



Agenda

Planning Committee

Date:	Wednesday, 28 April 2021 at 10:00 am
Venue:	Remote meeting via Zoom
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.

Please note: This meeting is being held remotely via Zoom. To access the meeting please click on the link below.

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<https://us02web.zoom.us/j/87128257384?pwd=S1JVM1JUblZWVkV6MFB4MHBXL0xkZz09>

Meeting ID: 871 2825 7384

Passcode: 821705

Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 31 March 2021 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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Background Papers

The background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Local Government Act 1972:

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

These Background Documents are available online at www.fylde.gov.uk/resident/planning

Planning Committee Schedule

28 April 2021

Item Number: 1

Committee Date: 28 April 2021

Application Reference:	20/0357	Type of Application:	Variation of Condition
Applicant:	MR McDONAGH	Agent :	MAT DESIGN
Location:	FORMER BUILDERS YARD, THAMES STREET, NEWTON WITH CLIFTON		
Proposal:	CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 3 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED AREA AND ALTERATIONS TO THE VEHICULAR ACCESS WITH ALTERNATIVE SCHEME OF CONTAMINATION REMEDIATION TO THAT PREVIOUSLY APPROVED UNDER CONDITION 14 OF 12/0118.		
Ward:	NEWTON WITH TREALES	Parish:	Newton with Clifton
Weeks on Hand:	42	Case Officer:	Andrew Stell
Reason for Delay:	Awaiting Further Information		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a rectangular area of land to the north of Thames Street in Newton. The site is allocated for gypsy accommodation in the Fylde Local Plan to 2032 and has an extant planning permission in place for that use which was allowed following a 'call-in' appeal. Condition 14 attached to that planning permission required the approval and implementation of a scheme of remediation in relation to the contamination that was known to be present on the site, as well as any contamination that was unknown at the time of the decision to grant planning permission.

The applicant submitted a proposed remediation strategy which was approved by the council, but then undertook works which were at variance with the approved strategy. This application is intended to regularise the position by allowing a condition to be framed around the works that have been carried out (which are considered acceptable), while putting in place appropriate and rigorous safeguards to ensure ongoing compliance.

The existing remediation is considered acceptable for the nature, level and location of the contamination after consideration of expert reports and following a series of site samples taken at the time that the remediation was underway. The submission proposes further works be undertaken to conclude the remediation in the remaining development stage of the

planning permission, and these works are also considered to be acceptable.

Once completed, the remediation will allow for the safe development and occupation of the site in accordance with the submitted details.

A s73 application is in the form of an application for planning permission without complying with an existing condition. The local planning authority may grant the application subject to the imposition of further conditions. In this way, such an application allows for the variation of conditions on an existing planning permission. Officers are satisfied that condition 14 can be varied to relate to the implementation of the remaining works to remediate that contamination as set out in this application, along with the submission of a verification report for assessment on the completion of those works. The recommendation is therefore to grant permission, subject to the imposition of a new condition to cover these matters and of further conditions to reflect those conditions of the original permission that remain undischarged or require implementation.

Reason for Reporting to Committee

The application proposes, in substance, the variation of a condition on an application that was initially determined by the Planning Committee, and the current application is subject to an objection from Newton with Clifton Parish Council whilst recommended for approval. For both reasons the Scheme of Delegation requires that the application is determined by Committee,

Site Description and Location

The site is a rectangular area of land off Thames Street in Newton that was formerly a builder's yard, but has not been in that use for some years. It is allocated for use as a gypsy site in the Fylde Local Plan to 2032 and has an extant planning permission for that use.

The site is located outside the designated village settlement boundary with land around it allocated as countryside and providing a series of urban fringe types uses including stables, apparent horticulture plots and agricultural land. The dwellings in the village are on higher ground to the north with some having extended gardens that extend to Thames Street.

Details of Proposal

The application is submitted under s73 of the Town and Country Planning Act 1990. Section 73 applications are for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The local planning authority can grant such an application subject to conditions. Section 73 is therefore the mechanism under which a condition of an existing permission can be (in effect) varied. The present application proposes, in substance, the variation of condition 14 of the extant planning permission relating to the use of the site for 3 gypsy pitches. This permission was granted in 2016 following a 'call-in' inquiry after the Secretary of State intervened in the council's decision to grant planning permission for that development.

Condition 14 relates to the investigation and remediation of the land to ensure that it is safe for the implementation of the planning permission. The approved condition required that an investigation and mitigation strategy be agreed, and then that the approved works be undertaken and a report to confirm that the site was safe be submitted. The revised condition proposes that the remediation

be dealt with in a different manner as is set out in the comment section of this report, with that material being buried on site and protected from access by the future occupiers of the site.

The application is supported with a Phase 1 Environmental Study that sets out the details of the works that have taken place, and which are to take place to complete the remediation, and a supplementary note that responds to a series of queries raised during the assessment of the application.

Relevant Planning History

Application No.	Development	Decision	Date
19/0154	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 14 ON PLANNING PERMISSION 12/0118 ASSOCIATED WITH CONTAMINATED LAND REMEDIATION	Withdrawn by Applicant	06/07/2020
17/0817	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 8 MATERIALS ON APPROVED APPLICATION 12/0118	Advice Issued	27/10/2017
17/0062	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS TO PLANNING PERMISSION 12/0118 - CONDITION 10 (LANDSCAPING AND SITE LAYOUT), CONDITION 12 (FOUL DRAINAGE), CONDITION 13 (SURFACE WATER DRAINAGE), 14 (CONTAMINATION INVESTIGATION AND REMEDIATION) AND CONDITION 15 (HIGHWAY WORKS)	Advice Issued	28/07/2017
12/0118	CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.	Called In: Secretary of State	28/03/2014
08/0234	CERTIFICATE OF LAWFULNESS FOR USE OF LAND FOR STORAGE OF BUILDING CONTRACTOR'S MATERIALS.	Approve Certificate	29/08/2008

Relevant Planning Appeals History

Application No.	Development	Decision	Date
12/0118	CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.	Allowed	12/01/2016

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 10 July 2020 and comment:

“Thank you for your letter of consultation dated 10th July 2020 which was considered at a meeting held on Thursday 13th August 2020.

Following discussion Council noted the information and any planning documents that had been provided relating to the proposed variation of condition 14 of the planning permission granted on appeal. It is understood that whether this permission is extant may be subject to a legal ruling given that the development permitted has still to begin three years from the date of the appeal decision.

Notwithstanding this issue council resolved that it is considered the proposal as submitted is considered inadequate and unacceptable as it still fails to address the requirements of the conditions attached to the original planning application 12/0118 and therefore should be refused planning permission, by Fylde Borough Council’s planning committee (LPA), or if delegated by its planning case officer.

This recommendation is grounded on issues identified by the consulting and engineering firm engaged professionally by the Newton Residents Association, a copy of which has previously been provided to the LPA, that are supported by the council i.e.:

- i. Proposed hard standing to be installed is not technically described and details should be confirmed.*
- ii. The composition and depth of the ‘no dig’ layer is not described. Fylde borough council local health and planning authorities and the applicant should agree a specification for the final composition of the capping layer and its component parts.*
- iii. The proposed raised grassed play area is to be created with clean material above the no dig layer and the quality of soils imported to create this platform should be confirmed through samples being subjected to analysis and testing.*
- iv. Backfilling of services trenches with clean fill material is proposed to reduce the potential for contamination of water supplies by leaching from the surrounding soils. Again and as referenced above the imported soils should be confirmed through samples being subjected to analysis and testing Excavations to create the trenches together with excavations arising during installation of the package treatment plant, if permitted by the Environment Agency should both be subjected to analysis, testing and disposed of appropriately.*
- v. Given the development site history it would be sensible to assume materials making up bunds within and at the edge of the site are contaminated until proven otherwise. Accordingly, these materials should either be retained under the no-dig hardstanding cap and/or analysed, tested and removed from site to an appropriate disposal facility.”*

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Confirm that they have no objections to the proposal in principle but highlight a number of areas where they believe additional conditions would be needed:

- To implement the actions in the submitted report in full
- To ensure that the buried asbestos is not disturbed
- Implement appropriate protection for workers and surrounding land users during

- the works, particularly with regard to the remediation of any lead
- Ensure that a no-dig barrier is installed between the hard-core surface and existing ground
- To ensure that the garden area is elevated as proposed
- Provide clarification over the source of the imported materials to ensure it is safe to use
- Provide the local authority with an accurate record of where the asbestos material is located within the site, along with details of the concrete encapsulation
- A verification report must be provided at each stage of construction.

Environment Agency

We have reviewed the Phase 1 report (ref. 1943-1; dated June 2020), prepared by Martin Environmental Solutions, and we agree with the conclusions that the development would have a very low impact on the controlled waters associated with the site. As such, we consider that Condition 14 has been satisfied insofar as it relates to our remit, and we have no objection to the variation of this condition as proposed.

Neighbour Observations

Neighbours notified:	10 July 2020
Number of Responses	4 individual neighbours have commented and a report presented on behalf of the Newton Resident Association
Summary of Comments	The neighbour comments are summarised as follows:

- The report submitted by the applicant does not provide enough detail or clarity to ensure that the health risks associated with the development are addressed.
- Given the previous judicial review it is particularly important that the council only permits a clear and coherent strategy for the rededication of the site
- Thames Street is well used by local residents and so it is imperative that they can continue to do so safely
- There are residential gardens adjoining the site where children play and so it is essential that the site is properly remediated
- There should be no dilution of the contamination remediate measures required on the site, particularly based on the owner's actions in failing to comply with the agreed methodology for clearing contamination
- The application has been poorly managed and its continued consideration is impacting on the mental health of local residents as well as costing money to prevent it going ahead
- The application fails to take account of a property to the southern side of Thames Street
- The land is not suited for development due to its location and previous use

The Report provided by the NRA is from a consultant who refers to having reviewed the report submitted with the application. In summary, they are critical of the report for the following reasons:

- That it refers to works undertaken in the period 2016-19 but has

limited information about the current status of the land and contains no analysis of that current status.

- The report is structured as a 'generic risk assessment'. They extract phrases from the report to demonstrate their point.
- They highlight that the report indicates that the remediation is based on a 'capping' approach, which the consultant states: *"if appropriately managed and implemented, should adequately manage the exposure risks to human health of site residents and neighbours from the pre-existing ground contamination that has been identified at the site"*. They explain that whilst this is broadly in line with current guidelines for the types of contaminants present at the site, but they contend that the detail provided is inadequate to provide confidence that it will be rigorously implemented to ensure that the site is safe.

To emphasise their later point, the consultant highlights a series of points that they believe indicate the limited level of information. These are those quoted by the Parish Council above and so are not repeated here. The report concludes that the applicant's report: *"does not provide sufficient detail and clarity from which to discharge planning condition 14 for the development."*

Relevant Planning Policy

Fylde Local Plan to 2032:

H5	Gypsies, Travellers and Travelling Showpeople's Sites
CL1	Flood Alleviation, Water Quality and Water Efficiency

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Format of Application

The application is submitted under s73 of the Town and Country Planning Act 1990 which allows for applications to vary conditions that are imposed on an existing planning permission. The effect of this is that where an application is approved it establishes a second planning permission that would sit alongside the existing permission.

The proposal here relates to planning permission 12/0118 which was granted permission on 12 January 2016 following a 'call in' appeal and public inquiry held the previous year. The description of the approved development is:

CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE,

INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.

This application does not seek to amend that description of development or any of the approved details other than condition 14 which relates to land contamination and the remediation to be undertaken to protect workers, occupiers, surrounding residents and the local environment. As such no analysis of the other elements of the permission is needed.

Given this position, the description of the development has been revised during the consideration of the application to ensure that the scope of the decision is entirely clear, with the decision to be determined on the basis of the description at the head of this report. This takes the description used in 2012, revises the number of pitches to that permitted by the Inspector, and then clarifies that this application alters the nature of the remediation.

For completeness the application was originally received and publicised on the basis of the following description:

VARIATION OF CONDITION 14 OF PLANNING PERMISSION 12/0118 TO PROPOSE ALTERNATIVE STRATEGY FOR INVESTIGATION AND REMEDIATION OF ANY CONTAMINATION ON THE SITE INCLUDING DOCUMENTATION OF WORKS UNDERTAKEN AND PROPOSAL OF FUTURE WORKS

Members will appreciate that there has been no change in the scope of works proposed by the application and so it is not considered that any party has been prejudiced as a result of this amendment to the description of development.

Policy Position

The existing planning permission was assessed against the policies of the Fylde Borough Local Plan from 2005. That Local Plan has now been superseded by the Fylde Local Plan to 2032 which must form the policy basis for the assessment of the current application. In that Plan the site is allocated under Policy H5 which relates to: '*Gypsies, Travellers and Travelling Showpeoples's Sites*'. Policy H5 specifically allocates the application site for up to 3 gypsy and traveller pitches.

The local policy basis for addressing contamination is set out in Policy CL1 of the Fylde Local Plan to 2032. This requires that all new developments minimise flood risk and potential pollution through a series of factors, with the key one here being

h) Ensuring there is no risk of pollution to controlled waters from land contamination on previously developed sites

The NPPF also provides guidance on ensuring that any contaminated land is remediated with para 178 explaining that there is a need to ensure that any contamination is identified and remediated, para 179 explaining that it is the responsibility of the developer to undertake this work, and para 180 requiring that the development of a site takes account of the potential impacts of that development on the wider area around it.

Principle of Development

Work has commenced on the implementation of planning permission 12/0118 through the construction of the access and the provision of services. These works were undertaken in 2018 and followed the council's approval of the details required to discharge the pre-commencement conditions through applications 17/0062 and 17/0817 in July and October 2017.

Given the existence of an extant planning permission for the development and the local plan allocation, the principle of the gypsy pitch use remains acceptable. The 3 pitch reference in the Local Plan policy being an indication of potential capacity were the site to be used in a typical gypsy arrangement, whereas the planning permission is specific to the family requirements of the applicant.

The application does not propose any alterations to the scale or other aspects of the development from that approved under the existing permission beyond the contamination matter and so the remainder of this report will assess that aspect only.

Current Position regarding contamination

Condition 14 to planning permission 12/0118 states:

Prior to the commencement of the development an investigation and risk assessment report of any contamination on the site shall be completed in accordance with a scheme that shall have been submitted to, and approved in writing by, the local planning authority. If the report indicates that remediation is necessary, details of a remediation scheme shall be submitted to, and approved in writing by, the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to, and approved in writing by, the local planning authority prior to the first occupation of any of the development hereby permitted. If during the course of the development contamination not previously identified is found to be present at the site, no further development shall be carried out until an amendment to the remediation scheme giving details of how to deal with this contamination has been submitted to, and approved in writing by, the local planning authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.

This is a detailed and unwieldy condition that in common with all conditions imposed by a Planning Inspector is not supported by a 'reason' element to guide readers. It contains a series of triggers with these setting out the order of activities as an appropriate remediation scheme is to be submitted and agreed, this is to be undertaken, a verification report is to be prepared to confirm that the works have been appropriately undertaken and so any contamination addressed, and this is to be agreed by the local planning authority. Only at this point can the site be lawfully occupied.

The events at Thames Street have not followed this process. Whilst an investigation and remediation scheme was submitted and approved (under application 17/0062) the remediation works that have been undertaken did not follow the approved methodology. Application 19/0154 was then submitted in an attempt to secure the local authority's consent that these were acceptable as an alternative approach. Whilst this was accepted by officers as being an appropriate alternative strategy and so a decision issued to confirm that, this decision was subject to a Judicial Review brought by the Newton Resident Association who argued that the decision was unsound. This Review was accepted and so the council's decision on this was application was quashed and that application was ultimately withdrawn prior to the decision being revisited.

This means that whilst a remediation strategy has been approved, which proposed removing any contamination off-site and disposing of it appropriately, an alternative strategy of burying the material on site in an inaccessible location was followed. As this does not comply with the approved strategy the applicant was at an impasse over progressing the implementation of the

planning permission.

The current application has been presented in an attempt to break that impasse by seeking a revision to the wording of condition 14 so that it is possible to accept the alternative method of remediation that has been undertaken.

Current proposal

As a 's73' application the current proposal seeks, in substance, a revision to the existing planning permission by varying the conditions that were imposed by it, with this being limited to original condition no. 14 in this case.

The application is supported with a letter from the applicant's agent that sets out the planning history of the site and references a further Phase One remediation study of the site. A subsequent note of clarifications has also been presented. The remediation study looks at the previous examinations undertaken at the site for possible contamination and documents a further 'walk over' survey of the site that was undertaken on 28 June 2020. Regarding potential contaminants, the report concludes:

Following a review of the information gathered on the history of the site and the surrounding area and following the site walk-over survey there are no contaminants identified off site that are likely to present a significant possibility of significant harm to any identified receptor.

On site the review of previous investigations has identified some elevated levels of lead within the site and buried potential asbestos containing corrugated sheeting on site. The site is to be covered in hardstanding, with a small raised area of landscaping to the north.

The report then examines the potential impacts that any contaminants may have on those working on the site as it is prepared for future use, the future residents, the buildings on the site, the surrounding groundwater, and the neighbours to the site. These are modelled for the potential level of risk with this set out as being either low or very low in all cases.

The recommendation of the report are included here, as follows:

As a result of the investigation into the historical use of the site and surrounding area, no sources of contamination have been identified off site which present a significant possibility of significant harm to any of the identified receptors. On site buried potentially asbestos containing material has been identified and high lead levels within the southeast corner of the site.

To ensure no risk to the identified receptors further mitigation measures are required as detailed below

- *Asbestos –the buried asbestos sheeting is not to be disturbed. As such, there is no risk from asbestos fibres to the identified receptors.*
- *Lead - Suitable precautions should be taken to protect construction works and prevent windblown contamination of neighbouring site during the groundworks from any potential contamination. The site is to have a layer of hard standing across it, thus breaking the source-pathway-receptor pollutant linkage. This will prevent direct access to the soil below including the lead pollution in the southeast corner. It will also prevent any windblown soil from leaving the site. A no-dig barrier should be laid under the hardstanding to warn any construction workers in the future. The only landscaping to be included within the development is a small grassed play area to the north of the site. No identified elevated levels of pollutants were*

identified at this location. However, it has been decided to create a raised area, with steps to a height of 600mm provide sufficient clean material to ensure no pollutant linkage exists. Details on the imported material to create this raised area will be required to identify that it is safe to use, and verification of the depth will be required.

- *Services are to be provided to the amenity room located along the southern boundary. These should be placed in trenches with clean backfilled material used. Paperwork to demonstrate the source and nature of the clean backfill material should be retained to demonstrate it is safe for use. It is further recommended that a watching brief is maintained throughout the construction of the new building and any signs of potential contamination found are fully investigated, with appropriate remedial action taken as necessary and the local planning authority informed of the findings.*

Is it acceptable?

Whilst the application proposes a different form of remediation of potential contaminants to that originally approved, that is in itself not a reason to refuse the application. Nor is the fact that the applicant failed to implement the previously approved scheme. Rather, there needs to be an assessment of whether the solution that is proposed will achieve an appropriate form of contamination remediation so that the development can be undertaken safely.

The report has been assessed by the council's Environmental Protection Team and by consultants acting for the Newton Residents Association. Both have concluded that the approach taken is appropriate, although the NRA consultants highlighted a number of areas where the application submission relies on further details being provided, or where the information that is provided is limited in its scope.

Following discussions between your planning officers and environmental protection officers it was agreed that the NRA consultants raised relevant concerns in that respect and so additional information was requested from the applicant's agent on a number of aspects. These areas are summarised below along with the clarification provided by the developer's representative:

Issue 1 – Type of Hardcore

The scheme involves the formation of a hardstanding surface to cover the site and so prevent the future occupiers from readily accessing any potentially contaminated material that remains buried on the site. The initial submission provided no clarity over the depth and nature of this covering material, and this is required to ensure that it provides an effective barrier between the site residents and any potentially contaminated material.

The developer's representative has responded as follows: *"With the exception of a small raised garden area a hardstanding layer of clean virgin stone will be placed across the site. This stone will be sourced from a suitable building supplies company. The layer will be at least 200mm thick, compacted and a verification report will be produced to confirm this depth consisting of at least ten trial holes."*

Issue 2 – Format of 'no-dig' layer

The scheme involves the formation of a 'no-dig' layer below the hardstanding to prevent the future occupiers from readily accessing any potentially contaminated material that remains buried on the site underneath that hardcore. The initial submission provided no clarity over this, and it was felt necessary to have this to ensure that it provides an effective barrier between the site residents and any potentially contaminated material.

The developer's representative has responded as follows: *"The 'no dig' barrier/layer will be a*

brightly coloured geotextile-membrane. This will prevent the movement of particulates whilst allowing rainwater to migrate. The vivid colour warns of potential danger at the point of any future excavations and it can also prevent the upward movement of contaminated soil particles.”

Issue 3 – Garden area materials

The scheme involves the importation of material to form the raised garden area. The initial submission provided no clarity over the quantity, nature and source of this material which is required to ensure that it is itself clean of any possible contaminants.

The developer’s representative has responded as follows: *“The imported material will be sourced from a reputable building supply contractor, clarification of the nature of the material will be requested upon purchase and suitable test certificates will be requested ensuring that the material is suitable and safe for use in a domestic garden/allotment setting.*

The area to be covered by the raised garden is as shown on the submitted plans with steps built around the area to allow easy access. The depth of the imported material will be at least 600mm above the no dig layer and will be made from a layer of subsoil approximately 450mm deep and topsoil at least 150mm deep.

Verification of the depth of the imported material above the no-dig layer will be undertaken following completion of the work.”

Issue 4 – Works associated with service trenches

The scheme involves the importation of material to backfill the service trenches, and as with issue 1 there was no detail over the nature and source of this material initially as that is required to ensure that it is itself clean of any possible contaminants. The works associated with the installation of the services will generate material for disposal that is potentially contaminated and so details of the intended disposal location of this material is required.

The developer’s representative has responded as follows: *“Material to be used for the backfilling of service trenches will be obtained from a suitable building supply contractors and will be either virgin material or certificated recycled material, to ensure that it is suitable for the site. The material will vary in nature with pea-gravel, stone and sub-soil being used. Receipts and where necessary test certificates will be kept and included within the verification report.*

The excavated material will be deposited of at a suitably licensed deposal/reclamation site. Waste transfer notes will be kept and reported within the verification report following completion of the site.”

Issue 5 - Bunds

There are a series of bunds of material within and around the perimeter of the site. The initial submission gives no information over how these are to be dealt with as they are not part of the final scheme and so this was requested.

The developer’s representative has responded as follows: *“The bunds currently located around the perimeter of the site area to be removed to a suitably licensed deposal/reclamation site. Waste transfer notes will be kept and reported within the verification report following completion of the site.”*

Additional Issues

Queries were also raised with the developer’s representative regarding the measures to be taken to

ensure that the operatives undertaking the work are protected during the work activities, and the timescales for providing a verification report.

The developer's representative has responded to confirm that in respect of the safety of operatives: *"All contractors working on the site will be warned of the potential contamination presence. Specific risk assessments will be undertaken for each activity in line with Health and Safety legislation. However, as a minimum this will include the provision of appropriate PPE (PPF3 facemasks, gloves), welfare facilities to allow washing of hands. combined with instructions to contractors on how to minimise the risk of exposure. Further to the above, in order to minimise the potential for spread of any contamination, additional measures will also be incorporated into the works. these will include the provision of water sprays to minimise dust emissions if required and ensuring all loads are adequately sheeted when departing site."*

With regards the timescale they advise that: *"A verification report is to be produced following the completion of the works, confirming that the recommended remediation works have been undertaken. this should be available within 8 weeks of the completion of the site."*

Assessment of Information

The additional report document has been shared with the council's Environmental Protection Team. They have confirmed that the clarification provided addresses their concerns and allows them to be satisfied that the works are appropriate to allow the condition to be discharged.

Your officers have also noted that the additional information addresses the areas that the Resident Group's consultant and so Parish Council identified as being missing with the original information that was presented with this application.

Summary Position

Whilst the method of remediation in the proposed submission (i.e. burial in situ) differs from that which was original proposed and approved on the site (i.e. removal from site for burial elsewhere), it is accepted that either methodology is suitable to allow a safe site to be provided for all concerned. This is evidenced by both options being accepted as solutions for remediating contamination in the relevant guidance. The submitted methodology in this application, as enhanced with the additional information subsequently provided, is therefore considered to adequately safeguard those undertaking the development, those living on the site following its development, those living around the site, and the wider environment from undue risk as a consequence of the works

The implementation of the remediation strategy set out in the submitted documents will therefore accord with the requirements of Policy CL1 of the Fylde Local Plan to 2032.

Revised Condition

To ensure their implementation as part of the planning permission the reports submitted with this application and their specific requirements are to be referenced in a revised condition, which it is suggested reads as follows:

That prior to the first occupation of the site for the use permitted by this planning permission, the following works shall have been undertaken, in accordance with the methodology and details set out in the Contaminated Land Phase One Desk Study by Martin Environmental Services of June 2020 as supported by the additional Martin Environmental Services report reference 2077-1 dated April 2021:

- a) The entire surface of the site shall have been protected with a layer of hardstanding of at least 200mm depth with a 'no dig' barrier installed below that level to the depth and with*

- materials of the nature set out in the additional report*
- b) The services to facilitate the occupation of the site shall be installed as set out in the additional report*
 - c) The raised garden area shown in Figure 2 shall have been constructed to the depth and materials set out in the additional report to provide a safe alternative area for recreation and play on the site*
 - d) The remaining remediation works shall be undertaken using the appropriate risk assessments and best practice for minimising the potential for harm during those works as set out in the additional report.*

Reason: To ensure that the remaining construction works and future occupation of the site can be undertaken whilst minimising the risk of on-site contaminants caused risk to the health of future residents of the site, neighbours to the site, and the surrounding environment. These works are to accord with the requirements of Policy CL1 of the Fylde Local Plan to 2032 and para 178 and 179 of the NPPF.

A further condition is then proposed to ensure that a verification of the works that have been undertaken is provided. This is proposed to read as follows:

That no later than 8 weeks following the first occupation of the site for the use permitted by this planning permission a verification report shall have been prepared and submitted to the local planning authority for approval in writing. This Verification Report shall document the works that have been undertaken to ensure compliance with the remediation works set out in condition 13, and specifically the following works:

- a) The source and certification for the stone material used to form the surface material of the site*
- b) The source and certification for the material (sub soil and top soil) used to form the raised garden area*
- c) The source and certification for the material used to backfill the service trenches and any other excavations undertaken to facilitate the installation of services to the site*
- d) The waste transfer notes relating to the disposal of the material that is currently on site in a series of bunds*

Reason: To provide confirmation that the remaining construction and remediation works have been undertaken and so the development of the site will minimise the risk to the health of future residents of the site, neighbours to the site, and the surrounding environment. This is to ensure compliance with the requirements of Policy CL1 of the Fylde Local Plan to 2032 and para 178 and 179 of the NPPF.

As a s73 decision creates a new planning permission that sits alongside the original one there is a need to include all the other conditions that remain relevant to the decision. In this case as the original planning permission has been implemented the details required by a number of other conditions have been discharged by earlier submissions. This means that those conditions are re-written to simply relate to the implementation of the approved details and their requirements. These are not discussed further here but are set out in the conditions section of this report as normal and are conditions 7, 9, 10, 11, 12 and 15. All other conditions are repeated exactly as issued by the Inspector although a 'reason' has been added to the conditions which relates them to the Local Plan..

Conclusions

The application relates to a rectangular area of land to the north of Thames Street in Newton. The site is allocated for gypsy accommodation in the Fylde Local Plan to 2032 and has an extant planning permission in place for that use which was allowed following a 'call-in' appeal. Condition 14 attached to that planning permission required the approval and implementation of a scheme of remediation in relation to the contamination that was known to be present on the site, as well as any contamination that was unknown at the time of the decision to grant planning permission.

The applicant submitted a proposed remediation strategy which was approved by the council, but then undertook works which were at variance with the approved strategy. This application is intended to regularise the position by allowing a condition to be framed around the works that have been carried out (which are considered acceptable), while putting in place appropriate and rigorous safeguards to ensure ongoing compliance.

The existing remediation is considered acceptable for the nature, level and location of the contamination after consideration of expert reports and following a series of site samples taken at the time that the remediation was underway. The submission proposes further works be undertaken to conclude the remediation in the remaining development stage of the planning permission, and these works are also considered to be acceptable.

Once completed, the remediation will allow for the safe development and occupation of the site in accordance with the submitted details.

A s73 application is in the form of an application for planning permission without complying with an existing condition. The local planning authority may grant the application subject to the imposition of further conditions. In this way, such an application allows for the variation of conditions on an existing planning permission. Officers are satisfied that condition 14 can be varied to relate to the implementation of the remaining works to remediate that contamination as set out in this application, along with the submission of a verification report for assessment on the completion of those works. The recommendation is therefore to grant permission, subject to the imposition of a new condition to cover these matters and of further conditions to reflect those conditions of the original permission that remain undischarged or require implementation.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (Scale 1:1250),
 - Proposed Side Elevations of Amenity Block, Proposed Front and Rear Elevations and Floor Plan of Amenity Block (all Scale 1:100).
 - Proposed External Works / Landscaping Plan - dwg-tjba-mcdonough-thames st-200616.dwg revision p2 (submitted under application reference 17/0062)

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

2. The site shall only be occupied as permanent accommodation and not as a transit site and only by “gypsies and travellers” as defined in Annex 1 Glossary of the Planning Policy for Traveller Sites 2015 (or any policy guidance amending or adding thereto).

Reason: In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park may not be appropriate in this locality and as the use of the site as transit accommodation would lead to an unacceptable increase in towed vehicular movements. This is as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

3. There shall be no more than 3 pitches on the site and on each of the 3 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed at any time.

Reason: To provide clarity to the permission and to ensure that the layout of the site minimises the potential visual impact as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

4. Any caravans positioned on the site shall be touring caravans and shall be capable of being lawfully moved on the public highway, without division into separate parts, and shall not exceed 7m in length (excluding tow bar).

Reason: To provide clarity to the permission and to ensure that the layout of the site minimises the potential visual impact as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

5. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and each vehicle shall not exceed a maximum gross weight of 3.5 tonnes.

Reason: To provide appropriate control over the volume of vehicle movements on the adjacent highway network by large vehicles and to ensure that the occupation of the site minimises the potential visual impact as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

6. No commercial activities shall take place on the land, including the storage of materials.

Reason: To provide appropriate control over the nature and extent of activity undertaken at the site in the interests of preserving neighbouring residential amenity and the visual amenity of the area as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

7. Unless alternative details are subsequently approved by the local planning authority in writing the amenity block hereby approved shall be constructed to the finished floor level of 5.90 aOD being 150mm above the existing ground level and in a 'Mercia Orange' red brick sample and a 'Cabello Slate' being the details approved in respect of condition 8 of planning permission 12/0118, with that decision having Fylde Council reference 17/0817.

Reason: To ensure the development of the building minimises the potential for flood risk on and off site, and to secure the use of appropriate materials which are sympathetic to the character of the surrounding area and the visual amenity of the site in accordance with Policies H5 and GD7 of the Fylde Local Plan to 2032.

8. No electrical generator shall be used on the site unless it has been sited and enclosed in

accordance with details which shall have been previously submitted to, and approved in writing by, the local planning authority.

Reason: To minimise the potential for noise disturbance to be suffered by neighbouring residents, and to preserve the rural character of the surrounding area as required by para 180 of NPPF19.

9. Unless alternative details are subsequently approved by the local planning authority in writing the site landscaping and other development works shall be undertaken in accordance with drawing 'dwg-tjba-mcdonough-thames st-200616.dwg revision p2' being the details approved in respect of condition 10 of planning permission 12/0118, with that decision having Fylde Council reference 17/0062.

The development shall be carried out in accordance with the approved details and programme. No surfacing, fencing, gates or lighting shall be carried out or erected on the site other than that approved pursuant to this condition.

Reason: To minimise the impact of the development on the character of the surrounding area as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

10. Any trees or plants included within the landscaping scheme required by condition 9 which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To minimise the impact of the development on the character of the surrounding area as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

11. Unless alternative details are subsequently approved in writing by the local planning authority, the foul water drainage arrangements shall be undertaken in accordance with the details on drawing 'dwg-tjba-mcdonough-thames st-200616.dwg revision p2' being the details approved in respect of condition 12 of planning permission 12/0118, with that decision having Fylde Council reference 17/0062. These foul water drainage works shall be completed in accordance with these details prior to the first occupation of the site.

Reason: To ensure appropriate arrangements for the site drainage are put in place to minimise the potential for pollution of the water environment as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.

12. Unless alternative details are subsequently approved by the local planning authority in writing the surface water drainage arrangements shall be undertaken in accordance with the details on drawing 'dwg-tjba-mcdonough-thames st-200616.dwg revision p2' being the details approved in respect of condition 13 of planning permission 12/0118, with that decision having Fylde Council reference 17/0062. These surface water drainage works shall be completed in accordance with these details prior to the first occupation of the site.

Reason: To ensure appropriate arrangements for the site drainage are put in place to minimise the potential for pollution of the water environment as required by Policies GD7, CL2 and H5 of the Fylde Local Plan to 2032.

13. That prior to the first occupation of the site for the use permitted by this planning permission the following works shall have been undertaken, in accordance with the methodology and details set out in the Contaminated Land Phase One Desk Study by Martin Environmental Services of June

2020 as supported by the additional Martin Environmental Services report reference 2077-1 dated April 2021:

- a) The entire surface of the site shall have been protected with a layer of hardstanding of at least 200mm depth with a 'no dig' barrier installed below that level to the depth and with materials of the nature set out in the additional report
- b) The services to facilitate the occupation of the site shall be installed as set out in the additional report
- c) The raised garden area shown in Figure 2 shall have been constructed to the depth and materials set out in the additional report to provide a safe alternative area for recreation and play on the site
- d) The remaining remediation works shall be undertaken using the appropriate risk assessments and best practice for minimising the potential for harm during those works as set out in the additional report.

Reason: To ensure that the remaining construction works and future occupation of the site can be undertaken whilst minimising the risk of on-site contaminants caused risk to the health of future residents of the site, neighbours to the site, and the surrounding environment. These works are to accord with the requirements of Policy CL1 of the Fylde Local Plan to 2032 and para 178 and 179 of NPPF19.

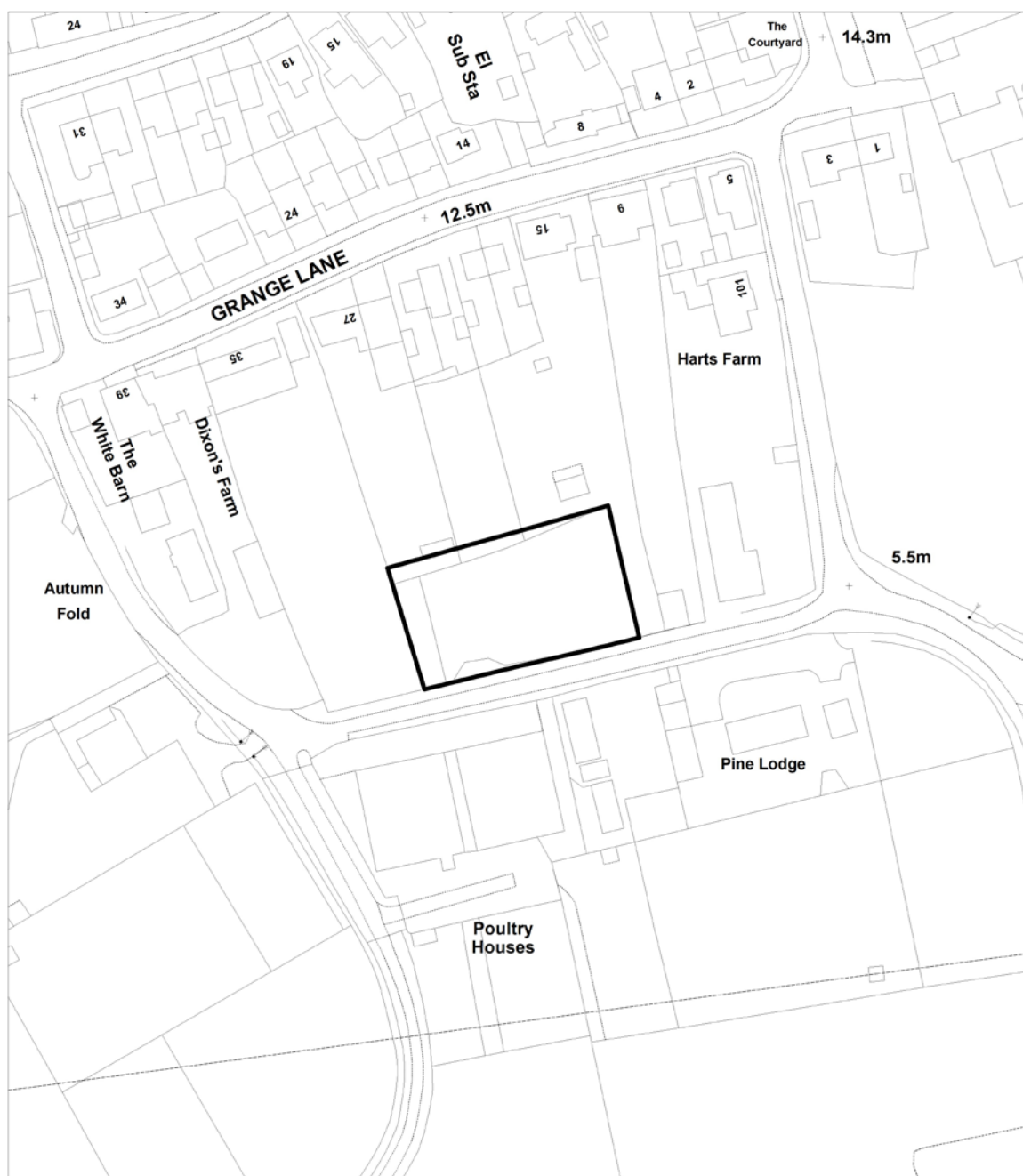
14. That no later than 8 weeks following the first occupation of the site for the use permitted by this planning permission a verification report shall have been prepared and submitted to the local planning authority for approval in writing. This Verification Report shall document the works that have been undertaken to ensure compliance with the remediation works set out in condition 13, and specifically the following works:


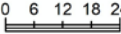
- a) The source and certification for the stone material used to form the surface material of the site
- b) The source and certification for the material (sub soil and top soil) used to form the raised garden area
- c) The source and certification for the material used to backfill the service trenches and any other excavations undertaken to facilitate the installation of services to the site
- d) The waste transfer notes relating to the disposal of the material that is currently on site in a series of bunds

Reason: To provide confirmation that the remaining construction and remediation works have been undertaken and so the development of the site will minimise the risk to the health of future residents of the site, neighbours to the site, and the surrounding environment. This is to ensure compliance with the requirements of Policy CL1 of the Fylde Local Plan to 2032 and para 178 and 179 of NPPF19.

15. Unless alternative details are subsequently approved by the local planning authority in writing the site development shall be undertaken in accordance with the details on Proposed access, road & lighting Plan drawing 'dwg-tjba-mcdonough-thamesst-200616.dwg rev p1' being the details approved in respect of condition 15 of planning permission 12/0118, with that decision having Fylde Council reference 17/0062. These site access and off-site access works shall be completed prior to the first occupation of the site.

Reason: To ensure the provision of a safe and suitable access to the development as required by Policies GD7 and H5 of the Fylde Local Plan to 2032.



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
Application No. 5/20/0357	Address Former Builders Yard, Thames Street, Newton	Grid Ref. E.3446 : N.4305	Scale 0 6 12 18 24 m 

Item Number: 2

Committee Date: 28 April 2021

Application Reference:	20/0844	Type of Application:	Full Planning Permission
Applicant:	Mr Derbyshire	Agent :	Mellor Architects
Location:	LAND ADJACENT TO TREALES GARAGE, TREALES ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SR		
Proposal:	FORMATION OF NEW GATED VEHICLE ACCESS ONTO TREALES ROAD INCLUDING ASSOCIATED HARD AND SOFT LANDSCAPING WORKS		
Ward:	NEWTON WITH TREALES	Parish:	Treales, Roseacre and Wharles
Weeks on Hand:	8	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the formation of a revised access point to serve a parcel of agricultural land that is located in the countryside area to the east of Treales village. The site is generally rectangular in shape and sits alongside Treales Road with Treales Garage to the west, and a cluster of dwellings beyond that and opposite. The other surrounding land uses are agricultural and this character dominates the area in which the site is situated.

The existing arrangement for accessing the site is provided through a gate that is set back from the road along a grass track to the eastern side of the site, with a second gate in the road frontage overgrown by the hedgerow and having clearly not been in use for many years. The proposal is to replace these with a single access point that is located centrally on the Treales Road frontage.

This access point is a significant safety improvement over the existing access arrangement as both options have restricted visibility in one direction due to the position of the site on a bend of Treales Road, whereas the proposed location is opposite the apex of the bend and so provides good visibility in both directions. The local highway authority confirm that they support the development on that basis.

The formation of the access in this location will require the removal of a length of hedgerow to provide the access and 3 trees which have grown in the hedgerow. However, the hedge is of limited quality and the trees are very poor specimens which are likely to fail in the next few years as a consequence of Ash Die Back disease. The scheme proposes the planting of replacement trees that will adequately mitigate any harm to the rural character of the area in the short term, and will enhance it in the long term.

The Parish Council have objected to the application, along with a number of residents,

primarily on the basis that the application site is located in an area where there have been a number of road accidents, including a fatality. However, it is not considered that their concerns are justified on this basis given that the intention of the application is to provide a safer access to the land than is currently available.

Policy GD4 allows for development that is needed for agriculture, and whilst this field already has an access it is considered that the provision of a safer access to that agricultural land is a suitable form of development in principle. The limited adverse visual impact of this can be addressed by condition and so it is considered that on that basis the application is in accordance with policies of the Fylde Local Plan to 2032 and so is recommended for approval.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the views of the Parish Council and so it is necessary to present the application to the Planning Committee for a decision. It is also the case that the Ward Councillor (Cllr Speak) has requested that the application be considered at Committee.

Site Description and Location

The application site is a broadly rectangular area of agricultural land that is located circa 930m to the east of Treales village and immediately to the east of Treales Garage which is in a separate ownership to the application site but has been used as an address identifier in this application. It has a frontage to Treales Road of 100m in length and a depth from that frontage of 50m at each end, reducing to 30m in the centre. The land falls away gently in level from Treales Road with a drop of around 1.3m across the site at the centre point.

The land is unused but appears to be available for grazing or other agricultural use. There is a hedge to Treales Road on the northern boundary, stock fencing to the south and east boundaries which are with other agricultural land, and a close boarded fence to the west which is with the parking area associated with Treales Garage.

There is a substantial detached property behind a tall 4m high hedge to the opposite side of Treales Road which is accessed opposite the eastern end of the application site, and a second detached dwelling slightly beyond the western end of the site on the opposite side of Treales Road. To the west of the site is Treales Garage and a small cluster of rural buildings which have been converted to residential use. Land to the south and east is in open agricultural use.

The application site and whole of the surrounding area is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032.

Details of Proposal

The application proposes the formation of a replacement vehicle access. This is positioned centrally on the site frontage immediately opposite the apex of a bend in Treales Road, with the intention of this location being to provide the maximum available visibility.

The access is indicated as being 6m in width with this protected by a pair of agricultural field gates which are to be positioned 6m back from the edge of the carriageway. The provision of the access in this location requires the removal of a length of hedgerow, the cutting back of parts of the

hedgerow to the west to provide visibility, and the removal of 3 self-seeded Ash trees that are located around the access point. The application is supported with an arboriculture report which indicates that these trees are in poor condition due to early pollarding, presumably when the hedge was strimmed at some point, and the likely infection by Ash Dieback disease. Three replacement trees are proposed as part of the application.

There is no suggestion in the application of any intention to use the land for anything other than its current agricultural use. If there were to be a future intention to use the land for any other use then this would require planning permission and would obviously be assessed against the planning policies that are relevant for whatever use was proposed.

The applicant has been asked for clarity over the motives for the application and has provided the following statement.

"The reason I am applying for an alternative new entrance is to make a safer entry and exit point to my land. This is existing agricultural land and this is to be the continuing use, and as such is entirely compatible with the rural context and setting. At present the access is in a difficult and potentially dangerous position and is a shared access. The advantages of changing the entrance position is so that you have a clear line of sight from both sides of the road as shown in the two images below, and after study is considered to be the safest position with the best line of sight available. The new entrance position would be set back from the road which would also allow use of the verge to open up entrance gates and my vehicle would not be stationary on the roadside, safer me and other road users."

Relevant Planning History

None relating to this site.

Relevant Planning Appeals History

None relating to this site.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 04 March 2021 and comment:

"At their meeting on the 16 March 2021 the Parish Councillors resolved to Object to the application. It fails to meet the requirements of the NPPF as it will have a severe impact on highway safety. Our reasoning is as follows:

- 1. There are 2 existing field gates to this field. One on the eastern boundary via the track which allows tractors and trailers to pull substantially off the highway while the gate is being opened/closed, and another existing gate onto Treales Road. Both provide a greater margin of road safety than the proposed new entrance.*
- 2. The applicant has not indicated that they are changing the use of or practice that has been operated on the field for over a generation. It would therefore appear that the applicant would not be disadvantaged in not receiving approval for an additional gate at the location, as the existing access would not be excluded to them. Given the continued use for agricultural purposes, it would be better if the applicant would work with local advice to secure safe and suitable access for all users from the existing locations, the use of which have NOT been associated with the*

recorded severe road traffic accidents and conflicts which are detailed below and attached.

- 3. The removal of a large section of the hedgerow and three trees appears to be in conflict with policy GD7 (h) of the FLP2032 because this will create avoidable and demonstrable harm to the rural character of the area. It is also in conflict with LCC's Lancashire Landscape Strategy which encourages the retention of hedgerows and hedgerow trees. Please see the following link <https://www.lancashire.gov.uk/council/strategies-policies-plans/environmental/landscape-strategy/> The Strategy specifically supports hedgerow trees. By definition, self-sown trees of all varieties are to be encouraged and will undergo a lifecycle which supports diversity of flora and fauna. In this way species currently impacted by chronic diseases will have opportunities to develop immunities. The Parish Council has been provided with the local knowledge of an adjacent resident declaring that they have a number of disease free Ashes in their property, thus the issues raised about concerns of the self-sown trees raised by the applicant seems at variance to local knowledge. This application almost seems to deliberately "attack" the trees, the character and the carefully considered Landscape strategy on this prominent rural roadside site.*
- 4. The formation of the proposed gateway appears to be in conflict with Policy H7 (j) of FLP2032 as road safety will be compromised because the proposed gateway is on the crest of a bend in the highway. As a result, forward vision is severely limited and oncoming traffic information for drivers approaching from both directions is also severely limited. (please see Google Street View at figures 2 & 3 below) The highway is only 5.275 metres wide and even with a setback of 4.5 metres this would only give a width of 9.775 metres. An agricultural vehicle and trailer can be up to 18.75 metres in length. Tractors and trailers entering or leaving the field by the proposed gateway would have to manoeuvre across the whole width of the carriageway. In addition, agricultural vehicles would temporarily park on the highway to open/close the proposed gate and approaching vehicles on the same side of the carriageway would be encouraged to manoeuvre around the stationary vehicle into the path of oncoming road users.*
- 5. The road safety risk from a farm vehicle entering the proposed new gate from an easterly direction would also be significantly increased. Easterly travel would require the vehicle to go onto the opposite side of the road just before the bend (which turns right) thereby preventing the farm vehicle seeing any oncoming traffic and preventing any oncoming traffic seeing the farm vehicle (on their side of the road immediately as they come round the bend)*
- 6. Whilst the road is a national speed limit C class road (60mph), it is noted that there is an advisory 30mph warning sign from the west, recognising the previous assessment of danger at the location. The nature of the bend does not give enough distance to avoid impact in the event of a vehicle conflict.*
- 7. Local sources indicate that there have been in excess of 11 road traffic collisions and one fatal road traffic incident in this area.*
- 8. This is a relatively lightly trafficked road, although it has a high representation of large agricultural vehicles and trailers, as well as large HGVs and trailers accessing the rural area and is one of the HGV examination routes. Crash Map (<https://www.crashmap.co.uk/search>) records support the local knowledge, showing 4 crashes involving vehicles travelling in both directions at the bend where the proposed accessway is located. These have involved fatal (1), serious (3) and slight (4) casualties. In addition, in the vicinity to the east and west there have been further 4 accidents recorded involving serious (3) and slight (3) casualties. See attached summary Crash Map at Figure 1 and the eight detailed reports of the crashes attached.*

9. *The addition of a new accessway will only add to the severe risks demonstrated by the accident record on this otherwise lightly trafficked road. This is therefore a dangerous and sensitive accident hotspot. As in most rural communities many RTAs go unreported. Cars skid into fields and hedges with regularity, only to be towed or pulled out leaving the landowner to make the repairs. Local knowledge suggests that this has happened at this spot by Rock House on more than 3 occasions. The installation of the proposed new gateway would only increase the risk to road users if approved. We understand that local residents have provided the council with personal testimonies about accidents both reported and unreported. The proposed location of an additional entrance would in their assessment make this more concerning, impacting their amenity and health & well-being as well as their own feelings of safety, which they consider to be severe.*
10. *Historically application 03/0075 Re development of 1 and 2 Rock Cottages Treales Road required the applicants to provide a new access further to the east on Treales Road due to highway safety concerns. The original 2 accesses to Rock Cottages were opposite the proposed new entrance. (see decision notice point 7 of application 03/0075)*
11. *This section of Treales Road is also a deep flood risk area with the full road closed on a regular basis. (see attached photos) Each flood leaves mud and detritus on the road exacerbating the dangerous road conditions.*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

In response to the council's consultation on the application the local highway authority provided the following comments.

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

The sight lines shown on drawing Mellor Architects drawing 1948-P-05 rev A "Relocation of Site Entrance" onto Treales Road are acceptable based on the recommendations from Manual for Streets and the proposed use of the site, providing the access is used for agricultural use only. The shown sight lines and are fully achievable over the existing adopted highway and within the applicant's control.

They then request a series of conditions relating to the provision of the access as shown on the submitted plans with the visibility splays indicated, the surfacing of the access, the positioning of any gates and the closure and reinstatement of the existing access point.

Further comments were then provided by a second highway officer. He confirms that the response provided originally are valued and that the proposed access location is supported as it provides betterment over the existing access point.

Regeneration Team (Trees)

The tree officer has not provided formal comments on the application but the scheme has been discussed with him. He confirms that the three trees that are identified for removal in the tree report are very poor specimens as identified in the tree report and so there is no merit in seeking to secure their retention.

Neighbour Observations

Neighbours notified:

04 March 2021

Number of Responses

5 individual comments and a letter from a planning consultant acting on behalf of 10 properties in the area

Summary of Comments

The neighbour letters are all opposed to the development and refer to points which are summarised as follows:

- Refer to highway safety issues in the area. Highlight that there have been previous serious and fatal accidents at that location
- Suspect that the application is a precursor to an application for residential development
- Refer to previous applications in the near vicinity being refused on highway safety grounds
- Refer to previous planning permission requiring access points to be relocated to maximise the potential for their safe use
- The scheme creates an additional access point which will not improve safety
- There is flooding on the road in the area
- The works require the removal of a length of hedge and 3 trees so will lead to a loss of habitat

The planning consultants' comments are summarised as follows:

- They highlight the context of the site including the speed limit for traffic, the road safety record, its use as a cycle route and the local plan designation of the land
- They highlight that there is no planning history associated with the site but highlight a planning application that was refused at a site some 600m to the west of the site in 2012 where planning permission for an agricultural building was refused for various reasons including the inadequate visibility available at its access to Treales Road
- They express the view that the proposed development does not meet any of the aspects of development which are acceptable in Countryside areas under Policy GD4
- They also make reference to GD7 and other policies of the FLP32 which they believe the scheme conflicts with. These include GD7 for design, and ENV1 for landscaping which are relevant
- They highlight that highway safety is the principle concern with the application as a consequence of the 60mph speed limit on the road and the position of the proposed access on the outside of the bend which is said to create a 'blind spot' for drivers which means that any vehicles using the access would not be in clear view of drivers approaching at speed.
- To highlight the safety concerns they refer to the level of accidents in the area, including a fatality which occurred in March 2015 around 50m to the west of the proposed access

point.

- They feel that the new access would exacerbate the safety issues, and refer to the lack of any highway justification for the access other than the indication of visibility splays on the site plan.
- They refer to the highway officer comments on the application which do not raise objection on the basis that the access is used for agricultural purposes, and explain that this is an assumption as there is no indication of who would be using the access (*Officer Note: the lawful use of the site is agricultural and there is no suggestion in this application that that is proposed to be altered*)
- They refer to the potential impact on cycle safety as a particular concern given the regular use of Treales Road by cyclists.
- They also refer to concerns that the site is susceptible to collecting surface water which adds to the highway hazards
- As a separate point they refer to the loss of the hedgerow and Ash trees that forms part of the scheme and the lack of any ecological information that could indicate whether the hedge offers any significant wildlife habitat benefit.

Relevant Planning Policy

Fylde Local Plan to 2032:

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

Other Relevant Policy:

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

Site Constraints

Pipelines

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The application site, along with the whole of Treales, Roseacre and Wharles Parish, is washed over by the Countryside allocation in the Fylde Local Plan to 2032. This is secured through Policy GD4 which imposes controls on the forms of development that are acceptable to ensure that they preserve the rural character of the area. The scheme needs to be assessed against that policy.

With the proposal involving the formation of an access there are elements of the general design policy of the Local Plan, Policy GD7, which are applicable. It is also necessary to consider the implications of the development on the landscape under Policy ENV1.

The key elements of NPPF guidance will be those which reflect these key issues and so are relating to highway safety and the needs to preserve the character of rural areas in para 109 and 170 respectively.

Highway Safety Implications

The site has two existing possible access points: one direct to Treales Road, and another via a grass track to the eastern side of the site. The former has not been used for many years as evidenced by its gate being totally subsumed by the hedge. The latter has clearly not been regularly used from evidence at site visit as the grass around the gate is overgrown, but it leads to a track that appears to be in active use serving other agricultural land. These access points are located to the eastern side of a bend in Treales Road which restricts visibility and so whilst they have reasonable visibility to the east, the visibility to the west is restricted which compromises their safe operation.

The new access is proposed to be located centrally on the site at the point directly opposite the apex of the bend. This ensures that good visibility is available in both directions, with this visibility allowing users of the access to have a clear sight of vehicles and cyclists approaching the access in both directions, and allows those other road users a clear sight of the access and so the potential for any vehicles to emerge from it.

In their comments on the application the local highway authority have noted the access position and its use in association with the lawful agricultural use of the site, and confirm that they have no objections to the application. Following a contact direct to the local highway authority by the Parish Council a second highway officer reviewed the application and confirmed that the arrangements are supported as they bring a betterment in the safe operation of the access over that which is currently available.

The development will not allow the existing track to be closed as it serves other land, and so the access point is an additional useable one, but given the agricultural nature of the land involved they are accessed infrequently and this is not a significant concern.

The LCC comments refer to the use of the access for agricultural purposes, and whilst the planning consultant acting for the local residents questions this view it is an understandable position as agriculture is the only lawful use of the site. The applicant has also confirmed that they are intending the land to be used for agricultural purposes only as quoted in the 'Proposal' section of this report. The designation of the site as part of the Countryside in the Fylde Local Plan to 2032 ensures that there are limited alternative uses that would be policy compliant anyway.

The proposal is presented as a replacement access, and for the highway safety benefits that it brings to be realised there is a need to ensure that the existing access point to Treales Road is closed off so that there is no prospect of its use being resuscitated. The access to the track to the side should also be closed off to ensure it cannot be used by this site, and whilst it needs to remain operational to serve the adjacent land, the cessation of any access from this site will reduce its potential level of use thereby bringing forward a highway safety benefit. Other conditions are required to ensure that the access is constructed with the sight lines and engineering works shown.

Policy GD4 is restrictive on the nature of development that can be accepted in countryside areas but does allow development that is needed for agriculture. Whilst it could be argued that this

development is not 'needed' as the site has an existing access, the improvements in highway safety that it brings must be considered as a benefit to its agricultural operation and so in accordance with the Policy. Policy GD7 requires under element q) that a site access should not prejudice highway safety, and so as this scheme will improve the safe access to this parcel of land it must satisfy that requirement.

Visual Impact

Set against the highway safety benefits of the proposal are the visual harm it will create. The existing arrangement at the site is that there is a hedge along the full frontage width to Treales Road with a group of trees at the point that this access is proposed, with another on the eastern front corner that is unaffected. The hedge and trees ensure that the site makes a positive contribution to the rural character of the area as part of the typical field pattern in the borough.

The formation of the access will interrupt that by requiring the opening up of a length of hedge to facilitate the provision of the access measuring the 6m width of the access with a short distance at each side to facilitate its construction, the removal of 3 trees on the frontage, and the hard surfacing and other engineering that is incumbent in the construction of an access point. Whilst these works do amount to the introduction of an engineered feature into a rural environment, it is also the case that agricultural field gates are a typical rural feature along Treales Road and elsewhere and so the harm caused by the development is limited as a result.

The hedge is of limited visual quality, being patchy and limited in the variety of species it contains. The trees that are to be removed are also of limited value both visually as they have been previously coppiced and so have a poor form, and health wise as they are categorised as C/U in the submitted tree report and are susceptible to Ash Die Back disease. The result is that they have a very limited life expectancy even without these works. It is also the case that the application proposes to mitigate the loss of the trees through the planting of replacement lime, oak or beech trees elsewhere on the frontage where they will become established and so contribute to the character of the area in a positive manner over time. A planning condition is an appropriate mechanism to secure the planting of the trees, with this extended to include the planting of a length of native species hedge as part of the development. This will deliver a visual and biodiversity betterment from the development and so is a positive aspect of the scheme.

The guidance in Policy ENV1 refers to the need to conserve existing landscape features, but also ensure that suitable landscape planting of native species is secured where it is appropriate and the loss of existing features is justified. This scheme will comply with the requirements of that policy as the limited harm involved in the loss of the existing trees and rural hedge will be more than adequately mitigated by replaced hedges and trees. There is therefore considered to be no conflict with the requirements of Policy ENV1. The scheme also complies with the requirement of Policy GD7 in this respect by delivering a form of development that is appropriate for its rural context.

Other Matters

The application raises other issues which are material to its determination and so are briefly discussed in this section of the report:

- **Flooding** – the site is in flood zone 1 where flooding is least likely, but it is clear from neighbour/parish council comments and from officer observations at site visit that there is a localised flooding issue around 20m to the east of the eastern end of the site which affects the highway in times of heavy rain. This is a matter that the local highway authority will be aware of as the case officer has observed an engineer at the site, and so is presumably an issue that will be remedied. This development will locate the access further from this current occasional

flooding issue and so it cannot have any bearing on the decision.

- **Ecology** – Whilst the hedge and tree provide potential ecological habitats and the application is not supported with any ecological supporting statement, it is officer assessment that the hedge is reasonably unlikely to provide any important habitat given its limited species mix and quality. As a precaution a condition should be imposed to ensure that works to the hedge are not undertaken during the bird breeding season of March -April without an ecologist confirming that there are no impacts on breeding birds from that work
- **Potential future development** – The application is for the formation of a revised access for agricultural purposes, rather than any other use, and so has to be assessed on that merits. With the site being located in the countryside it is possible that it could be used for an alternative rural-type use such as equestrian activities but beyond that it is difficult to envisage a viable alternative use of the site. Any such alternative use would clearly require planning permission and would need to be assessed against the development plan policies at the time, with any concerns over an imminent residential proposal clearly being unrealistic given the clear conflict that would create with the requirements of Policy GD4.
- **Historical accidents** – The Parish Council refer to a series of these with reference to 'Crashmap which is a resource for documenting injury accidents on the highway. The council receives its highway advice from Lancashire County Council who are the local highway authority and so the statutory consultee on such matters. They routinely review their own accident records to inform their comments on planning applications, and have access to the Crashmap data. Whilst this reveals that the site is one which has an unfortunate history of previous accidents, including a fatality, none of these relate to an agricultural vehicle. Even if an agricultural vehicle was cited as a cause of the accidents it is difficult to see why an application that clearly improves the safety of the access to the field should be resisted on this basis.
- **Position of access opposite** – The Parish Council highlight the requirement in a planning permission for the property opposite for the access to the site to be relocated. That is understandable given the opposite side of the road is on the inside of a highway bend where visibility is inevitably restricted by the roadside hedges. In contrast this site is on the outside of the bend and so benefits from good visibility in both directions.

Conclusions

The application relates to the formation of a revised access point to serve a parcel of agricultural land that is located in the countryside area to the east of Treales village. The site is generally rectangular in shape and sits alongside Treales Road with Treales Garage to the west, and a cluster of dwellings beyond that and opposite. The other surrounding land uses are agricultural and this character dominates the area in which the site is situated.

The existing arrangement for accessing the site is provided through a gate that is set back from the road along a grass track to the eastern side of the site, with a second gate in the road frontage overgrown by the hedgerow and having clearly not been in use for many years. The proposal is to replace these with a single access point that is located centrally on the Treales Road frontage.

This access point is a significant safety improvement over the existing access arrangement as both options have restricted visibility in one direction due to the position of the site on a bend of Treales Road, whereas the proposed location is opposite the apex of the bend and so provides good visibility in both directions. The local highway authority confirm that they support the development on that basis.

The formation of the access in this location will require the removal of a length of hedgerow to provide the access and 3 trees which have grown in the hedgerow. However, the hedge is of

limited quality and the trees are very poor specimens which are likely to fail in the next few years as a consequence of Ash Die Back disease. The scheme proposes the planting of replacement trees that will adequately mitigate any harm to the rural character of the area in the short term, and will enhance it in the long term.

The Parish Council have objected to the application, along with a number of residents, primarily on the basis that the application site is located in an area where there have been a number of road accidents, including a fatality. However, it is not considered that their concerns are justified on this basis given that the intention of the application is to provide a safer access to the land than is currently available.

Policy GD4 allows for development that is needed for agriculture, and whilst this field already has an access it is considered that the provision of a safer access to that agricultural land is a suitable form of development in principle. The limited adverse visual impact of this can be addressed by condition and so it is considered that on that basis the application is in accordance with policies of the Fylde Local Plan to 2032 and so is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Mellor Architects Drawing 1948-P-01
- Proposed Site Plan - Mellor Architects Drawing 1948-P-02 Rev A

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

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

3. Prior to the first use of the new access point for operational purposes associated with the lawful agricultural use of the land the following works shall have been completed:
 - a) The site access shall have been constructed to the 6m width, with 4.5m radii to both sides as shown on the approved site plan (Mellor Architects drawing 1948-P-02 Rev A)
 - b) The site access shall have been provided with the visibility standards shown on the approved site plan (Mellor Architects drawing 1948-P-02 Rev A) by the removal of vegetation and cutting back of the existing hedgerow within those splays, with that area remaining free from obstruction at all times thereafter
 - c) The existing access gates serving the land shown on the approved site plan (Mellor Architects drawing 1948-P-02 Rev A) to Treales Road and to the eastern track shall be removed and replaced with fencing to replicate that used alongside them on the respective boundaries
 - d) The access shall be constructed in a hard standard surface for a distance of at least 6m measured back from the edge of the carriageway of Treales Road
 - e) The access shall be secured by gates that are of an agricultural field gate design and that

shall be constructed no less than a distance of 6m measured back from the edge of the carriageway of Treales Road

Reason: To ensure the appropriate construction of the access and the retention of the improved visibility that it offers in the interests of highway safety as required by Policy GD7 if the Fylde Local Plan to 2032.

4. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of the hedgerow to either side of the approved access position as shown on the plan which is within the 'Tree Condition and Tree Constraints Report' by Tree Check Ltd dated February 2021 submitted in support of this application. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed in the positions indicated and maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV1.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the following landscaping works shall be undertaken prior to the conclusion of the first planting season following the first use of the access hereby approved for operational purposes:

- The planting of 3 trees in the locations shown on the approved site plan (Mellor Architects Drawing 1948-P-02 Rev A). These trees shall be select standard size and shall be either Lime, Beech or Oak
- The planting of a length of native species hedgerow that is at least 15m in length and is of a planting density, planting mix and planting species that is reflective of the other native species hedges found in the vicinity of the site.


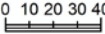
These trees and hedgerow shall be appropriately maintained with any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To secure appropriate landscaping of the development to reflect the character of the surrounding countryside as required by Fylde Local Plan to 2032 policies GD7 and ENV1.

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

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



		(c) Crown Copyright and database right (2021). Ordnance Survey (100006084).	
Application No. 5/20/0844	Address Land adjacent to Treales Garage, Treales Road, Treales	Grid Ref. E.3450 : N.4325	Scale 0 10 20 30 40 m 

Item Number: 3

Committee Date: 28 April 2021

Application Reference:	21/0109	Type of Application:	Full Planning Permission
Applicant:	Fylde Borough Council	Agent :	
Location:	PROMENADE ADJACENT STANNAH BANK CAR PARK / FAIRHAVEN LAKE, INNER PROMENADE, LYTHAM ST ANNES		
Proposal:	TEMPORARY (5 YEARS) PLANNING PERMISSION FOR THE ERECTION OF 15M HIGH COLUMN TO HOUSE 2.7M LONG RADAR BLADE, CAMERA AND WEATHER SENSORS WITH ASSOCIATED BASE AND POWER SUPPLY CONNECTIONS		
Ward:	ANSDELL	Parish:	
Weeks on Hand:	9	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		
Click Here for application site on Google Maps		Click here for application on FBC website	

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is an area of land that lies between the recent sea defence works and Fairhaven Lane at the western end of the Stannah Bank Car Park, with that being the far end when viewed from the access point.

The proposal is to install a radar blade and other monitoring equipment on top of a 15m high mast, with supporting equipment cabinets at the base. The equipment is one of a series of similar installations along the coast and is designed to monitor the tides, sand levels, beach extent, etc. over a 5 year period as part of a project to record such information and so inform future decisions over coastal management.

The proposal is considered to be visually intrusive in the attractive landscape of this part of the coastal strip which has recently been the subject of considerable investment and enhancement as part of the Sea Defence Project. However, that harm is considered, on balance, to be adequately mitigated by the benefits that the information gained by the equipment will bring through improving knowledge over coastal matters and so helping plan future defence strategies and the temporary nature of the proposal.

On this basis the application is recommended for approval.

Reason for Reporting to Committee

The application site is in the ownership of Fylde Borough Council, and under the council's Scheme of Delegation such applications are required to be determined by the Planning Committee.

Site Description and Location

The site of the proposed development is at the western end of Stannah Bank public car park located on the south side of the Fairhaven Lake alongside the recently completed sea defence works in that area. It is part of a plateau of grassed land and top soil that lies between the sea defence and the Fairhaven Lake land. The site has no formal allocation in the Fylde Local Plan to 2032 other than being within the settlement, but does lie on the northern periphery of a Biological Heritage Site ('Lytham Foreshore Dunes & Saltmarsh') and adjacent to a National Nature Reserve (NNR), RAMSAR Site, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) which are all located off shore within the Ribble Estuary.

Details of Proposal

This application seeks a temporary five year planning permission for the installation of a 'near shore monitoring system' comprising of a 2.74 metre long radar blade, and meteorological and tidal sensors set atop a 0.25 metre diameter 15 metre high galvanised steel column, having a total combined height of *circa* 15.5 metres. Associated ground equipment would be housed within the 0.6 metre diameter (and *circa* 2 metre high) base of the column. The system would obtain its electric power from an existing service duct that runs below ground along the extent of the new sea wall at Fairhaven.

The system would form part of the North West Regional Monitoring Programme, which endeavours to provide a consistent regional approach to coastal process monitoring to help coastal managers make the best informed decisions on how to protect the coast from erosion and flooding.

Relevant Planning History

None directly related to this part of the site.

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No safeguarding objections

Lancashire CC Flood Risk Management Team

No comments to make

Blackpool Airport

No comments received at the time of writing this report

Environmental Protection (Pollution)

No objection

Drainage & Flood Defence

No objection

Regeneration Team (Heritage)

No comments received at the time of writing this report

Neighbour Observations

Neighbours notified:	No Neighbours Notified due to separation of site from any dwelling.
Site Notice Date:	09 March 2021
Number of Responses	None

Relevant Planning Policy**Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints:

None

Environmental Impact Assessment

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

Comment and Analysis**Basis of Decision**

The 15 metre high column, and associated monitoring equipment, would be sited in a landscaped area that is predominantly flat in character and immediately adjacent the coastal public footpath and Fairhaven Lake. As such it would be a highly visible structure within a public domain that experiences high levels of pedestrian traffic. Accordingly the principal issue to consider in the determination of this application is whether the development's visual impact is acceptable, and if not whether the benefits of the development would outweigh the visual harm caused.

In policy terms the site is within the defined settlement where Policy GD1 supports development in principle. The design aspects are to be considered against the requirements of Policy GD7 which deals with design in a general manner.

Visual Impact

In terms of its visual presence the 15 metre column would have a relatively slender profile and an appearance not dissimilar to that of a street lighting column or CCTV mast. However the sea defence area is distinctive in that it does not feature any lighting columns or other such vertical

structures other than the Beacon at the extreme west of the sea defences which is well separated and lower than this structure. The result is the proposal will be a visually isolated structure which is not mitigated by, or viewed against, the context of other such masts. Accordingly the mast aspect of the development would introduce a measure of harm to the highly attractive and well-appreciated visual amenity of this area. It is therefore necessary to assess whether this visual harm is outweighed by the benefits of the development.

The supporting infrastructure to the mast is more modest in its form, and so would only discernible at close range but is also of a functional design that fails to sit comfortably against the attractive streetscene that has been developed on the sea defence works and will be enhanced further with the Fairhaven Lake project.

Mitigation

Fylde Borough Council are responsible for managing flood risk from the sea under the Coastal Protection Act 1949, with the recent replacement of the sea defences a physical development to assist with that role. Moving that forward the council is working in conjunction with Blackpool and Wyre Councils to operate the Fylde Coastal Programme which involves a suite of co-ordinated projects to protect the coast of Fylde from both flooding from the sea and from coastal erosion.

The proposed monitoring system would aid the council in managing the risk of coastal erosion by using radar, meteorological and tidal sensors to measure water depths, beach elevations, wave directions and collect sea current information. In order to do that it needs to be located as at a sufficiently high elevation to ensure the best possible data collection, and be at a location with a good line of sight to the beach and sea. This constrains the potential locations and the application advises that this is the optimum location along the coastal strip to measure the influence of the sea defence works on coastal patterns. The information provided will help make informed decisions based on an improved understanding of the patterns of this dynamic coastal environment that drive erosion and flooding and save money protecting the coast in the long term.

There is therefore a benefit in coastal defence terms of having a facility in place that is able to collect information about tides, sand movements, and other coastal erosion influences and effects. Overall, and on balance, it is considered that the benefits of the development, including its temporary nature, are sufficient to outweigh the visual harm the development clearly has on this open area of public domain.

Other Matters

Details submitted with the application indicate that the monitoring system would generate a small amount of mechanical noise during its operation (typically 1dBA above ambient level in a quiet rural location) which would be perceptible in the immediate vicinity of the equipment. This would be comparable to the noise level of a flag blowing in the wind or the motor of a CCTV camera being operated. Accordingly it is not considered that any noise generated during the operation of the monitoring equipment would be unduly intrusive in the surrounding environment, particularly given the site's open location on the coast where onshore winds are likely to mask any such noise.

Conclusions

Whilst the proposed development would result in a degree of harm to the visual amenity of this public area it is considered that the level of harm caused is outweighed by the long term benefits the proposal would have for the management of erosion and flooding along this section of the Fylde coast and so on balance the proposal is considered an acceptable form of development that accords with the relevant policies of the Fylde Local Plan to 2032.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. TS 20022-003
- Proposed Site Plan - Drawing no. TS 20022-002
- Proposed Elevations - Drawing no. GA0003
- Synoptic Column Site Design & Build Guide - produced by Marlan Maritime Technologies

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

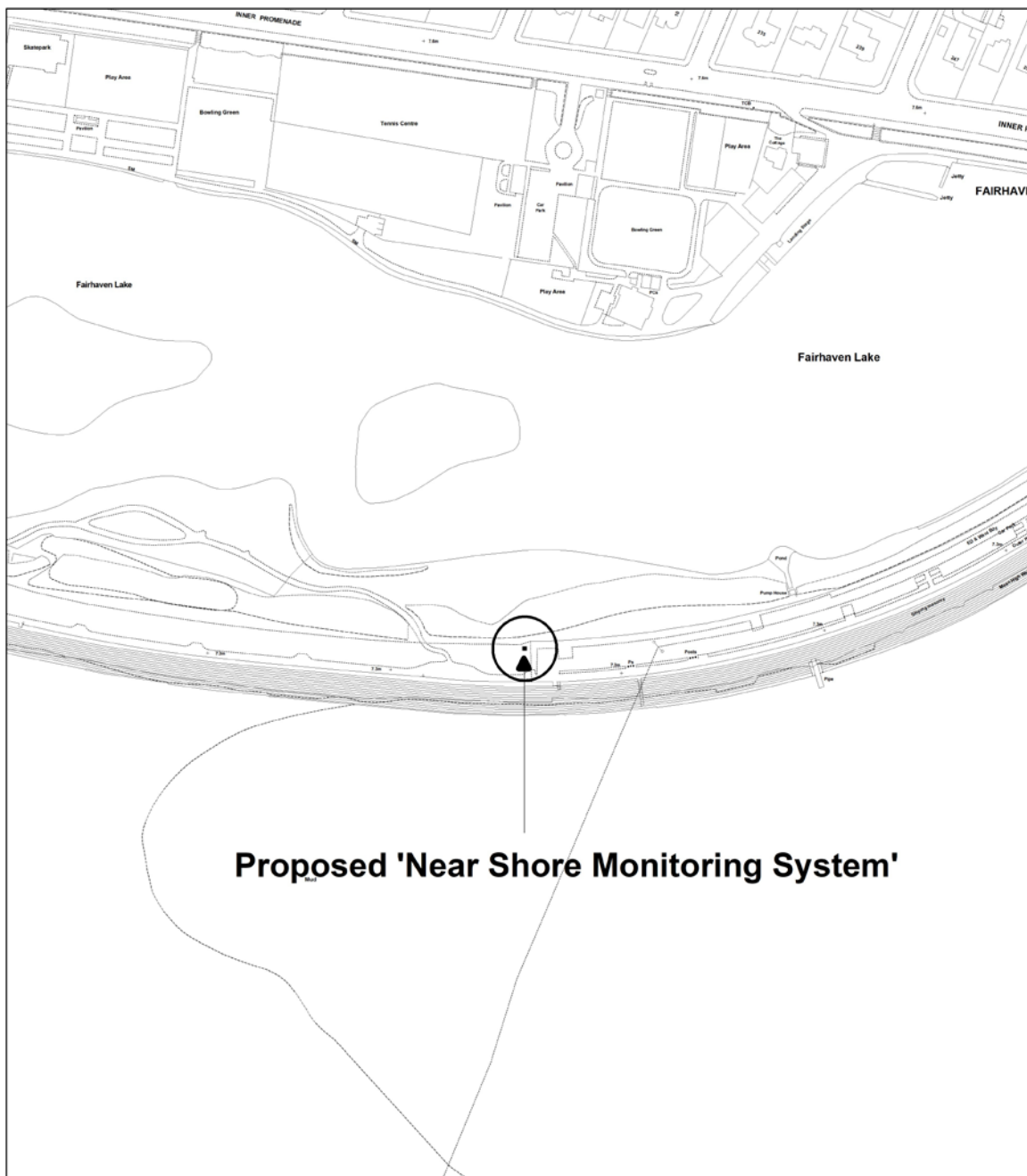
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework

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

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

4. Unless a further planning permission is granted on application to the Local Planning Authority, the 15 metre high column and all associated monitoring equipment, hereby permitted shall be removed from the site on or before 01 May 2026, and the land shall be restored to its former appearance within 6 months of the column and equipment being removed.

Reason: The applicant has specified that the approved development is required for a temporary period only and the planning permission has been issued on that basis. Therefore, the condition is required in accordance with Fylde Local Plan to 2032 policies GD7 and CL1, and the National Planning Policy Framework.



Proposed 'Near Shore Monitoring System'



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Ordnance Survey (100006084).

<p>Application No.</p> <p>5/21/0109</p>	<p>Address</p> <p>Promenade adj. Stannah Bank Car Park/ Fairhaven Lake, Lytham St Annes</p>	<p>Grid Ref.</p> <p>E. 3340 : N.4271</p>	<p>Scale</p> <p>0 10 20 30 40 m</p>
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INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	28 APRIL 2021	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 19/3/ 021 and 15/4/2021.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Appeal Decisions

The council received decisions on the following appeals between 19 March and 15 April 2021. The Inspector's decision letters are attached for information.

Rec No: 1

02 February 2021	20/0442	13 BANNISTER STREET, LYTHAM ST ANNES, FY8 5JJ	Householder Appeal Case Officer: CH
		RETROSPECTIVE APPLICATION FOR ERECTION OF TIMBER FENCE ABOVE EXISTING WALL TO FORM 1.8M HIGH ENCLOSURE AROUND GARDEN AREA FRONTING BANNISTER STREET	

Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 22 March 2021

Rec No: 2

26 January 2021	20/0427	20 PARK VIEW ROAD, LYTHAM ST ANNES, FY8 4JE	Householder Appeal Case Officer: AS
		FORMATION OF BALCONY TO FRONT SECOND FLOOR GABLE WITH INSERTION OF DOUBLE DOORS TO REPLACE EXISTING WINDOW.	

Fylde Dec. Level	DEL
Appeal Decision:	Dismiss: 15 April 2021

Appeal Decision

Site Visit made on 15 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/M2325/D/20/3263795

13 Bannister Street, Lytham St. Annes, FY8 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Smith against the decision of Fylde Borough Council.
 - The application Ref EN/20/0442, dated 22 June 2020, was refused by notice dated 14 November 2020.
 - The development proposed is 'erecting a 2m high perimeter timber fence around the rear, side and front of the property. The timber used will be rough sawn 2in x 1in battens in a 'hit and miss' style (see attached photos). The fence will be treated with a light natural stain or will be painted to compliment the colour of the property and surrounding area. Access gates will be place at the rear of the property next to the driveway and at the front of the property, providing access from the pathway leading to the front door. The fence will provide a secure perimeter and obscure the view of passers by walking along Bannister St'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The timber fence has been erected and the application was made retrospectively. I have dealt with the appeal in that basis.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Lytham Conservation Area (CA).

Reasons for the Recommendation

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Lytham CA is characterised by terraced dwellings with an historic regular street pattern. In the vicinity of the proposal dwellings are set behind low brick walls, giving an open character to the frontages.
6. 13 Bannister Street is an end terraced property at the junction with Cleveland Road, bounded to the front and side by a low brick wall to match the brickwork

- of the dwelling. It contributes to the character of the CA due to the position in the street scene and traditional design.
7. The fence, due to its height above the existing wall and timber material appears as a harsh and starkly discordant feature that is not in keeping with the more open and lower boundary treatments in the area. Its material and character do not reflect the traditional boundary treatments in the area. Even if the fence was stained or painted, it would still appear as an incongruous feature in the street scene.
 8. The appellant contends that there are high boundary treatments in the locality. From my site visit I saw that any higher boundary treatments were walls constructed to match the host dwelling or metal railings on top of low walls. However, the prevailing character remains dwarf walls and open frontages.
 9. For the above reasons, I conclude that the development does not preserve or enhance the character or appearance of the CA. Consequently, the development does not meet the statutory tests set out in the Act and conflicts with Policies GD7 and ENV5 of the Fylde Local Plan to 2032 (2018). Amongst other things, these seek to ensure that development relates well to the surrounding context, is sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the local area and preserves or enhances the character or appearance of Conservation Areas.
 10. The development affects only part of the CA and therefore in terms of the National Planning Policy Framework (the Framework) the harm caused to its significance is less than substantial. The approach in paragraph 196 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward and accordingly the development conflicts with the aims of the Framework to conserve and enhance the historic environment.

Other Matters

11. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
12. Whilst there are no formal objections from the current neighbours, the Framework requires that development creates places that provide a high standard of amenity for both existing and future users and add to the overall quality of the area. The harm that I have identified exists irrespective of whether or not objections have been received.
13. I acknowledge that the fencing gives privacy and security for the occupiers and am sympathetic to these needs. However, it is likely that there are other ways for these matters to be achieved without causing harm to the CA.

Conclusion and Recommendation

14. The development conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR

Appeal Decision

Site visit made on 31 March 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/M2325/D/20/3264725

20 Park View Road, Lytham St. Annes, Lancashire FY8 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Eugene O'Hara against the decision of Fylde Borough Council.
 - The application Ref 20/0427, dated 14 June 2020, was refused by notice dated 16 September 2020.
 - The development proposed is a gable balcony 2nd floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the local area.

Reasons

3. No.20 Park View Road is a two-and-a-half storey, semi-detached property facing a large park. The property is one half of a traditional Victorian era red brick semi, and the front elevation features a prominent projecting two-storey bay window and traditional features such as the barge board lining the front gable. The proposal seeks to erect a balcony on top of the bay window, which would consist of a steel and glass balustrade. The existing window at loft level would be replaced by glazed double doors and side panels with uPVC frames, allowing access to the balcony from this level.
4. Park View Road is generally comprised of similar, traditionally proportioned Victorian properties, although there are some terraced units and an apartment block close to the junction with Mythop Road. Aside from inevitable alterations over time and differences in detailing from one pair to the next, adjoining pairs largely mirror one another in terms of collective scale, traditional materials and form. This makes a significant contribution to the character and appearance of the area given their prominence locally.
5. The 'Extending Your Home' Supplementary Planning Document (2007) (the SPD) advises front extensions should, among other considerations; be sympathetically proportioned with the main building; and in keeping with and do not harm the character of the main building.

6. The proposed balcony would incorporate modern materials such as laminated glass which would appear incongruous set against the more traditional appearance of the front elevation of the host property. This would be compounded by the uPVC framed double doors and side panels which would cover much of the existing space under the gable roof and appear disproportionately large.
7. I note the appeal property and the adjoining No.18 both have windows at loft level, unlike others in the area. Be that as it may, these are much smaller than the bay windows beneath and their proportions are emphasised by the smaller stone heads which serve a room of lower head height. However, I would not consider this justification for the harm I have identified given the additional work required to implement the proposal, nor would the loss of original features of the property on the corner of Park View Road and Mythop Road. While this is unfortunate, my consideration of the appeal is based on merits of the proposal before me.
8. While I would agree that there is not a complete uniformity across all houses lining this side of Park View Road, there are strong shared characteristics in their collective scale, traditional materials and proportions of fenestration and other detailing. The use of non-traditional materials and the scale of the proposal in such a prominent location would cause harm to both the host property and the distinct character and appearance of the area.
9. I am informed of similar developments around the East Beach area and in the Lytham Town Centre Conservation Area, although other than photography I have limited information on any of these. From my own observations on the site visit, the balcony of No.42 East Beach appears to be similar to the proposal in terms of its design and materials and that it is built on top of the two-storey bay window of a Victorian semi. However, I observed houses on this stretch of East Beach are much more varied in their design both individually and between adjacent pairs, while balconies are much more common given the views out to sea. The pair of dwellings next door, for example, are rendered with front dormers and one balcony. In this respect, the balcony of No.42 is less incongruous within its immediate context.
10. No.52 East Beach has incorporated glazed double doors and side panels in a similar design to that proposed. I am advised this development has been granted a Certificate of Lawfulness. However, it is not my role within the context of a section 78 appeal to determine the lawfulness or otherwise of an existing or proposed use and I have not been made aware of an application for a certificate of lawfulness for the proposed use. I can only assess the appeal on its own merits and the existence of other developments which are considered incongruous does not justify allowing the harm to the host building and local area I have identified.
11. To conclude, I find that the proposal would cause harm to the character and appearance of the host property and the local area. Consequently, it fails to comply with the requirements of Policy GD7 of the Fylde Local Plan (2018), which seeks to ensure developments make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context. The proposal would also be contrary to the advice contained in the SPD and guidance in the National Planning Policy Framework, which seeks to ensure development is sympathetic to local character.

Other matters

12. While I note the lack of objection from occupiers of neighbouring properties, this is a neutral matter rather than carrying weight in favour of the scheme.

Conclusion

13. The proposal would harm the character and appearance of the host property and local area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR