of £75,000 towards identified public realm improvements in the Woodlands Road local centre.

### **Highways**

At the time of writing this report, Lancashire County Council in their role as The Highway Authority have not formally respond to the consultation on this application as they have requested additional traffic modelling work from the Applicant which has recently been submitted.

With regard to the previous outline application (ref: 12/465) for the mixed use redevelopment of the site as a whole which was identical to this proposal, the County Highway Authority raised no objection. They concluded there is adequate capacity on the existing highway network to safely accommodate the traffic that will be associated with the proposal and raise no objection, subject to the proposed mitigation in respect of both s278 works and s106 planning contributions (in particular with regard to an appropriate level of contribution towards the M55 to Heyhouses Link).

LCC undertook an evaluation of the traffic figures presented for the extant outline approval on this site and the potential Queensway development & also undertook an independent review of the overall impact as a result of both these proposals. They concluded the highway network has adequate capacity to cope with the combined developments.

The trip rates provided for the retail element were considered acceptable & a road safety analysis was carried out, which was deemed to present a limited risk to highway users from this scale of development.

It was concluded that there was sufficient capacity for the highway network to cope with the altered traffic flow.

These factors are a material consideration in evaluating the overall impact of the proposal on the local transport network. While there is an existing vehicular access from Heyhouses Lane, there remains a need to mitigate the impact that the proposed changes will have on the local network.

It is clear that conditions and traffic patterns on the local network have changed since the existing site was granted permission and also the requirements with regard to sustainable development. It is, therefore, not an acceptable approach to determine that if a proposal does not lead to a substantial increase in traffic movements (with consideration for peak period only) that the proposal should be deemed acceptable. Given the increase in traffic movements that can be expected off peak and at weekends there remains a clear requirement to address sustainable development and the need for improvements on the local transport network.

As such LCC requested planning contributions from the outline approval and a contribution of £300,000 was agreed as part of the section 106 agreement to support improvements to the local

network and sustainable transport links & any funding should be used to improve public transport/pedestrian/cycle linkages in the area. LCC are likely to do so again with regard to the current application and if these requests are received prior to the date of the Committee meeting, they will be reported on the Late Observations Schedule.

### **Design**

As a supermarket proposal, the building will not be of a domestic scale. The building is of a 'traditional' format with gabled frontages and hipped roofs. The building is designed with a corner turret feature at the junction of Heyhouses Lane and the new access to this development site and it would also 'centre' on the store entrance which would open out onto a public square facing towards the store car park. The proposal will be no more than two storeys and as such, the overall scale of the building will be well integrated into the site and the locality. The corner turret feature will sit marginally higher than the principle roof line of the building, thereby subtly accentuating the corner feature.

Negotiations have taken place between Council Officers and the Applicant's design team in order to move the front of the store back approximately 2 metres further into the site from the Heyhouses Lane frontage and alter some of the gables to hipped roofs in order to reduce the scale, massing and overall visual impact of the building & to ensure it sits within the established building line.

The main elevations reflect local traditions with pitched roofs and the building will be faced in brick with large areas of glass. The building is well modelled, following local traditions. In conclusion, the scheme is well conceived and will fit in well in the particular context.

### **Car Parking & Landscaping**

It is intended to provide a total of 201 car parking spaces to the rear of the supermarket. This is less than the County wide parking standards which are calculated on the basis of the maximum number of car spaces according to the floorspace created. Landscaping is proposed around the perimeter of the building and the car park. The Council's Landscape Officer has raised some concerns with regard to the proposed landscaping which have been forwarded to the Applicant and amended plans are awaited which seek to address the points raised. This issue will be reported to the Committee via the Late Observations schedule.

### **Ecology**

The site provides potential bat roosting habitat and details of a further bat re-emergence/entry survey have been submitted as recommended by LCC Ecology and Natural England who have raised no objection to this survey work. A limited variety of bird species may nest in the trees, shrubs and buildings on the site. Due to the nature of the habitats present on the site and in close proximity, it is considered unlikely that any nesting birds on the site are specially protected. Also, there are no previous records of protected species for the site and its immediate environs. However, if it is necessary to carry out tree or shrub removal or building demolition during the bird breeding season, then a nesting bird check must be carried out by a qualified ecologist prior to works going ahead to ensure that no active nests will be affected. A Badger Survey found some potential foraging habitat although no evidence was recorded. Provision, should be made to keep under review the potential for badgers to subsequently occupy existing mammal holes on the development site. These recommendations would have to be secured by planning conditions.

### **Flood Risk**

The site is not within an area at risk of flooding according to the Flood Risk Map & the Environment Agency are satisfied that the proposed development will not be at an unacceptable risk of flooding, nor will it exacerbate flood risk elsewhere.

## **Drainage**

United Utilities have no objection to the proposed development providing the site is drained on a separate system, with only foul drainage connected into the 1000mm diameter combined foul sewer in Heyhouses Lane. Surface water should discharge to the private watercourse running along the boundary of the site and the rear of Nateby Close & Pilling Avenue. If the Committee are minded to approve the application, full details of the surface & foul water drainage connections would be required by planning condition.

## **S106 contributions**

The section 106 agreement with the outline permission (ref:12/465) made the following provisions:

Highway contribution - £300,000

Travel plan contribution – £6,000 for residential development between 80 & 160 dwellings; and £12,000 for food retail (Class A1) development of between 1,600sqm and 2,400sqm;

Education contribution - £4,072 per unit

Public realm contribution - £350,000

Affordable housing – 10% minimum

The Applicant has suggested that the heads of terms from the existing S106 be varied as follows:

Highway contribution - £300,000

Travel plan contribution – £23,630: £6,000 apportioned to residential development and £17,630 apportioned to the retail development. NB the latter is based on a pro-rata calculation of the contribution set out in the original S106 Agreement (i.e. £12,000 for any phase of development containing between 1,600 and 2,400 sqm GEA of food retail Class A1 floorspace

Education contribution - £4,072 per unit (total to be paid = £659,664)

Public realm contribution - £350,000

Affordable housing – 10% minimum (total of 17 units).

However, in light of the retail impact on the Woodlands Road local centre arising from this proposal, it is considered that it is justified in seeking to mitigate the impact by requesting a contribution of £75,000 towards identified public realm improvements in the Woodlands Road local centre. Also, there has been no consultation response from the County Highway Authority at the time of writing the report. If they are requesting additional contributions these will have to be considered against the CIL tests and if found to be justified, will need incorporating in a legal agreement.

## **Conclusions**

The proposed development complies with national planning guidance and policies SH13 & SH14 of the Adopted Fylde Borough Local Plan as although there would be some retail impact on town and local centres, this would be mitigated by planning conditions and obligations, which would ensure there is not a reason to justify a refusal of planning permission. There would be no harmful impact on other acknowledged planning interests such as the character of the area, residential amenity, drainage, highway safety, the SSSI, nor ecological matters.

## **Recommendation**

That, Subject to the completion of a Section 106 or other suitable legal agreement in order to secure:

- provision, retention and operational details for 10% of the proposed dwellings to be affordable properties,
- a contribution towards education provision of £659,664,



- a financial contribution of up to £425,000 towards securing public realm works in the vicinity of the site,
- a financial contribution to £300,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £23, 630 towards a travel plan
- details of the marketing of the Booths store at Woodlands Road, if not provided by the time the application is determined,

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions:

**(Where the Section 106 agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Assistant Director: Planning Services to refuse the application as being contrary to the provisions of the Interim Housing Policy)**

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

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

2. This consent relates to the revised plans received by the Local Planning Authority on the 23rd October 2013.

For the avoidance of doubt and as agreed with the applicant / agent.

3. The total gross retail floorspace of the development hereby permitted shall not exceed 3,319 square metres. The total net retail floorspace hereby permitted shall not exceed 2,230 square metres, of which no more than 223square metres (net) shall be used for the sale of comparison goods. There shall be no sale of clothes or footwear from the retail unit

*Reason:* In order to safeguard the vitality and viability of neighbouring town and local centres.

4. There shall be no sub-division of the foodstore hereby approved into a larger number of independent retail units without the express consent of the Local Planning Authority.

*Reason:* In order to safeguard the vitality and viability of neighbouring town and local centres.

5. The foodstore & cafe shall not be open for trading except between the hours of:

06:30 hours and 23:00 hours Mondays to Friday  
 06:30 hours and 23:00 hours Saturdays  
 08:00 hours and 18:00 hours Sundays and Bank Holidays

Without the written consent of the Local Planning Authority

*Reason:* In the interests of residential amenity

6. No deliveries to the retail unit & cafe shall take place outside of the hours of 06:30 to 23:00 Monday to Saturday and 07:00 to 20:00 on Sundays and Bank Holidays.

*Reason:* In the interests of residential amenity.

7. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority, prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In order to ensure a satisfactory standard of development.

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

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

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

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

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

initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

11. A scheme for the external lighting of the building and site curtilage [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

In the interests of visual / residential amenity.

12. The proposed development shall not commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highways works shall be completed before the development is occupied.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

13. The car parking [and unloading and loading] area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for customers and delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

14. Prior to the commencement of any phase of the development within which the Site of Special Scientific Interest (SSSI) is located or adjacent to, a Management Plan for the Site of Special Scientific Interest (SSSI) shall be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the continued management of the site beyond construction, including vegetation management and provide details of how the SSSI will be kept free of:

1. all development and infrastructure,
2. hard and soft landscaping including tree planting,
3. site re-profiling,
4. introduction of any foreign geological material and
5. excavations no deeper than the immediate topsoil.

*Reason:* In order to protect the special geological features of the SSSI.

15. No development hereby approved shall be commenced until:

- a) A site investigation has been designed using the information obtained from the Heyhouses Lane Phase I Desk Study for Telereal Trillium by RSK (reference 25 1 276-0 I; dated March 2011). This should be submitted to, and approved in writing by the Local Planning Authority prior to the investigation

for the development being carried out on the site.

- b) The site investigation and associated risk assessment has been undertaken in accordance with details approved in writing by the Local Planning Authority.
- c) A Method Statement and remediation strategy, based on the information obtained from b) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (c) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement, unless otherwise agreed in writing by the Local Planning Authority. This addendum to the Method Statement must detail how this unsuspected contamination within that phase shall be dealt with.

Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

*Reason:* To enable:

- 1. A Risk Assessment to be undertaken;
- 2. Refinement of the conceptual model;
- 3. The development of a Method Statement & Remediation Strategy:

To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

- 16. No phase of the development hereby approved shall be commenced until a scheme for the provision of surface and foul water drainage works for that phase has been approved by the Local Planning Authority. Each phase shall be completed in accordance with the approved scheme.

*Reason:* To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface & foul water disposal

- 17. No phase of the development hereby approved shall be commenced until a scheme for the provision and implementation of a surface water regulation system for that phase has been approved by the Local Planning Authority. Each phase shall be completed in accordance with the approved scheme.

*Reason:* To reduce the increased risk of flooding.

- 18. Prior to the commencement of development, details of a scheme of onsite renewable energy production shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the commencement of development.

*Reason:* In order to secure on site renewable energy

19. Prior to the opening of the retail store and cafe hereby approved, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan will be audited and updated at the approved specified intervals.

*Reason:* To reduce the demand for travel to the site by private car and encourage the use of other modes of transports.

20. Tree felling, vegetation clearance works or other works that may affect nesting birds shall be avoided between March to July inclusive, unless the absence of nesting birds has been confirmed by a comprehensive search of the affected area for nesting birds undertaken before any development commences, by a suitably qualified ecologist.

*Reason:* To safeguard the population of breeding birds during the development as they are a protected species in accordance with Policy EPI9 of the Adopted Fylde Borough Local Plan.

21. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of;

1. a construction method statement and programme;
2. contractor compounds, materials storage and soils stockpiling;
3. measures to suppress dust, noise and vibration;
4. controls in relation to construction traffic management including vehicle routing to the site and construction traffic parking;
5. construction vehicle wheel washing facilities and road sweeping measures;
6. protective measures to prevent local ground and surface water pollution and air pollution
7. measures to protect the Site of Special Scientific Interest (SSSI)

The Plan shall be implemented in full and adhered to during the construction of the development.

*Reason:* To minimise the impact of construction activity and to protect the special features of the SSSI and prevent pollution of ground and surface water.

22. No construction works shall take place outside the hours of 06:00 to 22:00 Monday to Friday and 08:00 to 18:00 on weekends and Bank Holidays.

*Reason:* In the interests of residential amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0450	Address Electronic Data Systems, Heyhouses Lane, Lytham St Annes	Grid Ref. E.3338 : N.4295	Scale 0 10 20 30 40 m 

**Item Number: 7      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0453		<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Blacoe	<b>Agent :</b>	ML Planning Ltd
<b>Location:</b>	WARTON HALL FARM, LODGE LANE, BRYNING WITH WARTON, LYTHAM ST ANNES, FY8 5RP		
<b>Proposal:</b>	RE-SUBMISSION OF 13/0192 - OUTLINE APPLICATION FOR ERECTION OF LOG CABIN AS ADDITIONAL AGRICULTURAL WORKERS DWELLING FOLLOWING REMOVAL OF FORMER CHICKEN SHEDS (ALL MATTERS RESERVED)		
<b>Parish:</b>	Bryning with Warton	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Amy Aspinall
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

The application seeks Outline planning permission for an agricultural workers dwelling in the form of a log cabin at Warton Hall Farm.

The site is situated within the Green Belt, as defined by the Fylde Borough Local Plan (as altered 2005) and therefore Green Belt policy is applicable. Under paragraph 89 of the NPPF new residential development is defined as ‘in appropriate development’ in the Green Belt with paragraph 87 stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 is clear that substantial weight should be given to any harm to the Green Belt and that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 55 of the NPPF specifically restricts new isolated homes in the countryside and states that they should be avoided unless there are special circumstances. A special circumstance will exist if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

An essential need for the proposed dwelling is claimed as there is a need for additional accommodation at the site for the applicant’s son as an additional agricultural worker at the farm. However, the County Land Agent confirms that the actual activity at the site does not justify an essential need for an additional worker and so very special circumstances have not been demonstrated in the application. The application is therefore recommended for refusal.

**Reason for Reporting to Committee**

The application has been referred to Development Management Committee at the request of Bryning-with-Warton Parish Council.

### **Site Description and Location**

The application relates to Warton Hall Farm which is an established farm complex with the principal activity being a dairy enterprise. The site is situated off Lodge Lane, and is comprised of a range of traditional and modern agricultural buildings. The site is situated within the Green Belt, as defined by the Fylde Borough Local Plan (as altered 2005).

### **Details of Proposal**

The application seeks outline planning permission with all matters reserved, for an agricultural workers dwelling at Warton Hall Farm in the form of a log cabin. This would be sited on part of the main farmyard adjacent to the existing farmhouse and range of agricultural buildings.

The application is supported by a Design and Access Statement, an Agricultural Justification Report and unaudited financial statements for 2011 and 2012. The Agricultural Justification Report states that the requirement for an agricultural dwelling on the site is based on animal welfare, prevention of loss of livestock, health and safety and emergency incidents, site security and out of hours labour requirements.

The application submission is inconsistent in terms of the numbers of livestock held at the farm, however clarification has been sought from the agent. There is 150 head of cattle in total, comprised of 85 milking cows, 45 young stock / followers and 20 beef stores. The farm also operates a DIY livery with 10 horses and rears 200 turkeys for the Christmas markets each year.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0192	OUTLINE APPLICATION FOR ERECTION OF LOG CABIN AS ADDITIONAL AGRICULTURAL WORKERS DWELLING FOLLOWING REMOVAL OF FORMER CHICKEN SHEDS (ALL MATTERS RESERVED)	Withdrawn by Applicant	17/07/2013
09/0449	ERECTION OF STEEL PORTAL FRAMED BUILDING TO PROVIDE COVERING TO YARD.	Granted	09/09/2009
09/0305	ERECTION OF COVERING TO COLLECTION YARD AREA.	Withdrawn - Invalid	18/06/2009
02/0279	ERECTION OF LIVERY STABLES, FLOODLIT SAND PADDOCK & CAR PARKING	Granted	18/07/2002
94/0161	MILKING PARLOUR & DAIRY COMPLEX BUILDING	Granted	27/04/1994
79/0887	EXTENSION TO FORM DINING ROOM AND HALL AT REAR.	Granted	17/10/1979
80/0374	ERECTION OF COMPLETE DAIRY UNIT.	Granted	28/05/1980
80/0911	ERECTION OF SLURRY TANK.	Granted	12/11/1980

### **Relevant Planning Appeals History**



None

### **Parish Council Observations**

Bryning with Warton Parish Council notified on 25 July 2013 and comment that  
*“The Parish Council specifically support the proposal for the grounds outlined in the application in order to maintain the viability of farming establishments in the local community. Should there be consideration of refusal it is requested that the decision is taken before the Borough Council development committee to consider the application.”*

### **Statutory Consultees**

#### **Principal Land Agent**

In summary the County Land Agent concludes that the management issues concerned with the scale of the applicant’s enterprise does not generate a functional need for two workers to live on site. The reasons why the applicant would like to live on site are appreciated and would be more convenient, however it is not considered essential.

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

No objection

#### **Ministry of Defence - Safeguarding**

No objection

#### **BAE Systems**

No objection

### **Observations of Other Interested Parties**

NA

### **Neighbour Observations**

**Neighbours notified:** 25 July 2013

**No. Of Responses Received:** -None

### **Relevant Planning Policy**

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

SP03	Development in green belt
SP10	Permanent agricultural workers dwellings
SP12	Design of agricultural dwellings

#### **Other Relevant Policy:**

NPPF: National Planning Policy Framework

#### **Site Constraints**

Within Green Belt

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Policy Background to Principle**

The application site is situated within the Green Belt where the NPPF provides specific guidance in relation to development in the Green Belt. Paragraph 87 states that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 88 states that *“when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Paragraph 89 deals specifically with new buildings in the Green Belt and states that *“a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt”*. A number of exceptions are provided which includes buildings for agriculture and forestry.

The application proposes an agricultural workers dwelling. Although this would support an agricultural enterprise, it is a dwelling, and would not therefore fall within any of the exceptions of paragraph 89. As such the proposed dwelling is inappropriate development in the Green Belt. The application therefore needs to demonstrate very special circumstances for it to be acceptable under this national guidance.

The above guidance is also consistent with the approach of Policy SP3 (Development in the Green Belt) of the Fylde Borough Local Plan (as altered 2005) which states that *“within the Green Belt defined on the proposals map, planning permission will not be given except in very special circumstances for the erection of buildings other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The policy also provides that forms of development other than those referred to above will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it and do not injure the visual amenities of the Green Belt.”*

As the proposal is for a new dwelling in the rural area paragraph 55 of the NPPF is relevant. Paragraph 55 states that *“Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside”*. The application would therefore need to demonstrate that there is an essential need for the proposal. This is consistent with the approach of policy SP10 (Agricultural Workers Dwellings) of the Fylde Borough Local Plan (as altered 2005) in terms of establishing whether or not the proposal for a new dwelling is ‘essential’.

Local Plan policy SP10 states that *“new permanent dwellings in connection with agriculture, horticulture or forestry will only be permitted on existing well established units and subject to the following criteria:*

- 1. There is a clearly established existing functional need which could not be met by an existing dwelling or other accommodation on the unit or in the general locality which would be available for occupation by the agricultural worker concerned;*
- 2. The need relates to a full time worker and not a part time requirement;*
- 3. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;*
- 4. The dwelling is of a size commensurate with the established functional requirement and could be sustained in the long term by the enterprise;*
- 5. The dwelling could be developed having regard to normal standards of access, parking and*

*drainage;*

*6. The dwelling would not adversely affect the amenity and privacy of any neighbouring dwelling.”*

The NPPF removes the detailed guidance relating to the provision of agricultural workers dwellings, which was contained in Annexe A of PPS7. Whilst no longer forming part of national guidance, Annexe A remains a useful guide in order to assess the whether or not it is essential to have a second permanent dwelling at Warton Hall Farm. This is also the approach taken by the County Land Agent in his assessment of the application.

If the principle of an Agricultural Workers Dwelling is accepted, having regard to the above requirements, the proposal would also need to satisfy Local Plan policy SP12 which seeks to ensure that:

- “1. New agricultural worker dwellings will only be permitted which are of a high standard of design, commensurate with policy EP11 and are sited within or are close to the existing farmstead*
- 2. Dwellings proposed to be sited in an isolated location away from the existing farmstead will not be permitted. Where possible, access should be taken from the existing farm drives*
- 3. Outline applications will not be permitted unless the siting of the proposed agricultural workers dwelling forms part of the application.”*

#### Analysis of Agricultural Merits

The farm is currently managed from the farmhouse at Warton Hall Farm. This proposal is described as being to provide accommodation for the farmer’s son who is also involved in the business. It is necessary to establish whether or not there is an essential need for an additional dwelling at Warton Hall Farm, particularly given that the enterprise is already served by an existing farmhouse which is occupied by a full time worker. If an essential need is justified for the proposal it would need to be for an additional full-time worker and then it would be necessary to consider if this would demonstrate ‘very special circumstances’ to allow a new dwelling in the Green Belt.

In considering the functional need, this needs to be established in order to determine whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at all times on site, for example if workers are needed to be on hand day and night. The essential need for the additional worker to live on site must be based on the requirements of the business and not the preferences or personal circumstances of the applicant.

The submitted Agricultural Justification Report provides that the milking herd and beef cattle lead to significant labour demands and there is potential for losses of young or new born calves if there is no one present to oversee the stock and be in sight and sound of the stock at all times. The possibility of livestock escaping is also referenced in particular the damage to property and people if no one is around to take control. The justification report also states that there are regular occasions when duties are required outside of regular working hours and when it is necessary for an on-site member of staff to be on the site at unsociable hours.

The submission is generalised and contains limited detail on labour requirements, tasks undertaken, information relating to standard man days or security issues. General day to day activities and normal routine management can be reasonably expected to be carried out during the normal working day and in times of an emergency there is already an on-site presence from the existing dwellinghouse. Mr Blacoe Snr and his wife reside at the farmhouse, with Mr Blacoe being a full time worker and Mrs Blacoe carrying out some duties on the farm. Furthermore, the applicant (Andrew Blacoe) currently lives 2 miles from the site and could be called to the farm where necessary with a relatively quick response time.

The County Land Agent has assessed the application and does not consider that the management issues associated with the scale of the enterprise has a functional need for two workers to live on site. This view is accepted by your officers and it is considered that the functional need for a worker to live

on site is already met by the existing dwelling. Whilst an additional dwelling at the farm might be preferable for the applicant, the justification does not demonstrate that there is an essential need.

Other reasoning put forward in the application is the need for the dwelling to enable planned expansion of the business. The justification report also states that ‘the introduction of this new log cabin would have significant benefits on the sustainability of the farm; benefits that highly outweigh any harm it may be seen to cause’. The NPPF places an emphasis on sustainable economic growth and is supportive of such growth in rural areas (paragraphs 18, 19 and 28), however no details of such growth or business intentions have been submitted.

#### Availability of other accommodation

Where an essential need for an agricultural worker is demonstrated, guidance and policy require an examination of whether there is any existing accommodation that could provide for the agricultural worker.

In terms of identifying alternative accommodation the Agricultural Justification Report states that there is no scope to convert any of the buildings on site as most are not fit for conversion due to their size and layout, and they are still in use for agricultural purposes. Notwithstanding the fact that it is not accepted that there is an essential need for an additional worker to live on site, it is acknowledged that conversion of the existing farm buildings is not currently a viable option.

The report also states that it is infeasible for the applicant to be expected to buy another property close to the farm as house prices on Lodge Lane are high, with the two most appropriate houses being advertised at £695,000 and £465,000. These properties are identified in the submission as being out of the question financially and would be ineffective as the whole premise of the application is to have another key worker on site for out of hours duties. However, your officers undertook a ‘Rightmove’ search on 24 September 2013 within a 1 mile radius of the site and prices started at £115,000 for a 3 bedroom house, with the next property being £134,000. These properties would likely be affordable and are considerably cheaper than the examples used in the application submission.

More pertinently, records from the Land Registry confirm that 1 Warton Hall Cottage is within the ownership of Warton Hall Farm and is situated along Lodge Lane within 20m of the farm access. This dwelling has not been referred to in the application, but clarification has been sought on this aspect. The agent advises that the cottage is owned privately by Mr and Mrs Blacoe and is rented out to provide essential income for the farm which is relied on to ensure day to day costs are met and profits are made. The agent also states that this property would be totally unaffordable for Andrew Blacoe to rent at the going rate and is not within sight and sound of the farm yard, and nothing would be achieved by him moving here apart from losing valuable income. It is noted however that the rental income from 1 Warton Hall Cottage is not included in the financial accounts submitted with the application.

This is a further area that the application fails to comply with national guidance and Local Plan Policy.

#### Other Policy Considerations

In circumstances where an essential agricultural need has been demonstrated, and no other accommodation is available to satisfy that need there are other criteria of Policy SP10 and SP12 to assess the proposal against. These relate to matters such as the scale and location of the accommodation, that the farm is well-established and profitable and over the access, drainage, relationship to neighbouring dwellings, etc.

The proposed mobile home would offer poor amenity for its occupiers by virtue of its proximity to the agricultural buildings in active use as part of the farm, but would not be in conflict with these more minor Policy criteria.

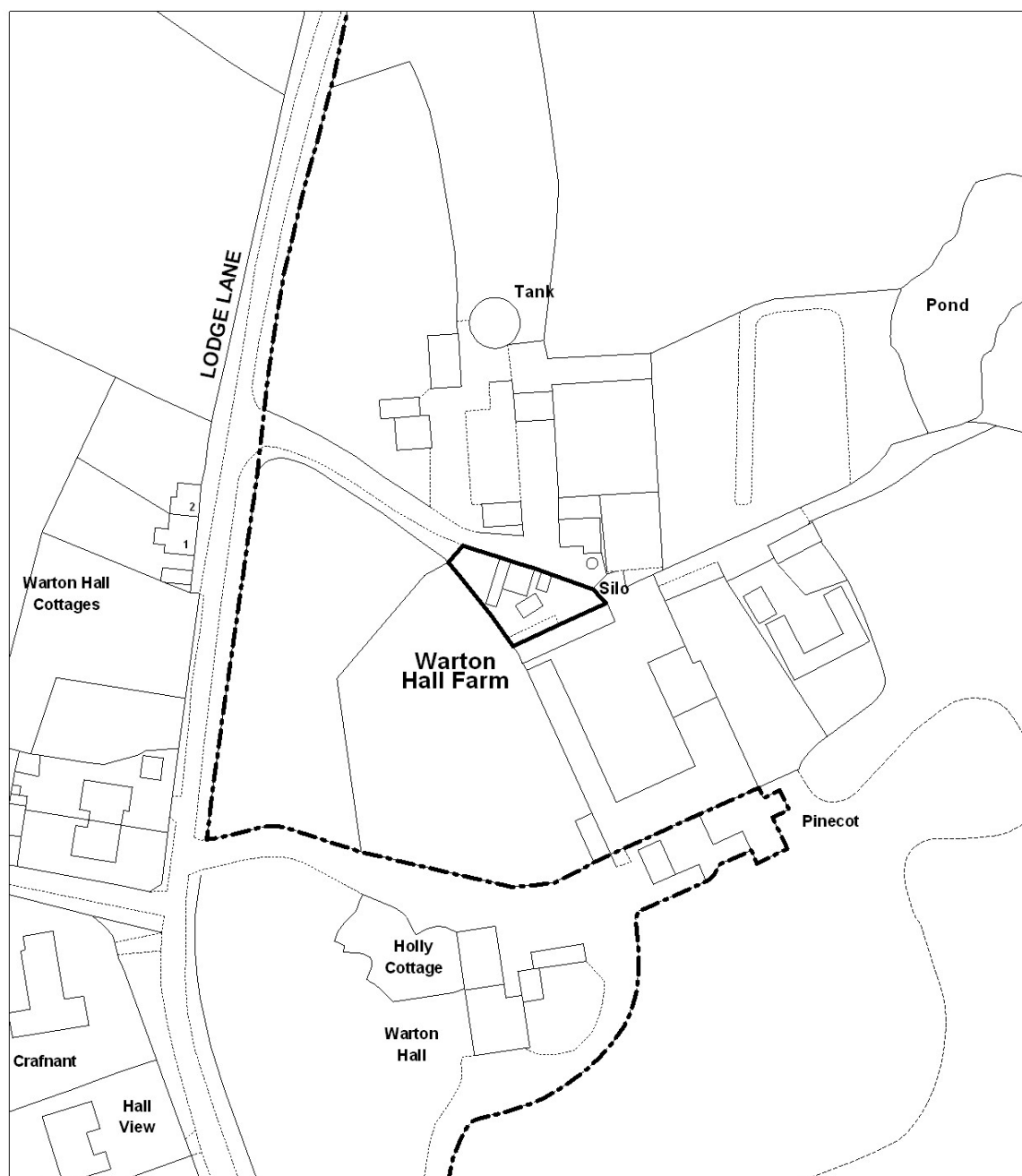
## **Conclusions**

It is not considered that the justification provided in the application demonstrates that it is 'essential' for an additional worker to live permanently at the unit in a new dwelling, thereby conflicting with paragraph 55 of the NPPF and policy SP10 of the Fylde Borough Local Plan (as altered 2005). The proposal constitutes inappropriate development in the Green Belt, of which there is a presumption against, and no very special circumstances have been demonstrated to outweigh any harm by reason of inappropriateness in order to justify the proposal. The proposal is therefore contrary to the NPPF at paragraphs 87, 88 and 89 and policy SP3 of the Fylde Borough Local Plan (as altered 2005). The application is therefore recommended for refusal.

## **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The application fails to demonstrate that there is an essential need for an additional agricultural or other rural worker to live permanently at Warton Hall Farm as the accommodation required for the operational requirements of the agricultural unit are satisfied by the existing farmhouse. The proposal is therefore contrary to paragraph 55 of the NPPF and Policy SP10 of the Fylde Borough Local Plan (as altered 2005).
2. The proposed siting of an additional residential unit at the site constitutes inappropriate development in the Green Belt. In the absence of any essential need for the development having been demonstrated, or the existence of any other very special circumstances to outweigh the harm caused by reason of inappropriateness, the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and to Policy SP3 of the Fylde Borough Local Plan (as altered 2005) which seek to control development in the Green Belt.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0453	Address Warton Hall Farm, Lodge Lane, Warton	Grid Ref. E.3387 : N.4283	Scale 0 6 12 18 24 m 

**Item Number: 8      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0507		<b>Type of Application:</b> Outline Planning Permission	
<b>Applicant:</b>	Redrow Homes Ltd (Lancashire Division)	<b>Agent :</b>	Cass Associates
<b>Location:</b>	NORTH VIEW FARM, 22 RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2NA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR UP TO 49 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	Ribby with Wrea	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

This proposal is an outline application for the development of up to 49 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. With the exception of the access road the site lies adjacent to, but outside of, the village boundary of Wrea Green. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan.

The Council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and so applications which contribute towards that supply should be supported unless they cause significant and demonstrable harm, and deliver sustainable development.

Having assessed the issues carefully, this proposal is not considered to deliver a sustainable form of housing development as is required by NPPF. This is primarily as a consequence of it being additional to the cumulative level of development that has been seen in the village in recent years and so creates a level of development that is considered to be excessive for a village scale settlement such as Wrea Green, particularly where there are only a relatively limited range of services available in the village and little opportunity for those services to expand to serve an additional population. This is likely to result in the village services being stretched and unable to cope with the requirements of the residents which will then be required to travel out of the village to access such services. The development of the application site will also lead to harm to the rural character of the application site which has a rolling character with mature trees and hedgerow boundaries that contributes to the attractive setting for the village.

As a consequence of these issues it is considered that the application does not deliver sustainable development and so the balance of the decision should be in favour of the development plan policy over the need to contribute to the borough's housing supply shortage. The scheme also has other deficiencies that warrant additional reasons for refusal including ecology, education, affordable housing deliver and public realm contributions. Each of these

forms additional reasons for refusal albeit that most, if not all, could be resolved with additional work between officers and the applicant's representatives in advance of any appeal.
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### **Reason for Reporting to Committee**

The application involves major development. With the level of public interest raised by this application and other similar schemes the Head of Planning & Regeneration concludes that this application should be determined at Committee.

### **Site Description and Location**

The application site is a rectangular area of land to the north of Ribby Road. The site has a narrow frontage to that road before opening up to the main body of the site that has a width of around 130m and a depth of around 200m, with an overall site area of 2.9 hectares. It is agricultural land used for grazing cattle at the time of officer site visit. The land undulates gently with a series of hawthorn hedges around its perimeter and a stand of trees in the centre of the site where it is divided into two fields. Wrea Brook runs to the northern boundary of the site with a smaller watercourse running east to west along the southern boundary of the main part of it. There is a public footpath (Wrea Green No. 3) that runs along the eastern and northern site boundaries that runs northwards from Ribby Road towards Blackpool Road. The front part of the site which will provide the access contains the former farm access track and a series of outbuildings used for storage and a pigeon loft.

The surrounding land is also in agricultural use with the dwellings of Wray Crescent 35m beyond the eastern boundary along with the allotments and open space area associated with the day nursery off the head of that cul-de-sac a similar distance from the site boundary. There are existing residential properties at either side and opposite of the proposed access point.

### **Details of Proposal**

#### **The Submission**

The application proposes the residential development of the site for up to 49 dwellings. It is an outline application with access applied for but all other matters reserved.

The access point to the site is indicated as being to Ribby Road in the vicinity of the existing access to the farm, which is within the 20mph speed limit zone. The access is proposed to be a simple priority junction with a 5.5m width, 2m wide footways on both sides and 10m radii. It is indicated with 2.4m x 43m visibility spays in both directions which are shown as being available over the existing footway.

The illustrative plan indicates that a series of cul-de-sacs will lead from a central road that snakes through the site with mainly detached houses shown. A pond and area of open space are shown as a buffer to Wrea Brook to the north, with a further area of open space shown to the centre of the site. The application form states that all 49 properties are to be for market sale, although the Planning Statement offers 30% of them as affordable dwellings. The outline nature of the application means that there are no further details of this for consideration.

#### **Supporting Information**

The application is supported with the usual suite of information comprising:

- A design and access statement
- A supporting planning statement including landscape appraisal
- An Agricultural Land Classification Report



- A Transport Statement
- An Ecological Survey and Assessment
- A Flood Risk Assessment (which has been revised)
- A Drainage Management Strategy
- An Arboricultural Impact Assessment and Tree Survey Report

The Supporting Planning Statement summarises the local and national policy designations and guidance that relate to an application of this nature, describes the application proposals and their formulation, before assessing the planning merits of the scheme. This assessment concludes that the borough is unable to demonstrate that it has the 5 year supply of housing required by NPPF and so new residential development should be supported that is appropriate and in a sustainable location. It argues that this site is located on the edge of one of the larger settlements in the borough where there is a good level of access to a range of social, economic, education, recreational and transport services. They also refer to a lack of technical impediments (highways, ecology, flooding, drainage and landscape) to the development proceeding, and that it will deliver 30% affordable housing. The report concludes that the application is a sustainable form of development which is consistent with the planning principles of the NPPF.

The conclusion of the planning statement is reported here:

*“The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The three dimensions have been considered and a summary of how the proposal responds to achieving sustainable development is explained below:*

- *Economic – the proposal would generate a significant contribution to the area. The new development would help sustain the local services available in Wrea Green in the long-term. In the short-term, the construction of the proposed development would lead to job opportunities. In addition, the New Homes Bonus would generate over £500,000 for re-investment in the local area.*
- *Social – the proposed development is considered to be a modest addition to Wrea Green village. However, it will contribute towards the long-term sustainability of the village. The development will meet the need for family housing, a strong feature of market demand in Wrea Green. The development would also provide much needed affordable housing. This would help support a strong, vibrant and healthy future for Wrea Green.*
- *Environmental – the proposed development will not result in any adverse impacts on the natural, built or historic environment. The development will be an attractive and positive addition to Wrea Green as a whole.*

*Overall, it has been demonstrated that this is a sustainable form of development which is consistent with planning principles set out in NPPF and consistent with the development plan and emerging local planning policy. The development would not lead to any significant or demonstrable harm. It is the type of development which should be approved without delay, particularly bearing in mind the lack of a five year housing land supply in the Borough”*

#### Post Submission Information

Since the submission of the application the agent submitted a revised Flood Risk Assessment to address comments made by the Environment Agency.

#### Relevant Planning History

Application No.	Development	Decision	Date
88/0805	OUTLINE; CHANGE OF USE FROM	Refused	22/02/1989

	AGRICULTURAL LAND TO RESIDENTIAL USE		
75/0077	1 DETACHED HOUSE AND GARAGE.	Refused	07/05/1975

### **Relevant Planning Appeals History**

#### **Application Site**

Application 88/0805 relates to a slightly larger site than that covered by this application. The application was refused by the council for a series of reasons relating to the principle of residential development outside of the settlement boundary, and as a consequence of the inadequacy of the visibility splays provided at the access.

This was subject to an appeal that was dismissed following a public inquiry which examined three key areas. The Inspector referred to the site as a major extension of the village into the open countryside that would harm the rural appearance and character of the area. With regard to the access he felt that the visibility splays that could be achieved were to a suitable standard for the scale of development and the design of Ribby Road. Finally, he agreed with the appellant that there was some need for additional housing around Wrea Green at that time, but that the location and scale of this should be determined through the Local Plan process, although this was at a time when the council was able to demonstrate a 6 year supply of housing.

#### **Other Local Sites**

The council is currently awaiting decisions on 3 appeals that have been submitted against the refusal of applications for outline planning permission around Wrea Green. These are 12/0456 for 24 dwellings at 54 Bryning Lane, 12/0720 for 50 dwellings off Moss Side Lane and 13/0137 for 32 dwellings adjacent to 53 Bryning Lane.

These are all being dealt with through the written representations procedure, and these representations have been made by all parties. By the date of Committee an Inspector will have visited the sites with the decision expected early in the new year. The similarity of these appeals to this application would give a helpful guide to the council regarding the principle of additional development around the village, but given the timescales involved in the appeal decisions the council is unable to delay the decision on this application for so long.

### **Parish Council Observations**

Ribby with Wrea Parish Council notified on 14 August 2013 and object to the proposal for the following reasons:

*“In view of the recently approved residential development in the village this applications is excessive in scale for Wrea Green and will detract from the character of the area in question. It is in countryside outside the village settlement area and considered contrary to the extant Fylde Local Plan, the National Planning Policy Framework (NPPF) as well as the emerging Fylde Local Plan.*

*Despite the lack of a Fylde Borough 5 year housing supply, it is not considered sustainable as it does not address any of the three dimensions of the NPPF. It is contrary to SP2 and HL2 of the Fylde Local plan, and the NPPF which seeks to promote sustainability. The two accessibility calculations included are both considered spurious as all appear to be as “the crow flies” and not by the actual foot measurement and in many instances scoring is 1 instead of an actual 0. On a correct basis the accessibility scoring would be less than 20 and therefore considered low. The local primary school is not in a position to accept the number of children forecast for this site and the additional agreed Richmond Avenue development, the local Secondary school is far further than Kirkham Grammar School, an independent fee paying establishment, and the nearest National Health dentist is in Lytham and that may not have any vacancies.*

*This application would represent the irreversible loss of versatile good quality agricultural land outside the village settlement area. The local farmers are in need of such land and the Council refutes the developer's assessment of the quality of the North View Farm land. As you are aware, the Parish Council has in recent years developed a thriving allotment area on land in close proximity. This has been achieved by introducing satisfactory drainage on land that previously regularly had surface flooding and was in an extremely wet condition. Once again developers are trying to downgrade land quality because of poor previous husbandry not on a realistic land assessment basis. Therefore, Policy EC3 of the Emerging Plan would not be complied with.*

*The development would also create a harder urban edge to what is a rural view of a rural village when approaching from the A583 Fox Lane Ends entrance road to the village.*

*The poor village sewage infrastructure will be further over loaded by this proposed development, particularly if looked at in conjunction with the approved Richmond Avenue extension 13/0097. As you will be aware 75% of the sewage from that site is to be linked to the Ribby Road system, which is already under severe pressure, and surface water from the Richmond Avenue extension is also to be directed to Wrea Brook. The village pumping station at The Brooklands is already often under so much pressure that at times effluent overflow has to be directed to Wrea Brook. Residents lower down Wrea Brook are also alarmed at the potential additional water that could be directed to this water course as localised flooding is already evident from time to time, as it is also evident at the Ribby Road/Willow Drive roundabout which would be in close proximity to the entrance to this site. This situation is exacerbated by the fact that United Utilities does not appear to have any idea of the sewage/waste water systems that are extant within the parish.*

*It is also hard to understand how at peak "trip times" the Traffic Statement can only indicate approximately that only one car from half of the properties would be using the highway – this cannot be realistic!! Unless the majority of the dwellings were for retirement or workless people this cannot be sustainable. As the village has no further need for additional affordable housing as confirmed by the Fylde Borough Affordable Housing survey (the Richmond Avenue extension development has fulfilled the existing need) it is extremely difficult to give credence to the survey.*

*In short, with the additional housing already approved this development is not sustainable on an economic, environment or social basis."*

### **Statutory Consultees**

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

At the time of writing this report their written comments are unfortunately outstanding. However, the officer involved has provided comments that confirm the proposed junction design to Ribby Road as being acceptable, but there is concern about the accident record at the mini roundabout in the village and so he is assessing if this development could be required to implement a scheme of improvements to its design.

#### **Environment Agency**

They raised initial objections to the application as the Flood Risk Assessment that was submitted with the application did not comply with the requirements for such documents in the NPPF. Their concerns were specifically focussed on how the surface water from the site would be discharged.

The applicant then submitted a revised FRA and the EA have provided further comments. These comments formally withdraw the earlier objection as the revised FRA addressed their concerns. They request that a condition be imposed to require full details of the surface water drainage scheme for the site to be submitted, and highlight the importance of using SUDS techniques in this scheme. They also request a condition requiring that a

5m wide planted buffer zone be included in any layout for the site between development and the brook on the southern boundary of the site. Finally, they request a condition to require the removal of Himalayan Balsam which is an invasive non-native species that is found on the site

#### **Lancashire County Ecology Service**

They have assessed the ecological report submitted with the application and raise some concerns over its content requesting that further analysis is made of the potential for bats to be present in a brick barn, the potential for impact on other buildings on the farm which could provide ecological habitat, whether there will be any loss of trees on the site that could support bats, and that opinions regarding the potential for impact on the watercourse should be raised with EA and drainage authority.

The applicant has provided some information in an attempt to resolve this issue, but the County Ecologist maintains their objection.

#### **United Utilities**

They have provided comments on the application having considered the submitted FRA and Drainage Strategy.

They highlight an inconsistency in the originally submitted FRA which has been corrected. They confirm a lack of objection to the development subject to conditions which require full details of the site drainage to be agreed prior to any construction. This drainage is to involve separate foul and surface water drainage, and none of the surface water can be permitted to enter the existing foul or combined drainage systems. They also require that any surface water entering Wrea Brook be restricted to no more than 16.3 l/sec.

Comments are also provided about the need for properties to have a metered supply, the benefits of using planting schemes in the development that will absorb surface water, and the known concerns of residents in the area about flooding on Ribby Road.

The resident concerns over the capacity of the foul sewerage system and the Brooklands Pumping Station have been discussed with UU. They explained that there will be capacity in the system for the foul water from a development of this scale providing the surface water is prevented from entering it, as is the case under the proposed drainage strategy. Any problems with the Pumping Station are 'operational issues to be resolved irrespective of this planning application'.

#### **Strategic Housing**

The site has been discussed with the council's Strategic Housing Manager. He refers to the similarity of the scale of the site to others which have been recently determined in the village. The scale of the site is such that the Interim Housing Policy requires the on-site provision of affordable housing at a level of 30% of the total accommodation. However, a recent needs survey in Wrea Green parish identified a lower actual need for such dwellings in the village than the acute borough-wide need that is evidenced by other surveys. He would support the provision of a small number of 2 bedroomed houses for social rent on the site with the remainder of the 30% affordable housing requirement met by a commuted sum in lieu of on-site provision.

#### **Tree Officer**

No written comments have been received. There is a group of trees protected by TPO 1991 No. 3 that runs along the line of the brook on the southern boundary of the main part of the site. This will need to be crossed by any access road to the site, but there are no trees present in the likely line of any road and so no arboricultural implications from this

aspect. There are significant trees within the main part of the site, but the implications for these can be properly assessed as part of any reserved matters application.

#### **The Ramblers Association**

They refer to the footpath that runs along the eastern boundary of the site and is mentioned in the application. They ask for clarification whether the boundary hedge between this footpath and the site is to be kept, whether there are to be any connections between the site and this footpath and whether the implications of the proposed cyclepath connecting to it have been fully explored. Subject to these clarifications no objection is raised.

#### **Lancashire County Education**

They have assessed the application for whether there is likely to be sufficient capacity in local primary and secondary schools at a time when the houses are likely to be constructed. To do this they look at the scale of the development proposed, the primary schools within a 2 mile radius of the site, secondary schools within a 3 mile radius, and the other developments with planning permission within those catchment distances from the schools.

With regard to primary education they have looked at the capacity in the 7 schools within 2 miles of the site, the planning permissions around them (including the 3 appeal schemes in the village) and the yield of children from this scheme which is anticipated to be 19 children. The outcome of this is that there is a surplus of 6 places if only the children from sites with planning permission are included, but there would be a deficit of 278 places if all the pending applications are included.

On this basis no request for any primary education contribution is made, however they ask to be consulted again if matters change given the limited surplus and the large potential deficit if other current applications and appeals gain planning permission. If there was to be a deficit at the time of the decision then they would request a financial contribution towards making up those places using their standard mechanism, which for the 19 places anticipated from the development amounts to £225,729.

They have undertaken the same exercise with regard to secondary education and looked at the capacity available at Kirkham Carr Hill High School which is the only secondary school within 3 miles of the site. This site is projected to yield 7 children of secondary school age and these can be accommodated at that school even if all the other developments with planning permission and awaiting decisions are approved. As such no request for funding towards secondary school places is made.

#### **Landscape Officer**

The council's Landscape Officer has assessed the application and submitted information. She refers to the irregular nature of the settlement boundary in the area of the application site creating a natural edge to the settlement, with the more formal boundary presented by this development having an adverse impact on the settlement. She also refers to the surrounding topography making this site a visible one from the countryside, with the removal of farm buildings to open up of the access area removing the rural remnants of the village's origins from this area, with this being a further adverse impact.

#### **Observations of Other Interested Parties**

Comments have been received from the **ward councillor (Cllr Andrews)** stating:

*"You will know there is widespread concern over the number of applications currently being*

*submitted for large developments within the village of Wrea Green. This application is just one of 5 currently outstanding. Of the others 1 has been approved and further 3 are being appealed. Clearly this amount of new housing, over 200 new homes, in an approximately 600 home village is excessive even with the government's directive to build outside boundary settlements. This colossal number is totally unsustainable in a village with just one shop.*

*Even though the proposed development would sit more comfortably in the village than the other 4 referred to above it is still a huge number of houses and there is simply no call for a development of this size. The development would clearly cause an increase in traffic on Ribby Road but more worryingly there are very real concerns over drainage in the lower end of the village. It is absolutely essential that drainage is fully investigated and agreed before any approval is even considered. This is especially important as the overloaded village drainage system will be further loaded by the already approved Richmond Road development for 54 dwellings."*

The CPRE have written to express objection to the proposal with a detailed letter. Their comments are summarised as follows:

- **Planning Balance** – They highlight the need to balance the merits of housing supply against the loss of agricultural land and the sustainability of the location. They argue that this scheme fails to satisfy the requirements of sustainable development and so the balance is for refusal of the application irrespective of the housing supply position.
- **Prematurity** – They refer to the importance placed on the plan-led system in the NPPF. This site is not allocated in the emerging Local Plan and a grant of planning permission at this time would pre-empt the preparation of the Part 2 Plan in the coming years.
- **Five Year Supply** – The council's latest position (of 31 March 2013) is that it has a 3.1 year supply of housing against the RSS housing target. The CPRE have undertaken their own analysis of housing supply and the methodology of its calculation and argue that the council has a supply equivalent to 5.1 years. They also refer to there being planning permission in place for the construction of 3,400 dwellings in the borough so the lack of a 5 year supply is not correct and cannot be a reason to support the development of this site.
- **Agricultural Land** – They refer to the applicant's assessment of land quality which claims it is Grade 3b and so not of a best and most versatile grade. The CPRE report other information from Natural England that classifies it as Grade 3a which would be a best and most versatile grade. The applicant's report explains that the lower grade is a consequence of the wetness of the land. The CPRE explain the view that this is a consequence of the weather conditions prior to the survey date and a general issue in recent months of a high water table in the south Fylde area caused by blocked dykes and issues with the pumps at the outfall of Liggard Brook which are being addressed by the Environment Agency. They argue that the land is capable of producing arable crops and that such land should be preserved for the foodchain and biomass energy uses. They highlight the NPPF protection given to Best and Most Versatile Land.
- **Sustainability** – This is a key component of the NPPF. The CPRE explain that the site is poorly related to facilities, services, employment and so the occupiers are likely to rely on private car use. They refer to capacity issues at the village primary school and the distance to other primary and the secondary schools.

### **Neighbour Observations**

**Neighbours notified:** 14 August 2013

**No. Of Responses Received:** 23

**Nature of comments made:**

The letters received all raise objection to the application with the grounds for objection summarised as follows:

#### **Principle**

- The proposal does not provide sustainable development in any of the ways it could be

defined

- The village does not have any need for additional dwellings, and does not have the services available to support them
- This site is good quality farm land in current agricultural use and should be retained for that purpose given the importance of national food security
- The land is not designated for residential use in the current or forthcoming Local Plan and so should not be developed in that manner
- There are limited services available in the village with little employment that could provide a wage that would allow the purchase of a dwelling of the scale proposed on the site.
- There are limited health services in the village
- The village school is almost at capacity and is tightly constrained so unable to expand. The other schools in the area are beyond a walking distance and will require further car journeys
- There are other recent planning permissions in the village and several other applications at appeal. The village cannot cope with an increase of the scale that all these will bring.
- This application should not be determined until the other applications that are at appeal have been decided as the scale of development of the village that they involve is enormous
- The Local Plan process should be used to identify the locations for development and it is understood that the development of rural village land is not to be confirmed until the Part 2 Local Plan in 2017

#### Access

- There is insufficient capacity on the surrounding roads to accommodate the additional traffic that would arise as a consequence of the development
- The proposed access point is restricted due to the limited width of Ribby Road at that point and the issues of parking in the area that cause severe congestion
- The visibility available at the site entrance is inadequate to allow its safe use
- There are a series of terraced properties opposite the site and these have no parking arrangements so must park on Ribby Road which makes the road difficult to navigate and congested at most times of the day and gridlocked in peak periods
- The narrowness of Ribby Road as a consequence of the parked cars means that drivers regularly use the pavement to pass other vehicles making the area of the proposed access particularly dangerous for all road users.
- The speed limit in the village is set at 20mph to control the use of the congested roads and further traffic to this site would increase that congestion
- Many of the vehicles using Ribby Road travel at dangerous speeds and ignore the various speed limits along its length between Ribby Road and the Green.
- The lack of services in the village, and poor bus connections to other towns where there are services, means that most journeys from the site will be by private car
- Ribby Road is in a poor condition with pot holes and areas where it is starting to collapse
- The proposed junction design is inadequate, with a mini-roundabout more appropriate

#### Drainage

- The development of the site will increase the risk of surface water flooding to existing residents around the site and in the wider village downstream of the site
- The foul sewerage system is antiquated with a series of small bore sewers that are unable to accommodate the loads from new development, particularly when fed to it through larger bore sewers
- In periods of heavy rain the surface water sewer is unable to cope with the volumes of water with roads becoming flooded and over spilling into gardens
- The foul sewerage system for the village crosses this site and so this development could impact on wider drainage issues for the village. (Note: This is not correct as the foul

- water sewer is in Ribby Road).
- The water table in the village is rising and so further development will cause reduced productivity on agricultural land as it is flooded for longer from the increased run-off from this site.

#### Ecology

- The site provides a valuable habitat and feeding territory for a wide range of protected and important species
- The loss of the site will also impact on the habitat that the surrounding fields provide as the dwellings will influence wildlife movement patterns
- Irrespective of the location of the buildings with bats relative to the site boundary, the proximity of works to them will inevitably cause disturbance

#### Other Matters

- Water pressure in the area is poor
- There are a large number of existing properties for sale in the area, with many for sale for long periods. This demonstrates that there is no need for development of additional houses
- Wrea Green is a pleasant village that is attractive for residents and day visitors. The development of further properties as is proposed here would damage that character
- The construction of the dwellings will cause unbearable disturbance to neighbouring properties
- This proposal is only part of the applicants land, and is likely to lead to further development if approved
- The density of the development is excessive to squeeze 50 dwellings on such a small area
- The council should take heed of the views of local residents rather than simply follow central government guidance
- The application under-estimates the distance to various facilities such as the play area, train station, cycle route, etc. and achieves only a low accessibility
- The development will have an adverse visual impact on the countryside and views of the village from Blackpool Road, Ribby Road and Fox Lane Ends
- The development will impact severely on neighbouring residential amenity
- If the development is justified on the basis that it provides affordable housing, than this is flawed as a recent survey demonstrates that there is a limited need for affordable housing and that has more than been met by other developments.
- There is a shortage of medical facilities in the village
- As Wrea Green grows it will become less attractive for the 'influential' residents who may then take their greater spending power elsewhere
- There is a poor mobile/internet reception in the village and so it is less suited as a location for modern development

#### **Relevant Planning Policy**

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

SP02	Development in countryside areas
SP01	Development within settlements
SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites



EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments
CF01	Provision of community facilities
CF02	Provision of new primary schools

**Other Relevant Policy:**

NPPF: National Planning Policy Framework

**Site Constraints**

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

**Comment and Analysis**

**Policy Background**

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

Under the Fylde Borough Local Plan the whole of this application site is outside of the settlement boundary of Wrea Green which extends around the properties fronting Ribby Road and those on Wray Crescent to the east. The land is allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

The Fylde Borough Local Plan is dated, and work is advancing on its replacement which will look at the period to 2030. A consultation exercise was undertaken over the summer on the 'Preferred Option' of the Part 1 to this Plan which included strategic locations for development but did not look at smaller developments than 100 units and did not include any allocations in or around Wrea Green and the other rural villages of the borough. This replacement Local Plan document is at such an early stage that it can have only limited weight in the determination of this application, although the evidence base that has been collected to inform it is a material consideration in the determination of this application. A key part of this is the level of housing land need and the available supply.

The Fylde Borough Local Plan remains a relevant policy document where it is consistent with the NPPF. Residential development proposals are assessed against Policy HL2 of the Fylde Borough Local Plan with this introducing a series of criteria. This report will assess the proposal against these criteria with reference to the appropriate paragraph of NPPF.

### **Need for Residential Development**

The NPPF retains the requirement from PPS3 for local planning authorities to provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements ....*", and then refers to additional amounts being required where there has been consistent under-delivery. The applicant's supporting statement makes reference to this requirement in support of the application.

The Council's annual housing requirement has, until its recent revocation, been expressed in Policy L4 of the RSS which confirmed the figure as 306 dwellings per annum. The work undertaken on the Fylde Local Plan to 2030 has focussed on assessing up-to-date and robust evidence on the housing need and supply position in the borough so that the council can then set its own annual housing requirement figure and so determine the level and then location and phasing of land allocations required to deliver that figure. To date, the council has not reached the point in Plan preparation when the housing requirement figure is decided. As the RSS figure remains the most recent figure that is supported by an evidence base it is appropriate to continue to use the figure of 306 dwellings per annum in the RSS, along with a buffer to reflect historic under-delivery as is required by NPPF.

The council's Local Plan team produce regular position papers regarding the borough's housing supply. The latest of these concludes that at 31 March 2013 the council was able to present a supply equivalent to only 3.1 years against the adjusted RSS 5 year housing requirement (including historic under-provision and NPPF buffer of 20% due to that under provision). The CPRE and others have raised doubts over the methodology used by the council to calculate its 5 year housing supply, and have claimed that the use of an alternative methodology allows the council to achieve a 5 year housing supply. This matter is discussed in the Inspector's decision letter to the Mowbreck Lane appeal in which the Inspector conclude the council's approach to require a 20% buffer was correct. Accordingly council officers are satisfied that the methodology used is correct and 3.1 years is the correct housing supply figure at 31 March 2013.

Since that time there have been further planning permissions granted (including that at Mowbreck Lane for 100 dwellings and 42 dwellings off Chain Lane in Staining) which will improve the supply. However, with the low rates of house building in the borough in recent years and the time that has passed since 31 March it is unlikely that there will have been any marked change in the housing supply and officers are satisfied that the council remains unable to demonstrate the required 5 year supply of housing.

The guidance in para 14 of NPPF is therefore relevant and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is therefore a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

### **Does the Proposal Deliver Sustainable Development?**

It is a basic planning principle that development should be directed to the most appropriate location. This is explained throughout the NPPF with its 'presumption in favour of sustainable development'. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

#### Accessibility of Site

The accessibility of the location where development is proposed is a key aspect of its sustainability. The applicant's Planning Statement lists the distances to the nearest services from the site using the appendix from the former RS as a basis for calculating the accessibility of the site. This concludes that the site scores 30 and so has medium accessibility. The scoring is incorrect in a number of areas such as the distance to bus stops and play areas, but when these are corrected the site scores 22 which remains in the medium accessibility band. The actual scoring against this matrix are shown below.

<b>Criteria from Table 3 of Appendix RT to RSS</b>	<b>Actual Distance</b>	<b>Score</b>
Walking distance from centre of site to nearest bus stop	200m from centre of site to existing bus stop on Ribby Road.	5
Walking distance from centre of site to nearest railway station	3.1km to Moss Side	0
Walking distance from centre of site to nearest primary school	530m to Ribby with Wrea Primary	1
Walking distance from centre of site to nearest food shop	450m to Spar in Wrea Green	1
Cycling distance from centre of site to nearest defined cycle route	500m to cycle route running across village on Station Road and Bryning Lane	2
Cycling distance from centre of site to nearest secondary school	3.4km to Carr Hill School in Kirkham	0
Cycling distance from centre of site to nearest town centre	2.5km to Kirkham	0
Cycling distance from centre of site to nearest employment concentration	730m to Brook Mill	3
Bus frequency from nearest stop	Half hourly service in each direction in a rural area	5
Train frequency from nearest station	1 per hour in each direction from Moss Side. More regular service at Kirkham & Wesham but this is more distant	1
Accessibility to basic services	Pub, post office counter and dry cleaners at Spar and others on Station Road and Ribby Road within 500m	3
Accessibility to play area or park	550m to existing facility to rear of Wray Crescent using surfaced and lit route on road.	1
<b>Total Accessibility Score</b>		<b>22</b>

A medium accessibility is the level that has been acknowledged previously as providing an acceptable level of accessibility to such services. It has painted a false picture in some cases whereby points

have been gained for the village's good bus service when they have not been accessible to the site, but that is not the case here.

On a practical basis Wrea Green contains the basic services needed on a day to day basis such as a primary school, post office, foodstore and others that are less frequently required such as pub, hairdressers and dental surgery, along with other facilities such as the Tennis Club and employment at Brook Mill. Other services are also available in nearby settlements of Kirkham, Wesham and Warton with the bus connections to the village all running along Ribby Road and so reasonably accessible from this site.

#### Visual Impact of Development Proposed

The position to establish here is whether the character of the area of the application site, and the scale of the development proposed, is such that the residential development can be delivered without unduly compromising the rural character of the area.

The application site is open countryside that lies beyond the settlement boundary and is currently greenfield land that remains in agricultural use. It is lain to grass and so forms a typical part of the countryside in Fylde borough. The issues to be considered under this heading are the visual impact of the development on its immediate surroundings and how the application site fits in with the established urban form of the village.

With regard to direct visual impact, these will be significant to properties on the northern side of Ribby Road, the western side of Wray Crescent and at the head of Vicarage Close as the site is in close proximity to the rear of those properties and so will be directly visible to them. Its access point will also alter the outlook for properties on the southern side of Ribby Road and to the users of this main arterial route serving the village. The development will also be visible in more distant views from the north on Station Road and from the railway line. Finally, there will be a more dramatic impact for users of the public footpath that runs along the whole eastern boundary and will effectively become constrained within a developed area where it currently has a pleasant rural aspect.

The development will inevitably urbanise this part of the rural area around the village and be to the detriment of the rural character of the immediate area. It will extend the area of built development in a location that is visible from a large number and type of vantage points as have been described in the preceding paragraph and is considered to involve development that will cause harm to the rural character of the village. Para 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. This is consistent with the findings of the appeal Inspector who looked at a similar site in 1990 and concluded that *"the erection of a residential estate on this wedge of agricultural land would consolidate development on the north side of Ribby Road and detract from the appearance of the open countryside."*

The harm to the form of the village is less of a concern, and less of a concern than has been raised by other recent development proposals. The site has residential neighbours to the south on Ribby Road and has residential properties to the east and west, with the northern boundary formed by Wrea Brook which helps provide a clear boundary to the site that also bounds the extent of the other residential development in this part of the village. Moreover, the development is relatively close to the centre of the village with the proposed access point only 300m to the east of The Gables. Notwithstanding the concerns expressed earlier, when travelling along Ribby Road the site will be perceived as one of a series of residential cul-de-sacs off that road and so is less harmful than a development that extends the settlement boundaries along such a road frontage.

#### Comprehensive or Piecemeal Development

One aspect that is raised by this scheme which hasn't been the case with the other recent development proposals locally is whether it delivers comprehensive development. The site is between the existing

residential properties on Wray Crescent and Vicarage Close, but does not meet with the boundaries of these properties with areas of undeveloped land retained. The illustrative layout suggests that the internal roads could be extended to serve these sites, but there is no certainty to this. The exclusion of these two areas from the site potentially leaves them isolated and certainly has a marked reduction in their value as countryside on visual grounds and for their agricultural value. However, it would be possible to impose conditions with any planning permission that the development facilitates access to these areas for future development. In those circumstances the scheme would comply with criteria 8 of Policy HL2 of the Fylde Borough Local Plan which is consistent with the requirement of para 58 of the NPPF that development optimises the potential of a site to accommodate development. Given this option it is not considered that a reason for refusal on this basis can be justified.

### Scale of Development

The council has received a number of applications for the residential development of areas of land outside the village boundary over the past 2 years. This has led to concerns over whether the village can reasonably accommodate the scale of development that this would involve without it leading to the existing services being overwhelmed by the resultant population. This is a particular concern given the relatively limited range of services available, and that the existing services that are available are located within the centre of the village which is constrained by its position at the junction of the main road connections and designated as a Conservation Area so further restricting the opportunity for these existing services to expand. This is particularly true of the primary school which is immediately adjacent to the junction and is obviously an essential service for any development of this scale, and the local employment area which is off Station Road and constrained by a difficult access and the railway line from any expansion.

The NPPF encourages development in rural areas to promote the retention and development of local services and facilities in villages (para 28), with the council recognising this in its support for the development of the former Wareings site and the land off Richmond Avenue. However, it is equally important that the development in an area is not excessive so that the available services are able to meet the needs of the population without those residents having to leave the village for their needs which would reduce the sustainability of the development.

In its decisions on a number of recent applications the council has taken the view that the level of development in the village secured by the granting of planning permission on the two sites referred to above is sufficient for Wrea Green at this time, and that any further major development should be resisted. This would also allow the need for, and potential location of, any further development to be assessed through the development plan process as the Fylde Local Plan to 2030 is progressed in the next year or so.

To put some figures to this, the 2011 census indicate that there are 651 dwellings in Ribby with Wrea Parish. This number will have increased with the 15 units on the former Wareings site which have been constructed and will increase further once the planning permission for 55 units off Richmond Avenue has been implemented. These 70 units result in just under an 11% increase in the Parish's dwellings. The 49 dwellings proposed here would in itself amount to a 7.5% increase in the scale of the village but when added to the previously approved 70 dwellings amounts to an 18% increase.

The council is currently awaiting the determination of appeals against its refusal of 3 other applications for residential development of greenfield sites around the village. These are for 50 dwellings off Moss Side Lane (ref 12/0720), for 25 dwellings to the rear of 54 Bryning Lane (ref 12/0456) and for 32 dwellings adjacent to 53 Bryning Lane (ref 13/1037). If these 107 dwellings are added to the 49 proposed in this application and the 70 previously approved in the village in recent years then the cumulative increase in dwellings in the Parish over its 2011 level amounts to a 35% increase in the number of households that were recorded just 2 years ago.

The submission of all these applications around a single village highlights the importance of such settlement growth being planned in a managed way through the development plan system as is

explained in the very first line of the core planning principles listed under para 17 of NPPF. The high demand for development in the area also demonstrates that the village is already a thriving rural community that is not in need of additional development of the scale that would be a consequence of this appeal, and is claimed to deliver the economic element of sustainable development in the applicant's planning statement.

Policy HL2 of the Fylde Borough Local Plan lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality. For the reasons explained in this section it is contended that the scale of development proposed in this appealed scheme, in addition to that recently approved by the council and as proposed in other applications, is excessive for its locality. This will lead to demonstrable harm by overloading the capacity of the existing services that are available in the village and that have limited prospect for expansion to accommodate the additional demands. In turn this will require additional trips outside of the village which are likely to be by less sustainable means given the limited public transport services that are available, and so conflict with the requirement of para 17 for new development to be focused in locations that are sustainable. Furthermore, para 55 of NPPF relates to development in rural areas and is supportive of it where it will enhance or maintain the vitality of rural communities. With the recent developments in the village there can be no argument that this scheme is required to support the vitality of Wrea Green.

#### Density

The density of development proposed at up to 49 dwellings on a 2.9 Ha site gives a density of almost 17 dph. This is a low figure that does not make a particularly efficient use of the greenfield land of the application site, but is considered appropriate given the nature of the surrounding development with its edge of village location and the anticipated requirements for the site to accommodate new access roads, balancing pond and play areas which will all reduce the developable area of the site. It would also allow the significant trees located in the centre of the site and around some of boundaries to be retained and to be given sufficient stand-off from development in any layout for the site.

#### Summary to Sustainable Development Assessment

The council has previously sought to resist the principle of residential development on all out of settlement sites that are allocated as Countryside in the Local Plan on the basis that such development is contrary to Policy SP2. However, the emphasis on delivering sustainable residential development in the NPPF and more recent ministerial statements and appeal decisions are material considerations that need to be assessed alongside this important development plan policy. This has led to a change in approach with council officers supporting a number of such proposals where they have concluded the need for housing land, and the merits of the particular application, have justified it.

Given the lack of a five year housing supply the NPPF places a significant weight on housing delivery, and it is necessary to examine whether this outweighs the other considerations in assessing the merits of the principle of the residential development of this site. In this case the following aspects weigh against this principle:

- that the site is a greenfield site which is available for agricultural use and lies outside of the settlement and so is given protection from development Fylde Borough Local Plan Policy SP2.
- the development of the site will have a detrimental visual impact by urbanising the countryside in a manner and location that will be prominent to public and private vantage points.
- the removal of the agricultural buildings and engineering works associated with the formation of the access will urbanise this area and remove the rural scale and form of the buildings that currently occupy this land and add to the perception of the area as being part of a rural village
- that the scale of the development proposed is such that, in conjunction with other recent developments, it will involve a significant increase in the scale of the village to a degree that

the available services are unable to realistically provide for the needs of the extended population without expansion that appears difficult to deliver

Taking these factors in combination it is considered that the scheme does not deliver sustainable residential development.

Paragraph 14 of the NPPF states that “*where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. In this case the Fylde Borough Local Plan is out of date with respect to the delivery of a housing land to meet the 5 year supply, but the adverse impacts explained above are such that they do outweigh the benefits of delivering housing on this site. Accordingly the countryside protection secured by Policy SP2 of the Local Plan should take priority and the application refused as being contrary to that Policy.

### **Loss of Agricultural Land**

The application site contains a small area of farm buildings and farm yard near to the entrance but is largely greenfield land that is in agricultural use. Data from Natural England concerning the agricultural land classification of the land of the application site lists it as being of Grade 2, and so of a grade that is Best and Most Versatile Land that is protected from development by Policy EP22 of the Fylde Borough Local Plan and by paragraph 112 in the NPPF. The records list much of the land around Wrea Green of this grade, with the assessment being a combination of the climate (temperature, rainfall, aspect, exposure frost risk), site (gradient, relief and flood risk), and soil (texture, structure, depth and chemicals). The higher grade land is of greater agricultural value because it allows a more flexible approach to its farming in the choice and value of crops that can be grown on it, and the yields produced.

The application is supported with a report that describes the agricultural land classification of the application site with reference to field survey work that it reports were undertaken in line with DEFRA guidelines for such surveys. This involved 4 sample bore holes being excavated across the application site and a review of desktop research undertaken. The report concludes that the land across the site is fine loamy topsoil and upper subsoil overlaying a clay lower subsoil, with poor natural drainage found and attributed to the slow permeability of the lower subsoil. The report argues that artificial drainage would not be able to address the drainage issues due to the shallow depth of soil before the slowly permeable clay subsoil is reached. As a consequence of this the report determines that the land is within Grade 3b, which is below the Best and Most Versatile grades.

The CPRE queries this report on the basis that the soil analysis was undertaken immediately after a period of wet weather and suggests that it is this which explains why the land was found to be wet rather than that it is poorly drained. However, the council does not have the expertise to question this conclusion and so can only accept that the intrusive analysis undertaken by the applicant is more accurate than the ‘broad brush’ examination undertaken when the national land classification grades were compiled. As such the loss of the site to non-agricultural development would not be in conflict with Policy EP22 or para 112 of NPPF.

### **Access Arrangements**

This is one of the key considerations with any planning application, and as access is a matter for consideration under this outline application the access details are to be assessed at this time. Unfortunately the professional highway comments of Lancashire County Council are not available at the time of writing this report, but will be available for Committee and so reported in the Late Representations Schedule. It is understood that these comments will not raise objection to the access arrangements.

The application proposes a single vehicular access which is to be located centrally on the frontage with Ribby Road in the position of the existing farm access. The proposed access is a priority junction with a width of 5.5m with this supported by visibility splays of 2.4m x 43m in both

directions. This will be provided with footways to connect to the existing footways on Ribby Road. The various access related issues are now discussed in turn below:

#### Network Capacity

Ribby Road is classified as the B5259 and is subject to a 20mph limit across the whole site frontage. It serves as one of the main arterial roads into Wrea Green and links the village with Ribby Hall, Kirkham, Wesham and the M55 as well as serving many of the residential areas of the village. The Transport Assessment includes an assessment of the accident record and road capacity issues in the area and uses the standard TRICS methodology to anticipate the vehicle movements associated with the development. This gives an additional 25 vehicle movements during each of the morning and afternoon peak periods, which the Transport Statement regards as “*imperceptible having regard to the daily fluctuations in traffic*”. They also refer to the benefit to the highway network from the removal of the slow moving agricultural traffic that will be a consequence of the development of the farm.

It is anticipated that LCC Highways will not raise objection to this aspect, but this will be confirmed at the Committee meeting. They have expressed initial concerns over the safety record at the roundabout junction of Ribby Road with The Green and Station Road, particularly involving cyclists. As this development will increase the number of vehicles using that junction County Highways are likely to request that the developer funds a scheme to improve its safe operation. It is anticipated that further details of this will be available at the Committee meeting.

#### Location and Design of Access

The development proposes a single priority junction to provide vehicular access to the site. The County Highway Authority has provided an initial confirmation that this type of junction is appropriate to serve a development of the scale proposed and has an adequate width and design.

#### Pedestrian Routes

The access proposes direct connections to the existing footway on Ribby Road. This is accessible but is of a limited width which is incapable of meaningful improvement as the site frontage is limited in length and the carriageway width is already limited and incapable of further reduction to allow a wider footway. However, it is not anticipated that County Highways will raise any objection over this aspect, although that is a matter to be confirmed at Committee when their comments are available.

#### Cycle Connections

No improvements to cycle connections are proposed, although the site is close to the existing cycle routes that run through the centre of the village.

#### Bus Stop

The site is on the main bus route through the village and is served by the No. 61 bus which connects the village to Kirkham, Blackpool and Preston on a half hourly daytime service; and by the No. 76 bus which connects the village with St Annes as well as Kirkham and Blackpool. The nearest stops on Ribby Road are 40m away from the access heading east (through the village) with this being a simple post, and around 130m heading west (away from the village) with this having a brick shelter. These allow good connections to the bus services, although the views of County Highways are awaited on whether any improvements to the services or the stops are feasible or necessary to facilitate this development.

#### Summary

Without the confirmed views of the statutory consultee on highway matters it is difficult for this report to reach a conclusion on this important aspect of the planning application. However, the initial view received is that the access junction is acceptable and so it is anticipated that they will not raise objection to the application.

Your officers are aware of the volumes of traffic which use Ribby Road, particularly in peak times, and the limited width of the carriageway and footway. The concerns of the Parish Council and



residents are also noted on this aspect. However without the support of an objection from County Highways the officer advice is that the access arrangements for the site should be considered acceptable, subject to any improvements that are suggested and considered appropriate.

Should Committee take a different view on this matter they need to assess whether the application complies with criteria 9 of Policy HL2 which requires that a development has a satisfactory access that does not have an adverse effect on the safe operation of the highway network. This is the relevant element of the development plan and is consistent with paragraph 35 of NPPF which should also be quoted in any reason for refusal on highway matters.

### **Drainage Matters**

The application site is almost entirely an undulating greenfield site that slopes gently to the north where Wrea Brook runs along that boundary. A second watercourse runs across the northern boundary of the main part of the site and then joins Wrea Brook at the rear of Vicarage Close. The application is supported with a Flood Risk Assessment and a Drainage Management Strategy which have been assessed by the Environment Agency and United Utilities as the two key consultees on such matters.

As with much of the land around Wrea Green the site is located in Flood Zone 1 which is the least likely to suffer tidal or fluvial flooding. In the determination of the application it is important to establish, in principle, how the surface and foul water drainage works are to be designed and implemented to ensure that they offer a practical solution for site drainage without causing any flooding issues.

### **Surface Water**

The development of the site from its current largely greenfield state will dramatically increase surface water runoff rates and so require that these are attenuated to prevent overloading of the networks downstream. The Drainage Management Strategy reasonably concludes that the surface water from the main part of the site will flow into one of the two watercourses, and that from the developed area will run into the surface water sewer system. The Strategy makes an estimation of the extent of hard surfaced areas in roofs, driveways, etc. from the proposed development of the 49 dwellings and then suggests ways that this runoff can be handled. The proposed solution is that it be directed to the two watercourses but with retention on site to ensure that it is released at a controlled rate after storm events. To facilitate this a balancing pond is proposed in an area of open space adjacent to Wrea Brook, with the Drainage Management Strategy including calculations as to the size of the pond that would be needed to store the projected storm event volumes of water. This means that none of the water from the site would be discharged direct to public sewer, and could be released to the land drainage system at a rate equivalent to the existing run-off from the site.

The Environment Agency raised an initial objection to the application as there were inconsistencies in the submitted information, but a revised Flood Risk Assessment has been submitted to correct that. They have withdrawn their objection subject to a condition being imposed to require further details of the drainage strategy for the site based on the actual layout and the sustainable drainage principles proposed in the documents to date.

With this being an outline planning application it is necessary for it to simply provide sufficient comfort that a site can be drained effectively, without providing the full details of that drainage solution. In this case the application proposes a viable solution of draining the site to the existing watercourse adjacent to it at a controlled rate. This is considered to be a viable solution that does not raise any objections from the drainage consultee and so is considered to allow the scheme to accord with Policy EP30 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan and para 100 and 103 of the NPPF.

### **Foul Water**

The largely undeveloped nature of the site at present means that there are very limited foul drainage

flows at present. This will be considerably increased as a result of the development of the 49 properties proposed. The Drainage Management Strategy covers this aspect and estimates the capacity of foul water that would be generated from a development of that scale and proposes that it be discharged to the public sewer system. The nearest sewer is a combined sewer that runs along Ribby Road. The Strategy does not give any detail about whether there is sufficient capacity in this system to accommodate the additional loads, or whether there will be a need to pump the water to that sewer. It is noted that local residents have expressed concern about the capacity and operation of the sewer system in this part of the village, particularly as it is to take the foul and surface water from the Richmond Avenue development.

United Utilities are the statutory drainage body and so have been consulted on this element of the application, and asked to comment specifically on foul sewerage capacity. In their initial consultation reply they do not raise objection to the proposal. In discussions following that response they have confirmed that the system will be able to accommodate the additional foul drainage from this development providing there is no surface water from this site added to it.

The council does not have the technical expertise to argue that the proposed solution is not viable, particularly when United Utilities as the statutory undertaker responsible for foul drainage, are clearly content that a solution is viable. Accordingly, no reason for refusal relating to the foul drainage controls in Policy EP25 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan and para 120 of NPPF can be justified.

### **Ecology**

The site does not contain any ecological or biodiversity designations, and there are none within the vicinity of the site. However, the site contains agricultural style buildings that are to be removed, and has hedge boundaries and there are other hedges, ponds and open agricultural land around it. As such there is a reasonable likelihood that the site will provide habitat for protected or priority species.

The application is supported by an Ecological Survey and Assessment that presents the findings of a series of survey visits to the site by a team of experienced ecologist. This assesses the principle issues of ecological importance related to the development, and its content has been considered by the County Ecologist who provides specialist advice to the council on such matters. The relevant issues are described as follows:

#### Habitat

There are no national or locally designated sites within the application site or in any vicinity to it.

The site generally comprises semi-improved grassland used for grazing. As such it does not provide a good habitat for wildlife. The site does contain a number of trees and is bounded by hedges and ditches that provide better habitat, but it seems that the development can be designed to maintain them and so subject to conditions to ensure that it is unlikely that there will be any conflict with habitat protection legislation from the development of the site. The maintenance of these can be secured by a condition on any approval of planning permission and will deliver a biodiversity benefit from the development of the site. The part of the site that provides the access does contain a series of farm buildings that need to be cleared to allow this access and could provide habitat for bats and barn owls, with the implications assessed under that section of this report.

#### Amphibians

There are no ponds within the site. The OS plans indicate that there are ponds within 250m of it, but at the ecologist's site visit these were found to have dried up. This indicates that there is no reasonable likelihood of Great Crested Newts or other amphibians being present at the site, with the County Ecologist concurring with this position.

#### Bats

There are a number of buildings within the site that are to be lost to facilitate its access from Ribby

Road. The ecologist has surveyed some of these for the presence of bats including a search for droppings and other physical evidence, and a nocturnal survey to establish actual bat activity.

The applicant's report notes that many of the buildings are timber sheds and are discounted for potential bat value although a number of the other buildings are found to have low-moderate potential value for bat roosting or hibernating. Some of the trees on site also showed areas of rot which allow potential bat roosts. The nocturnal survey was concentrated on the building with the greatest potential value and found a small number of bats foraging around the site and entering adjacent buildings, but none on the site.

The County Ecologist is concerned that the methodology for the surveys as reported does not accord with the recognised guidelines for such matters as not all buildings and trees that could be affected have been appropriately surveyed. They suggest that further surveys are undertaken to allow the decision-maker (Fylde Borough Council) to be satisfied that the development will not cause harm to this protected species.

The applicant's ecology consultant has provided a response to this which argues that the survey of the building which has best bat potential was appropriate, and that in their professional judgement there was no merit in undertaking further surveys. They also refer to the outline nature of the application and argue that this would involve a passage of time between survey and development that would likely require further surveys anyway, which could be the subject of a condition. They also argue that there is no need to survey buildings that are immediately adjacent to, but outside of the site boundary.

The County Ecologist disagrees with this position and refers to legislation and guidance which stresses the importance of these matters being resolved prior to the decision on an application without any distinction as to whether it is in outline or in full. They quote from a Natural England flowchart relating to the assessment of bat surveys and conclude that *"If further survey work is not provided then the application should be refused"*.

#### Badgers

Although the site does provide foraging opportunities for badgers, no evidence of activity was found on site. The County Ecologist accepts this survey but highlights that a further survey of a wider area would be appropriate to support any reserved matters application to verify this finding and allow any layout of the site to be designed to accommodate their presence.

#### Water Voles

As there are two watercourses within the site there is a potential that these could provide habitat for Water Voles which are a protected species, and so both were surveyed. The watercourse closest to the farm buildings was found to have its potential for Water Voles limited by shading from a hedge and the prospect of trampling by animals which are able to access it direct. Despite these factors it was assessed as having low to moderate potential to support Water Voles. The other watercourse forms the northern boundary of the site. This is not shaded by the hedge, but is accessible by cattle although its bank profile reduces the extent that this will occur. This watercourse was assessed as having a moderate potential to support water voles.

With these levels of potential presence being assessed the ecologist undertook a full presence and absence of the farm side watercourse but found no evidence of water vole. The other watercourse is retained in the development layout with a suitable standoff of open space from the development provided to allow any Water Voles that are present to be unaffected by the development.

The County Ecologist has concerns over the nature of these surveys, but they believe that they confirm there will not be a direct impact on Water Voles. A condition is requested to require that the area is re-surveyed at the time of any reserved matters application in case animals have colonised the area, and that the site layout provides protection for this species.

### Otters

The two watercourses were found to be too small and remote from larger waterbodies to have any potential value for otters.

### Reptiles

The habitat is considered to have a negligible potential to support reptiles.

### Other species

The applicant's ecologist considered that there was some potential value for Brown Hare in the application fields, and hedgehogs associated with its boundary hedges. However, they conclude that given the context of the surrounding area providing similar habitat features it was not considered that the site was of notable local value for these UK BAP species. The County Ecologist does not disagree with this conclusion.

### Nesting Birds

The walkover survey of the site found several bird species are present, although none of the Schedule 1 species were found. This includes Barn Owls and the ecologist records that none were actually present or was there any evidence of them on the site, with only 1 of the buildings having Barn Owl roost potential and that contained no evidence. Of the birds that were recorded as being present these are generally common species although Dunnock were sighted which are a UK BAP species and habitat suitable for other such species was identified.

The County Ecologist is satisfied that there would be no direct impact on Species of Principal Importance, but that there would be disturbance to species from the development close to the boundary hedgerows and in the loss of a building that provides a Swallow nesting site. However, they accept that the scale of the site is such that it will allow the site layout to be designed so that it will allow compensatory habitat and nesting sites for these birds to be incorporated. This could also be a condition to any approval of this application.

### Summary

The application presents an examination of the potential ecological impacts from the residential development of the site and concludes that there would be no significant impacts that cannot be mitigated. This position is not accepted by the County Ecologist who is concerned about the surveys undertaken as documented above. The most important of these is the work in respect of bat surveys as they are a protected species that may utilise the buildings that need to be removed to facilitate the construction of the access to the site. Your officers' advice is that the views of the County Ecologist should be accepted on this matter.

With the absence of appropriate survey work the council cannot be confident that there will not be '*detrimental to the maintenance of the population of the species at a favourable conservation status*', and so is unable to satisfy the requisite tests of the Habitats Directive. As such the scheme cannot comply with Policy EP18 and Policy EP19 of the Fylde Borough Local Plan which protects natural features and the protected species that may inhabit them, and paragraph 118 of the NPPF with which they are consistent. This must represent a reason for refusal of the application.

### **Affordable Housing Provision**

The delivery of affordable housing is an important aspect of all residential development schemes. The Interim Housing Policy refers to the delivery of affordable housing as part of residential development schemes and for developments in Wrea Green the rural option of that document applies. This refers to developments of 4 or more dwellings providing affordable housing on site at a level equivalent to 30% of the total, which for this scheme for 49 dwellings would be 14 units. These would normally be delivered as family dwellings for social rent to meet the demands of the borough as identified in the Housing Needs Survey. The recent revision to the application of the IHP does not alter the required provision of affordable housing for larger schemes such as this.

However, the council has recently undertaken a survey of the specific needs and demands for affordable housing in Wrea Green with the Parish Council. This has found that the stable and elderly nature of the local population reduces the demand for affordable housing in the village. As a consequence it is likely that a lower percentage of dwellings on new developments will be required to be delivered as affordable units, with the balance of the provision provided elsewhere, or a financial contribution made to assist in the delivery of affordable units elsewhere in the borough.

This application is confusing in the provision of affordable housing: the application form states that all the properties will be for market sale, whereas the planning statement states that 30% of the dwellings will be affordable to meet the council's policy, although this then adds to the confusion by stating that 17 dwellings will be provided which is actually 35% of the 49 dwellings proposed. This has been discussed with the agent who has clarified the intention that the scheme intends to offer 30% of the dwellings as affordable.

In other schemes in the village in recent months the approach adopted has been to secure a limited on-site delivery of affordable housing with the balance of the 30% affordable provision met by a commuted sum in lieu of their provision as part of a s106 agreement. This funding would then be used to assist in the delivery of affordable housing in nearby parts of the borough such as Lytham or Kirkham where the Housing Needs Study confirms that there is a significant shortfall in the supply of affordable properties.

The applicant has given a verbal undertaking that they would be happy to negotiate a similar approach here, and it is unlikely that provision of an appropriate level of affordable housing will be an issue with this proposal. However, the fundamental issues with the scheme described earlier in this report mean that work on the s106 agreement has not progressed and so the absence of any mechanism to deliver the necessary affordable housing provision the application must be in conflict with the Interim Housing Policy and national guidance in para 50 of the NPPF. This justifies a reason for refusal of the application.

### **Public Open Space**

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this.

The outline nature of the application means that there can be no clarity on this matter. However, the illustrative layout indicates that a central area is provided that could accommodate a play area although the site is close to the existing facility off Wray Crescent. If a pedestrian access were provided from the site to the existing public footpath this would then allow access to the play area without the need to use the road and would shorten the journey also.

Notwithstanding this, the scale of the site is such that it will be able to accommodate 49 properties along with the access and ancillary works and any required play and open space provision. This is a matter that can be secured by condition to an outline approval and so it is considered that the proposal could comply with Policy TREC17 and the Interim Housing Policy. The inclusion of areas in the centre of the site that could accommodate this on the illustrative plan and supporting statement gives sufficient certainty that it could be delivered as part of the development and so no reason for refusal on this matter is justified.

### **Public Realm**

The council's Interim Housing Policy seeks contributions from developments to assist in the delivery of public realm improvements as are identified in the council's Regeneration Framework 2010. This document identifies the conservation area in Wrea Green as an area where improvements could be undertaken, but does not identify a specific project as the funding for its implementation was unknown at the time of drafting of the Framework.

The recent planning permission at Richmond Avenue secures the delivery of a sum of £30,000 to assist in the delivery of a project in the council's Regeneration Framework. With the grant of that planning permission officers are now working up the details of that scheme with initial proposals including new streetlighting to provide a consistent heritage design to the area, new paving and other surfacing work, enhanced and additional street furniture to improve the communal use of the area and its role at the centre of the village, and the potential for street works to improve traffic flow and pedestrian connectivity in the area. These proposals have not yet reached a stage where they are available for public / Parish Council consultation but it would be appropriate for this application to also make some contribution to this scheme. As part of the council's case on the on-going planning appeals in the village it has argued that they should each make a payment that is commensurate with the per plot payment made at Richmond Avenue, which for this development of 49 dwellings would amount to £26,705.

This would be an appropriate way forward to deliver improvements to the infrastructure and public realm of the village commensurate with the scale of the development. However, with the objections to the development that are described earlier in this report, no work has been undertaken on this agreement and so there is no mechanism to secure any contribution towards this element of local infrastructure. A reason for refusal on the basis of a failure to comply with Policy EP01 of the Fylde Borough Local Plan is therefore appropriate.

### **Education**

The capacity of the village primary school to absorb the children from this site, along with others from schemes recently approved in the village, has been raised as a concern by the Parish Council and many residents. Lancashire County Council has provided a consultation response on this matter. This confirms that Ribby with Wrea Primary is currently at capacity and is anticipated to be 10% above capacity in 2018. However, their assessment of education capacity does not look just at the capacity in the nearest school, but at the capacity of all local education authority controlled schools within 2 miles of the site for primary education, and 3 miles for secondary.

Their assessment of the local position is that there is just about a sufficient capacity in the surrounding primary schools to accommodate children from the existing households and new ones that would be created should the sites with planning permission be built and occupied. However there would be a large deficit of 272 places if this application and others around the area were to be approved, in which case they would request a contribution from the development to assist in extending school capacity to accommodate those children.

This is the same situation as when the other applications around Wrea Green were considered. At that time there was less of a deficit and less 'pending' applications so a failure to provide education improvements was not included as a reason for refusal. However, given the large number of applications now involved, the number at appeal and the advanced stage of those appeals it is now considered likely that at least one will receive planning permission and so will take up the 6 children surplus without contributing towards education enhancement. As such it is considered appropriate to require that any approval on this site should make a contribution to allow the local education authority to improve local primary school capacity to educate the children from the development.

There is sufficient capacity of secondary education provision to accommodate the children from this development and all the others in the vicinity without the need for any contributions.

Where there is a shortage of places Policy CF2 of the Fylde Borough Local Plan allows for the council to secure financial contributions from developments to assist in increasing education provision in an area. That situation exists with respect to primary education, with the contribution request amounting to the anticipated yield of 19 children which is £225,729. This would normally be secured by a s106 agreement, but with the issues with the planning principles of the development this agreement has not been progressed and so a reason for refusal on this basis is appropriate. Should the applicant submit an appeal against any refusal of this application the education capacity would be

reassessed as a priority and the council would then determine the most appropriate way forward, including the potential to drop this as an issue if the anticipated approval of one of the 'pending' applications does not materialise.

### **Relationship to Neighbours**

As this is an outline application with only access applied for the illustrative layout submitted with the application is for indicative purposes only. This means that it is not possible to assess how the dwellings would relate to the existing neighbours as this would form part of the consideration of a subsequent reserved matters application. Notwithstanding that, there will be an inevitable impact on the properties on Ribby Road from the use of the access point which will be across from a terrace of existing dwellings and from the loss of the open aspect from the properties that back onto the site.

The private view impacts are not a material planning consideration. The massing and privacy impacts can be most properly assessed as part of the consideration of any reserved matters application, but with the scale of the site and the number of properties proposed, and the relationship of the site to off-site neighbours it will be possible to accommodate the development proposed without causing undue impact to the existing dwellings adjacent to the site.

### **Overall Conclusion**

This proposal is an outline application for the development of up to 49 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. With the exception of the access road the site lies adjacent to, but outside of, the village boundary of Wrea Green. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan.

The National Planning Policy Framework re-emphasises the importance of councils being able to deliver at least a 5 year supply of housing land and is supportive of sustainable development which is described as a 'golden thread' to the document. This is articulated in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent on their subject unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The Council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver 'sustainable development'.

However, this proposal is not considered to deliver a sustainable form of housing development as is required by NPPF. This is primarily as a consequence of it being additional to the cumulative level of development that has been seen in the village in recent years and has resulted in dwelling numbers increasing by 11% since the 2011 census. If the 49 dwellings proposed here were added to that, the total increase in dwellings would exceed 18% which is a level that is considered to be excessive for a village scale settlement such as Wrea Green, particularly where there are only a relatively limited range of services available in the village and little opportunity for those services to expand to serve an additional population. This is likely to result in the village services being stretched and unable to cope with the requirements of the residents which will then be required to travel out of the village to access such services.

The development of the application site will also lead to harm to the rural character of the application site which has a rolling character with mature trees and hedgerow boundaries that contributes to the attractive setting for the village.

As a consequence of these issues it is considered that the application does not deliver sustainable development and so the balance of the decision should be in favour of the development plan policy over the need to contribute to the borough's housing supply shortage.

The scheme also has other deficiencies that warrant additional reasons for refusal. The application does not provide the survey work necessary to establish the potential for the development to impact on potential bat habitats in a building that is to be removed to facilitate the access, and other buildings around it. Concerns may also arise following the receipt of final comments from statutory undertakers relating to access arrangements and the capacity of the foul sewerage system in the village. The development of the site would also be undertaken at a time when there is anticipated to be a shortage of primary school education capacity and the financial contribution sought by LCC to help increase capacity is outstanding. Other issues relating to the delivery of agreed levels of affordable housing and public realm improvement funding are also quoted in reasons for refusal, albeit that these are more technical than fundamental as the matters could be agreed with the applicant but the legal agreement to secure their delivery has not been completed.

The NPPF sets out the three dimensions to the delivery of sustainable development. It is your officers conclusion that as this development is not considered to be in the right place at the right time; does not identify development requirements, including the provision of infrastructure; does not contribute to protecting or enhancing our natural environment; and does not help to improve biodiversity; the development does not represent sustainable development. Accordingly it is considered that there is no presumption in favour of the proposed development, notwithstanding the current lack of a 5 year supply of housing land.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons

1. The scale of development proposed, in conjunction with recently approved residential developments in the village, is excessive in scale for the village of Wrea Green and the services that are available in the village to support its population. The development will also cause harm to the rural character of the area of and around the application site which forms a natural transition between the built village and its rural surroundings. These aspects are contrary to criteria 2 and 7 of Policy HL2 of the Fylde Borough Local Plan and paragraph 17 and 58 of the National Planning Policy Framework.
2. The proposed development has the potential to impact on protected species (Bats) and/or habitats of ecological importance to those and other protected species. In the absence of sufficient survey work having been undertaken to establish the scale of the potential harm to these, and so investigate the need for and extent of mitigation for the impact of the development on them, the council is unable to establish whether there will be an adverse impact on any species or their habitat in and around the site. As such the proposal conflicts with Policy EP18 and Policy EP19 of the Fylde Borough Local Plan and paragraph 118 of the National Planning Policy Framework.
3. The proposed development fails to deliver any certainty over the provision of affordable housing as part of the development. In the absence of any on-site provision or of any legal agreement or other such mechanism being in place to secure the provision of an alternative form of affordable housing contribution there can be no certainty that the requirements of Fylde Borough Council's Interim Housing Policy will be provided. Accordingly the scheme is contrary to the provisions of the Interim Housing Policy, Policy L5 of Regional Spatial Strategy for the North West and guidance in paragraph 50 of National Planning Policy Framework.
4. The proposed development fails to deliver any certainty over the provision of



improvements to the public realm of the village. In the absence of any legal agreement or other such mechanism being in place to secure these improvements there can be no certainty that the requirements of Fylde Borough Council's Interim Housing Policy will be provided in this regard. Accordingly the scheme is contrary to the provisions of the Interim Housing Policy, and Policy EP1 of the Fylde Borough Local Plan.

5. The proposal will generate an additional number of primary school aged children in the village at a time when there is anticipated to be a shortfall in capacity within local schools for their education needs to be accommodated. This is as a consequence of a combination of: the number of school places that will be available, the existing population making demands on those school places, and the granting of other planning permissions in the area that will also contribute children that will make demands on the available school places.

Policy CF2 of the Fylde Borough Local Plan enables a developer to make contributions to enhance education capacity to meet the requirements of their development, but in the absence of any such agreement being in place the shortfall of school places and lack of any mechanism to increase their supply means that the application is contrary to Policy CF2, which is consistent with para 72 of the NPPF which refers to the need for a sufficient choice of school places to be available meet the needs of existing and new communities.

6. With the matters outlined in the other reasons for refusal, the proposed development fails to adequately address the three dimensions of sustainable development set out in the National Planning Policy Framework in that the proposed development is not considered to be in the right place at the right time; does not provide adequate mitigation in regard to development requirements; does not provide information relating to impacts upon the natural environment and biodiversity. Accordingly, the proposal does not represent sustainable development and there is, therefore, no presumption in favour of the proposed development, notwithstanding the current lack of a 5 year supply of housing land. The proposal is, therefore, contrary to the provisions of Policies SP2 and HL2 of the Fylde Borough Local Plan and those provisions of the National Planning Policy Framework which seek to promote sustainable development.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0507	Address North View Farm, 22 Ribby Road, Wrea Green	Grid Ref. E.3400 : N.4318	Scale 0 10 20 30 40 m 

**Item Number: 9      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0577		<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Kensington Developments Ltd	<b>Agent :</b>	
<b>Location:</b>	WESTFIELD NURSERIES, WHITEHILL ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LA		
<b>Proposal:</b>	PROPOSED TEMPORARY SITING OF SALES CENTRE ASSOCIATED WITH RESIDENTIAL DEVELOPMENT OF SITE, WITH ACCESS FOR SALES CENTRE ONLY FROM WHITEHILLS ROAD		
<b>Parish:</b>	Westby with Plumptons	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the provision of a sales centre building associated with a residential development at Whitehills. Planning permission is required in this case due to a condition on the planning permission which requires all access to be from Lytham St Annes Way whilst this proposal is to take access from Whitehills Road. The developer wishes to have the sales area located where proposed to allow the customer traffic to be separated from construction traffic and so is for a temporary period only.

The proposed sales centre is an essential element of the development of the site. It is located where it will not cause undue harm to neighbouring residential amenity or the character of the area and is considered to be acceptable in this location for a temporary period, with 2 years suggested as being sufficient to allow the 36 properties on the site to be constructed and sold. After that time the access to Whitehills Road is to be closed off and the land reinstated as landscaped open space as it is shown to be on the plans approved as part of the residential development.

Criteria 5 of Policy SP2 of the Fylde Borough Local Plan allows for development that is essential to existing enterprises in countryside areas. It is considered that the temporary establishment of a sales centre associated with a planning permission for residential development meets that requirement. This proposal is considered to have an acceptable access, visual impact and relationship with neighbours and so is recommended for approval subject to a series of conditions as described in this report.

**Reason for Reporting to Committee**

A ward councillor has requested that the application be determined at Committee as she feels that there are highway safety concerns with the use of Whitehills Road to serve the sales centre. This request was made within the requisite time limit and is based on the planning merits of the proposal

and so the Head of Planning & Regeneration has agreed that it be presented to Committee. In addition, the officer recommendation is for approval whilst the Parish Council raise objection to the application.

### **Site Description and Location**

The application site is part of the former Westfield Nurseries site. This is located on the northern side of Whitehills Road some 250m from its roundabout junction with Cropper Road. The Westfield Nursery closed many years ago and the land forms part of a larger site that extends northwards to Lytham St Annes Way and is the subject of a planning application for the erection of 36 dwellings. That application has been supported by this Committee although planning permission has not been granted as the s106 agreement remains outstanding, although may be signed by the time of Committee. Notwithstanding that, there is an earlier planning permission for 14 dwellings on the Westfield Nurseries site that was granted on appeal.

The site is within the Countryside as allocated by Policy SP2 of the Fylde Borough Local Plan, but has the former hard standing areas associated with a plant nursery. To one side and opposite are detached residential properties. To the other side is the residential development currently being implemented on the former Hollywood Nurseries site.

### **Details of Proposal**

The application proposes the establishment of a sales centre associated with the sale of the residential properties on the Westfield Nurseries (and adjoining) site when planning application 13/0213 is implemented. The centre is to be accessed from Whitehills Road in the area of access to the site which served its use as a plant nursery. A parking and turning area for 7 cars is provided. The sales centre is a rectangular building measuring 10m x 3m x 4m high and sited on the frontage of the site with Whitehills Road. It is to be of a steel construction in a cream colour.

The application is partly retrospective as works have been undertaken to tarmac the access and parking areas, fence it off from the rest of the site and to provide service connections to the sales centre, although that building had not been introduced at site visit.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0213	PROPOSED ERECTION OF 36 NO. DWELLINGS WITH ASSOCIATED GARAGING, ACCESS ROAD, PUBLIC OPEN SPACE, LANDSCAPING AND FOOTPATH/CYCLE PATH EXTENSION	Committee resolved to grant planning permission but decision not made pending completion of s106 agreement	
11/0678	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 14 NO. DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Committee resolved to grant planning permission but decision not made pending completion of s106 agreement	
10/0751	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL	Appeal against non-determine	06/09/2011

DEVELOPMENT COMPRISING OF 10  
NO. DWELLINGS (ACCESS APPLIED  
FOR WITH ALL OTHER MATTERS  
RESERVED)

Earlier planning history not included as relates to plant nursery use and so is not relevant

**Relevant Planning Appeals History**

Planning permission was granted for the residential development of the site under reference 10/0751 following a joint public inquiry with application 10/0752 which related to the erection of 36 dwellings on the site of a balancing pond at the other side of the Hollywood Nurseries site.

**Parish Council Observations**

Westby with Plumpton Parish Council notified on 11 September 2013 and state: *“Object on the grounds of Whitehills road being a narrow country road with no street lighting / pavements – the access should be from Lytham St Annes Way.”*

**Statutory Consultees**

**Lancashire County Council - Highway Authority**

No comments have been received at the time of the preparation of this report.

**Electricity North West**

They have been consulted as there is an electricity sub-station adjacent to the site. They have replied to confirm that is operational land and to highlight the safety and legislative implications of undertaking development in proximity to such facilities. The applicant is aware of this and has confirmed that they have made the appropriate provision for the works with the relevant ENW Engineer,

**Observations of Other Interested Parties**

A ward councillor (Cllr Mrs Ashton) has written to support the opposition to the application of Westby Parish Council. She refers to the requirement in the planning application for the residential development that all traffic is to be from Lytham St Annes Way and expresses the view that: *“The access requested in this application must not be allowed. The site sales centre could be on sit for a number of years and the entrance could become accepted. This would not be fair to the residents who cope daily with an already very busy, fast road.”* She also makes reference to the neighbour notification being by site notice only, although this is incorrect as letters have been sent to each of the individual properties around the site.

**Neighbour Observations**

**Neighbours notified:** 17 September 2013 by letter and site notice posted  
**No. Of Responses Received:** None

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates

**Other Relevant Policy:**

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Need for Planning Permission**

In most cases the erection of a sales cabin (and other such temporary structures) associated with the implementation of a residential planning permission does not require planning permission. This is because such works are permitted development under Part 4 Class A of the General Permitted Development Order which allows the siting of buildings, moveable structures, works, plant or other machinery for a temporary period associated with works being undertaken on that land, or an adjoining site. This case is an exception as there is a condition imposed on the planning permission for the development of the former Westfield Nurseries site that requires all construction and operational access to be from Lytham St Annes Way and specifically excludes it being taken from Whitehills Road.

#### **Highway Safety Issues**

The condition referred to above was imposed due to the unsuitability of Whitehills Road for a residential access road by virtue of it being poorly drained, of limited width, with no street lighting and with no footways. As a consequence it is unsuited for pedestrian use, and less suited for the heavier and higher volumes of traffic associated with the construction of the properties, or the traffic associated with their occupation. This application does not enable the use of Whitehills Road for any of this traffic, with the access point to be utilised by staff and customers to the sales centre only.

It is usual on housing developments of this scale for the sales centre to be located immediately adjacent to the site access where it is more visible to passing traffic and removes the need for visitors to travel through the main construction site. Such a location has clear safety and logistical benefits for all. In this case the access to the site is not direct to Lytham St Annes Way but is routed through the Hollywood Nurseries site to use its access to that road which is at the roundabout junction. The frontage to Whitehills Road provides an opportunity for this traffic to be separated from the construction traffic in a manner that will have limited impact on the volumes of traffic using that road. At officer site visit a fence had been erected to separate the sales centre and its parking area from the remainder of the site, and a condition will be appropriate to ensure that this is retained to prevent such traffic from using that road.

The unsuitability of Whitehills Road for pedestrian use described above obviously makes it unsuited for visitors or staff to the Sales Centre. However, it is considered reasonably unlikely that visitors will arrive on foot to view a property, and the benefits of separating the customer traffic from construction traffic outweigh this accessibility limitation.

#### **Visual Amenity Issues**

The land is allocated as Countryside under Policy SP2 of the Fylde Borough Local Plan, but no longer serves that function by virtue of the planning permission that has been granted for its residential development. The establishment of a sales centre associated with the marketing and disposal of the properties is clearly an essential feature of the development of the site. It is also one that is temporary, but to ensure that the council has appropriate control over this it is considered that a time limit should be imposed on the siting of the sales cabin and use of the access of 2 years, or until the properties on the site are all disposed of if sooner. The site will then need to be reinstated in line with the landscaped open space shown on the approved plans for the development.

#### **Neighbour Relationship Issues**

There are existing residential properties alongside and opposite the application site. The position of the sales office is constrained by the size and location of the site, but is located as far as possible from both properties to minimise the visual impact of its location and any disturbance from its operation. Whilst it would be possible to impose conditions over the hours of operation of the sales centre, the activity is unlikely to lead to disturbance and so such controls are not necessary.

### **Conclusions**

The application relates to the provision of a sales centre building associated with a residential development at Whitehills. Planning permission is required in this case due to a condition on the planning permission which requires all access to be from Lytham St Annes Way whilst this proposal is to take access from Whitehills Road. The developer wishes to have the sales area located where proposed to allow the customer traffic to be separated from construction traffic and so is for a temporary period only.

The proposed sales centre is an essential element of the development of the site. It is located where it will not cause undue harm to neighbouring residential amenity or the character of the area and is considered to be acceptable in this location for a temporary period, with 2 years suggested as being sufficient to allow the 36 properties on the site to be constructed and sold. After that time the access to Whitehills Road is to be closed off and the land reinstated as landscaped open space as it is shown to be on the plans approved as part of the residential development.

Criteria 5 of Policy SP2 of the Fylde Borough Local Plan allows for development that is essential to existing enterprises in countryside areas. It is considered that the temporary establishment of a sales centre associated with a planning permission for residential development meets that requirement. This proposal is considered to have an acceptable access, visual impact and relationship with neighbours and so is recommended for approval subject to a series of conditions as described in this report.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. That the sales cabin, access, parking area, fencing and other associated developments shall be removed from the site within one month of the sales date of the final property to be sold on the adjacent development should that be sooner than 30 November 2015, or by that date if properties remain unsold by then unless a further temporary planning permission for the retention of the works hereby approved has been granted.

To ensure that the development remains temporary in accordance with minimising the visual impact of the development as required by Policy SP2 of the Fylde Borough Local Plan.

2. That within one month of the removal of the sales cabin and associated development as required by condition 1 of this planning permission the access to Whitehills Road shall be physically and permanently closed up and the site shall be reinstated in accordance with the details for this area approved as part of planning permission 13/0213, specifically site layout drawing KD 61/ 10 rev J dated March 2013, Landscape masterplan 3946-01 Rev D dated March 2013, and boundary treatment drawing KD 61 / 26 rev A dated April 2013. Should that planning permission not be implemented then the site shall be reinstated in accordance with an alternative scheme that has first been submitted to and approved in writing by the Local Planning Authority.

To ensure the removal of the access and an appropriate on-going appearance to the site on completion of its use as a sales centre in accordance with highway safety and the character of the area.

3. That prior to the first use of the access to the site from Whitehills Road in accordance with the sales centre operation, a continuous close boarded fence of 2m in height shall have been erected to entirely separate this site off from the area of residential development with which it is associated. This fence shall be retained thereafter as a continuous boundary feature throughout the time that the sales centre remains on site, and there shall be no vehicular access between the sales centre site and the residential development site at any time.

In order to prevent vehicular access to the residential development site from Whitehills Road in the interests of highway safety.





Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0577	Address Westfield Nurseries, Whitehill Road, Westby	Grid Ref. E.3350 : N.4325	Scale 0 10 20 30 40 m 

**Item Number:** 10      **Committee Date:** 13 November 2013

<b>Application Reference:</b> 13/0583		<b>Type of Application:</b> Variation of Condition	
<b>Applicant:</b>	Queensgate Caravan Park Ltd	<b>Agent :</b>	
<b>Location:</b>	QUEENSGATE CARAVAN PARK, GARSTANG ROAD, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0XA		
<b>Proposal:</b>	REMOVAL OF CONDITION 1 OF PLANNING PERMISSION 00/0133 TO ALLOW THE SITE TO BE USED AS HOLIDAY CARAVAN SITE ALL YEAR		
<b>Parish:</b>	Little Ecclestone with Larbreck	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	9	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The holiday use of the caravan park can be adequately secured by other conditions attached to the permission which specifically limit the occupation of the caravans to holiday use only. As such the condition requiring the site to close between 04 January and 01 March each year is considered unnecessary and unreasonable. Members are therefore recommended to approve the application.

**Reason for Reporting to Committee**

The Parish Councils objection to the application is at odds with the Officer's recommendation.

**Site Description and Location**

The application site is 'Queensgate Caravan Park' which is a long established caravan park which in 1960 was granted permission for 30 static caravans (permission ref. 3/7/2130). Over the years, and the course of several permissions, the site has increased in numbers to 41 static caravans. It is located on the northern side of Garstang Road and within designated countryside, approximately 150 metres west of Little Ecclestone's settlement boundary. The caravan park is a long established static caravan holiday park.

**Details of Proposal**

The applicant wishes to open the park for all year round holiday use and to this end the application seeks to remove condition 1 of planning permission ref. 00/0133, which prevents any of the caravans being occupied between 04 January and 01 March each year.

Condition 1 in question states:

*No caravan shall be occupied between the 4 January and 1 March in each year.*

*Reason: To ensure that the site is for holiday use only and not permanently residential.*

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
06/0792	RESUBMISSION OF APPLICATION 06/470 FOR ENTRANCE PORCH TO FRONT ELEVATION	Granted	16/10/2006
06/0470	ERECTION OF FRONT ENTRANCE PORCH TO BUNGALOW	Refused	25/07/2006
03/0509	APPLICATION FOR MODIFICATION OF CONDITION NO 4 ON APPLICATION 3/7/2130 FOR SITING OF ADDITIONAL 2no CARAVANS.	Granted	25/06/2003
02/0965	CERTIFICATE OF LAWFULNESS FOR USE OF AREA OF LAND AS PART OF THE CARAVAN SITE.	Was Lawful	05/03/2003
02/0773	CHANGE OF USE FOR SITING OF TWO STATIC HOLIDAY UNITS WITHIN EXISTING SITE CURTILAGE	Withdrawn by Applicant	18/11/2002
00/0171	RE-SUBMISSION OF APPLICATION 5/99/698 FOR THREE ADDITIONAL PITCHES AND LANDSCAPING	Refused	26/04/2000
00/0133	VARIATION OF CONDITION 2 OF APPLICATION NO. 3/7/2627 TO PERMIT SITE TO BE USED AS A CARAVAN SITE FROM 1ST MARCH TO 4TH JANUARY.	Granted	22/03/2000
00/0065	EXTENSION TO AMENITY BLOCK TO PROVIDE RECEPTION AND OFFICE	Granted	23/02/2000
99/0698	ADDITIONAL 3 PITCHES AND LANDSCAPING TO EXISTING CARAVAN SITE.	Refused	26/01/2000
96/0528	SITING OF RESIDENTIAL MOBILE HOME FOR SITE WARDEN	Granted	14/08/1996
83/0227	CHANGE OF USE TO SITING OF 4 STATIC HOLIDAY CARAVANS.	Granted	25/05/1983
83/0754	EXTENSION TO CARAVAN SITE.	Refused	04/01/1984
83/0755	LANDSCAPING IN ACCORDANCE WITH CONDITION 2 ON 5/83/227.	Granted	01/02/1984
83/0882	BRICK METER HOUSE.	Granted	04/01/1984
84/0034	SITING OF 7 STATIC CARAVANS.	Refused	29/02/1984

### **Relevant Planning Appeals History**

None

### **Parish Council Observations**

Little Eccleston with Larbreck Parish Council notified on 12 September 2013

## **Summary of Response**

The Parish Council object to the proposal and feels that a reduction of the closure period to 3 weeks, commencing 04 January, would be a sensible compromise and would not allow full time residents on this holiday site.

## **Statutory Consultees**

### **Commercial & Licensing (Caravans)**

With reference to the application, at such a time this Department does not wish to raise any representations to the application. This Department is concerned that if sufficient controls are not adopted then the site may be potential exploited for residential use.

## **Observations of Other Interested Parties**

N/A

## **Neighbour Observations**

**Neighbours notified:** 12 September 2013  
**Amended plans notified:**  
**No. Of Responses Received:** None  
**Nature of comments made:**

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
TREC06	Static Caravans and Chalets

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
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## **Site Constraints**

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

Condition 1 of 00/0133 was originally imposed in order to ensure the holiday use of the site is maintained and to prevent permanent residential occupation of the caravans. The DCLG document 'Good Practice Guide on Planning for Tourism' (2006) states that 'Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions'. It suggests that local planning authorities should look sympathetically on applications to extend to year round opening and that the seasonal nature of tourism and the effect on local businesses should be taken in to consideration. Annex B of the guide

relates specifically to seasonal restrictions and states 'whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation'.

This Good Practice Guide post-dates policy TREC6 and as such is a strong material consideration in the determination of this application. Having regard to this guide it is considered that, in the absence of good reasons for requiring a closure period (e.g. to protect the local environment) it would be difficult to insist on the retention of the restricted opening required by condition 1 of 00/0133. In order to preserve the holiday use only of the site other appropriate conditions can be attached restricting the occupation to holiday use only and requiring the site operator to maintain a register of caravan occupiers' main home addresses.

Paragraphs 19 and 28 of the NPPF seek to support economic growth, particularly in rural areas. The use of the site during the winter period would extend the holiday season at an established site thereby supporting the local economy which would be consistent with the approach of the NPPF.

## **Conclusions**

The development would contribute to economic growth in the rural area in the form of tourism and leisure which is supported by the NPPF at paragraph 28, and would not be detrimental to the character and appearance of the countryside. The proposal would be compatible with surrounding land uses and would not be detrimental to neighbouring residential amenity. The application accords with policies SP2 and TREC7 of the Fylde Borough Local Plan (as altered 2005) and the NPPF at paragraphs 19 and 28, and as such members are recommended to approve the application subject to suitable conditions restricting the use of the caravans to holiday use.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

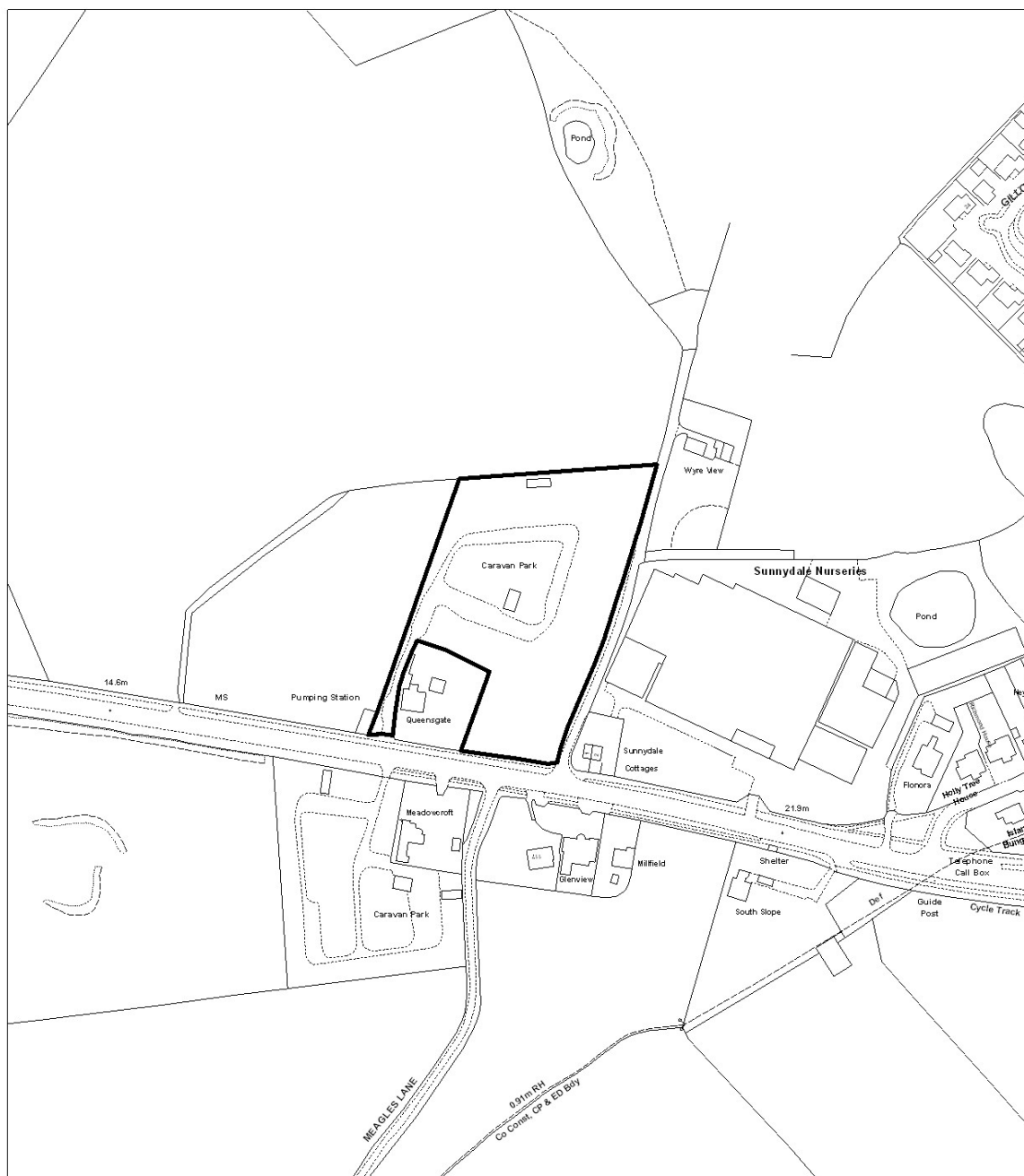
This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. That any static caravans and other form of accommodation within the area edged in red on the approved plan shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence.

To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and in the interests of policies SP2 and TREC6 of the Fylde Borough Local Plan (As Altered) October 2005, and paragraph 55 of the NPPF.

3. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and in the interests of policies SP2 and TREC6 of the Fylde Borough Local Plan (As Altered) October 2005, and paragraph 55 of the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0583	Address Queensgate Caravan Park, Garstang Road, Little Eccleston	Grid Ref. E.3417 : N.4404	Scale 0 10 20 30 40 m 

**Item Number: 11      Committee Date: 13 November 2013**

<b>Application Reference:</b> 13/0635		<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Heyhouses 1 Ltd, Trillium UK Ltd and Joseph Holt Ltd	<b>Agent :</b>	Turley Associates
<b>Location:</b>	ELECTRONIC DATA SYSTEMS, HEYHOUSES LANE, LYTHAM ST ANNES, FY8 3RG		
<b>Proposal:</b>	PROPOSED DEVELOPMENT OF A PUBLIC HOUSE (USE CLASS A3 / A4) AND ASSOCIATED CAR PARKING AND HARD AND SOFT LANDSCAPING		
<b>Parish:</b>	Heyhouses	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	5	<b>Case Officer:</b>	Mr M Atherton
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The proposed development complies with national planning guidance and policy SH16 of the Adopted Fylde Borough Local Plan as although there would be no harmful impact on town and local centres, nor upon other acknowledged planning interests such as the character of the area, residential amenity, drainage, highway safety, the SSSI, nor ecological matters.

**Reason for Reporting to Committee**

The application forms part of the redevelopment of a site which was previously reported to the Committee.

**Site Description and Location**

The site forms part of a former Civil Service site, it is allocated for employment purposes within the Adopted Fylde Borough Local Plan. A number of buildings due west of the site boundary & in close proximity to Shepherd Road remain in employment use and are occupied by Hewlett Packard. The site contains a series of single & two storey prefabricated & brick buildings, some of which are in an H plan form, providing 28,466 sq. metres of office accommodation and externally, there are 1,700 car parking spaces. The northern boundary of the site is formed by a mixture of allotments & residential properties accessed from Elswick Place, Roseacre Place & Heyhouses Court. The eastern boundary comprises Heyhouses Lane with houses beyond and further residential development lies to the east accessed from Pilling Avenue. The site is situated within the settlement of St. Anne's and a small proportion of the site adjacent to Heyhouses Lane is situated within one of the units of the Lytham Coastal Changes Site of Special Scientific Interest (SSSI).

**Details of Proposal**

Applications referenced 13/448 & 13/450, which relate to adjacent sites, are also on this agenda for



consideration by the Committee.

The application proposes the erection of a Public House/Restaurant (use class A3) together with ancillary staff accommodation and associated car parking on the site following the demolition of the existing buildings.

The proposed Public House building would be situated in the eastern part of the site close to Heyhouses Lane and the SSSI. The proposed Booths supermarket (ref: 12/0635) would be situated on land to the north and the proposed housing development (ref:13/448) on land adjacent, to the west and south.

The Pub/Restaurant is expected to be a food led operation and the internal layout shows a carvery & dining areas, although it will constitute a fully licensed Public House.

The development is proposed to be accessible from the new access road off Heyhouses Lane which would also serve the proposed Booths Supermarket and residential development of 162 homes. A total of 80 car parking spaces are proposed including disabled provision

The proposed building would be constructed in a mixture of facing brick, weatherboarding & off white render with a slate roof. On the first floor level a 3 bedroomed self-contained flat is proposed for the manager.

The proposed scheme includes a beer garden to the Heyhouses lane frontage. Landscaping is also proposed around the perimeter of the building and the car park.

The previous outline application (ref:12/465) established the principle of a mixed use development comprising the following uses: Retail - a 1,860 sq. m foodstore & 930 sq. m of commercial floorspace to be occupied on a flexible basis by virtue of Class E of part 3 of Schedule 2 of the General Permitted Development Order 1995 for retail (Class A1) and/or financial & professional services (class A2) and/or restaurants & cafes (class A3) and/or takeaways (class A5) and/or community uses (class D1)

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0465	RESUBMISSION OF APPLICATION 11/0173 FOR OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 m2 RETAIL FOODSTORE (CLASS A1); 930 m2 COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 DWELLINGS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD &	Approved with 106 Agreement	02/10/2012

	SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE		
DEM/11/0003	DEMOLITION OF EXISTING SINGLE AND TWO STORY PRE-FABRICATED AND BRICK BUILDINGS, TIMBER BUILDINGS.	Permission Required	13/12/2011
11/0173	OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE FOR A 1,860 SQUARE METRE RETAIL FOODSTORE (CLASS A1); 930 SQUARE METRES OF COMMERCIAL FLOORSPACE TO BE OCCUPIED BY A RANGE OF POTENTIAL USES INCLUDING RETAIL (CLASS A1) AND/OR FINANCIAL & PROFESSIONAL SERVICES (CLASS A2) AND/OR RESTAURANTS & CAFES (CLASS A3) AND/OR TAKEAWAYS (CLASS A5) AND/OR COMMUNITY USES (CLASS D1); A RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS; A RESIDENTIAL CARE INSTITUTION (CLASS C2) OR A RETIREMENT VILLAGE (CLASS C3) COMPRISING UP TO 85 APARTMENTS AND ASSOCIATED ACCESS WORKS, ROADS, CAR PARKING, OPEN SPACE AND HARD & SOFT LANDSCAPING INCLUDING THE ERECTION OF A SECURE FENCE BETWEEN THE PROPOSED DEVELOPMENT & THE RETAINED OFFICE ACCOMMODATION ADJACENT TO THE SITE.	Refused	08/03/2012

#### **Relevant Planning Appeals History**

N/A

#### **Parish Council Observations**

St Anne's on the Sea Town Council notified on 10 October 2013

**Summary of Response:** Objection. There are three other public houses in the vicinity so no necessity for such premises.

#### **Statutory Consultees**

##### **Environmental Protection Team**

There are no objections to the above proposals in principle subject to conditions regarding noise protection & mechanical extraction.

**Lancashire Constabulary**

No objection to the proposed development, recommending crime reduction methods which have been forwarded to the Applicant.

**Environment Agency**

No response received.

**Licensing**

We have received an application currently going through the consultation period. The opening hours sought are Monday to Sunday 09:00 to midnight and alcohol sales between 11am - 11:30pm. These appear to be in contradiction with those applied for with the planning permission.

**Planning Policy Team**

The proposal is a main town centre use which means that the sequential test should be applied to this out of centre proposal. Accessibility and connectivity to St. Anne's are also key factors.

**United Utilities Group Plc.**

No objection subject to a condition regarding the disposal of foul & surface waters.

**Natural England**

This letter represents Natural England's response to your consultation made under Article 10 of the Town and Country Planning (General Development Procedure) Order and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

**Site of Special Scientific Interest**

This application is in close proximity to Unit 6 of Lytham Coastal Changes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, and the satisfactory discharge of conditions attached the outline planning consent (application ref 12/0465).

This proposed development is part of a larger, multi-phased redevelopment scheme of the former Government Offices site at Heyhouses Lane that was granted outline planning permission in 2012 (application ref 12/0465). The decision notice, dated 01/10/2012, included a number of conditions, in particular condition 13 that requires a Management Plan for the Site of Special Scientific Interest (SSSI) to be submitted to and approved in writing by the Local Planning Authority, in order to protect the special geological features of the SSSI.

Condition 20 requires the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority and specifies that the CEMP must include details of measures to protect the Site of Special Scientific Interest (SSSI).

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to reconsult Natural England.

**Protected species - Bats**

From the information provided in support of the application, Natural England considers that it is unclear whether there are suitable habitats or features such as roosts on, or in the vicinity of the application site which may support bats.

We advise that further clarification on the habitats present and their ability to support bats is required in accordance with the Bat mitigation guidelines. Specifically, we recommend the following information is provided before determination of the application:

- The results of evening emergence/dawn re-entry survey - carried out between April and September, in order to ascertain presence/absence of a bat roost in the chimney stack of building B1

In the absence of the above information, Natural England is unable to advise the Council of the implications of this proposal for bats. Natural England's standing advice provides guidance on how protected species should be dealt with in the planning system.

#### **Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

#### **FURTHER RESPONSE RECEIVED 10th October 2013:**

It is noted that a survey for European Protected Species (Bats) has been undertaken in support of the proposal. Natural England does not object to the proposed development. On the basis of the information available, our advice is that the proposed development would be unlikely to affect bats.

#### **Observations of Other Interested Parties**

##### **Lancashire Constabulary**

No objection to the proposed development, recommending crime reduction methods which have been forwarded to the Applicant.

### **Landscape Officer**

The proposed development is sited at the entry into the site and adjacent to Booths. Both sites offer the opportunity to provide a high quality public realm and attractive neighbourhood hub/gateway.

The desirable outcome would be a consistent design philosophy connecting both Booths and the PH, whilst enhancing the streetscape experience for pedestrians and vehicles.

The following comments are based on the submitted Landscape Plan. In principal I do not support the current design and layout of the car park, the treatment of the streetscape and the removal of mature trees within the SSSI area

The Landscape Plan shows a narrow landscape strip to the Northern and Southern Boundary, which offers minimal low level screening, insufficient space for trees to thrive and 'missed out on the opportunity to create a public realm.

**ACTION** – to provide a 2.5m wide planting strip. EHS trees to be planted at 5m centres minimum.

The northern boundary offers the opportunity to provide a gateway feature into the residential development as well as 'break up' and screen the large car park. The landscape treatments/design needs to be similar to Booths to ensure that the scheme is considered in its entirety.

The Western Boundary, borders the residential development, screening for visual and noise pollution is required to provide a buffer.

**ACTION** 1.5m minimum width landscape strip to the boundary. The planting shall be sufficient to screen/buffer and mitigate against noise pollution, and consist of tree planting to the entire length minimum centres 6m. The space can be achieved by reducing the car park spaces and circulation to the minimum requirements.

The Plan shows the removal of mature trees within the SSSI, in order to provide additional parking spaces.

**ACTION** – Retain the existing trees and reconfigure/reduce the extent of the paved/car parking to this area.

### **County Ecologist**

The applications are supported by an updated Ecological Assessment.

A Bat Re-emergence survey is required prior to determination.

Mitigations and compensation for biodiversity should be secured by condition.

### **Neighbour Observations**

**Neighbours notified:** 10 October 2013 & site notice displayed

**Amended plans notified:**

**No. Of Responses Received:** 5 letters of OBJECTION

**Nature of comments made:**

Concern re:

1. The area is primarily residential with families and is not suitable for a pub.
2. Increased noise pollution and traffic, detrimental to everyday living.
3. Area already well served with pub/restaurants, an extra one is unnecessary.

4. Anti-social behaviour, increased nuisance & possible damage to property caused by drunks.
5. Will there be a new access rather than off Heyhouses Lane, the traffic is already bad and the road surface is in poor condition. How will Heyhouses Lane cope with the traffic?
6. There should be no overflow parking to surrounding residential areas.
7. Increased stress, upheaval, noise & inconvenience for existing residents.
8. The siting of the beer garden & terrace area at the Heyhouses Lane side of the pub, given the prevailing winds will lead to increased noise.
9. Live music and extended opening hours should not be granted by the Council given the siting of the pub in a quiet residential area.

### **Relevant Planning Policy**

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

EMP1	Business & industrial land allocations
EMP2	Existing business & industrial uses
EP14	Landscaping of new developments
EP16	Development in or near SSSI's
EP23	Pollution of surface water
EP25	Development and waste water
SH15	Small scale out of centre retail development
SH16	Restaurants & hot food shops
SP01	Development within settlements
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TR13	St Annes to M55 link road

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
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#### **Site Constraints**

SSSI  
Within settlement boundary

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle**

The principle of a restaurant use (Class A3) was established on the outline approval. This application is for a public house (Class A4)/restaurant (Class A3) and is expected to be a food led operation. The nature of the type of Public House will not be radically different from a licensed restaurant, therefore, the principle of the use is considered acceptable.

#### **Design**

The proposed building would be constructed in a mixture of facing brick, weatherboarding and off white render with a slate roof. The proposal has been designed in a way which seeks to break up the mass of the building by making it appear as an original main building with a series of linked outbuildings. This, together with the variety of external materials proposed, makes the building visually interesting in a traditional style and adds character to the development. Given the backdrop of the proposal against a supermarket and existing & proposed housing, it is not considered to have a

detrimental impact on the street scene or the character and appearance of the area.

### **Amenity**

There would be a minimum distance of 60 metres to the nearest existing residential property, together with intervening landscaping & the highway. This distance is considered to be sufficient to prevent the development from having an undue impact on the amenities of neighbouring properties in terms of noise and disturbance and over dominance.

### **Sequential Assessment**

Public houses and restaurants are considered town centre uses and so any impact on existing centres would generally need to be assessed as part of assessing an application of this nature on an out of centre site. As the proposal has a floor area of less than 2,500 square metres the Framework (NPPF) does not require a specific sequential assessment for development of this size. It is considered that a facility of the nature proposed will not have an adverse impact on established centres.

### **Highways**

At the time of writing the report, Lancashire County Council in their role as The Highway Authority have not formally respond to the consultation on this application as they have requested additional traffic modelling work from the Applicant which has recently been submitted.

With regard to the previous outline application (ref: 12/465) for the mixed use redevelopment of the site as a whole which was identical to this proposal, the County Highway Authority raised no objection. They concluded there is adequate capacity on the existing highway network to safely accommodate the traffic that will be associated with the proposal and raise no objection, subject to the proposed mitigation in respect of both s278 works and s106 planning contributions (in particular with regard to an appropriate level of contribution towards the M55 to Heyhouses Link).

LCC undertook an evaluation of the traffic figures presented for the extant outline approval on this site and the potential Queensway development & also undertook an independent review of the overall impact as a result of both these proposals. They concluded the highway network has adequate capacity to cope with the combined developments.

The trip rates provided for the retail element were considered acceptable & a road safety analysis was carried out, which was deemed to present a limited risk to highway users from this scale of development.

It was concluded that there was sufficient capacity for the highway network to cope with the altered traffic flow.

These factors are a material consideration in evaluating the overall impact of the proposal on the local transport network. While there is an existing vehicular access from Heyhouses Lane, there remains a need to mitigate the impact that the proposed changes will have on the local network.

It is clear that conditions and traffic patterns on the local network have changed since the existing site was granted permission and also the requirements with regard to sustainable development. It is, therefore, not an acceptable approach to determine that if a proposal does not lead to a substantial increase in traffic movements (with consideration for peak period only) that the proposal should be deemed acceptable. Given the increase in traffic movements that can be expected off peak and at weekends there remains a clear requirement to address sustainable development and the need for improvements on the local transport network.

As such LCC requested planning contributions from the outline approval and a contribution of £300,000 was agreed as part of the section 106 agreement to support improvements to the local network and sustainable transport links & any funding should be used to improve public transport/pedestrian/cycle linkages in the area. LCC are likely to do so again with regard to the

current application and if these requests are received prior to the date of the Committee meeting, they will be reported on the Late Observations Schedule.

### **Car Parking & Landscaping**

It is intended to provide a total of 201 car parking spaces to the rear of the supermarket. This is less than the County wide parking standards which are calculated on the basis of the maximum number of car spaces according to the floorspace created. Landscaping is proposed around the perimeter of the building and the car park. The Council's Landscape Officer has raised some concerns with regard to the proposed landscaping which have been forwarded to the Applicant and amended plans are awaited which seek to address the points raised. This issue will be reported to the Committee via the Late Observations schedule.

### **Site of Special Scientific Interest**

Some of the landscaping, car parking & pedestrian links associated with this proposal come within the boundary of Unit 6 of Lytham Coastal Changes Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted, and the satisfactory discharge of conditions attached the outline planning consent (application ref 12/0465).

This proposed development is part of a larger, multi-phased redevelopment scheme of the former Government Offices site at Heyhouses Lane that was granted outline planning permission in 2012 (application ref 12/0465). The decision notice included a number of conditions, in particular condition 13 that required a Management Plan for the Site of Special Scientific Interest (SSSI) to be submitted to and approved in writing by the Local Planning Authority, in order to protect the special geological features of the SSSI and Condition 20 requires the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority and specifies that the CEMP must include details of measures to protect the Site of Special Scientific Interest (SSSI). These conditions should be re-imposed on this application, if approval is granted.

### **Ecology**

The site provides potential bat roosting habitat and details of a further bat re-emergence/entry survey have been submitted as recommended by LCC Ecology and Natural England who have raised no objection to this survey work. A limited variety of bird species may nest in the trees, shrubs and buildings on the site. Due to the nature of the habitats present on the site and in close proximity, it is considered unlikely that any nesting birds on the site are specially protected. Also, there are no previous records of protected species for the site and its immediate environs. However, if it is necessary to carry out tree or shrub removal or building demolition during the bird breeding season, then a nesting bird check must be carried out by a qualified ecologist prior to works going ahead to ensure that no active nests will be affected. A Badger Survey found some potential foraging habitat although no evidence was recorded. Provision should be made to keep under review the potential for badgers to subsequently occupy existing mammal holes on the development site. These recommendations would have to be secured by planning conditions.

### **Flood Risk**

The site is not within an area at risk of flooding according to the Flood Risk Map & the Environment Agency are satisfied that the proposed development will not be at an unacceptable risk of flooding, nor will it exacerbate flood risk elsewhere.

### **Drainage**

United Utilities have no objection to the proposed development providing the site is drained on a separate system, with only foul drainage connected into the 1000mm diameter combined foul sewer in



Heyhouses Lane. Surface water should discharge to the private watercourse running along the boundary of the site and the rear of Nateby Close & Pilling Avenue. If the Committee are minded to approve the application, full details of the surface & foul water drainage connections would be required by planning condition.

### **S106 contributions**

The section 106 agreement with the outline permission (ref:12/465) made the following provisions:

Highway contribution - £300,000

Travel plan contribution – £6,000 for residential development between 80 & 160 dwellings; and £12,000 for food retail (Class A1) development of between 1,600sqm and 2,400sqm;

Education contribution - £4,072 per unit

Public realm contribution - £350,000

Affordable housing – 10% minimum

The Applicant has suggested that the heads of terms from the existing S106 be varied as follows:

Highway contribution - £300,000

Travel plan contribution – £23,630: £6,000 apportioned to residential development and £17,630 apportioned to the retail development. NB the latter is based on a pro-rata calculation of the contribution set out in the original S106 Agreement (i.e. £12,000 for any phase of development containing between 1,600 and 2,400 sqm GEA of food retail Class A1 floorspace

Education contribution - £4,072 per unit (total to be paid = £659,664)

Public realm contribution - £420,000

Affordable housing – 10% minimum (total of 17 units).

There has been no consultation response from the County Highway Authority at the time of writing this report. If they are requesting additional contributions these will have to be considered against the CIL tests and if found to be justified, will need incorporating in a legal agreement.

### **Conclusions**

The proposed development complies with national planning guidance and policy SH16 of the Adopted Fylde Borough Local Plan as although there would be no harmful impact on town and local centres, nor upon other acknowledged planning interests such as the character of the area, residential amenity, drainage, highway safety, the SSSI, nor ecological matters.

### **Recommendation**

That, Subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 10% of the proposed dwellings to be affordable properties,
- a contribution towards education provision of £659,664,
- a financial contribution of up to £425,000 towards securing public realm works in the vicinity of the site,
- a financial contribution to £300,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £23, 630 towards a travel plan

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions:

**(Where the Section 106 agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Assistant Director: Planning Services to refuse the application as being contrary to the provisions of the Interim Housing Policy)**

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

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

2. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

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

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

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

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

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance

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

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

6. A scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

In the interests of visual / residential amenity.

7. Prior to the commencement of the use, a scheme for the installation / soundproofing of the premises shall be agreed with and then implemented to the satisfaction of the Local Planning Authority. The provisions of the scheme shall subsequently be retained for the period of the approved use.

In the interests of ensuring no noise detriment to adjacent occupiers.

8. The precise details of the type and method of mechanical filtration and extraction systems from the premises shall be approved, in writing, by the Local Planning Authority and this shall be installed and be operative prior to the business commencing.

In order to safeguard the amenity of the area.

9. The Public House shall not be open for trading except between the hours of:

11:00 hours and 01:00 hours Mondays to Saturdays  
11:00 hours and 00:00 hours Sundays and Bank Holidays

Without the written consent of the Local Planning Authority

*Reason:* In the interests of residential amenity

10. No deliveries to the Public House shall take place outside of the hours of 07:00 to 23:00 Monday to Saturday and 07:00 to 20:00 on Sundays and Bank Holidays.

*Reason:* In the interests of residential amenity.

11. The proposed development shall not commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and

approved in writing by the Local Planning Authority. The site accesses and off-site highways works shall be completed before first occupation of the development.

*Reason:* In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

12. The car parking [and unloading and loading] area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for customers of the site and delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

13. Prior to the commencement of any phase of the development within which the Site of Special Scientific Interest (SSSI) is located or adjacent to, a Management Plan for the Site of Special Scientific Interest (SSSI) shall be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the continued management of the site beyond construction, including vegetation management and provide details of how the SSSI will be kept free of:

1. all development and infrastructure,
2. hard and soft landscaping including tree planting,
3. site re-profiling,
4. introduction of any foreign geological material and
5. excavations no deeper than the immediate topsoil.

*Reason:* In order to protect the special geological features of the SSSI.

14. No development hereby approved shall be commenced until:
  - a) A site investigation has been designed using the information obtained from the Heyhouses Lane Phase I Desk Study for Telereal Trillium by RSK (reference 25 1 276-0 I; dated March 2011). This should be submitted to, and approved in writing by the Local Planning Authority prior to the investigation for the development being carried out on the site.
  - b) The site investigation and associated risk assessment has been undertaken in accordance with details approved in writing by the Local Planning Authority.
  - c) A Method Statement and remediation strategy, based on the information obtained from b) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (c) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the

Method Statement, unless otherwise agreed in writing by the Local Planning Authority. This addendum to the Method Statement must detail how this unsuspected contamination within that phase shall be dealt with.

Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

*Reason:* To enable:

1. A Risk Assessment to be undertaken;
2. Refinement of the conceptual model;
3. The development of a Method Statement & Remediation Strategy:

To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

15. No phase of the development hereby approved shall be commenced until a scheme for the provision of surface and foul water drainage works for that phase has been approved by the Local Planning Authority. Each phase shall be completed in accordance with the approved scheme.

*Reason:* To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface & foul water disposal

16. No phase of the development hereby approved shall be commenced until a scheme for the provision and implementation of a surface water regulation system for that phase has been approved by the Local Planning Authority. Each phase shall be completed in accordance with the approved scheme.

*Reason:* To reduce the increased risk of flooding.

17. Prior to the commencement of development, details of a scheme of onsite renewable energy production shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the commencement of development.

*Reason:* In order to secure on site renewable energy

18. Prior to the opening of the Public House hereby approved, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan will be audited and updated at the approved specified intervals.

*Reason:* To reduce the demand for travel to the site by private car and encourage the use of other modes of transports.

19. Tree felling, vegetation clearance works or other works that may affect nesting birds shall be avoided between March to July inclusive, unless the absence of nesting birds has been confirmed by a comprehensive search of the affected area for nesting birds undertaken before any development commences, by a suitably qualified ecologist.

*Reason:* To safeguard the population of breeding birds during the development as they are a protected species in accordance with Policy EPI9 of the Adopted Fylde Borough Local Plan.

20. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of;

1. a construction method statement and programme;
2. contractor compounds, materials storage and soils stockpiling;
3. measures to suppress dust, noise and vibration;
4. controls in relation to construction traffic management including vehicle routing to the site and construction traffic parking;
5. construction vehicle wheel washing facilities and road sweeping measures;
6. protective measures to prevent local ground and surface water pollution and air pollution
7. measures to protect the Site of Special Scientific Interest (SSSI)

The Plan shall be implemented in full and adhered to during the construction of the development.

*Reason:* To minimise the impact of construction activity and to protect the special features of the SSSI and prevent pollution of ground and surface water.

21. No construction works shall take place outside the hours of 06:00 to 22:00 Monday to Friday and 08:00 to 18:00 on weekends and Bank Holidays.

*Reason:* In the interests of residential amenity.



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Application No. 5/13/0635	Address Electronic Data Systems, Heyhouses Lane, Lytham St Annes	Grid Ref. E.3338 : N.4294	Scale 0 10 20 30 40 m 

## **LIST OF APPEALS DECIDED**

No appeal decision letters were received between 30 September 2013 and 1 November 2013.