

Agenda

Planning Committee

Date:	Thursday, 6 October 2022 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

Please note that this meeting will be recorded and posted on the internet following the meeting. Please see our Privacy Notice [here](#) for committee speakers.

	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 August 2022 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3-108
5	Fylde Council Tree Preservation Order 22/0001: Land West Side of Fleetwood Road, Wesham, Preston PR4 3HD	109-123
	INFORMATION ITEMS:	
6	List of Appeals Decided	124-125

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

© Fylde Council copyright 2022

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

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

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

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

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

Planning Committee Agenda

06 October 2022

Item No.	Appn No.	Location	Proposal	Recommendation	Page No
1	21/1143	LAND EAST OF QUEENSWAY (RICHMOND POINT), LYTHAM ST ANNES, FY8 3FY	APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS) AND 2 (PHASING PLAN) OF RESERVED MATTERS APPROVAL 15/0400 TO ALLOW: 1) ALTERATIONS TO THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT APPROVED ON PARCEL 4 OF THE SITE INCLUDING A REDUCTION IN THE NUMBER OF DWELLINGS FROM 180 TO 130, THE SUBSTITUTION OF ALL APPROVED HOUSE TYPES WITH NEW HOUSE TYPES AND ASSOCIATED MODIFICATIONS TO INTERNAL ROADS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON THIS PART OF THE SITE; AND 2) ASSOCIATED ALTERATIONS TO THE APPROVED PHASING PLAN	Delegate to Officers	5
2	22/0311	TENNIS PAVILION FAIRHAVEN LAKE AND GARDENS INNER PROMENADE LYTHAM ST ANNES	RETROSPECTIVE APPLICATION FOR REPLACEMENT OF FELTED ROOF TO CLUBHOUSE BUILDING WITH BOX-PROFILE STEEL	Grant	59
3	22/0460	HOME FARM WATCHWOOD DRIVE LYTHAM LANCASHIRE FY8 4NP	ERECTION OF PART SINGLE-STOREY AND PART TWO-STOREY DETACHED DWELLING, INCLUDING RESTORATION WORKS TO FORMER KITCHEN GARDEN WALLS, ASSOCIATED LANDSCAPING AND ACCESS ARRANGEMENTS, AND SOLAR PANELS TO EXISTING AGRICULTURAL BUILDING.	Grant	65
4	22/0566	HOLLY BANK NEW HEY LANE NEWTON WITH CLIFTON PRESTON LANCASHIRE PR4 3SB	CONVERSION OF INTEGRAL GARAGE TO HABITABLE LIVING ACCOMMODATION, ADDITION OF DUAL-PITCHED ROOFS ABOVE EXISTING FLAT-ROOFED PROTRUSIONS TO FRONT OF DWELLING AND FORMATION OF NEW VEHICLE ACCESS TO NEW HEY LANE INCLUDING ERECTION OF FRONT BOUNDARY WALL AND GATES UP TO 1 METRE IN HEIGHT	Grant	93

5	22/0592	GARDEN COTTAGE TREALES ROAD TREALES ROSEACRE AND WHARLES PRESTON LANCASHIRE PR4 3SR	SINGLE STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AND OUTBUILDING (RESUBMISSION OF 22/0015)	Refuse	100
---	---------	--	---	--------	-----

Background Papers

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

- Fylde Local Plan to 2032 (incorporating Partial Review) – December 2021
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

Item 1

Application No:	21/1143	Case Officer:	Matthew Taylor Area Team 2
Applicant:	Mr Gould	Agent:	De Pol
Location:	LAND EAST OF QUEENSWAY (RICHMOND POINT), LYTHAM ST ANNES, FY8 3FY		
Proposal:	APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS) AND 2 (PHASING PLAN) OF RESERVED MATTERS APPROVAL 15/0400 TO ALLOW: 1) ALTERATIONS TO THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT APPROVED ON PARCEL 4 OF THE SITE INCLUDING A REDUCTION IN THE NUMBER OF DWELLINGS FROM 180 TO 130, THE SUBSTITUTION OF ALL APPROVED HOUSE TYPES WITH NEW HOUSE TYPES AND ASSOCIATED MODIFICATIONS TO INTERNAL ROADS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON THIS PART OF THE SITE; AND 2) ASSOCIATED ALTERATIONS TO THE APPROVED PHASING PLAN		
Ward:	Heyhouses	Parish:	St Annes on the Sea
Statutory Expiry:	3 June 2022	Earliest Decision:	4 October 2022
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Delegate to Officers**Report Summary**

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 948 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by S73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400. Approximately 106 of the dwellings approved by those permissions have now been constructed.

In April 2021, the majority of the site was acquired by Rowland Homes from Kensington Developments. This application is submitted under S73 of the Town and Country Planning Act 1990 and seeks to vary conditions 1 and 2 of reserved matters approval 15/0400 to: (i) alter the appearance, landscaping, layout and scale of the residential development approved on parcel 4 of the site in order to substitute Kensington's approved house types with Rowland Homes' house types, including a 50-unit reduction in the number of dwellings within that parcel; and (ii) replace the phasing plan referred to in condition 2 with an alternative 'parcel plan' setting out the infrastructure requirements for each individual parcel of the development, together with other off-site infrastructure.

Despite reducing the number of dwellings to be constructed within parcel 4 (and, in turn, the development as a whole), the proposed modifications to reserved matters approval 15/0400 would not prejudice the Council's housing land supply position due to the fall in the Council's minimum plan period housing target arising from the recent adoption of the Fylde Local Plan to 2032 (incorporating Partial Review). Moreover, the reduced number and density of dwellings proposed within parcel 4 would result in modifications to the development's appearance, landscaping, layout

and scale which, taken together, would enhance the scheme's design and provide a less intensive form of development in comparison to the fallback position provided by extant reserved matters approval 15/0400, while continuing to follow the established principles of that approval. The substitution of house types proposed within parcel 4 would increase the variety and mix of housing across the development in a manner which integrates sympathetically with the character and appearance of the area and achieves a high standard of amenity for existing and future occupiers.

The modifications to parcel 4 would deliver an internal highway layout which ensures a safe and suitable means of access and circulation for all users and adequate parking provision for future occupiers of the development. Appropriate provisions would be made for the creation of linkages to other parcels within the development to ensure a comprehensive, master planned approach to the delivery of the strategic housing site and there would be no unacceptable impacts on highway safety or residual, cumulative effects on network capacity arising as a result of the proposed amendments. As demonstrated through the addendum Environmental Statement, the changes to parcel 4 would have no greater environmental effects in comparison to the extant planning permissions which require the provision of additional mitigation above and beyond that already implemented for the development as a whole for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Moreover, as evidenced by Habitat Regulations Assessment, with this mitigation already in place, there would be no additional impacts on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

The proposed variation of the phasing plan (condition 2 of 15/0400) would ensure that the development continues to deliver the required on and off site infrastructure to mitigate its effects while affording a greater level of flexibility to the build programme which would expedite the delivery of housing across the site. Appropriate conditions can be imposed, and amendments made to the extant planning obligation, to ensure that the development continues to deliver the requirements of the extant planning permissions, along with additional conditions to ensure that measures are introduced as part of the modified development within parcel 4 to achieve compliance with the objectives of the relevant policies of the development plan and the National Planning Policy Framework.

Accordingly, the proposal is considered to represent sustainable development which accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the National Planning Policy Framework.

Reason for Decision Level

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

Site Description and Location

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 948 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by S73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400. Approximately 106 of the dwellings (comprising the whole of 'parcel 1' and approximately half of 'parcel 2') approved by those permissions have now been constructed on site.

While the majority of dwellings erected to date have been constructed by Kensington Developments (the applicant for permissions 08/0058, 15/0400 and 17/0862), the site was acquired by Rowland Homes in April 2021. Following this, Rowland Homes have continued to build the previously approved Kensington house types within parcel 2 in accordance with the extant permissions, though with some minor alterations to the configuration of dwellings, associated outbuildings and/or garden areas as approved by non-material amendment applications 21/0646, 21/0986 and 22/0426.

This application relates specifically to a *circa* 4.5 hectare area of the Richmond Point development forming 'parcel 4' of the wider site. The southern boundary of parcel 4 borders existing dwellings on Heyhouses Lane and The Croft to the southwest, and the Fylde Scout Association headquarters to the southeast. It is separated from these neighbouring uses by a combination of their outdoor amenity areas and an established belt of tree planting of varying width falling both within and outside the development site. Parcel 4 flanks the main estate spine road through Richmond Point along its northern edge and borders the presently undeveloped areas of parcels 3 and 5/6 to the west and east respectively. A total of 180 dwellings were granted on parcel 4 as part of extant reserved matters approval 15/0400, which provides the 'fallback' position for the applicant.

Details of Proposal

The application is submitted pursuant to section 73 of the Town and Country Planning Act 1990 and seeks permission to vary conditions 1 and 2 of reserved matters approval 15/0400, which granted the matters of appearance, landscaping, layout and scale that were reserved by outline planning permission 08/0058 for a development of 882 dwellings on the site (the remaining 66 dwellings making the collective total of 948 across Richmond Point were granted separately by full planning permission 17/0862).

Condition 1 of reserved matters approval 15/0400 lists the approved plans for the development. The wording of condition 2 reads as follows:

"Prior to commencement of any works on the site, a Phasing plan for construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline phases of construction on the site including the provision of the equipped play area and public art work. Works on site shall proceed in strict accordance with the Phasing Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate timing and delivery of works on site."

The application seeks to vary condition 1 of reserved matters approval 15/0400 by altering the appearance, landscaping, layout and scale of the development on parcel 4 of the site in order to substitute Kensington's approved house types with Rowland Homes' house types, along with associated modifications to the internal road layout, landscaping and associated infrastructure on this part of the site to suit the revised dwelling layout. The proposed house type substitutions also involve a 50-unit reduction in the number of dwellings to be constructed within parcel 4 from 180 to 130. This would, in turn, reduce the total number of dwellings approved across the Richmond Point development to 898.

The proposed variation to condition 2 seeks to replace the phasing plan which was granted as part of approval of details reserved by condition application 18/0243 (drawing no. 4113-15 Rev E) with an updated 'parcel plan' which splits the development and elements of its associated infrastructure into a series of individual 'parcels', but does not necessarily require those parcels to be delivered in sequential 'phases'. This is intended to allow greater flexibility in the future delivery programme.

The scheme has been amended and/or supplemented through the provision of amended plans and additional information during the course of the application. In summary, these amendments and/or additions have included the following:

- The planning layout (along with other associated drawings) has been revised to address comments from the LPA and LCC Highways concerning the provision of speed reducing surfaces, driveway dimensions, private drive configurations, house type substitutions, dwelling layout, building lines, boundary treatments and landscaping.
- An alternative version of the planning layout for the southwest corner of the site has been provided (drawing no. R108/1-4-1 Rev B) which shows the provision of a turning head within parcel 4 in place of the four dwellings on plots 302-305 where this part of the site borders parcel 3. This is intended to address comments from LCC Highways.
- Clarification of the extent of tree removal and boundary fence arrangements proposed along the southern boundary of parcel 4 where it borders properties on 'The Croft', Heyhouses Lane and the scout headquarters.
- Confirmation of the proposed culverting of the existing drainage ditch located along the southern boundary of parcel 4 where it borders properties on 'The Croft' and Heyhouses Lane.
- The 'parcel plan' has been updated to clarify the elements of infrastructure which are to be delivered as part of each development parcel.
- An updated Construction Environment Management Plan (dated January 2022) for parcel 4 has been provided to address initial comments made by Natural England concerning the Habitat regulations Assessment.

Relevant Planning History

Planning Applications:

Application no.	Description	Date determined	Outcome
08/0058	Outline for: (1) 1150 dwellings; (2) 1.1 ha school site; and (3) 34 ha parkland	21.06.12	Allowed at appeal
13/0257	Reserved matters for 110 dwellings pursuant to 08/0058.	02.04.15	Granted
13/0259	Application for site and ecology preparation works associated with enabling the future construction of the Queensway roundabout, phase one of the TR5 bypass, and phase one of the Queensway residential development. The scope of the works to include the formation of a temporary access to Queensway, the erection of 2m high hoardings to Queensway frontage, the provision of a temporary site compound, removal and storage of topsoil, and surcharging of site.	N/A	Withdrawn
13/0261	Proposed change of use and creation of an ornamental garden	N/A	Withdrawn
15/0400	Reserved matters approval (layout, scale, appearance & landscaping) pursuant to 08/0058 for 882 dwellings.	13.10.17	Granted
17/0861	S73 application to vary conditions 16 and 18 of 08/0058 to delay construction of Queensway junction until occupation of 66 th dwelling.	12.12.17	Granted
17/0862	Full application for 66 dwellings.	12.12.17	Granted

18/0544	S73 application to vary conditions 18 and 19 of planning permission 17/0861 to: (1) allow up to 165 dwellings to be occupied prior to the completion of a programme of highway works (condition 18); and (2) delay the blocking up of the temporary vehicle access to Queensway until the construction of the 166th dwelling (condition 19).	26.10.18	Granted
18/0546	S73 application to vary condition 23 of planning permission 17/0862 to delay the blocking up of the temporary vehicle access to Queensway until the construction of the 166th dwelling commences.	26.10.18	Granted
21/0646	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on/adjacent to plots 167- 180.	23.08.21	Granted
21/0986	Non-material amendment to reserved matters approval 15/0400 for alterations to previously approved development on plots 168, 176-177, 179-187, 192, 208-213, 218, 219, 221 and 223-225 including: 1) minor re-positioning of buildings and/or reconfiguration of garden areas; 2) substitution of mayfair b house type on plots 181, 184, 187, 192, 208, 209, 219 and 221 with mayfair house type; and 3) addition of orangeries to planning layout for dwellings on plots 168, 176, 177, 179, 180, 218, 223 and 224 to correspond with approved drawings for baltimore, louisiana and portland house types.	10.12.21	Granted
21/1143	Application to vary conditions 1 (approved plans) and 2 (phasing plan) of reserved matters approval 15/0400 to allow: 1) alterations to the appearance, landscaping, layout and scale of the development approved on parcel 4 of the site including a reduction in the number of dwellings from 180 to 130, the substitution of all approved house types with new house types and associated modifications to internal roads, landscaping and associated infrastructure on this part of the site; and 2) associated alterations to the approved phasing plan.	Pending	Pending
22/0188	Construction of signal controlled crossroads at junction of Kilnhouse Lane, Queensway and the proposed Heyhouses Bypass (the 'T5' road) to provide interim means of access to the Richmond Point development including associated highway reconfiguration works and construction of part of the Heyhouses Bypass up to and including the first vehicular entrance to the Richmond Point development.	Pending	Pending
22/0426	Non material amendment to reserved matters approval 15/0400 for: 1) relocation of garages on plots 189-191, 218 and 224 and; 2) replacement of detached double garage on plot 193 with a detached single garage.	13.06.22	Granted

Condition discharge applications:

Application no.	Description	Date determined	Outcome
13/0275	Application to discharge conditions 4, 7, 8, 9, & 16 of outline planning permission 08/0058	15.10.15	Issued
16/0511	Application to discharge conditions 10, 11, 13, 14, 15, 17, 23, 24, 26, 27 and 29 of planning permission 08/0058	29.09.16	Issued
16/0513	Application to discharge condition 13 of 13/0257	22.09.16	Issued
18/0241	Application to discharge conditions 3 (materials), 4 (dual aspect dwellings), 5 (levels), 6 (boundary treatments), 7 (landscaping), 10 (street lighting), 11 (open space maintenance), 13 (radar impact), 14 (energy efficiency), 15 (surface water drainage), 16 (suds management and maintenance), 19 (piling of pipework and peat), 20 (flood storage works), 21 (highway works), 22 (construction phasing plan) and 33 (water vole survey) of planning permission 17/0862	14.12.18	Issued
18/0243	Application to discharge conditions 2 (phasing plan), 3 (levels), 4 (materials), 7 (boundary treatments), 8 (landscaping scheme), 12 (radar impact), 13 (street lighting), 14 (open space maintenance), 15 (tree protection), 16 (arboricultural method statement), 19 (control of noise, dust and vibration), 22 (estate road phasing and completion plan), 24 (estate road management and maintenance), 25 (streets for adoption), 28 (cycling facilities) and 31 (ecological mitigation) of planning permission 15/400	13.12.18	Issued
18/0961	Application to discharge condition 24 (Travel Plan) of 17/0862	22.01.19	Issued
18/0962	Application to discharge condition 21 (Travel Plan) of 08/0058	22.01.19	Issued

Applications to vary the planning obligation:

Application no.	Description	Date determined	Outcome
13/0767	Alteration to the definition of "Guaranteed Affordable Provision" for a period of 3 years from the date of determination.	24.12.13	Granted
17/1026	1) Definition of Planning Permission modified to include reference to 17/0862 & 17/0861; 2) Definition of Queensway Roundabout amended to "the Queensway/TR5 highway junction shown on drawing number 2400/206(D) or any alternative junction arrangement which has been granted planning permission"; and 3) No more than 65 dwellings to be occupied until the construction of the Queensway Roundabout and part of T5.	12.12.17	Granted

18/0824	1) Definition of "Planning Permission" updated to include reference to 18/0544 & 18/0546; 2) Trigger for Queensway Roundabout and T5 road delayed until after phases 1 & 2; 3) Completion of T5 road up to T6 prior to 451 st occupation; 4) Bus service contribution and indexation redefined; and 5) Education contribution and indexation redefined and triggers for payment deferred for later phases (commencing on 300 th dwelling).	26.10.18	Granted
20/0818	1) To replace the obligation for the developer to build the full T5/Queensway/Kilnhouse Lane junction with a requirement to construct an interim junction to serve the Queensway development and to transfer the land required for the full junction to the highway authority at nil cost; 2) To replace the requirement to build the T5 element of the link road with a requirement to transfer the land required to build this part of the link road to the highway authority at nil cost; and 3) To require access to be provided through the proposed development between Queensway and a new junction on the T6 element of the link road.	17.03.21	Granted

Parish/Town Council Observations

St Annes on the Sea Town Council – Notified of the application on 14.03.22 and for a second time on 16.09.22 (allowing a period of 14 days for comments) following the receipt of amended plans. At the time of preparing the report the only comments received from the Town Council were those dated 22.03.22 which state as follows:

- “No reference made to Town Council Neighbourhood Plan but will not affect delivery of T5 and T6 Link Roads or alter any trigger points for the provision of key infrastructure generally. Not sure about wording of Planning Statement 5.13 and 5.22 - proposed alts remain "broadly" in compliance with relevant Fylde Borough Local Plan Policy. The applicant is encouraged to investigate and implement appropriate measures to provide renewable energy, to maximise energy efficiency, and to incorporate water recycling technology into the development wherever possible.”

On 20.09.22 the Town Council notified the LPA that the consultation on the amended plans sent on 16.09.22 had been received too late to be considered at their September meeting. Therefore, the amended plans are to be considered at the Town Council’s meeting on 18 October, with any further comments to follow that meeting. However, given that the amended plans are largely concerned with matters of clarification and minor alterations to the development layout within parcel 4, and in the absence of any objection from the Town Council to the original scheme, it is not considered that the absence of the Town Council’s comments on the amended plans need delay referral of the application to the planning committee. Instead, the resolution below provides that authority be delegated to the Head of Planning to issue the decision following receipt of the Town Council’s comments on the amended plans (among other matters).

Statutory Consultees and Observations of Other Interested Parties

Blackpool Council – No objection. Comments 15.03.22 as follows:

- The reduction in unit numbers could only reduce potential highway impact so we'd have no reason to raise a concern on that point. I equally can't imagine that site drainage would affect the Blackpool network.

Environment Agency (EA) – No objection. Comments 31.03.22 as follows:

- Parcel 4 is located in Flood Zone 1 (low probability of flooding) on the Environment Agency Flood Map for Planning (rivers and sea). As such, we have no comments to make in regard to the proposed amendments, insofar as it relates to our remit. Any flood risk issues associated with the proposed amendments to this parcel will be for others to consider (i.e. the Lead Local Flood Authority in relation to surface water management).
- Part of the wider application site falls within Flood Zone 3 (high probability of flooding), which includes the proposed T5 east-west link road, an internal spine road, a play area and nature park. We therefore wish to highlight that prior to any development taking place within the floodplain (i.e. Flood Zone 3), details will need to be provided to fully satisfy Condition 15 (compensatory flood storage scheme) of planning permission 08/0058. There must be no loss of flood flow or flood storage capacity for floods up to the 1% annual probability fluvial flood (plus climate change allowance) as a result of the development.
- Paragraphs 174 and 179 of the National Planning Policy Framework recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. We therefore recommend that opportunities to enhance biodiversity in and around the development are identified and incorporated into the proposed development, with particular regard to the aquatic environment, in accordance with the latest Planning Practice Guidance on how biodiversity net gain can be achieved.

Greater Manchester Ecology Unit (GMEU) - No objections. Comments 01.04.22 as follows:

- From reading the updated report, the applicant states that mitigation for the entire site was implemented upfront consisting of a Nature Park to the north and a Farm Conservation Area to north and east for wintering pink-footed geese and whooper swans. I note aerial photographs show that some works have occurred on the Nature Park with planting and access created and that the Local Neighbourhood plan shows the Farm Conservation Area, which according to the report is managed with agreement from Natural England and subject to review.
- An updated ecological report has also been produced that has found no positive changes in the ecological value. Potential ecological issues associated with the site already mitigated for in advance have remained unchanged or deteriorated since previous surveys.
- The new application has reduced the number of residential properties thereby reducing potential recreational pressures on functionally linked land.
- Therefore assuming mitigation has been provided already for this plot and given the ecological value has been reduced and the number of dwellings reduced I have no objection to the variation of conditions. Previous conditions not already discharged and planning obligations should still apply and no new ecological conditions are required.

Lead Local Flood Authority (LLFA) – No objections. Comments 01.04.22 as follows:

- The Lead Local Flood Authority has no objection to the proposed variation of conditions.

Local Highway Authority (LHA) – Initial comments dated 18.05.22 as follows. No further comments have been received in response to consultation undertaken in respect of the amended plans.

- **Traffic calming** – The present layout does not meet the LHA's requirements in terms of a self-enforcing 20mph residential estate. In particular, changes are needed to the estate road in the following locations which lack deflection to keep speeds at or below 20mph: i) plots 304-319; ii) plots 320-360; and iii) plots 322-333. The current road layout means that physical

traffic calming would be required in the form of road humps/tables, though these should not conflict with private driveways.

- **Private drive to plots 316-319** – The private access drive for plots 316 – 319 should be extended to enable adequate egress from the southerly parking space of plot 319. Sightlines at all junctions and private drives have been checked and no issues have been identified.
- **Parking provision** – Garages should have internal dimensions of 6m x 3m and double garages 6m x 6m. Single garages which do not meet these dimensions should not be considered as car parking spaces. Double garages that are less than 6m x 6m should only be considered sufficient for 1 vehicle. Due to the insufficient size of their integral garages to accommodate a car parking space, changes are needed to the Belgrave, Bowes and Renishaw house types to provide 3 off-road parking spaces for each dwelling as follows: i) the parking arrangements for the Belgrave house type (2 plots) need to be revised to widen the driveway to avoid 3 parked cars restricting access to the front door of the dwelling; ii) the driveway for the Bowes house type (7 plots) is wide enough to accommodate 3 vehicles although this will restrict access to the front door of the dwelling. There is little scope to widen the driveways and as such this will lead to parking part on the driveway and footway or across the driveway; iii) the driveway for the Renishaw house type (6 plots) is wide enough to accommodate 3 vehicles although this will restrict access to the front door of the dwelling. There is little scope to widen the driveways and as such this will lead to parking part on the driveway and footway or across the driveway.
- **Internal highway layout and connection to parcel 3** – The land on adjoining parcel 3 is not presently in the control of the applicant. Therefore, the current layout needs to be revised to show: i) A turning head in the southwest corner where currently the road is shown to connect to parcel 3; and ii) the extent of highway to be dedicated and to be constructed up to the land registry site boundary between parcels 3 and 4. This will ensure a contiguous highway connection can be delivered and will avoid any ransom strip being created between parcels 3 and 4 which could prejudice the highway connection. This to be controlled by a suitably worded condition which includes the timing/trigger setting out when any connection is to be completed.
- **Highway maintenance** – The LHA recommends the local planning authority attaches conditions requiring an agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. This is to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
- **Public transport** – The approved development will provide an appropriate level of public transport funding to ensure that this large residential development will be well served by PT. The future bus stop locations have been clearly shown on drawing 1844.L.01 rev K "Masterplan", the locations cater for two-way movements through the wider site. These Quality Bus Stops (and complimentary shelters, yet to be agreed) and bus routing are to be delivered as appropriate to serve development such as parcel 4 as it comes forward.
- **Public rights of way (PRoW)** – Bridleway No's 11, 12, 13, 14 and 15 either run through or are impacted by the wider strategic site. Public Rights of Way must not be obstructed as a result of the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures.

National Air Traffic Services (NATS) – No objections comments 15.03.22 as follows:

- NATS (En Route) Public Limited Company ("NERL") have no objection to the proposed alterations to parcel 4.

Natural England – No objections. Latest response received 25.08.22 as follows:

- **Summary** – Based on the plans submitted, Natural England has no objection to the variation of conditions 1 and 2.
- **Internationally and nationally designated sites** – The application site is within 2.5km of Ribble & Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI). Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.
- **Variations to conditions 1 and 2** – Natural England note this proposal relates to a larger scheme for a large residential development, and this application is to vary conditions 1 and 2, to allow for the revision of the approved plans of Parcel 4 to amend the approved house types and layout. We have reviewed the information submitted with this application to vary conditions 1 and 2. On the basis that the previous ecological mitigation requirements and planning obligations secured for the wider scheme will continue to be delivered, as stated within sections 4.3 to 4.4 of the Environmental Statement Addendum – Update (TEP, January 2022), Natural England has no objection to the variation of conditions 1 and 2.
- **Habitat Regulations Assessment** – Natural England has reviewed the Shadow Habitat Regulations Assessment (sHRA) within Appendix B of the Environmental Statement Addendum – Update (TEP, January 2022). Natural England notes that the sHRA has not been produced by your authority, but by the applicant. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.
- Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any sites in question. This is on the basis of the already established mitigation secured for the larger ongoing scheme and updated Construction Environmental Management Plans which have been produced in relation to the specific development within Parcel 4. These include: i) The Farmland Conservation Area Management Plan which is secured by a Section 106 Agreement attached to the outline planning permission (your ref. 08/0058); ii) The Construction Ecological Management Plan (TEP, March 2015) attached to the reserved matters application (your ref. 13/0257); iii) The Construction Environmental Management Plan (TEP, January 2022); and iv) The Construction Environmental Management Plan – Ecology Parcel 4 (TEP, January 2022).
- Overall, having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.

- Natural England note that the section 13 of the sHRA refers to a list of documents submitted by the applications to support the conclusion the proposal will not adversely affect the integrity of Ribble & Alt Estuaries SPA. This lists includes reference to a Construction Ecological Management Plan (September 2021, TEP Document Reference 8862.005). When we requested a copy of this document we were provided with a version dated January 2022. Before granting planning permission we advise you may wish to update the sHRA to ensure the most up to date version of the documents submitted to support the sHRA are referenced, this will ensure the robustness of the HRA.
- **Planning obligation** – Natural England further note that section 1.4 of the Planning Statement (DePol, January 2022) states that a separate Section 106 agreement will be submitted, to link this application to the legal agreement entered into when the original outline planning approval was granted. Natural England would welcome the opportunity to review this new Section 106 agreement when it is submitted.

Neighbour Observations

Neighbours notified:	22 February 2022
Site notice posted:	17 March 2022
Press notice:	17 March 2022
Amended plans notified:	16 September 2022 (allowing until 2 October 2022 for additional comments)
No. Of Responses Received:	Three
Nature of comments made:	Two letters of objection, one which declares no specific stance.

The appropriate neighbouring properties were notified of the application by letter on 22.02.22 and for a second time on 16.09.22 following the receipt of amended plans. In addition, as the application involves major development and is accompanied by an Environmental Statement, notices were posted on site and in the local press on 17.03.22. At the time of preparing the report a total of 3 representations have been received in response to this publicity. The points made in those representations are summarised below. Any additional comments received in respect of the amended plans prior to the committee meeting will be reported in the late observations.

Quantum of development:

- The proposed 50-unit reduction in the number of dwellings on parcel 4 is welcomed.

Observations regarding parcel 3:

- The number and density of dwellings shown behind the retained woodland within parcel 3 would result in this part of the site being significantly overdeveloped and the number of dwellings within this area should also be reduced to allow for more open space and planting around the buildings, especially the proposed apartment block.
- The access drive into parcel 3 from Heyhouses Lane (side of no. 3) is a private road which must be kept open during the development to allow access to the rear of properties on Heyhouses Lane and should not be obstructed. If this becomes a future route through to the housing estate then the width of the track must be increased to cater for the volume of traffic from parcel 3. This would have a harmful impact on the adjacent woodland. Increased use by pedestrians will also pose a security risk for houses bordering the route.
- The construction of phase 3 as currently proposed would decimate the area of high priority woodland which currently occupies that area. The density of development on parcel 3 would also compound the issue of surface water in the area.

Officer note: The layout for parcel 3 shown on the site-wide masterplans submitted with this application was approved by reserved matters 15/0400 and is not subject to change as part of this S73 application which relates only to the area located within parcel 4. Accordingly, any observations relating to the layout within parcel 3 are of no specific relevance to this application which is limited to consideration of the land within parcel 4 only. For the avoidance of any doubt, the extant planning permission already allows the removal of woodland within this area and requires the formation of a pedestrian only link through to Heyhouses Lane via parcel 3. This is not, however, intended to form a separate means of vehicle access into the development from Heyhouses Lane along the track to the side of no. 3. Matters which are already established by the extant permissions (including the removal of trees within the woodland) are not to be re-visited as part of this (or other future) S73 application.

Treatment of ditch and tree removal on southern site boundary:

- A group of properties on The Croft back on to parcel 4. Beyond the rear garden boundary fences of these properties there is a small ditch and several trees. The drainage strategy for parcel 4 mentions a permeable paving sub-base above deep cellular crates. It is, however, unclear how the developer intends to treat the ditch and whether this is to remain open or be culverted. If the ditch is culverted then a large amount of stand water would collect in the area. If the land within parcel 4 is raised as part of the development and the drainage ditches are not left open the surface water is going to collect very rapidly where the existing and new properties are proposed to meet. This could lead to severe ground instability in the surrounding area, which is not acceptable.
- It is also unclear how many of the existing trees along this boundary are to be removed as part of the scheme and whether any replacement trees are to be planted to provide enhanced screening with the existing dwellings.

Land stability and flooding:

- The land is not stable as it is underlain by peat. This means deep foundations and piling will be required.
- At present, the land acts as a soakaway for surface water which will be lost when it is developed, as will the existing drainage ditches running through the site. This will increase the likelihood of flooding in the area, which has already occurred since the development commenced.
- Potential Flooding and severe damage could be caused to more than 20 existing properties on Heyhouses Lane due to Phase 3 and 4 being built over the main land drain behind these properties which accounts for surface drainage of the surrounding Heyhouses area into the main local flood defence network.

Ecology impacts:

- The proposal will result in the removal and destruction of a woodland Priority Habitat in accordance with DEFRA and the Forestry Commission, which supports indigenous wildlife including those which are protected.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework. In this area of the borough, the St Annes on the Sea Neighbourhood Development Plan (SANDP) is also part of the development plan.

National Policy:

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

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy
DLF1 - Development Locations for Fylde
M1 - Masterplanning the Strategic Locations for Development
SL1 - Lytham and St Annes Strategic Locations for Development
GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
T3 - Blackpool Airport
T4 - Enhancing Sustainable Transport Choice
T5 - Parking Standards
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity
ENV4 - Provision of New Open Space (Part of the Green Infrastructure Network)

St Annes on the Sea Neighbourhood Development Plan:

GP1 – Settlement boundary
EN1 – Sites of biological and geological importance
EN2 – Green Infrastructure
DH1 – Creating a distinctive St Annes
TR3 – Residential car parking
HOU1 – Housing development
HOU4 – Residential design
SU1 – Incorporate sustainable urban drainage into new development

Other relevant guidance:

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

Environmental Impact Assessment

The application is submitted pursuant to outline planning permission 08/0058 (as varied) which was Environmental Impact Assessment (EIA) development. In relation to EIA implications for S73 applications, paragraph 016 (ID 17a-016-20140306) of the “flexible options for planning permissions” chapter to the NPPG clarifies that “a section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. [...] Where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. **Whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for an EIA development**” (emphasis added).

If this application is granted, it will result in the issuing of a new reserved matters approval which will sit alongside extant reserved matters approval 15/0400 (which remains intact and unaltered). As outline planning permission 08/0058 was EIA development, this S73 application which is submitted pursuant to the planning permission is also EIA development. Therefore, the application is accompanied by an addendum to the original Environmental Statement (ES) which deals specifically with the alterations to parcel 4 proposed by the application, and has been advertised accordingly. The implications arising from the addendum ES are addressed later in the report.

Comment and Analysis

Background, scope of considerations and main issues:

Background:

The principle of residential development on the site has been established through the issuing of outline planning permission 08/0058 (as allowed by appeal reference APP/M2325/A/09/2103453) on 21.06.12. This permission allows, among other things, the construction of up to 1150 dwellings across the site. Subsequent to this, the granting of reserved matters approval 15/0400 and full planning permission 17/0862 mean that, in combination, extant permissions exist for the construction of 948 dwellings across the site. The whole of the site is also allocated for housing on the FLPPR Policies Map and within policy SL1 (site reference ‘HSS1’).

The phasing plan approved pursuant to condition 2 of reserved matters approval 15/0400 splits the Richmond Point development into 8 separate phases. At present, phase 1 has been completed, as have just under half the dwellings within phase 2 – a total of approximately 106. While the early phases of Richmond Point were constructed by Kensington Developments the remainder of the site, with the exception of phase 3, was acquired by Rowland Homes in April 2021.

The intention of this application is to allow the substitution of Kensington’s approved house types on phase 4 with Rowland Homes’ house types around substantially the same road layout as that approved on this part of the site by application 15/0400. The application has been submitted pursuant to S73 of the Town and Country Planning Act (TCPA) which relates to the “determination of applications to

develop land without compliance with conditions previously attached.” In particular, subsections (1) and (2) provide that:

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*
 - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

Section 17a of the NPPG relates to “flexible options for planning permissions”. Paragraph 001 (ID 17a-001-20140306) of the NPPG identifies that “when planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals. **Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted.** Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- Making a non-material amendment.
- Amending the conditions attached to the planning permission, including seeking to make minor material amendments” (emphasis added).

Section 17a of the NPPG includes a subsection concerning “amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)”. While the term ‘minor material amendment’ (MMA) is referred to in the NPPG, no such reference appears in S73 of the TCPA. Nevertheless, paragraph 013 (ID 17a-013-20140306) indicates that “one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied”.

With respect to what may be considered to constitute a MMA to an existing permission, paragraph 017 (ID 17a-017-20140306) indicates that “there is no statutory definition of a ‘minor material amendment’ but it is **likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved**” (emphasis added).

Paragraph 014 (ID 17a-014-20140306) of the NPPG sets out specific restrictions on what S73 can be used for by stating that “planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.”

In this case, the application seeks a substitution of house types across parcel 4 of the development as previously granted by outline planning permission 08/0058 and reserved matters approval 15/0400. The proposed substitution of house types would have the effect of altering the reserved matters of appearance, landscaping, layout and scale approved on this part of the site by 15/0400, as well as reducing the number of dwellings within parcel 4 from 180 to 130, due principally to a reduction in

the number of apartments and the substitution of a number of smaller dwellings with larger house types.

Rowland Homes have provided a barrister's opinion which concludes that the proposed changes to parcel 4 are, in principle, eligible to be considered pursuant to the provisions in S73 of the TCPA (rather than requiring a fresh planning permission) for the following principal reasons:

1. Section 73 can, in principle, be used to amend and vary a reserved matters approval. This is because reserved matters approval 15/0400 is a condition of the outline planning permission, and therefore falls within the scope of Section 73 (1) and (2) TCPA.
2. As reserved matters approval 15/0400 – which includes reference to a development of “882 dwellings” – is not the planning permission (this is, instead, the outline permission which allowed a development of 1150 dwellings) the proposed reduction in the number of dwellings would not change the description of the development for the planning permission. Accordingly, the LPA can consider amendments to reserved matters approval 15/0400, including to the number of dwellings approved by it, under S73 TCPA providing that these amendments do not change the description of development on the outline planning permission. In turn, an application seeking approval for a reduced quantum of development from that approved by the outline permission would not alter or conflict with the description of development as a scheme seeking approval for fewer than 1150 units would still be within the limit of what is allowed by the outline permission.
3. There is no requirement in S73 that amendments to existing conditions must be “minor” and there is no test of materiality in respect of the changes that can be considered to conditions under S73. The reference to “minor material amendment” in the PPG does not appear in S73 TCPA itself and, as this dates back to 2014, it has been overtaken by subsequent case law – most notably *Finney v Welsh Ministers and Others (2019) EWCA Civ 1868*. If the guidance in the PPG is read to be consistent with *Finney* it can only mean that the scale and/or nature of the amendments sought do not exceed the scope of the planning permission, as reflected in the description of development for the planning permission.
4. It is not relevant for S73 whether each of the four reserved matters approved by reserved matters 15/0400 would be changed by the proposal, amounting in a fundamentally different form of development. This is because the reserved matters approvals operate as conditions on the planning permission and are, therefore, properly within the scope of a S73 application, irrespective of the extent of the proposed change to those conditions providing that they do not conflict with the description of development in the outline permission.

The Council has sought its own barrister's opinion on the same procedural issues. This does not disagree with the conclusions summarised above. Accordingly, it is considered that the proposed modifications to parcel 4 are not so fundamental or substantial in their scale and/or nature, in the context of the extant permissions, that a new planning application under S70 of the TCPA would be required to allow them. In turn, the proposed alterations can be considered under the provisions of S73 of the TCPA.

Scope of considerations:

Paragraph 015 (ID 17a-015-20140306) of the NPPG makes clear that the grant of a S73 application “takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”

The table in Annex A (paragraph 019, ID 17a-019-20140306) of the NPPG states that a S73 application is to be considered against the “development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. **Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission**” (emphasis added).

Reserved matters application 15/0400 was approved on 12.10.17. There have been several important changes in both local and national planning policy (and associated guidance) since this date. In particular:

- **Local** – The Council adopted a new local plan (the Fylde Local Plan to 2032) in October 2018. This was subsequently replaced by the FLPPR in December 2021.
- **National** – The NPPF has been revised on 3 separate occasions (and most recently in July 2021). The latest version of the NPPF also cross references design guides in chapter 12 which did not exist at the time 15/0400 was approved.

Despite the changes in local and national planning policy summarised above, the grant of previous planning permissions (and reserved matters approval 15/0400) on the site means that the development which the current application seeks to amend has already been judged to be acceptable in principle. Moreover, reserved matters approval 15/0400 remains extant and so provides the ‘fallback’ position for the applicant which could be implemented without delay. Accordingly, while application 15/0400 was approved under a different policy context, substantial weight must be given to the existence of this fallback position in the assessment of this S73 application.

In this respect, paragraph 040 (ID 21a-040-20190723) of the ‘Use of Planning Conditions’ chapter to the NPPG states that: “the original planning permission will continue to exist whatever the outcome of the application under section 73.[...] In granting permission under section 73 the local planning authority may also impose new conditions – **provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission**” (emphasis added). Accordingly, while this S73 application is to be assessed against the provisions of the current development plan and other material considerations (including the 2021 version of the NPPF) it is not possible to impose requirements (either through condition or otherwise), including those contained within the latest local and national planning policies, which could not have been imposed on the earlier planning permission.

Main issues:

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

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

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision

making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the background and scope of considerations referred to above, the nature of the proposed changes to parcel 4, the type of application submitted and the responses received in respect of it, the main issues in this case are:

1. The implications arising from the proposed reduction in the number of dwellings within parcel 4, including to the Council’s housing land supply and the extant planning obligation for the development.
2. The modified development’s effects on the character and appearance of the area.
3. The modified development’s effects on the amenity of surrounding occupiers and land uses.
4. The modified development’s effects on the highway network.
5. The EIA implications arising from the proposed modifications to parcel 4, including the effects and mitigation measures identified in the addendum Environmental Statement and Habitat Regulations Assessment.
6. The implications arising from the proposed variation to condition 2 of reserved matters approval 15/0400.
7. Other matters relevant to the decision, including those relating to changes required to the conditions imposed on reserved matters approval 15/0400 and flood risk.

Reduction in dwelling numbers:

Housing land supply:

FLPPR policy SL1 allocates the Queensway site as a strategic housing site (reference HSS1), indicating that 992 homes are to be completed on the site during the plan period. This figure has, however, effectively reduced to 948 through the granting of applications 15/0400 and 17/0862. This S73 application seeks a further 50-unit reduction in the number of dwellings to be constructed within parcel 4 compared to those approved by 15/0400. This would have the effect of reducing the overall total across the site to 898 dwellings.

As set out in FLPPR policy H1 d) (and carried through to policy DLF1), the Partial Review of the FLP included a reduction to the minimum number of homes required to be built within the borough over the plan period (to 2032) from 8,715 to 7,275 (a difference of 1,440). This is also reflected in the revised annualised housing requirement in policy H1 a) which identifies “a minimum housing requirement of **415 net homes per annum for the period 2011-2019** and a minimum housing requirement of **305 net homes per annum for the period 2019-2032**”. In addition, and while not specifically impacted in the short term by any reduction in the number of dwellings to be constructed across the Queensway site as whole, the Council’s latest 5 year housing land supply statement (December 2021) indicates that it is able to demonstrate a supply of homes equivalent to 6.64 years.

Given the above, the proposed 50-unit reduction in the number of dwellings to be constructed within parcel 4 (and, in turn, the 94-unit shortfall arising against the local plan allocation in policy SL1) would not prejudice the Council’s housing land supply position in either the overall (given the headroom provided by the 1,440 home reduction arising from the Partial Review of the FLP) or short (e.g. 5 year housing land supply) terms of the local plan.

Planning obligation:

Paragraph 015 (ID 17a-015-20140306) of the ‘flexible options for planning permissions’ chapter to the NPPG identifies that “if the original permission [to be varied under S73] was subject to a planning obligation then this may need to be the subject of a deed of variation”.

A planning obligation (in the form of a Unilateral Undertaking – UU – dated 09.01.12) was entered into as part of the original outline planning permission (08/0058). This obligation has since been varied on four separate occasions pursuant to application references 13/0767, 17/1026, 18/0824 and 20/0818. Each of these variations were made by the original applicant (Kensington Developments). With the exception of parcel 3, the whole of the site was acquired by Rowland Homes in April 2021. As the UU provides that the obligations contained within it “will bind the interests of the Owners and the Developer and their successors in title and assigns” (paragraph 8 of the recitals), Rowland Homes are also bound by the same obligations.

As the original UU was entered into pursuant to outline planning application 08/0058, a number of the obligations and triggers within it are based on a scenario where 1,150 dwellings are constructed on the site. While several of these obligations and triggers have been varied through the four applications referenced above to take account of the reduction in the number of dwellings arising from subsequent approvals, some have not been altered at all and, if this S73 application is implemented, others will fall away due to the proposed 50-unit reduction in the number of dwellings. In particular, the following changes are required to the extant UU (as previously amended) as the current dwelling numbers will no longer be reached if this S73 application is implemented:

- The current definition of “Phase 2” needs to be amended proportionately to replace “the next 300 Residential Units” and “(to make a total of 600 Residential Units)” with alternative, lower figures.
- The current definition of “Phase 3” needs to be amended proportionately to replace “the next 300 Residential Units” and “(to make a total of 900 Residential Units)” with alternative, lower figures.
- The current trigger in Paragraph 14B of Schedule 2 (relating to “Education Provision”) needs to be amended from “Prior to the Occupation of the 900th Dwelling” to an alternative, lower figure.
- The dwelling numbers in Paragraphs 18.10-18.12 of Schedule 2 (relating to the “Additional Affordable Housing Provision”) need to be reduced proportionately to dovetail with the revised definitions for “Phase 2” and “Phase 3” and, laterally, the definition of “Phase 4” respectively.

As with the variations to the original UU permitted by applications 17/1026, 18/0824 and 20/0818, the above amendments to the UU can be secured through an application submitted pursuant to the provisions of S106A of the TCPA, rather than via a deed of modification. This is because the original obligation is more than 5 years old. As the above modifications to the UU are required due to the changes proposed by this S73 application, the resolution below sets out the need for the modifications to be secured through the granting of an application made under S106A of the TCPA before this S73 application is granted.

While various documents submitted with the application refer to the need for this S73 application to be ‘linked’ to the existing UU, as this S73 application relates to an application for approval of reserved matters submitted pursuant to the outline planning permission it is, by default, bound by the terms of the extant planning permission and, in turn, the planning obligation entered into as part of that permission. In this respect, any application for approval of reserved matters submitted pursuant to the outline permission (including those submitted under S73 of the TCPA) would automatically be

linked to the planning obligation without the need to alter the definition of “Planning Permission” within the UU (hence why extant reserved matters approval 15/0400 does not appear in that definition). Accordingly, there is no need to alter the definition of “Planning Permission” within the UU to refer to this S73 application.

Character and appearance:

FLPPR policy M1 sets out a master planning approach for the development of strategic sites (those involving 100 or more homes) within the strategic locations for development named in policy DLF1 (one of which is “Lytham and St Annes”). The policy identifies 24 criteria (a) – x)) that masterplans for developments in these locations should achieve. The design principles set out in criteria c), d), k), o), p) and t) of the policy are of particular relevance to the reserved matters which this S73 application seeks to alter within parcel 4 as follows:

- Variations in housing density with an overall minimum net density of 30 homes per hectare.
- High quality design should be included and development should be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.
- Secured by Design principles should apply in new developments.
- Provide a Green Infrastructure network of open spaces, including natural and semi-natural greenspaces, amenity greenspace, allotments, and formal and informal recreation areas with provision for children and young people where people can congregate. Provide for large scale landscape enhancement, including the provision of tree belts and advanced landscaping and ensure the site links into the wider Green Infrastructure network. Existing ponds, trees, woodland, hedgerows, water features and areas of open space should be retained wherever possible. Details should be provided regarding the maintenance and management of the on-site open spaces.
- The conservation and enhancement of important environmental assets and natural resources, biodiversity (nature conservation) and ecological networks. Ecological connectivity within the site and with the surroundings should be maintained and enhanced through appropriate site layout; the retention of existing important features including trees, woods and water bodies and their integration within a well-designed landscape with appropriate habitat protection.
- Development respects the environmental character of its surroundings. Particular attention should be given to the creation of a well-designed and defined edge to development and a sensitive transition to adjoining areas in the countryside. Proposals will need to include plans for the long term use and management of these areas.

FLPPR policy GD7 states that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a – p). In particular, criteria b), d), g), h), i), k), l) and m) of the policy identify the following requirements:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Applying Secured by Design principles.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.
- Ensuring the layout, design and landscaping of all elements of the proposal, including any internal roads, pedestrian footpaths, cycleways and open spaces, create user friendly,

sustainable and inclusive connections between people and places resulting in the integration of the new development into the built and historic environment.

- Creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, and there are clear and legible pedestrian and cycle routes and high quality public space, which encourages the active and continual use of public areas.
- Protecting existing landscape features and natural assets as an integral part of the development; requiring multi-functional green infrastructure to be integrated into urban areas; providing enhancements to open spaces to encourage people to use them; protecting and enhancing habitats; providing open spaces and linkages to the wider ecological networks as part of the Green Infrastructure network; and enhancing the public realm.

FLPPR policy H2 indicates that developments will be expected to make efficient use of land, whilst avoiding detrimental impacts on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare. The policy goes on to state that high density development should be very carefully designed to relate well to its surroundings, be orientated towards and have principal entrances facing towards the street, and should include sufficient usable amenity space to provide for the needs of residents.

FLPPR policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity of the area within which it is situated. In addition, criteria b) – e) of the policy indicate that:

- Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting.
- In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features.
- Suitable landscape planting of native species, appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off.
- Details of the ongoing maintenance of all landscaping areas will be presented for approval by the Council.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f)) and paragraph 133 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for a Healthy Life” (BHL). Paragraph 134 of the NPPF indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [contained in the National Design Guide and National Model Design Code].”

Paragraph 131 of the NPPF indicates that “planning policies and decisions should ensure that new streets are tree-lined [unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate], that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

In addition, SANDP policy DH1 states that “all development must be of a high quality of design and must be appropriate and sympathetic to the character of the town and its neighbourhoods”. The policy goes on to indicate that “development should create pleasant places to live and work and take into account surrounding scale, density, layout and car parking, as well as achieving high visual standards.”

Alongside this, policy HOU4 stipulates that “all new residential development must be designed in accordance with the principles set out in a separate Design Guide SPD.” Policy HOU4 also requires that applications for major developments involving over 25 dwellings should be “accompanied by an illustrative masterplan showing the layout and distribution of housing and other uses, proposed vehicular access arrangements, open space, recreation and green infrastructure provision, landscaping, relationship with existing development, proposed pedestrian, cycling linkages to adjoining neighbourhoods and networks, and response to climate change in terms of micro-climate and seaside location.”

In this case, as the site benefits from extant permissions for residential development which have been implemented, the master planning approach in FLPPR policy M1 and SANDP policy HOU4 has already been established by those permissions (having particular regard to the infrastructure that the scheme is to provide both within and outside the site). In addition, those extant permissions have established that several existing natural features within the site, including numerous trees and drainage ditches, can be removed and/or infilled to facilitate the development as a result of these losses having been offset away from the site through ecological mitigation – specifically the nature park and farmland conservation area which have already been established on land to the northeast of Richmond Point.

Given the fallback position established for parcel 4 by reserved matters approval 15/0400, it follows that the greatest attention in this case should be paid to ensuring that the modified development on this part of the site provides an enhancement to the design of that which was previously approved given that the bar for “achieving well designed places” has been raised by the FLPPR and chapter 12 of the 2021 NPPF (including its companion design guides, codes and assessment frameworks). This assessment is made below in relation to each of the reserved matters to be altered by the application.

Appearance:

The approved layout for parcel 4 granted by 15/0400 (referred to as “site D” in that application) comprises a total of 180 dwellings across 18 house types, including a three storey block of 24 apartments. In contrast, the S73 application proposes a total of 130 dwellings across 22 house types, including a three storey block of 12 apartments. Accordingly, despite the reduced number of dwellings proposed by the S73 application, it introduces a greater variety of house types in comparison to the approved scheme. It is also the case that the substitution of Kensington’s approved house types with Rowland’s on parcel 4 would add a greater diversity across the Richmond Point development as a whole.

While variety between Rowland’s house types is afforded by different approaches to the size and layout of protruding features to façades, the use of a mix of roof profiles, materials, dressings and detailing, and roof-level articulation through pediments and dormers, there is commonality with respect to the legibility of the elevations afforded by a consistent rhythm and symmetry to window proportions and alignment which splits each house type into readily identifiable ‘bays’ and a clear building hierarchy. This positive fenestration pattern continues on corner plots where dwellings present active elevations and protruding features to both their front and side elevations when located on prominent junctions with a dual aspect to the estate road.

Dwellings facing the main spine road through Richmond Point along the northern edge of parcel 4 would continue to be set back behind a landscaped verge (including a surface water swale) and private drives to achieve a spacious aspect to the roadside and recessive building frontage. The orientation of dwellings would ensure that they present active elevations to the estate road both within and bordering parcel 4, with open spaces and retained tree lines forming natural buffers to the site's northern, eastern and southern boundaries (the western boundary adjoining parcel 3).

While following the same basic location to the northeast corner of parcel 4, the apartment block proposed by the S73 application has been reduced in size and follows a different orientation on a *circa* 45 degree chamfer facing onto a crossroad junction (rather than being set at right angles to it). The north side of this junction is also to be occupied by a three storey apartment block within parcel 2. The orientation and regimented fenestration pattern of the proposed replacement apartment block, together with the active frontages across all its elevations, would ensure that it provides a prominent focal building to the junction while landscaped grounds around it continue to provide a spacious setting and buffer to the roadside which avoid a dominating visual impact.

Landscaping (including impacts on existing trees):

The layout for parcel 4 proposed by the S73 application is substantially in accordance with that approved by 15/0400 with respect to the siting and extent of landscape buffers, with these located principally along the northern and eastern site boundaries. Similarly, reserved matters approval 15/0400 included a linear group of dwellings running alongside the site's southern boundary where it is separated from existing dwellings on 'The Croft' and the scout headquarters by a mature tree belt of varying depth. While the northern periphery of this tree belt falls within the area of parcel 4, the majority of it is on land outside the development site, including within the gardens of neighbouring dwellings at The Croft, a deep rectangular swathe to the rear of 21-31 Heyhouses Lane and on land to the west and north of the scout headquarters.

As with the siting of plots 40-52 on parcel 4 approved by 15/0400, the siting of equivalent plots 304-319 along the southwest boundary of the site will require the removal of several existing specimens within the tree belt that currently intervenes between the site and the rear of existing properties on The Croft. This is required in order to provide the gardens for dwellings which are arranged to back onto the gardens of the existing dwellings. The principle and extent of tree removal along this shared boundary is identified within the Arboricultural Method Statement submitted pursuant to condition 16 of 15/0400 (and subsequently approved by condition discharge application 18/0243). Accordingly, while the layout will result in the loss of several existing natural features, these circumstances have already been accepted as part of the extant approval. Indeed, the removal of substantial areas of existing woodland has been permitted across the site as a whole – most notably within parcel 3 – by the extant permissions, with these losses having been compensated for through the introduction of replacement woodland planting within a nearby nature park formed outside the 8 development parcels. This nature park has now been established on land to the northeast of the housing site (northeast of parcel 7).

The current S73 application is accompanied by both an updated Arboricultural Method Statement (drawing 2 of which identifies the extent of tree removal and retention within and adjacent to parcel 4) and a separate drawing (no. 4178/PARCEL4/TREE WORKS/01 Rev A) which identifies individual specimens that are to be removed to the rear of plots 304-319. A total of 26 trees are to be removed within this area, which will be incorporated into the rear gardens of the dwellings and be separated from adjoining land beyond (including the gardens of dwellings on The Croft) by a new 1.8m high close-boarded fence. Other specimens within the gardens of dwellings on The Croft, the deep swathe to the

rear of 21-31 Heyhouses Lane and the scout headquarters will be retained. While the proposal would result in a thinning to the periphery of the existing tree belt, the same circumstances would arise through the implementation of 15/0400 and so the purpose of the additional plans supplied with the S73 application is to identify the individual specimens which are to be removed rather than to increase the extent of tree removal established by the extant permission. In this respect, there would be no greater harm arising from the loss of existing trees than that already permitted by 15/0400 (and associated applications).

Internal soft landscaping proposed within parcel 4 follows similar principles to those established by 15/0400, with wide, linear tree-lined landscape buffers comprising advanced planting and incorporating swales flanking the main spine road on the northern and western boundaries before transitioning into lower tree planting and hedge-lined front and side garden boundaries bordering the estate road. Where taller boundary treatments are proposed to the roadside (principally on corner plots), these are to be set in line with side elevations and fronted by hedge planting to reduce their prominence in the street. Boundary walls, rather than fences, are included on the most prominent junctions away from cul-de-sacs to provide a superior visual aspect. Together with the development layout, the internal landscaping strategy would ensure soft edges to the estate road, preserve the open character of junctions and deliver tree-lined streets to the roadside.

Parking arrangements for 15/0400 included a combination of in-curtilage off-street parking for larger house types and communal rear courtyard parking for apartments and smaller house types. The S73 application alters this approach by limiting courtyard parking to the rear of the apartment block, with the remainder of parking to be in-curtilage for individual dwellings. While this has resulted in wider, more prominent parking frontages to the roadside, these continue to be broken up by intervening landscaped verges and hedge planting which ensure an appropriate balance of hard and soft landscaping and avoid over-engineered, parking dominated frontages. This has been further assisted by the reduction in the number of dwellings.

Layout:

Parcel 4 extends to *circa* 4.5 hectares. However, both the approved and proposed schemes for parcel 4 include buffers of soft landscaped open space which extend to approximately 0.25 hectares. As set out in paragraph 9.25 of the FLPPR, “the use of net residential density excludes requirements for open space provision within developments and particularly the need on certain sites to provide sensitive transitions to areas of countryside and to retain site features”. Accordingly, the net developable area of parcel 4 is *circa* 4.25 hectares. In turn, the 180 dwellings approved by 15/0400 resulted in a net residential density of approximately 42 dwellings per hectare (dph). In contrast, the 130 dwellings proposed by the S73 application would result in a net residential density of 31 dwellings per hectare. Both densities comply with the “normal” minimum net residential density target of 30 dph referred to in FLPPR policies M1 and H2.

The 50-unit reduction in the number of dwellings arising from the S73 application stems from a combination of both a reduction in the number of apartments and an increase in the number of detached and semi-detached house types in comparison to 15/0400, which included a higher proportion of terraced dwellings. The reduced density of the housing layout delivers a more spacious aspect to the street scene, a less intensive building pattern with larger gardens and a switch from courtyard-dominated off-street parking to in-curtilage parking, while ensuring that the internal road layout, areas for landscaping and building locations remain substantially in accordance with that previously approved.

The S73 layout retains the prevailing ‘perimeter block’ arrangement for buildings established by 15/0400 where dwellings are arranged with an outward-facing aspect onto surrounding roads and interlocking rear gardens. This is, however, enhanced in the S73 submission by a more ordered building pattern driven by a greater consistency in building lines and increased space around buildings where they wrap around junctions on corner plots. The chamfered layout of the smaller apartment building which orientates this to face directly onto the crossroad junction to the northeast corner of the site also provides a preferable arrangement which conceals parking to the rear of the building while providing active elevations at a prominent focal point of the wider development in similar proportion to the apartment building on the north side of the junction within parcel 2.

Scale and housing mix:

A comparison of the housing mix granted by reserved matters approval 15/0400 and that proposed by S73 application 21/1143 is set out in table 1. The application is also accompanied by an updated version of a “storey heights plan” which allows a comparison with the equivalent plan approved by 15/0400. The differences in building storey heights between the S73 application and approval 15/0400 for parcel 4 are identified in table 2.

15/0400			21/1143		
Bed spaces	Number of units	Percentage (%)	Bed spaces	Number of units	Percentage (%)
2	44	25	2	15	12
3	38	21	3	51	39
4	96	53	4	46	35
5	2	1	5	18	14

Table 1 – Comparison of housing mix between 15/0400 and 21/1143.

15/0400			21/1143		
Storey heights	Number of units	Percentage (%)	Storey heights	Number of units	Percentage (%)
2	57	32	2	91	70
2.5	47	26	2.5	27	21
3	76	42	3	12	9

Table 2 – Comparison of building storey heights between 15/0400 and 21/1143.

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

As set out in table 1, the approved housing mix for 15/0400 includes 46% of the dwellings as 1-3 bed homes. In comparison, the S73 application includes 51% of the dwellings as 1-3 bed homes. Accordingly, while the housing mix approved by 15/0400 did not comply with the “mix” requirements of policy H2 (the approval pre-dating that local plan policy), the current S73 application does comply. There is, however, no specific provision made for “specialist accommodation for the elderly” to fulfil the objective in policy H2 which requires 20% of dwellings to demonstrate compliance with optional technical standard M4(3(2a)) (wheelchair adaptable dwellings). Nevertheless, as the original outline

permission (08/0058) pre-dated the adoption of the FLP (and FLPPR) it did not include a condition requiring a specific mix of housing that accords with policy H2 to be delivered. In the absence of any such condition on the outline permission, this S73 application for approval of reserved matters is not required to deliver 20% of homes to meet optional technical standard M4(3(2a)) (wheelchair adaptable dwellings). As set out in the NPPG, because this requirement could not have been imposed on the earlier planning permission, it cannot be introduced at this stage despite the change in local policy context which has occurred in the interim.

Despite a reduction in the number of apartments, the S73 application would deliver a greater proportion of smaller house types than the extant approval in line with the objectives relating to housing mix in FLPPR policy H2 (despite there being no specific need for the development to meet those requirements). The overall mix of housing proposed by the S73 application would deliver a variety of dwelling scales across a greater diversity of house types in a less intensive layout than that approved by 15/0400.

As identified in table 2, the S73 application also includes a general reduction in building storey heights across parcel 4. In particular, the only three storey building proposed is the apartment block to the northeast corner. There has also been a reduction in the proportion of 2.5 storey dwellings (incorporating rooms in roof spaces) in favour of a predominant two storey building height. This ensures a greater degree of consistency both within parcel 4 itself and with surrounding buildings outside the site on The Croft and Heyhouses Lane which are predominantly two storeys.

Summary:

For the reasons set out above, the modified development, by reason of its altered appearance, landscaping, layout and scale, along with the reduction in the number of dwellings proposed, would result in an enhanced design approach within parcel 4 in comparison to that previously approved by application 15/0400 in order that the revisions to the scheme achieve the higher standards for achieving well designed places set out in policies M1, GD7, H2 and ENV1 of the FLPPR, the 2021 version of the NPPF (including its associated companion design guidance) and the SANDP.

Amenity impacts:

Criterion d) of FLPPR policy M1 indicates that developments should “be designed to encourage cohesion within the site and seek to minimise the impact on neighbouring properties.”

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

Furthermore, paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

While principally used in the assessment of applications involving extensions to existing dwellings, the guidance in Design Note 1D iii) of the Council’s ‘Extending Your Home’ Supplementary Planning Document (the ‘SPD’) indicates that:

- “Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.”

Existing occupiers:

Along its southern boundary, parcel 4 borders existing dwellings on Heyhouses Lane and The Croft to the southwest, and the grounds of the scout headquarters to the southeast. The approved layout for 15/0400 included a row of 13 dwellings alongside the southwestern boundary orientated with their rear elevations backing on to nos. 17 and 21-31 Heyhouses Lane and nos. 4-7 The Croft (including their rear gardens). A minimum spacing distance of 39.5m was achieved between the opposing rear elevations of the existing and proposed dwellings, along with a minimum *circa* 11.5m deep garden buffer. Significantly greater spacing distances (a minimum of *circa* 81m) were achieved between the dwellings and the scout building.

In comparison, the S73 application includes a row of 16 rear-facing dwellings alongside the southwestern boundary and a minimum spacing distance of 37.5m with the closest of the existing dwellings (no. 5 The Croft). The proposed dwellings would also have a minimum rear garden depth of approximately 11m up to the site boundary shared with the existing properties. As with approval 15/0400, a total of 6 house types flanking this boundary would be 2.5 storeys in height, with the remainder being two storeys.

Although the number of dwellings backing on to existing properties to the southwest has increased, along with the minimum back-to-back spacing distance having fallen by approximately 2m, the level of spacing achieved between the 16 dwellings proposed on plots 304-319 and existing properties to the rear remains significantly in excess of the 21m minimum distance recommended in Design Note 1D of the ‘Extending Your Home’ SPD. Moreover, while a number of the existing trees within parcel 4 located alongside the site boundary would be removed as part of the scheme, several would be retained and provide additional filtering of views between the dwellings. The depth of rear garden buffers and the erection of solid, 1.8m high boundary treatments would provide further screening between the gardens of existing and proposed dwellings.

At present, dwellings on The Croft and Heyhouses Lane are elevated by approximately 1.5m in relation to the part of the site which is to accommodate plots 304-319. As with earlier phases of the development it is, however, the case that existing ground levels on the site are to be raised as part of the development. Details of finished floor and ground levels are required by condition 3 of the reserved matters approval and so the proposed modifications to parcel 4 would also be controlled by the requirements of that condition. There is not, however, any indication that the finished floor levels of the proposed dwellings would be significantly higher than those of existing dwellings to the southwest such that the separation distances referred to above would be insufficient.

To the southeast boundary, spacing distances between the dwellings on plots 320-333 and the scout headquarters would be a minimum of *circa* 75m, with a thicker screening buffer of woodland planting retained between these uses.

For the reasons set out above, the level of spacing and screening between the existing and proposed dwellings, in combination with their scale, window positions the depth of garden buffers and arrangement of boundary treatments, would ensure that the proposed development has no adverse effects on the privacy and amenity of neighbouring occupiers due to loss of outlook, overshadowing or overlooking in accordance with the objectives of FLPPR policies M1 and GD7, and the NPPF.

Future occupiers:

Separation distances between dwellings within the development vary across the site, but consistently achieve a minimum spacing of 21m between habitable room windows in opposing principal elevations and 12m between principal and secondary elevations. Similarly consistent garden depths would provide suitable buffers and privacy distances between adjoining outdoor amenity areas. Moreover, the reduced number and density of development in comparison to that approved by 15/0400 means that the S73 application would typically achieve greater spacing distances between dwellings and larger outdoor amenity areas in comparison to the extant permission. Accordingly, the proposal would not result in future occupiers experiencing substandard levels of amenity due to a lack of outlook, overshadowing or overlooking.

Dwellings are typically set in rectangular plots with gardens varying in size commensurate with the scale of the host property. While the shapes of some gardens are irregular, their overall dimensions would avoid unduly cramped amenity spaces and the height, siting and profile of enclosures between them would ensure good levels of privacy and security. Accordingly, the development would ensure a high standard of amenity for future occupiers.

Highways:

Criteria h) and m) of FLPPR policy M1 require developments on Strategic Sites to meet the following requirements:

- Appropriate highways access and a comprehensive approach to planning the highway network within and linking the sites which make up the Strategic Locations for Development.
- A design led approach to the provision of car parking spaces with the overall aim of reducing dependency on the private car.

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

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

FLPPR Policy T5 relates to parking provision and indicates that “a flexible approach [will be applied] to the level of car parking provision, dependent on the location of the development”. Paragraph 11.61 of the local plan indicates that the Council “will prepare a Supplementary Planning Document (SPD) on parking standards”. However, as this has not yet been adopted the parking standards contained in the Joint Lancashire Structure Plan (JLSP) remain of greatest relevance in this case. Table A of the JLSP identifies the following maximum level of parking provision for individual dwellings based on the number of bedrooms:

- Single bed houses – 1 space per dwelling.

- 2-3 bed houses – 2 spaces per dwelling.
- 4+ bed houses – 3 spaces per dwelling.

SANDP policy TR3 relates to residential car parking and states that “wherever possible car parking should be accommodated within the curtilage of the dwelling in the form of a garage, parking space, or both.” The policy then sets out four principles for in-curtilage parking relating to the size, design and siting of garages (a-c) and the siting of in-curtilage parking spaces to avoid “excessive hard surfacing” in front gardens.

Paragraph 110 of the NPPF states that applications for development should ensure that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users;
- The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The wider, strategic access strategy for the development, including triggers for the delivery of an interim access to the Richmond Point development from Queensway, is controlled by outline planning permission 08/00580 and full planning permission 17/0862. In addition, a separate application for the construction of a signal-controlled junction to provide the interim Queensway access is currently under consideration (application reference 22/0188). As the changes sought by this S73 application are limited to parcel 4 of reserved matters approval 15/0400, the implications on the highway network arising from this proposal are, in turn, limited to matters relating to the internal road layout of parcel 4, including how this connects to other parts of the network within adjoining parcels.

Whilst the revisions to the building layout of parcel 4 have resulted in some minor realignment of the internal estate roads within that parcel and changes to the profile of turning heads when compared to 15/0400, the S73 application retains the same basic road configuration and the same number and positions for junctions onto the main estate spine road to the north and east, and into parcel 3 to the southwest corner. As with 15/0400, the remaining estate roads form internal cul-de-sacs in substantially the same positions.

The Local Highway Authority (LHA) provided their comments for the original submission on 18.05.22. These raised 4 principal issues concerning the following topics:

- i) **Traffic calming** – The need for physical traffic calming measures in the form of road humps or speed tables in three locations on the estate road to provide a self-enforcing 20mph residential estate.
- ii) **Private access drive for plots 316-319** – The need for this to be extended to enable adequate egress from the southerly parking space of plot 319.
- iii) **Parking provision** – The need for changes to driveway dimensions and configurations for the Belgrave, Bowes and Renishaw house types to provide 3 off-road parking spaces for each dwelling while avoiding blocking of front doors with parked cars.

- iv) **Interface and connection with parcel 3** – As the applicant does not control the land within parcel 3, there is a need for a turning head to be introduced in the southwest corner of parcel 4 where the road is currently shown to connect to parcel 3 and to ensure that a contiguous road connection can be formed through to parcel 3 in the future by avoiding any ransom strip.

Amended plans have been submitted at various stages to address the LHA's comments summarised above. These amendments were sent to the LHA on 30.06.22, 17.08.22 and 16.09.22. However, no further response has been received. Nevertheless, it is considered that the issues referred to in the LHA's initial response of 18.05.22 above have been adequately addressed through the following changes to the internal layout of parcel 4:

- i) **Traffic calming** – Speed tables have been introduced within the three stretches of the estate road identified by the LHA to slow vehicle speeds along these straight sections of the carriageway.
- ii) **Private access drive for plots 316-319** – The private driveway arrangement running perpendicular to the estate road originally proposed for plots 316-319 has been omitted and the dwellings on these plots have been turned through 90 degrees to face directly onto the estate road and so avoid the presence of the private drive.
- iii) **Parking provision** – The Belgrave, Bowes and Renishaw house types have been set in wider plots and/or had their driveways extended or reconfigured to ensure that 3 off-road parking spaces are available without blocking access to front doors.
- iv) **Interface and connection with parcel 3** – Rowland Homes are currently progressing a separate proposal for the development of parcel 3. It is anticipated that this is likely to come forward before any of the dwellings on plots 296-311 (those taking access off the southwestern leg of the estate road) are constructed and, in turn, allow a continuous road connection through to parcel 3. However, in the event that this is not progressed, a separate plan (drawing no. R108/1-4-1 Rev B) showing the provision of a turning head in a hammerhead arrangement to the southwest corner of the site in place of the four dwellings on plots 302-305 has been provided. If Rowland do not progress a scheme on parcel 3, then this alternative layout which includes the turning head will be delivered on this part of the site, including the construction of the estate road up to the shared boundary with parcel 3 to avoid the creation of a ransom strip. These matters are to be addressed through the imposition of a scenario-based condition which will depend on whether Rowland Homes progress a scheme on parcel 3.

Despite the absence of any further response from the LHA in respect of the amended plans, for the reasons set out above it is considered that the changes made to the internal layout of parcel are sufficient to address each of the main issues raised in their initial comments. Appropriate conditions are included which replicate the highway-related requirements imposed on reserved matters approval 15/0400 and capture the added requirements relating to parking provision and the interface with parcel 3 referred to above. With these conditions in place, there is no reason to conclude that the development would prejudice a comprehensive, joined-up approach to the master planning of the wider Queensway site, or that the internal layout for parcel 4 lacks adequate parking provision, would have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. Accordingly, the S73 application accords with the provisions of FLPPR policies M1, GD7 and T5, SANDP policy TR3 and the NPPF.

EIA implications:

Addendum Environmental Statement:

Outline planning permission 08/0058 was EIA development. As this S73 application is submitted in connection with an application for approval of reserved matters pursuant to the outline permission, it is also treated as EIA development in accordance with the guidance in paragraph 016 (ID 17a-016-20140306) of the “flexible options for planning permissions” chapter to the NPPG. In particular, when considering the EIA implications of a S73 application this advises that “where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations.”

The application is accompanied by an addendum Environmental Statement (ES) prepared by “The Environment Partnership” (TEP). TEP also prepared the original ES for outline application 08/0058 (including two further variations prior to permission being granted) and an addendum ES for full planning application 17/0862. The addendum ES focuses on any changes to the baseline position which have occurred since the original ES (as amended), sets out the predicted significant effects arising from the development, outlines how these have been and/or are to be mitigated and considers whether the proposed changes to parcel 4 arising from the S73 application (having particular regard to the reduction in the number of dwellings proposed) would introduce any new negative effects on receptors above and beyond those identified in the original ES (as amended). In summary, the addendum ES includes the following conclusions in this regard:

- The proposed scheme includes a reduction in the number of dwellings within parcel 4 from 180 to 130. In isolation, the proposed development of 130 residential units and associated infrastructure on approximately 4.15ha of land falls below Schedule 2 thresholds of the 2017 EIA Regulations.
- As parcel 4 forms part of the wider Queensway development, a full review of the original ES has undertaken to determine whether any updates to the topics covered in the original ES were necessary. The only topic which warranted such an update is ecology. Therefore, consideration of this topic forms the bulk of the ES.
- The addendum ES has been informed by: i) an updated phase 1 habitat survey; ii) an updated water vole survey; iii) an updated Construction Environmental Management Plan (CEMP) for parcel 4; and iv) an updated shadow Habitat Regulations Assessment.
- The mitigation areas for the Richmond Point development and M55 link road – the Farmland Conservation Area and Nature Park – were fully established in 2015-16 and are now under management in accordance with the requirements of planning conditions and the planning obligation.
- No potential impacts on ecological features are anticipated as a result of the proposed development at Parcel 4. Therefore, the potential significance of effects identified in the original ES (as amended) as a result of the proposed development, both individually and in combination, remain unchanged. The proposed development does not introduce any new negative effects on receptors that were assessed in the original ES (as amended).

With respect to the conclusions above, and given that the S73 application proposes a 50-unit reduction in the number of dwellings to be constructed on parcel 4 of the wider site within the same study area considered by the original ES, there is no reason to conclude that any further updates (aside from matters relating to ecology) are required to the ES as part of this application.

As the only update required to the ES in relation to the changes on parcel 4 relates to ecology, the views of Natural England and GMEU are of greatest importance in this case. The views of each of these consultees on the addendum ES are summarised below:

- **Natural England (25.08.22)** – On the basis that the previous ecological mitigation requirements and planning obligations secured for the wider scheme will continue to be delivered, as stated within sections 4.3 to 4.4 of the Environmental Statement Addendum –

Update (TEP, January 2022), Natural England has no objection to the variation of conditions 1 and 2.

- **GMEU (01.04.22)** – The addendum ES indicates that mitigation measures for the entire site (consisting of a nature park and farmland conservation area) have been implemented and continue to be managed in agreement with Natural England. An updated ecological survey also finds no positive changes in ecological value for parcel 4. Therefore, potential ecological impacts associated with the site have already been mitigated for in advance. The new application reduces the number of dwellings and, in turn, there will be a reduction in potential recreational pressures on functionally linked land. As a result, there are no objections to the proposed variation of conditions.

Given the conclusions in the addendum ES and the responses received from the relevant consultees in respect of the parts of the ES which have been updated since the original version (as amended), there is no reason to conclude that the modifications to the development proposed within parcel 4 as part of this S73 application would give rise to any further environmental effects above and beyond those already identified and mitigated for in the original ES (as amended). Accordingly, there are no further EIA implications arising from this scheme beyond those which have already been identified and addressed as part of the extant planning permissions.

Habitat Regulations Assessment:

The application site is within 2.5km of the Ribble and Alt Estuaries Special Protection Area (SPA), Ribble & Alt Estuaries Ramsar and Ribble Estuary Site of Special Scientific Interest (SSSI). These sites are classified for rare and vulnerable birds, including mobile species that may also rely on supporting habitats outside the site boundary (functionally linked land). These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Similarly to the addendum ES, this S73 application is accompanied by an updated shadow Habitat Regulations Assessment (HRA) which has also been prepared by TEP. The screening exercise within the HRA concludes that “in the absence of mitigation, it cannot be ascertained that the overall project will not adversely affect the integrity of the Ribble and Alt Estuaries SPA.” Accordingly, the HRA proceeds to Appropriate Assessment stage. The conclusion following the Appropriate Assessments is that “the Project itself, including its mitigation measures, in combination with all other plans and projects considered, would not adversely affect the integrity of the Ribble and Alt Estuaries SPA”.

Natural England are a statutory consultee on the HRA. In this regard, their response dated 25.08.22 confirms as follows:

- The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any sites in question. This is on the basis of the already established mitigation secured for the larger ongoing scheme and updated Construction Environmental Management Plans which have been produced in relation to the specific development within Parcel 4.
- Having considered the assessment, the documentation submitted to support its conclusions and the measures already secured to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions that the proposal will have no adverse effects alone or in combination, providing the previous mitigation secured continues to be delivered and is appropriately secured for this application in any planning permission given.
- Section 13 of the HRA refers to a list of documents submitted to support the conclusion that the proposal will not adversely affect the integrity of Ribble and Alt Estuaries SPA. This list

includes reference to a Construction Ecological Management Plan (September 2021, TEP Document Reference 8862.005). However, the latest version of the CEMP supplied with the application is dated January 2022. Before granting planning permission we advise you may wish to update the HRA to ensure the most up to date version of the documents submitted to support the HRA are referenced, this will ensure the robustness of the HRA.

The conclusion of the shadow HRA and the mitigation measures identified within it are consistent with those established (and secured by condition and/or planning obligation) at the outline stage. As any S73 permission will automatically be linked to the conditions and obligations entered into pursuant to the outline permission, there is no need to repeat those as part of this application which relates to the approval of reserved matters. Instead, the only actions required in this regard are as follows:

- For the LPA to confirm its adoption of the shadow HRA prepared by TEP (including with specific reference to the updated CEMP dated January 2022 as advised by Natural England).
- For condition 30 of reserved matters approval 15/0400 to be updated as part of any grant of the S73 application to refer to and secure the implementation of the measures identified in the updated (January 2022) CEMP which relates specifically to parcel 4.

With these provisions in place, the LPA's obligations as a competent authority under regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) will have been discharged. Moreover, the above provisions ensure that there is no conflict with the requirements of FLPPR policy ENV2 and chapter 15 of the NPPF.

Variation of condition 2:

Condition 2 of reserved matters approval 15/0400 reads as follows:

"Prior to commencement of any works on the site, a Phasing plan for construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline phases of construction on the site including the provision of the equipped play area and public art work. Works on site shall proceed in strict accordance with the Phasing Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate timing and delivery of works on site."

An application to discharge condition 2 (among others) of reserved matters approval was granted on 13.12.18 (reference 18/0243). This approval refers to a phasing plan (drawing no. 4113-15 Rev E) which splits the development into 8 separate phases. It also identifies the trigger points for delivery of internal and off-site infrastructure associated with the development. The phasing programme contained on the approved plan indicates that "the phasing programme is sequential and proposes a development of eight residential main phases working from the Queensway highway frontage progressing southwards. Each residential phase is to be provided with the necessary facilities to support occupation including access linkages, services, infrastructure and amenities".

The sequential build-out approved by the phasing plan for application 18/0243 means that the area of the site located within "phase 3" would need to be developed next once all works within phase 2 are completed. If applied strictly, the sequential approach approved would also prevent any works taking place on subsequent phases in advance of the preceding phase being completed. There are 2 main issues with this current approach as follows:

1. The land within phase 3 is presently in separate ownership to the remainder of the site and so is not currently controlled by Rowland Homes. While Rowland Homes are progressing a scheme for the development of phase 3 with the intention of bringing this forward in the near

future, there is currently a lack of certainty concerning the timescale for the development of phase 3 which means that it is unfeasible to bring this forward sequentially immediately after the works on phase 2 are complete.

2. Ground conditions on the site mean that a significant amount of ground preparation works are required before any buildings can be constructed on the land. This 'lag time' means that groundworks on subsequent phases need to commence well in advance of the completion of the previous phase to avoid an interruption of the build programme between individual phases.

Given the above circumstances, it is considered that the current phasing plan lacks sufficient flexibility to enable the continuous and expeditious build-out of the strategic housing site. The applicant's intention is to address this by replacing the phasing plan approved by condition discharge application 18/0243 with an alternative 'parcel plan'.

The parcel plan retains the 8 individual areas of housing in the same location and quantum (save for reduction in numbers within parcel 4 proposed by this S73 application) shown on the approved phasing plan, but is intended to alter the current phased approach to delivery by:

- Allowing development within each parcel to come forward under a flexible timetable that does not need to follow the numbered sequences shown on the approved phasing plan. In the short term, this will allow development within 'parcel 4' to come forward ahead of that within 'parcel 3'. It will also allow ground preparation works within subsequent parcels to take place in advance of the completion of works on preceding phases.
- Allocating the delivery of specific elements of on-site infrastructure (including roads, on/off site linkages, drainage works, landscaping and open space (including the central play area)) to individual parcels rather than to triggers relating to a set number of dwellings (as per the approach with the approved phasing plan).
- Updating the triggers for the delivery of off-site highway infrastructure (including the interim Queensway junction and a toucan crossing near the junction with Blackpool Road North) to reflect the amended triggers in planning permissions 18/0544 and 18/0546 which prevent the occupation of more than 165 dwellings until the interim Queensway junction (and other associated off-site highway improvements) is completed.

The applicant's proposal to replace the approved phasing plan with the proposed parcel plan will allow a greater degree of flexibility to the build programme which addresses the 2 main constraints with the current phasing plan identified above. In particular, the removal of the sequential approach will avoid any interruption and/or cessation of the build programme while the status of parcel 3 is determined and will also allow lengthy ground preparation works on subsequent parcels to take place in advance of the completion of earlier development parcels.

In practical terms, given the need for certain infrastructure (specifically the routes of internal roads) to be in place to facilitate construction works (and subsequent occupation of the early dwellings within each parcel), it is likely that the development of the site will continue to be delivered in a sequence which runs from northwest (Queensway) to southeast (towards Wildings Lane), albeit that it is the applicant's intention to deliver parcel 4 in advance of parcel 3 (though there would be nothing to prevent the two also being constructed simultaneously under the non-sequential parcel plan approach). This intention is stated on the parcel plan in the same manner that it appears on the approved phasing plan. This is also supported by separate conditions – specifically condition 10 of reserved matters approval 15/0400, which is re-imposed as part of this S73 application – which prevent any vehicular access to the later development parcels being taken from any other external routes outside the site (specifically via Wildings Lane). Accordingly, the only access to the later

development parcels would be through the internal estate roads constructed as part of the Richmond Point development.

The delivery of strategic off-site infrastructure for the development is controlled by a combination of conditions imposed on the extant planning permission and the planning obligation which would be unaffected by the introduction of the parcel plan. It is, however, important that the individual elements of infrastructure shown to fall within each parcel are delivered concurrently with the housing and that all this infrastructure is in place before the latter stages of housing within each parcel is completed. Accordingly, it is recommended that the wording of condition 2 requires the delivery, in full, of all associated infrastructure shown to fall within each development parcel before 90% of the dwellings within that parcel are first occupied.

With the above provisions in place, it is considered that no prejudicial effects would arise from the replacement of the approved phasing plan for the development with the proposed parcel plan. Indeed, the greater flexibility provided by the proposed parcel plan is likely to expedite housing delivery within the site while ensuring a comprehensive, joined-up approach to the master planning of strategic housing site HSS1 in accordance with the objectives of FLPPR policy M1.

Other matters:

Flood risk and drainage:

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

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

Policy SU1 of the SANDP states that “new developments must incorporate sustainable urban drainage systems (SuDS) to reduce the run off of surface water to the maximum stipulated in DEFRA’s Non-Statutory Technical Standards for SuDS unless agreed otherwise with Fylde Council and, where applicable, the Lead Local Flood Authority.

Matters relating to flood risk and drainage have been established by the previous planning permissions and/or require details to be provided through conditions. In the case of parcel 4, however, this part of the site lies within flood zone 1 and so the main issues associated with its development relate to the means by which surface water is to be disposed of. The application is accompanied by an indicative drainage strategy for the site as a whole which shows that surface water is to be conveyed via a network of surface water sewers feeding into a series of on-site swales. Additional attenuation is to be provided by a collection of ponds and below-ground storage tanks within parking courtyards.

Whilst the modifications to parcel 4 do not alter the provision of swales and attenuation ponds, as the parking courtyards will no longer be provided in the same configuration there will be a need for

alternative means of surface water attenuation to be introduced. This is, however, a matter which is dealt with specifically by condition 9 of the latest S73 outline permission (18/0544) and so there is no requirement to provide a detailed drainage strategy for the modified parcel 4 as part of this S73 application. This is reflected in the consultation responses received from the Environment Agency and the Lead Local Flood Authority (LLFA), who have raised no objections to the variation of conditions 1 and 2. The LLFA will, instead, review the drainage strategy for parcel 4 when this is submitted to discharge condition 9 of the outline permission, without prejudice to the outcome of this application.

Objectors have raised concerns regarding an increased risk of flooding arising as a result of the development and a lack of clarity concerning the applicant's approach to the treatment of a drainage ditch which presently runs along the southern boundary of parcel 4. The application has provided a plan which identifies their intention to divert and culvert the existing drainage ditch within parcel 4 and has provided a typical construction detail for this. A separate condition is recommended requiring a scheme for the detailed design of this diverted/culverted watercourse, and any associated land drain, to be submitted to and approved in writing by the LPA in order to ensure that it would not result in an increased risk of flooding either within the site or elsewhere (including adjacent neighbouring dwellings). As the culvert will form part of the wider surface water drainage strategy for parcel 4 and may require land drainage consent from the LLFA, the LLFA would be a statutory consultee for any application to discharge this condition.

Conditions:

All conditions imposed on the outline planning permission (as varied) will remain applicable to this S73 application. Therefore, there is no need to repeat these conditions as part of this proposal which seeks to vary extant reserved matters approval 15/0400 only.

Reserved matters approval 15/0400 was issued on 12.10.17 subject to 31 conditions. With respect to imposing conditions on S73 applications, paragraph 015 (ID 17a-015-20140306) of the "flexible options for planning permissions" chapter to the NPPG advises that:

- "A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect."

In this case, revisions are required to the wording of conditions 1 (approved plans) and 2 (phasing plan) to incorporate the changes applied for by this S73 application. In particular, several of the plans referred to in condition 1 of 15/0400 have been updated as part of this S73 application and others which show the changes within parcel 4 need to be added to the list of approved plans. The other drawings which show the development's layout within the remaining 7 parcels have been retained in the list. The wording of condition 2 has been updated to refer to the specific details shown on the parcel plan which is to replace the phasing plan granted by condition discharge application 18/0243.

An application for approval of details reserved by conditions 2, 3, 4, 7, 8, 12, 13, 14, 15, 16, 19, 22, 24, 25, 28 and 31 of reserved matters approval 15/0400 was granted on 13.12.18 (application reference 18/0243). An informative note at the start of the decision notice for 18/0243 makes clear that the responses in respect of all but conditions 2, 16, 19 and 31 – which relate to the development as a whole – "are applicable only in respect of the 40 dwellings contained within phase 1 of the development which are to be constructed pursuant to reserved matters approval 15/0400". The decision notice for 18/0243 subsequently identifies that "additional, separate applications to discharge the relevant conditions [nos. 3, 4, 7, 8, 12, 13, 14, 15, 22, 24, 25 and 28] will be required for each of the remaining 7 phases of development".

The implications of approval of details reserved by condition application 18/0243 for this S73 application are threefold:

1. Application 18/0243 has discharged conditions 2 (phasing plan), 16 (arboricultural method statement), 19 (control of noise, dust and vibration) and 31 (ecological mitigation) for the whole of the site (i.e. all 8 phases of the development approved by 15/0400, save that condition 16 related only to the land within parcels 1, 3 and 4). Accordingly, the wording of these conditions has been updated to cross reference the details approved by application 18/0243 (with the exception of condition 2 which is to be amended by this S73 application).
2. As phase 1 of the development is complete and phase 2 is at an advanced stage, these phases are being constructed pursuant to reserved matters approval 15/0400, which will remain intact and unaltered by any permission granted by this S73 application. Accordingly, phases 1 and 2 remain subject to the conditions imposed by reserved matters approval 15/0400. In contrast, the remaining phases of the development could be constructed pursuant to either 15/0400 or any permission granted by this S73 application. Therefore, the triggers in those conditions of 15/0400 which need to be re-imposed have been amended to refer specifically to “parcels 3-8 inclusive”. The wording of the conditions has also been updated to replace reference to “phase” with “parcel” given the replacement of the phasing plan approved by 18/0243 with the parcel plan.
3. As some of the details required by conditions imposed on reserved matters approval 15/0400 have been provided for parcel 4 as part of the S73 application – specifically those relating to conditions 7 (boundary treatments) and 8 (soft landscaping) – additional conditions have been imposed which require the development of parcel 4 to be carried out in accordance with the details provided up front with the application, notwithstanding the requirements of those original conditions.

The wording of the conditions recommended in the resolution below has been updated to reflect the above. In addition, further conditions have been imposed which carry specific requirements in relation to the development of parcel 4 as shown within this S73 application. As this S73 application is to be assessed against the provisions of the current development plan (and NPPF), the reasons for imposing each condition have also been updated to refer to the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the 2021 version of the National Planning Policy Framework.

Conclusions

The application relates to the Richmond Point development located on the east side of the B5261 (Queensway), Lytham St Annes. The site – reference HSS1 on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map – has extant permissions for a residential development of 948 dwellings pursuant to planning permissions 08/0058 and 17/0862 (with those permissions having been varied most recently by S73 applications 18/0544 and 18/0546), and reserved matters approval 15/0400. Approximately 106 of the dwellings approved by those permissions have now been constructed.

In April 2021, the majority of the site was acquired by Rowland Homes from Kensington Developments. This application is submitted under S73 of the Town and Country Planning Act 1990 and seeks to vary conditions 1 and 2 of reserved matters approval 15/0400 to: (i) alter the appearance, landscaping, layout and scale of the residential development approved on parcel 4 of the site in order to substitute Kensington’s approved house types with Rowland Homes’ house types, including a 50-unit reduction in the number of dwellings within that parcel; and (ii) replace the phasing plan referred

to in condition 2 with an alternative 'parcel plan' setting out the infrastructure requirements for each individual parcel of the development, together with other off-site infrastructure.

Despite reducing the number of dwellings to be constructed within parcel 4 (and, in turn, the development as a whole), the proposed modifications to reserved matters approval 15/0400 would not prejudice the Council's housing land supply position due to the fall in the Council's minimum plan period housing target arising from the recent adoption of the Fylde Local Plan to 2032 (incorporating Partial Review). Moreover, the reduced number and density of dwellings proposed within parcel 4 would result in modifications to the development's appearance, landscaping, layout and scale which, taken together, would enhance the scheme's design and provide a less intensive form of development in comparison to the fallback position provided by extant reserved matters approval 15/0400, while continuing to follow the established principles of that approval. The substitution of house types proposed within parcel 4 would increase the variety and mix of housing across the development in a manner which integrates sympathetically with the character and appearance of the area and achieves a high standard of amenity for existing and future occupiers.

The modifications to parcel 4 would deliver an internal highway layout which ensures a safe and suitable means of access and circulation for all users and adequate parking provision for future occupiers of the development. Appropriate provisions would be made for the creation of linkages to other parcels within the development to ensure a comprehensive, master planned approach to the delivery of the strategic housing site and there would be no unacceptable impacts on highway safety or residual, cumulative effects on network capacity arising as a result of the proposed amendments. As demonstrated through the addendum Environmental Statement, the changes to parcel 4 would have no greater environmental effects in comparison to the extant planning permissions which require the provision of additional mitigation above and beyond that already implemented for the development as a whole for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Moreover, as evidenced by Habitat Regulations Assessment, with this mitigation already in place, there would be no additional impacts on the integrity of the Ribble and Alt Estuaries Ramsar, SPA and SSSI for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).

The proposed variation of the phasing plan (condition 2 of 15/0400) would ensure that the development continues to deliver the required on and off site infrastructure to mitigate its effects while affording a greater level of flexibility to the build programme which would expedite the delivery of housing across the site. Appropriate conditions can be imposed, and amendments made to the extant planning obligation, to ensure that the development continues to deliver the requirements of the extant planning permissions, along with additional conditions to ensure that measures are introduced as part of the modified development within parcel 4 to achieve compliance with the objectives of the relevant policies of the development plan and the National Planning Policy Framework.

Accordingly, the proposal is considered to represent sustainable development which accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the St Annes on the Sea Neighbourhood Development Plan and the National Planning Policy Framework.

Recommendation

That authority be delegated to the Head of Planning to GRANT planning permission subject to:

- i. The Council's approval of an application made under Section 106A of the Town and Country Planning Act 1990 which provides for modifications to: a) the definitions of "Phase 2" and

“Phase 3”; b) the trigger in Paragraph 14B of Schedule 2; and c) the dwelling numbers in Paragraphs 18-10-18.12 (inclusive) of Schedule 2 contained in the Unilateral Undertaking dated 09.01.12 (as amended) which reduce the dwelling numbers referred to in those parts of the obligation in order that the triggers within the obligation continue to be met despite the reduction in dwelling numbers arising from the development to be granted by the S73 application.

- ii. The local planning authority adopting the document titled “Habitat Regulations Assessment Update 2021” prepared by ‘The Environment Partnership’ (TEP) – document reference 8862.001, dated January 2022 (including the updated Construction Environmental Management Plan dated January 2022 (document reference 8862.005v3) – as part of its decision in order to discharge the obligations contained in regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).
- iii. The receipt and consideration of any comments made by St Annes on the Sea Town Council concerning the amended plans which were notified to them on 16 September 2022; and
- iv. The following conditions (including any amendment to the wording of these conditions or additional conditions that the Head of Planning considers necessary to make otherwise unacceptable development acceptable):

Suggested Conditions

1. This approval relates to the following plans:

Parcel Plan – drawing number R108-1-PP Rev F
Masterplan – drawing number R108/1 Rev E
Storey Heights Plan – drawing number R108-1-SHP Rev B
Landscape Masterplan 4113.01 (July 2017)
Site Area B – drawing number 1844.L.02 Rev F
Site Area C – drawing number 1844.L.03 Rev C
Planning Layout Parcel 4 – drawing number R108/1-4 Rev D
Landscape Proposals (Parcel 4) – drawing number 4178/PH4/01 Rev D
Fencing Layout Parcel 4 – drawing number R108/2-4 Rev C
Fencing Layout Parcel 4 Rear of The Croft – drawing number R108/2-4-1
Site Area E – drawing number 1844.L.05 Rev C
Site Area G – drawing number 1844.L.06 Rev D
Site Area H – drawing number 1844.L.07 Rev C
Site Area J – drawing number 1844.L.08 Rev H
Site Area K – drawing number 184.L.09 Rev D

Adlington House type – drawing number HT187/P/1
Arley House type – drawing number HT186/P/1
Ashgate II House type – drawing number HT138/P/20
Atlanta House type – drawing number 1844.H.18
Austin House type – drawing number 1844.H.04
Baltimore House type – drawing number 1844.H.17
Belgrave House type – drawing number HT146/P/116 Rev B
Bonnington House type (floor plans) – drawing number HT147/P/110-11

Bonnington House type (elevations) – drawing number HT147/P/112-12
 Bowes House type – drawing number HT104/P/11 Rev D
 Brampton House type – drawing number 1844.H.02
 Brampton A House type – drawing number 1844.H.08
 Brantwood II House type – drawing number HT167/P/4 Rev A
 Bressingham Semi House type – drawing number HT182/P/2
 Bridewell/Bressingham Semi House type (floor plans) – drawing number HT181-182/P/1 Rev B
 Bridewell/Bressingham Semi House type (elevations) – drawing number HT181-182/P/2 Rev C
 Bridewell House type – drawing number HT181/P/1 Rev A
 Bridgeport House type – drawing number 1844.H.05
 Buckingham House type – drawing number 1844.H.38
 Burlington House type – drawing number HT105/P/117 Rev B
 Camden & Greenwich House type – drawing number 1844.H.01
 Charleston House type – drawing number 1844.H.09
 Charleston II House type – drawing number HT166/P/119
 Charleston B House type – drawing number 1844.H.10
 Charleston C House type – drawing number 1844.H.11
 Charleston D House type – drawing number 1844.H.12
 Charleston E House type – drawing number 1844.H.13
 Charleston F House type – drawing number 1844.H.14
 Delaware House type – drawing number 1844.H.44
 Denver House type – drawing number 1844.H.19 Rev A
 Denver A House type – drawing number 1844.H.20 Rev A
 Denver B House type Floor Plan – drawing number 1844.H.35 Rev B
 Denver C House type Floor Plan – drawing number 1844.H.43 Rev C
 Floridian House type Floor Plan – drawing number 1844.H.45
 Floridian House type Elevation – drawing number 1844.H.46
 Gladstone House type (OPP) – drawing number HT165(H)/P/6
 Grosvenor House type – drawing number 1844.H.21
 Grosvenor B House type – drawing number 1844.H.22
 Haworth House type (floor plans) – drawing number H193/P/03
 Haworth House type (elevations) – drawing number H193/P/02
 Houston House type – drawing number 1844.H.23
 Houston B House type – drawing number 1844.H.24
 Kingswood House type (floor plans) – drawing number HT174/P/1
 Kingswood House type (elevations) – drawing number HT174/P/2
 Louisiana House type – drawing number 1844.H.29
 Lowry House type (end) – drawing number HT164/P/5
 Lowry House type (mid) – drawing number HT164/P/6
 Lowry House type (3 block floor plans) – drawing number SD.233 Rev B
 Lowry House type (3 block elevations) – drawing number SD.234
 Lincoln House type – drawing number 1844.H.25
 Lincoln B House type – drawing number 1844.H.26
 Lincoln C House type – drawing number 1844.H.27
 Lincoln D House type – drawing number 1844.H.28
 Mayfair House type – drawing number 1844.H.30
 Mayfair B House type – drawing number 1844.H.31
 Mayfair C House type – drawing number 1844.H.32
 Montana House type – drawing number 1844.H.47
 Nebraska House type – drawing number 1844.H.48 Rev A
 Newark House type – drawing number 1844.H.33

Ohio House type – drawing number 1844.H.15
 Portland House type – drawing number 1844.H.34
 Regency House type – drawing number HT142/P/01 Rev B
 Renishaw House type – drawing number HT149/P/300 Rev C
 Reynold House type (floor plans) – drawing number HT130/P/110 Rev D
 Reynold House type (elevations) – drawing number HT130/P/114 Rev B
 Rockford House type – drawing number 1844.H.16
 Springfield House type – drawing number 1844.H.40
 Tabley House type – drawing number HT185/P/1
 Tennessee A House type – drawing number 1844.H.36
 Tennessee B House type – drawing number 1844.H.37
 Townley House type – drawing number HT168/P/103
 Trenton House type – drawing number 1844.H.39
 Wallingford House type – drawing number HT140/P/102
 Yale House type – drawing number 1844.H.03

Apartments I Plot C Elevation & Floor Plan – drawing number 1844.A.01 Rev A
 Apartments II Plot C Elevation – drawing number 1844.A.02
 Apartments II Plot C Floor Plan – drawing number 1844.A.03 Rev A
 Rennes Apartment Block Ground Floor Plan – drawing number R108/HT14/P/1
 Rennes Apartment Block First Floor Plan – drawing number R108/HT14/P/2
 Rennes Apartment Block Second Floor Plan – drawing number R108/HT14/P/3
 Rennes Apartment Block Front & Side Elevation – drawing number R108/HT14/P/4
 Rennes Apartment Block Rear & Side Elevation – drawing number R108/HT14/P/5
 Apartments IV, IX Plot E & H Elevation – drawing number 1844.A.06
 Apartments IV, IX Plot E & H Floor Plan – drawing number 1844.A.07 Rev A
 Apartments V, Vi, VII Plot G Elevations – drawing number 1844.A.08
 Apartments V, Vi, VII Plot G Floor Plan – drawing number 1844.A.09 Rev A
 Apartments VIII Plot G Elevations – drawing number 1844.A.10
 Apartments VIII Plot G Floor Plan – drawing number 1844.A.11 Rev A
 Apartment XIII Plot H Elevation – drawing number 1844.A.18
 Apartment XIII Plot H Floor Plan – drawing number 1844.A.19 Rev O
 Apartment XIV Plot K Elevation – drawing number 1844.A.20
 Apartment XIV Plot K Floor Plan – drawing number 1844.A.21 Rev O
 Garages – drawing number 1844.H.41 Rev A
 Double Detached Garage – drawing number P/DG/1 Rev B
 Single Detached Garage – drawing number P/SG/1 Rev B

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

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

2. All elements of supporting on-site infrastructure (including all estate roads and footways, private drives, vehicle/pedestrian/cycle linkages with other development parcels and/or land outside the site, areas of open space, play areas and landscaping) falling within each individual parcel of the development identified (through numbering and colour coding) on drawing no.

R108-1-PP Rev F shall be completed and made available for use before 90% of the dwellings within that parcel are occupied.

All elements of supporting off-site infrastructure shown on drawing no. R108-1-PP Rev F shall be completed and made available for use in accordance with the triggers and timescales identified on the approved plan.

Reason: In order that the on and off-site infrastructure required to support and/or mitigate the development's impact is put in place concurrently with each parcel of housing and/or the triggers established by the extant planning permissions in the interests of ensuring a comprehensive, master planned approach to the development of the strategic housing site in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1, GD7, T4, ENV1 and ENV4.

3. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until details of finished floor levels and external ground levels for each plot within the relevant parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and CL2 and the National Planning Policy Framework.

4. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until details of the external roofing and facing treatments for all dwellings within the relevant parcel have been submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development of that parcel, unless otherwise agreed in writing with the Local Planning Authority.

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

5. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) involving the construction of an apartment block shall take place until a scheme for the design of the external bin stores associated with each apartment block within that parcel has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting and appearance of the external bin stores. The approved scheme shall be implemented and made available for use prior to first occupation of the relevant apartment block within that parcel and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the storage of refuse and recycling receptacles in the interests of the amenity of future occupiers and to achieve an appropriate

appearance for these storage facilities in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until details of the bridge structures and other ancillary buildings/structures within that parcel have been submitted to and approved in writing by the Local Planning Authority. The works within that parcel shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for bridge structures, and other ancillary buildings/structures within each development parcel in the interests of visual amenity in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until a scheme detailing the precise location, size and appearance of all boundary treatments, including the planting schedule for any hedge planting has been submitted to and approved in writing by the Local Planning Authority. The development of the relevant parcel shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests of the security of future occupiers, to achieve clear demarcation of public and private areas and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

8. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until a detailed soft and hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted soft landscaping scheme shall include details of private and public landscape areas, including the planting of trees, shrubs and grassed areas. The details of hard landscaping shall include the surfacing of roads and driveways. The duly approved soft and hard landscaping shall be carried out in accordance with the timescale identified in condition 2 of this approval and the areas which are soft landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

9. Prior to commencement of any works associated with the equipped play area located within parcel 5 (the area of which is identified on drawing no. R108-1-PP Rev F), details of the

equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The equipped play area shall be implemented in accordance with the duly approved details and provided in accordance with the timescale identified in condition 2 of this approval. Following implementation, the equipped play area will be available for public use at all times.

Reason: To ensure appropriate provision and delivery of equipped play for the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV4, and the National Planning Policy Framework.

10. There shall be no vehicular access, whether for construction purposes or otherwise, from any aspect of the development to or from Wildings Lane.

Prior to commencement of the development hereby approved, Wildings Lane shall be closed to vehicular traffic in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The closure shall be carried out in conjunction with the provision of any road infrastructure, whether temporary or permanent, resultant from any works within the site, unless the express consent to vary the scheme has first been obtained from the Local Planning Authority.

Reason: To ensure a safe and suitable means of access to the development in the interests of highway safety and amenity in accordance with policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

11. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) involving the provision of public art shall take place until a scheme for the provision of public art within that parcel has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the location and detailed design of the public art feature(s). The duly approved scheme shall be implemented prior to the last dwelling within the relevant parcel being occupied and shall be retained as such thereafter.

Reason: In the interests of visual amenity and to ensure an appropriate appearance for public art within the development in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

12. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

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

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

Reason: To ensure that the development does not have a harmful impact on the operation of the St Annes radar station in the interests of aviation safety and in order that the development

does not prejudice the operation of any existing aerodrome in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies DLF1 and T3, and the National Planning Policy Framework.

13. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until a scheme of street lighting design has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of visual amenity and highway safety, and to ensure an appropriate appearance for street lighting within the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

14. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until details of the on-going maintenance of the communal areas of public open space/amenity landscaping, and equipped play area (where relevant) within each associated parcel have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that appropriate measures are put in place for the ongoing management maintenance of areas of public open space, amenity landscaping and play areas in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV4.

15. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until a scheme to protect retained trees and hedgerow within that parcel during the construction period has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. 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 maintained as such during the entirety of the construction period within that parcel.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

16. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all development within parcel 3 (the area of which is identified on drawing no. R108-1-PP Rev F) shall be carried out in accordance with the tree protection measures contained within the Arboricultural Method Statement permitted by approval of details reserved by condition application reference 18/0243.

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all development within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) shall be carried out in accordance with the tree protection measures

contained within the document titled "Arboricultural Impact Assessment" by 'The Environment Partnership' dated February 2022 (report reference 8862.01.001 – Version 1.0).

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

17. Other than those specimens identified within the Arboricultural Method Statement and Arboricultural Impact Assessment referred to in condition 16 of this approval and those identified on drawing no. 4178/PARCEL4/TREE WORKS/01 Rev A within parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) there shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees on the site which are to be retained as part of the development and to ensure satisfactory landscaping of the site in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

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

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

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

19. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the scheme for the control of noise, vibration and dust during the construction period permitted by approval of details reserved by condition application reference 18/0243 shall be adhered to throughout the construction process.

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

20. All garages within the development hereby approved shall be made available for use prior to the occupation of each associated dwelling and be retained to allow for the parking of a private car thereafter.

Reason: To ensure provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

21. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development parcel.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate, and to prevent a flood risk during the construction of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2.

22. No residential development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until an estate street phasing and completion plan for each associated parcel has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each parcel of the development will be completed to. The development shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure an appropriate phased completion of the estate streets concurrently with the delivery of housing within each parcel in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

23. No dwelling on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall be occupied until the estate street(s) affording access to the dwelling(s) within the relevant parcel have been completed in accordance with the estate street phasing and completion plan required by condition 22 of this approval.

Reason: To ensure an appropriate phased completion of the estate streets concurrently with the delivery of housing within each parcel in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

24. No dwelling on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the relevant parcel have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

25. No residential development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption within the relevant parcel have been submitted to and approved in writing by the local planning authority. The development shall

thereafter be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory standard of engineering works for estate roads in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

26. Prior to occupation of each dwelling, its associated private car parking and manoeuvring areas shall be constructed in accordance with the details shown on the approved plans and permanently maintained thereafter.

Reason: To ensure adequate provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

27. Prior to occupation of the associated dwelling(s), the communal car parking and manoeuvring areas serving those dwelling(s) shall be constructed in accordance with the details shown on the approved plans and permanently maintained thereafter for communal use only. No spaces shall be reserved for individual premises/dwellings.

Reason: To ensure adequate provision and retention of required parking within the development in the interests of highway safety and amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, St Annes on the Sea Neighbourhood Development Plan policy TR3 and the National Planning Policy Framework.

28. Notwithstanding any details shown on the approved plans and the requirements of condition 1 of this approval, no development on parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F) shall take place until a scheme detailing provision of cycling facilities within the relevant parcel has been submitted to and approved in writing by the Local Planning Authority. The cycling facilities shall be provided in accordance with the duly approved scheme before occupation of the associated dwelling(s) to be served by those cycling facilities and permanently maintained thereafter.

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

29. Within development parcels 3-8 inclusive (the areas of which are identified on drawing no. R108-1-PP Rev F), the new estate roads for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development on parcels 3-8 inclusive takes place (excluding pre loading, piling and infrastructure works) and shall be further extended before any development commences fronting the new access road.

Reason: To ensure that a safe and suitable means of access is provided to the site and construction areas before the development becomes operative in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

30. Unless permission to vary this condition is formally approved in writing by the local planning authority, the development hereby approved shall be carried out in full accordance with the approved drawings and the following supporting documents:

Habitats Regulation Assessment (July 2017).

Habitat Regulations Assessment Update 2021 (January 2022) – document reference 8862.001.

Annual Habitat Condition Report (TEP ref: 4996.030).

Winter Bird Survey Report (2016/17) (TEP ref: 4789.032).

Construction Ecological Management Plan (June 2015) (TEP ref: 4996.006).

Construction Environmental Management Plan (January 2022) for Parcel 4 – document reference 8862.005v3

Farmland Conservation Area Management Plan (May 2017)(TEP ref : 3552.018)

Reason: To ensure that appropriate measures are put in place to mitigate the development's potential effects on designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

31. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the scheme of remediation to ensure that the scrapes (built to attract whooper swans) fill with water during dry winters shall be implemented in accordance with the details and timescales permitted by approval of details reserved by condition application reference 18/0243. The duly implemented remediation scheme shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to mitigate the development's potential effects on designated nature conservation sites, habitats and species of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

32. Notwithstanding the requirements of condition 7 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot on parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. R108/2-4 Rev C, R108/2-4-1, SD.1 Rev A and S.D.46 Rev A before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable appearance in the street scene in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

33. Notwithstanding the requirements of condition 8 of this approval, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for parcel 4 (the area of which is identified on drawing no. R108-1-PP Rev F) shown on drawing no. 4178/PH4/01 Rev D shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings hereby approved, after the dwelling on each associated plot is first occupied; and ii) in the case of

landscaping on all the other areas of the site located outside the curtilages of the dwellings, in accordance with the timescale identified in condition 2 of this approval. The areas in ii) which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details for the on-going maintenance of communal areas of amenity landscaping required by condition 14 of this approval. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

34. No development involving the diversion and/or culverting of the section of the unnamed ordinary watercourse located along the eastern and southern boundaries of parcel 4, the proposed route of which is identified on drawing no. 30511/450 Rev B, shall take place until the following details of the diverted/culverted watercourse have first been submitted to and approved in writing by the Local Planning Authority:

- a) Its dimensions, cross-sectional area and capacity, including a comparison with the dimensions, cross-sectional area and capacity of the existing watercourse.
- b) Its gradient and any alterations to the existing levels of the watercourse and its banks.
- c) The size and design of headwalls where the culverted section meets the open channel of the watercourse.
- d) Measures to restrict surface water discharge rates into the diverted/culverted watercourse so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event will not exceed the peak greenfield runoff rate for the same event.
- e) The detailed design of any associated land drain to be provided along the route of the diverted/culverted watercourse, including details of the layout, size (both above and below ground), type, materials, composition and finished levels (including its relationship with surrounding ground levels both within and outside the site) of the land drain and its associated infrastructure (including all pipework).
- f) A strategy for the future management and maintenance of the diverted/culverted watercourse and any associated land drain for the lifetime of the development.

The diversion and/or culverting of the watercourse and provision of any associated land drain shall thereafter be carried out in accordance with the duly approved details before any of the dwellings on plots 304-320 (inclusive), 323-333 (inclusive) and 363-374 (inclusive) are first occupied, and its infrastructure shall be maintained as such thereafter.

Reason: To ensure an appropriate design for the culverted/diverted section of the watercourse and any associated land drain in order that works associated with the culverting/diversion of the existing ordinary watercourse do not result in the development being at unacceptable risk of flooding and do not increase flood risk elsewhere in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

35. Notwithstanding any details shown on the approved plans and the requirements of conditions 1 and 2 of this approval, in the event that the developer of parcel 4 does not gain control, through

ownership, of the whole of the land contained within parcel 3 (the areas of parcels 3 and 4 are identified on drawing no. R108-1-PP Rev F) before any development associated with the construction of the dwellings on plots 296-311 (inclusive) takes place, then the stretch of the estate road to the southwest corner of parcel 4 which is to provide the means of access for the dwellings on those plots shall be laid out in full accordance with the details shown on drawing no. R108/1-4-1 Rev B – including the provision of the hammerhead turning area in place of the dwellings on plots 302-305 (inclusive) and the construction of the carriageway and footways of the estate road up to the shared ownership boundary with parcel 3 – before any of the dwellings on plots 296-301 and 306-311 (inclusive) are first occupied.

In the event that the developer of parcel 4 does gain control, through ownership, of the whole of the land contained within parcel 3 (the areas of parcels 3 and 4 are identified on drawing no. R108-1-PP Rev F) before any development associated with the construction of the dwellings on plots 296-311 (inclusive) takes place, then: i) the developer shall provide the Local Planning Authority with satisfactory evidence to demonstrate the gaining of that control through the provision of their title to the land or other suitable records which provide proof of ownership; and ii) the stretch of the estate road to the southwest corner of parcel 4 which is to provide the means of access for the dwellings on plots 296-311 (inclusive) shall be laid out in accordance with the details shown on drawing no. R108/1-4 Rev D.

Reason: At present the developer (and owner) of parcel 4 does not have control of the land contained within parcel 3. Accordingly, the developer of parcel 4 is currently unable to provide a continuous highway connection between parcels 3 and 4. If this remains the case, the absence of a through route between parcels 3 and 4 will necessitate the provision of a turning head and a contiguous highway connection to the southwest corner of parcel 4 where it meets the shared ownership boundary with parcel 3. The provision of this contiguous highway connection, and the subsequent access link this will provide between parcels 3 and 4 (and between parcel 3 and the remainder of the development beyond), is a key component of the access and movement strategy for the approved development which must be maintained to ensure the delivery of a comprehensive, joined-up and master planned approach to the development of strategic housing site HSS1 and to avoid individual development parcels being isolated from each other. The condition is required to ensure that, in the event that the developer of parcel 4 is unable to gain control of the necessary land within parcel 3 to deliver the continuous highway connection and through route between those parcels shown on the approved plans listed in condition 1, an appropriate alternative highway layout on this part of site is delivered which provides both a safe and suitable means of access and circulation for highway users within parcel 4 and avoids the creation of a ransom strip between parcels 3 and 4 which would prevent the creation of a continuous highway connection between parcels 3 and 4 in the future. The condition is needed in the interests of highway safety and to ensure that a comprehensive, master planned approach is taken to the development of strategic housing site HSS1 in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies M1 and GD7, and the National Planning Policy Framework.

Informative(s)

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

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of

the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Wording of conditions 3-8 (inclusive), 11-15 (inclusive), 22-25 (inclusive) and 28-29 (inclusive):

The conditions referred to above require details to be provided and/or compliance with actions for "parcels 3-8 inclusive". The relevant conditions are worded in this way because development on parcels 1 and 2 has already commenced and is being carried out pursuant to reserved matters approval 15/0400 (and the associated outline permission(s)). As parcels 1 and 2 of the development have been implemented pursuant to reserved matters approval 15/0400, and so are subject to the conditions imposed on that approval (which remains intact and unaltered by this decision), the abovementioned conditions do not include reference to the development which has taken place and/or is taking place on parcels 1 and 2 because those aspects of the development have been implemented pursuant to a different approval of reserved matters. The applicant is, therefore, advised that the requirements of all conditions imposed on reserved matters approval 15/0400 continue to apply to the parts of the development located within parcels 1 and 2, except where these have already been discharged by approval of details reserved by condition application 18/0243. In particular, any conditions imposed on reserved matters approval 15/0400 which have not yet been discharged in respect of the development on parcels 1 and 2 continue to have effect and it is not the case, nor should it be construed, that the reference to "parcels 3-8 inclusive" in the wording of the conditions referred to above prevents the need for the relevant conditions attached to reserved matters approval 15/0400 to be complied with on parcels 1 and 2 (or any subsequent parcels which the developer may choose to implement pursuant to that approval, rather than this decision).

3. Adoption of Habitat Regulations Assessment:

In issuing this decision the local planning authority has had regard to the documents titled "Habitat Regulations Assessment Update 2021" (dated January 2022, reference 8862.001) and "Construction Environmental Management Plan" (dated January 2022, reference 8862.005v3) prepared by 'The Environment Partnership' and the comments from Natural England in their letter dated 30.03.22 (but received on 25.08.22) confirming that they are in agreement with the conclusions in the Habitat Regulations Assessment that, with appropriate mitigation in place (as is secured through planning conditions and/or obligations) the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment (including the updated version of the Construction Environmental Management Plan which forms part of that assessment) by 'The Environment Partnership' as part of its decision.

4. Land Drainage Consent for culverting of ordinary watercourses:

The applicant is reminded that, under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), they need consent from the Lead Local Flood Authority to build a culvert or structure (such as a weir or outfall) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the Lead Local Flood Authority will expect the applicant to:

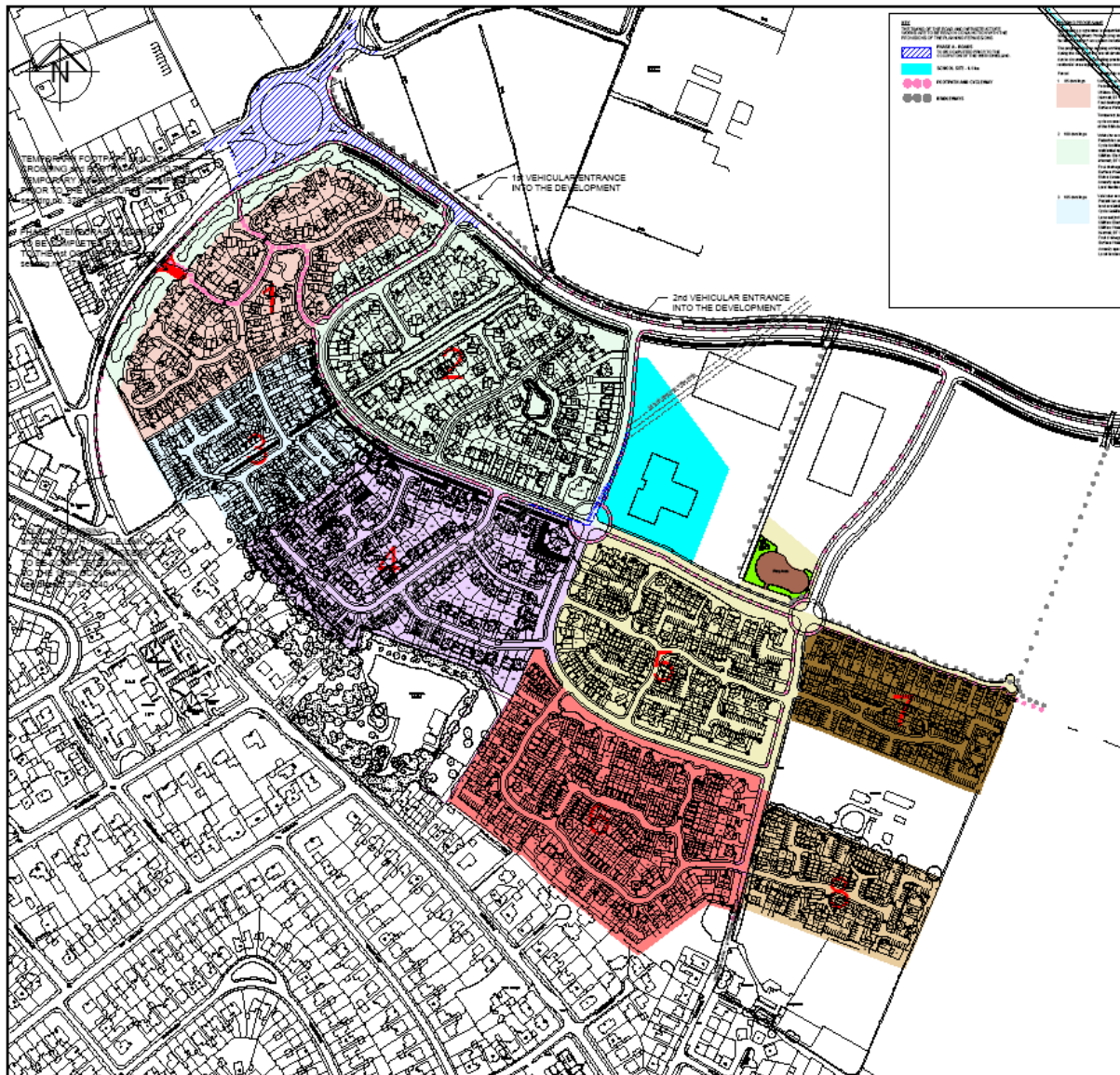
- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict surface water discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Council's Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent to applications that seek to culvert an existing ordinary watercourse. This is in line with Environment Agency's guidance on protecting watercourses.

The applicant should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. The applicant must obtain Ordinary Watercourse Consent from Lancashire County Council before starting any works on site.

Location Plan for 21/1143



Item 2

Application No:	22/0311	Case Officer:	Beth Winstanley Area Team 1
Applicant:	FAIRHAVEN LAWN TENNIS CLUB	Agent:	FAIRHAVEN LAWN TENNIS CLUB
Location:	TENNIS PAVILION FAIRHAVEN LAKE AND GARDENS INNER PROMENADE LYTHAM ST ANNES		
Proposal:	RETROSPECTIVE APPLICATION FOR REPLACEMENT OF FELTED ROOF TO CLUBHOUSE BUILDING WITH BOX-PROFILE STEEL		
Ward:	Fairhaven	Parish:	None
Statutory Expiry:	23 September 2022	Earliest Decision:	19 August 2022
Reason for any delay:	Need to determine at Committee due to scale or nature of application	Online application file here	

Summary of Officer Recommendation: Grant

Report Summary

The application relates to the Club House of Fairhaven Tennis Club, which is situated within Fairhaven Lake Gardens. The building is located around 50m from the site boundary with Inner Promenade, and is set below the ground levels of the road side. The Club House provides a small space for club members to use when they are using the tennis facilities.

The application relates to retrospective permission for the installation of a replacement roof of the club house. The original roof was completed with felt, however due to its deteriorating it needed replacement, and this has been undertaken with a box profile steel sheet covering which is blue in colour. As this is a materially different appearance to the previous roof covering the works require planning permission. .

Any works to keep the clubhouse building in a good state of repair and maintenance are to be welcomed in principle as they will help an existing outdoor sporting organisation to continue operating. In this respect the proposal complies with Policy HW3 of the Fylde Local Plan to 2032 (Incorporating Partial Review) which supports outdoor sport uses.

The key assessment with this application though is the nature of the material used in the development, and its potential impact on the character of the area. In this respect the roof has been fitted with a box profile steel which has a dark blue tone to it. This is more noticeable when viewed in the wider context of the site as the majority of other roofs are felt or other dark materials, with the elevated vantage point of Inner Promenade accentuating that visibility.

However, the building is modest in size and is well set back from Inner Promenade. These ensure that the actual visual impact of the works are limited. The building sits in a context of a range of building designs, and other land uses that are visible from Inner Promenade including the boat store, the tennis courts themselves, the other pavilions, the golf facility and the children's play area. These ensure that there are a range of materials and designs prevalent, and this scheme is acceptable in that context. It is not considered that it unduly detracts from the character of the area in a wider sense, or the Fairhaven Lake and Gardens.

Whilst the roof will be visible from some elements of the dwellings that face the Fairhaven site across Inner Promenade, these are located over 70m distant where the impact of the building will be limited, and certainly does not have any undue impact on neighbouring amenity.

As such, the works are considered to accord with Policy GD7 of the Fylde Local Plan to 2032 (incorporating partial Review) and so the is recommended for approval.

Reason for Decision Level

The application site is within the wider Fairhaven Lake Gardens site which is owned by Fylde Council. As the council is therefore the landowner the scheme of delegation requires that the decision on this application is made by the Planning Committee.

Site Description and Location

The application relates to a small pavilion style building located adjacent the tennis courts at Fairhaven Lake Gardens. It serves as the clubhouse for the Fairhaven Tennis Club, and so is a modestly proportioned building. It is situated around 50m from the roadside of Inner Promenade, and is located next to a carparking area for tennis club users.

The site is located within the settlement of Lytham St Annes, as defined under Policy GD1 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Details of Proposal

Retrospective planning permission is sought for the replacement of the previous felted finish to the roof with a covering of box profile steel sheeting which is blue in colour. This extends over the whole of the roof of the building which is 12.8m in length and 6.4m in width. The works have not increased the extent of height of the building and were completed earlier in summer 2022.

Relevant Planning/Appeal History

Whilst there is a considerable planning history associated with Fairhaven Lake and its Gardens, there is no history directly relating to this building.

Parish/Town Council Observations

The application site is not in a parished area and so there are no comments to report.

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

Neighbour Observations

Neighbours notified:	29 July 2022	
Site Notice Date:	9 August 2022	
Number of Responses	Total number of comments	1

Summary of Comments

A letter has been received from a neighbour to the site who raises queries over the colour used to paint the refurbished tennis courts in 2021, and the retrospective nature of this application.

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries Lytham St Annes)

ENV3P - Parks and Gardens

EC6 - Leisure, Cultural and Tourism Development

HW3 - Protection and Provision of Indoor and Outdoor Sports Facilities

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis**Principle**

The application is a retrospective roof change to an existing sports facility club house. Fairhaven tennis club is an existing sports club with the club house being at the centre of the organisation. The change in roof was due to the original roof being unfit for purpose, creating leaks and an unsafe environment. The new roof has allowed the sports club to continue to run and provide an appropriate club house for its members. The works have only enhanced the facilities of the tennis club, and have not removed or changed any aspect of the club. Therefore this allows the proposal to comply with policy HW3 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Design and Appearance in Streetscene

The application building is separated from the road (Inner Promenade) by approx. 50m and is set at lower ground. This ensures that whilst the building is visible in that streetscene, it is not prominently so and does not in any way dominate the area.

The box profile steel sheeting has a dark blue tone to it which is more noticeable when viewed in the wider context of the site than other buildings as the majority of other roofs are felt or other dark materials. The elevated vantage point of Inner Promenade accentuating that visibility. However, the building is modest in size and is well set back from Inner Promenade. These ensures that the actual visual impact of the works are limited.

The Fairhaven lake complex has undergone a number of changes over recent years in order to improve facilities and create additional attractions for tourists. Next to the application site is a mini-golf site which has been recently completed with a number of materials and displays to attract users. There are also a number of green fences surrounding different parts of the area which sit over 2m in height. There are a range of other buildings, a children's play area and the tennis courts themselves. Overall these provide a range of materials and designs, and this scheme is acceptable in that context. It is not considered that it unduly detracts from the character of the area in a wider sense, or the Fairhaven Lake and Gardens.

The building has not been extended in size or height in order to fit the roof, and the walls have remained rendered. The building still sits appropriately within its setting and has a sympathetic relationship to its surrounding environment. As such, the proposal complies with criteria d), f), h) and i) of Policy GD7 of the Fylde Local Plan to 2032.

Impacts on Surrounding neighbours

The building is set within the Fairhaven Lake complex, and is around 70m from the nearest dwelling which is on the opposite side of inner Promenade. The building is set at a lower land level to this and the other dwellings. As it is single storey and at a lower level the building will not create any impacts in regards to loss of light, or overshadowing in to any window at the properties. The coloured roof will be visible from upper floor windows, however it will not unduly impact the views from the upper floors and will still allow uninterrupted views of the coast from these windows.

Therefore, it is considered that the roof will have an appropriate relationship with all surrounding occupants and as such comply with criteria c) and h) of Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Conclusions

The application relates to the retrospective change to a roof at the Fairhaven Tennis Clubhouse. The roof has been changed from felt to Steel, however no further changes have been undertaken at the building. It is considered that these changes were to allow the club house to remain open and supporting an existing outdoor sporting facility, they have not created an unacceptable or harmful impact on the surrounding streetscene or neighbours. Therefore, the proposal will be recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

Location Plan - Scale 1:1250

Proposed Elevations - Scale 1:50 dated 26/07/22

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

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

Informative(s)

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

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

Fairhaven Lawn Tennis Club Pavilion

Author:



Item 3

Application No:	22/0460	Case Officer:	Rob Buffham Area Team 1
Applicant:	MR TOM GALLAGHER	Agent:	MR ANDY WOLFE
Location:	HOME FARM WATCHWOOD DRIVE LYTHAM LANCASHIRE FY8 4NP		
Proposal:	ERECTION OF PART SINGLE-STOREY AND PART TWO-STOREY DETACHED DWELLING, INCLUDING RESTORATION WORKS TO FORMER KITCHEN GARDEN WALLS, ASSOCIATED LANDSCAPING AND ACCESS ARRANGEMENTS, AND SOLAR PANELS TO EXISTING AGRICULTURAL BUILDING.		
Ward:	Clifton	Parish:	
Statutory Expiry:	7 October 2022	Earliest Decision:	28 July 2022
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Grant

Report Summary

The application site is situated on the site of a former kitchen walled garden associated with Home Farm, located to the northwest of Lytham Hall. Home Farm was originally established as the estate farm for Lytham Hall, supplying food grown from within the walled garden for consumption by residents of the Hall. The application site is now cleared of all buildings associated with its use as a garden, this includes large scale agricultural buildings erected from the 1960s onwards that were demolished more recently. Remnants of the perimeter wall of the Walled Garden remain in situ.

The application site, as well as Home Farm and surrounding land, are part of the Lytham Hall estate. The estate is designated as a Grade II Registered Park and Garden and contains the Grade I Listed Lytham Hall, as well as other listed buildings and structures. The application site is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review).

The proposal is the resubmission of a previously refused application for a dwelling on the site, which was also dismissed on appeal. That refusal was based upon the principle of housing within the countryside being contrary to Policy GD4 since it did not meet one of the exception tests. In addition, the scale and prominence of the dwelling proposed was adjudged to be a dominating feature in the Registered Park and Garden, competing with Lytham Hall and thereby conflicting with the established hierarchy of buildings within the Registered Park. The application argued that the reconstruction of the brick wall of the Walled Garden, and the refurbishment/ enhancement works at Home Farm, were significant benefits that should rule in favour of the development, though this was not viewed as sufficient justification to depart from the need to determine the application in accordance with Policy GD4.

The current proposal is a significantly altered design to the previously refused scheme. Officers are satisfied that this design is of such quality, that along with other elements of the scheme it justifies accepting the principle of the development. This is due to the truly outstanding nature of the scheme being in accordance with criteria e) of Policy GD4. This refers to criteria contained within Policy H6 which provides support for isolated new homes in the countryside provided design is a) truly outstanding, b) reflects highest standards of architecture, c) significantly enhances its setting,

d) sensitive to the character of the local area, and e) protect the local environment. In turn, Policy H6 is reflective of the rural housing guidance of paragraph 80(e) of NPPF21.

The dwelling is over 2 floors and has 3 bedrooms, set to the north of the plot with a front facing aspect over a formal garden space to the south. The plot is defined by restoration of the original wall to the Walled Garden. The property is of stark modern design, incorporating flat roof elements and set back first floor that has a perpendicular overhang of the front elevation. The proposal is designed to reduce the energy demand of the property, including an enhanced building fabric, air tightness and thermal bridging, as well as the use of renewable technologies such as solar panels, ground source heating and electric vehicle charging. Landscaping has been architecturally designed with provision of a formal space within the Walled Garden, and extension of woodland to the north and eastern boundaries.

The refused application was criticised for not undertaking any independent architectural critique to the design assessment of the proposal to support assessment with regards to Policy GD4(e) and paragraph 80(e) of NPPF21. In light of this, the applicant has engaged with 'Places Matter' (an independent organisation, hosted by the Royal Institute of British Architects) at various stages prior to submission of the application and feedback has been used to inform the final design. With regards to the final design, Places Matter comment that *'As presented, the Panel feels that this scheme is now making a positive contribution in terms of both architecture and landscape, within the context of NPPF P80e.'* and that *'The Panel can envisage the potential of this scheme, if consented, as an exemplar case study.'*

The comments from Places Matter weigh heavily in support of the development being *'truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas.'*

In addition, the reduced scale of the dwelling compared to that previously presented ensures that it is subservient to and does not compete with Lytham Hall and would not be viewed as a prominent feature within the Registered Park and Garden. Restoration of the Walled Garden will have some heritage value, providing a historic link to the role that it played in the day-to-day operation of Lytham Hall. There will be no harm to the designated heritage assets on this basis, in accordance with Policy ENV5. Moreover, when considering the existing and former appearance of the site, the design of the dwelling in-combination with the expansive landscape scheme, will enhance the setting of the Registered Park and Garden and countryside to the east.

Accordingly it is your Officers view that there are a number unique circumstances that afford support for the principle of residential development in this countryside location, in compliance with criteria a) – e) of Policy H6, which in turn brings compliance with element e) of Policy GD4. Therefore the current submission has overcome the previous reasons for refusal and there are no other technical matters of note that would warrant refusal of the proposal. The development accords with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21, the proposal should be approved without delay and the Officer recommendation is that Members support the application subject to a schedule of appropriate conditions.

Reason for Decision Level

The application represents the resubmission of a previously refused planning application (20/0404) by the September 2020 Planning Committee and is therefore required to be referred to Planning Committee for determination.

Site Description and Location

The proposed development is situated on the site of a former walled garden associated to Home Farm, which sits in the grounds of and to the north west of Lytham Hall. Home Farm was originally established as the estate farm for Lytham Hall, supplying food which would have included that grown within the walled garden, and other produce for residents of the Hall. The application site is now cleared of all buildings associated with its use as a garden, this includes large scale agricultural buildings erected from the 1960s onwards that were demolished more recently. Remnants of the 4m brick wall that formed the perimeter of the walled garden are still in situ, and whilst the southern boundary remains intact, there are only limited sections to the east and western boundaries, and no evidence remaining to the north.

The former Home Farm building group is located immediately south of the application site, which is now in residential use, being unrelated to any agricultural activity at the site and subject to extensive recent refurbishment. This group includes the original farmhouse, as well as a pair of farm cottages and a series of brick stables. A swathe of woodland is located to the southwest, intervening between the application site and Lytham Hall. This woodland is protected by TPO 1951 No. 7, which is an Order that covers those trees that envelope the Hall and wider grounds, as well as many of the historic woodland areas around Lytham.

To the north and west are a series of modern agricultural buildings used to house cattle that graze the surrounding farmland. The farmland beyond the buildings to the north and to the east are rented by a local farmer.

Lytham Hall stands some 400m to the south west and is a Grade I listed building. There are also other listed buildings within the grounds of Lytham Hall in the form of the statue of Diana the Huntress which lies to the south of the Hall, the stable block which lies immediately to the rear of the Hall, a dovecote which lies to the north of the Hall, the main entrance gates to the east, and a section of railings to the south. These are all similarly separated from the application site by the woodland area, being more closely associated to Lytham Hall.

The application site and wider area, including the grounds of Lytham Hall, are designated as a Registered Park and Garden which affords it the status of a designated heritage asset. The former farmhouse at Home Farm is also included in the local list of heritage assets.

The site is accessed via Watchwood Drive which is a private road that joins Ballam Road opposite its junction with Park View Road and the public right of way known as Green Drive. A second access exists to the north and connects to Ballam Road some 1200m north of Watchwood Drive, presently used by the agricultural and stable uses adjacent.

The application site and the whole of the wider Registered Park and Garden is located within the Countryside under Policy GD4 of the Fylde Local Plan to 2032.

Background

This current planning application represents the resubmission of a previously refused application (20/0404) for a dwelling, swimming pool annex and detached garage/ outbuilding on the site. That refused scheme was based upon a pastiche Georgian design to mimic that of the adjacent Lytham Hall, set within a formally landscaped walled garden.

The application was refused due to the site's location within countryside and the principle of housing being contrary to the overarching planning policies of that designation, as well as harm to the designated heritage assets of Lytham Hall and the Registered Park and Garden surrounding.

The refusal was appealed by the applicant. Importantly, the Planning Inspector dismissed that appeal, finding that the dwelling would dominate its immediate surroundings and the traditional group of buildings at Home Farm, confirming that copying a historic design can never be innovative and that this would adversely affect the historic interest and significance of the Registered Park and Garden.

Details of Proposal

The current submission represents a complete overhaul of the refused scheme with a contrastingly different design ethos proposed, seeking to reduce the amount of development, both in scale and footprint, so as to overcome the previous reasons for refusal. The applicant has also undertaken extensive design review of the proposal prior to submission of the planning application, with the scheme being subject to two impartial reviews by Places Matter.

The application seeks planning permission for the erection of a 2-storey dwelling, located within the northern part of the former walled garden. The proposals include restoration of those elements of the walled garden still in situ, provision of infill bronze screens where the wall has collapsed, formal and informal landscaping works within and outside the wall, and vehicular access to a side integral garage formed through the walled garden and existing drive that flanks the southern and western boundaries of the application site.

The proposed dwelling is located to the north of the application site, having a southerly front facing aspect over a formal landscaped garden area toward Home Farm. The dwelling and gardens will be enveloped by the restored Garden Wall, with bronze infill panels being used in places where the wall is presently missing.

The scheme has reduced the amount of built form proposed through rationalisation of the residential accommodation and removal of a swimming pool annex and detached garage elements present in the refused scheme. The footprint of the dwelling is rectangular in form, measuring 34.5m in length and 22.5m in depth, reducing the developed footprint from 1163sqm to 770sqm. The first floor has a smaller footprint, with a set back from the front and rear wall plates, and perpendicular element that overhangs the front and rear elevations.

The accommodation will be over 2 floors, having a flat roof to an overall height of 7.6m, this represents a reduction of 5.2m when compared to the previous scheme that measured 12.8m to ridge (9.3m to eaves). It provides 3 en-suite bedrooms at first floor, with the master bedroom having a dressing room and lounge area with northerly facing balcony, and large south facing roof terrace that is accessible from all 3 bedrooms. The ground floor space is focussed about a central kitchen dining area with living and tv room areas set either side that open out onto external terraces and the landscaped garden beyond. The non-habitable accommodation is located to the north of the ground floor, including integral garage, utility/ laundry/ plant room, boot room and open topped utility area for bike and bin

storage.

The landscaping elements provide for a 1st floor sedum roof to the dwelling, as well as a formal planted area within the walled garden, including 4 rectangular planted areas formed by footpaths about a central linear water feature, with shrub, hedge and tree planting. Beyond the walled garden. Regimental tree and hedge planting is provided to the south and west where adjacent to the existing built form of Home Farm and agricultural buildings. To the east, planting is more natural in form where it adjoins the countryside through provision of trees.

The property is to be constructed in red brick at ground floor with a bronze cladding to the upper floor. Extensive glazing is used within the ground and first floor southern elevations that provides access to the external areas, being of a horizontal emphasis with bronze critical design.

Solar panels are proposed to be added to the south facing roof plane of an agricultural building located to the north west of the proposed dwelling.

The planning application is accompanied by a Planning Statement, ecological appraisal, Archaeological and Heritage information.

Relevant Planning/Appeal History

20/0713	RETROSPECTIVE APPLICATION FOR ERECTION OF TWO NEW AGRICULTURAL BUILDINGS AND A SLURRY TANK FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Granted	23/11/2020
20/0404	ERECTION OF 2.5 STOREY DETACHED DWELLING WITH ATTACHED SINGLE STOREY SWIMMING POOL ANNEX AND DETACHED GARAGE / OUTBUILDING IN WALLED GARDEN WITH NEW ACCESS DRIVEWAYS FROM WATCHWOOD DRIVE AND ASSOCIATED LANDSCAPING	Refused and dismissed on appeal.	02/09/2020
20/0216	RETROSPECTIVE APPLICATION FOR THE RENOVATION AND CHANGE USE OF EXISTING AGRICULTURAL BUILDINGS TO FORM 20 STABLES FOR PRIVATE PURPOSES, AND USE OF EXISTING AGRICULTURAL ACCESS FROM BALLAM ROAD TO SERVE THOSE STABLES	Granted	27/08/2020
19/1040	ERECTION OF ENTRANCE GATES AND BRICK GATE POSTS TO FRONT ENTRANCE POINT ALONG WATCHWOOD DRIVE	Granted	23/06/2020
19/0857	APPLICATION FOR PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF 21NO MODERN AGRICULTURAL BUILDINGS AND 2NO WATER STORAGE TANKS LOCATED ON SITE OF FORMER WALLED GARDEN PURSUANT TO SCHEDULE 2, PART 11 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015	Approve Prior Determination	30/01/2020
15/0755	PRIOR NOTIFICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO THREE	Approve Prior Determination	21/12/2015

DWELLINGS INCLUDING ASSOCIATED BUILDING
OPERATIONS UNDER SCHEDULE 2, PART 3,
CLASS Q

14/0015	NOTIFICATION OF WORKS INTENDED TO CLEAR FALLEN TREES, MAKE SAFE WINDBLOWN TREES, CUT DOWN UNSAFE TREES AND CARRY OUT TREE LOPPING.	Granted	03/02/2014
10/0852	PROPOSED FORMATION OF NEW AGRICULTURAL ACCESS TO BALLAM ROAD WITH NEW TRACK TO CONNECT TO EXISTING INTERNAL AGRICULTURAL ACCESS TRACKS INCLUDING NEW BRIDGE OVER LIGGARD BROOK	Granted	27/01/2012

Parish/Town Council Observations

The application site is not in a parished area and so there are no comments to report.

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environment Agency	Raise no objections as they do not believe that the development will lead to any flooding implications. They do offer guidance on the need to comply with permitting regulations, and that the drainage arrangements should follow those set out in the PPG Drainage Hierarchy.
Lead Local Flood Authority	No comments to make.
LCC Highways	<p>No objection, subject to conditions relating to the compliance with a construction management plan, and that the onsite parking and turning is provided. Their comments are:</p> <p><u>Site Access</u> <i>The LHA are aware that the dwelling will be accessed off Watchwood Drive which is a private, unadopted road located directly from Ballam Road.</i></p> <p><i>The private track currently serves a number of dwellings along the track as well as the proposal.</i></p> <p><i>The LHA are aware by reviewing the supporting documents that the private track once it meets the site will be extended to serve the proposed dwelling.</i></p> <p><i>Given that the track is private and unadopted and the track is used to serve a number of dwellings, the LHA have no objection to the use of the access.</i></p> <p><i>Furthermore, the LHA inform the Applicant/ Agent that due to the track being unadopted and private, refuse vehicles are unlikely to use</i></p>

	<p><i>the track during bin collection days. The LHA advise the Applicant/ Agent that they will need to contact the relevant Local Authority to discuss refuse collection.</i></p> <p><u>Highway Safety</u> <i>There have been no Personal Injury Collisions recorded within the vicinity of the site and therefore the LHA have no pre-existing highway safety concerns.</i></p> <p><u>Internal Layout</u> <i>The LHA have reviewed the supporting documents and are aware that the site complies with the parking guidance found in the Joint Lancashire Structure Plan for a 4-bed dwelling and so the LHA have no further comments to make.</i></p>
County Archaeologist	<p>No objection subject to condition.</p> <p><i>Home Farm (including the Kitchen Garden) is recorded on the Lancashire Historic Environment Record as a non-designated heritage asset, PRN2390. An archaeological evaluation of the site in 2020 encountered the surviving buried remains of 18th and earlier 19th century buildings. Much of the upstanding walled garden was also recorded although some elements remained inaccessible due to later structures being built up against them.</i></p> <p><i>The application is accompanied by a copy of Nigel Neil's June 2020 Level 3 Archaeological Building Survey Final Report, as well as an extract (proposed Written Scheme of Investigation) from his June 2020? Interim Report on Trial Trench Archaeological Evaluation, and assessment of significance of the walled kitchen garden, but which we know was revised in January 2021, and with which we have been supplied a copy of by Mr Neil.</i></p> <p><i>The proposed WSI references further works (in the form of further recording of the walled garden walls as well an archaeological watching brief on all groundworks, further post-excavation analysis, reporting and archiving) to undertaken as part of planning application 05/19/0857, and which the HET has already indicated to the Borough Council (our ref: 52020_0404-LCC) that could form an appropriate scheme of mitigation. Some of those works are however no longer relevant to the current application, nor achievable as Mr Neil has in the interim taken the decision to stop carrying out fieldwork. A revised Written Scheme of Investigation, one more relevant to the new proposals, will therefore need to be drawn up by a different archaeological contractor. It is assumed that all existing remaining concrete surfaces are to be removed, and this will therefore need to be done under archaeological supervision. Where excavation works for the development are required that will cause damage to, or the destruction of, any 19th century or earlier deposit/structural remains, they shall be excavated to the limits of any potential disturbance by the development. Furthermore, as Mr</i></p>

	<p><i>Neil's Evaluation report is only in the interim stage, the WSI will also need to include provision for the writing up of his work, as was clearly stated in the WSI submitted with the application, into a single unifying final report (and archive) covering both the evaluation and the watching brief.</i></p> <p><i>The HET therefore advises, that should the Borough Council be minded to grant planning permission for this, or any similar scheme, the applicant be required to undertake a programme of archaeological work, comprising those works mentioned in the previous paragraph, secured by means of the following condition:</i></p> <p>Condition: <i>No excavation works on the application site, including any required for clearance/demolition or site preparation shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, to comprise a formal watching brief to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of the groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains.</i></p> <p>Reason: <i>To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.</i></p> <p><i>This is in accordance with National Planning Policy Framework (MoHCLG 2021) paragraph 205: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible [Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository]".</i></p>
Ecology	<p>No objection, subject to condition:</p> <p><u>Great Crested Newts</u></p> <p><i>They have provided information demonstrating that they did follow the advice of the consultant's regarding the need for further survey. No evidence of great crested newts was found using eDNA survey in the three ponds highlighted as at risk. Whilst I would have preferred all six ponds were surveyed as HSI assessment is not 100% reliable, given the developer followed the advice of the consultant in good faith and the site is now cleared.</i></p>

	<p><i>With regards the current application, no further survey information is required. I recommend however condition along the following lines is applied to any permission.</i></p> <p><i>Prior to construction a reasonable avoidance measure method statement for amphibians will be provided to and agreed in writing by the LPA.</i></p> <p><u><i>Himalayan Balsam</i></u> <i>The developer has confirmed that method statement for himalayan balsam was provided for the clearance of the site. I assume this was implemented. Himalayan balsam is however potentially still present in the surround area. I therefore recommend an informative along the following lines is applied to any permission.</i></p> <p><i>It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.</i></p> <p><u><i>Contributing to and Enhancing the Natural Environment</i></u> <i>Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The proposal clearly will enhance the site over its current and previous state prior to site clearance. I agree with the Biodiversity net gain report that that bird and bat boxes should be provided as an enhancement. I recommend the landscape proposals are conditioned and that bat and bird boxes added in to the scheme either on retained trees, or the new build.</i></p>
Historic England	No comments provided.
Heritage Trust for North West	<p>Support the development:</p> <p><i>After review of the documentation with colleagues at Heritage Trust for the North West we support a planning application based on these designs.</i></p> <p><i>We commend the innovative new property within the unused and neglected walls of the historic Walled Garden, which will result in their restoration in what was once part of the Lytham Hall estate.</i></p> <p><i>The designs for the garden will complement both the new build and its historic connection with the Grade II Listed Historic Parkland. The roof designs subtly compliment the agricultural site and blend in well with the overall vista.</i></p>
National Amenities Society	No comments provided.

Neighbour Observations

Neighbours notified:	21 June 2022
Site Notice Date:	21 June 2022
Press Notice Date:	7 July 2022
Number of Responses	Total number of comments 3
Summary of Comments	The comments received are in support of the application and can be summarised as:

- Under its previous owner the whole of Home Farm became virtually derelict but since Mr Gallagher moved in he has done a tremendous job of tidying up the site and has spent a lot of time and money in doing this.
- His proposals for his new home would further improve what has been a hugely neglected part of Home Farm and the proposed landscaping scheme, including the reinstatement of the gardens within the original walls and also the reinstated woodland surrounding the former kitchen garden, would be a vast improvement on the current concrete hardstanding.
- The quality of the design of the house itself is outstanding and how it has been done to sympathetically fit in to its rural setting should be commended.
- The plans submitted reflect the highest architectural standards, are in keeping with the rural area of its site and would significantly enhance its immediate setting.
- Pleased to see that the redesign proposals to reinstate the gardens with its original walls and woodland areas surrounding the kitchen gardens. This is a significant improvement on the current concrete hardstanding in situ.

Relevant Planning Policy & Government Guidance

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

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

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

GD4 - Countryside
GD7 - Achieving Good Design in Development
H6 - Isolated New Homes in the Countryside
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity
ENV5 - Historic Environment

CL3 - Renewable & Low Carbon Energy Generation

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of the proposal are:

Principle of residential development in the countryside, including assessment of:

- Design and visual appearance.
- Heritage impact to the Grade II Listed Park and Garden.
- Landscape and visual impact
- Technical matters, including neighbour amenity, highway safety, ecology and flood risk.

Principle of Residential Development in the Countryside.

The development strategy of the FLPPR directs the majority of new development toward 4 Strategic Locations within the Borough. Policy GD4 is therefore generally restrictive of new development within the countryside areas so as to preserve the rural and natural character, though does support development where it meets one of a limited number of exceptions.

GD4 states that development in the countryside will be limited to, amongst other things, isolated new homes which meet the criteria set out in FLPPR policy H6. Policy GD4 also supports development by other exceptions, namely rural worker accommodation, the viable use of a heritage asset or reuse of redundant disused buildings that enhance setting, though these are not of relevance in the circumstances of this proposal.

Policy H6 states that isolated homes in the countryside will only be permitted where the exceptional quality of the development helps to raise standards of design in the countryside, and the exceptional quality or innovative nature of the design of the house would:

- a) be truly outstanding or innovative, helping to raise standards of design more generally in the countryside;
- b) reflect the highest standards of architecture;
- c) significantly enhance its setting;
- d) be sensitive to the defining characteristics of the local area; and
- e) protect the local environment.

The above criteria of Policy H6 replicate those requirements of paragraph 80(e) of NPPF21 (Rural Housing).

It is noted that the Planning Inspector, in his deliberations of the previously refused and appealed scheme concluded that a dwelling in this location would constitute an isolated home in the countryside. Policy H6 is therefore a relevant policy in the assessment of the proposal. Subject to compliance with criteria a) to e) inclusive, the principle of the development should be considered

acceptable. The design and appearance of the proposal, as well as landscape character and heritage implications are central to this assessment and are considered in more detail below.

Design and Visual Appearance

A Design and Access Statement (DAS) has been submitted with the planning application, setting out the evolution of the design approach taken by the architect, referring to such matters including the historical situation of the site and surroundings, appearance of the site when the project was first conceived, and demonstrating how the dwelling could be designed, scaled, located and orientated on the site.

The DAS confirms that the starting point for the design proposals relates back to the historic use of the site as a Walled Kitchen Garden. The dwelling is located to the north of the site where the former glasshouses of the Garden once stood. The dwelling will have a rectangular ground floor footprint of 770sqm, representing 14% of the Walled Garden area and a reduction of 390sqm when compared to the refused development (1160sqm). The dwelling will be 2 storey in appearance, having a flat roof form to an overall height of 7.6m, representing a reduction of 5.2m in height from the previous scheme. The ground floor is brick built, with large expanses of glazing to the southern elevation that look out over the Walled Garden. The first floor of the property is set back from the front and side elevations of the ground floor behind a roof terrace and is formed by two bronze clad structures that are linked by a central glazed feature. The western bronze structure is set perpendicular to the ground floor, creating overhangs of the front and rear ground floor elevations.

The palette of construction materials is simple and restricted to brickwork to the ground floor and bronze cladding at first floor. A Roman style linear brick is confirmed, which, whilst similar to that of existing brickwork, will differentiate the house from the Walled Garden and Home Farm. Bronze has been used due to historic links to the site discovered during the project archaeologist's research. The DAS purports to this glazing and resultant solar gain as a historic linkage of the scheme to the original glass houses that formerly occupied the site.

The application is accompanied by an Energy and Sustainability Statement which confirms the sustainability credentials of the dwelling provide for an '*exemplar*' level of sustainability through the delivery of a net zero carbon dwelling. The design incorporates passive design techniques (enhanced building fabric, enhanced air tightness and thermal bridging), energy efficiency measures (efficient lighting and white goods, smart meters) and renewable technologies including ground source heating, rainwater harvesting, roof mounted solar panels to an adjacent agricultural building, and electric vehicle charging. This approach reduces dependence of the dwelling upon the national grid for energy resource, acting to decentralise supply to the local level, and is an initiative that is encouraged to be maximised by FLPPR Policy CL3 and NPPF21. The net zero carbon design is therefore a consideration that weighs in favour of the scheme.

The remaining sections of the perimeter wall of the Walled Garden are to be preserved and sensitively restored which includes reinstatement of stepped corner features and the rebuilding of the main gated entrance, complete with decorative urns. Three sections of the wall are missing and are proposed to be infilled with contrasting bronze panels. The bronze sheets are designed to allow views in/ out of the garden whilst appearing solid from other vantage points, this will act to gradually reveal the landscaped gardens to visitors along their journey to the dwelling's main entrance. Existing openings within the wall are to be retained and restored to their original appearance, and new openings are kept to a minimum – a single timber arched door to the eastern wall and driveway entrance to the west.

The landscape design introduces a formal landscaped area that is set within the Walled Garden, it is symmetrically designed with the frontage of the dwelling, being sectioned into 4 large rectangular spaces of lawn, trees and shrub planting that are defined by footpaths and a central linear water feature. Formal tree planting is provided beyond the walled garden boundary adjacent to the driveway and woodland planting is proposed to the east and northern boundaries where adjacent to the countryside edge.

The proposal is a radical departure from the previously refused dwelling. The design ethos of the building has changed dramatically from one of a pastiche of Lytham Hall, to a clean modern design that has reduced scale through provision of a 2 storey flat roof form, 1st floor perpendicular overhang and sensitive construction materials. The developed area has been consolidated to a rectangular footprint through removal of outbuildings and single storey additions, and integral garage, which in turn has simplified the form and appearance of the dwelling whilst occupying a comparatively smaller proportion of the Walled Garden. The dwelling now has a southerly facing aspect that overlooks the formal landscaping within the Walled Garden, with the eastern elevation being a subservient side to the property enabling tree planting to be undertaken along this boundary adjacent to open fields. The scheme design has considered the concerns that were raised as a consequence of the previous application, and now represents a dwelling that is well designed, conceived and constructed, and a harmonious addition in the context of the location.

Notwithstanding that the property is well designed, Policy GD4(e) is more onerous with regards to a development's design requirements, and approval is dependent upon whether the proposal can be considered as being truly outstanding or innovative. With regards to that assessment, the Planning Officer criticised the previous application for the omission of any independent architectural review by Places Matter. For information, Places Matter is an independent organisation, hosted by the Royal Institute of British Architects (RIBA), consisting of a panel of four members (two architects, a landscape architect and an urban designer).

In this respect, the DAS confirms that Places Matter have been involved in the evolution of the submitted scheme, with impartial reviews being undertaken on 2 separate occasions and findings being incorporated into the final design. The Places Matters review panel are highly supportive of the scheme, their key findings being that '*As presented, the Panel feels that this scheme is now making a positive contribution in terms of both architecture and landscape, within the context of NPPF P80e.*' and that '*The Panel can envisage the potential of this scheme, if consented, as an exemplar case study.*'

Other relevant findings of the Panel include:

The form of the pavilion concept approach is very positive, as are the revised precedents and material palette. All are of an exceptional quality and are finally crafted contemporary solutions which will guide your work on this site. The proposed linear brick and bronze are great natural elements for this building and setting and present a much simplified and welcome solution.

You have presented a number of massing options and ideas, which now demonstrate that the scale of the building is much reduced in terms of its relationship with the adjacent buildings and the historic garden form. These help to show why the pavilion approach and the more modest first floor are the correct way to go.

The Panel debated the shifted geometry of the first-floor element with you. This is potentially an exciting solution, allowing for the required accommodation that your client is seeking to make best advantage of the views and sunset, whilst sheltering the roof garden from the prevailing winds. You indicated in conversation that the rotation focusses the view on Lytham Hall, as well as being a

deliberately 'playful' contrast with the formality of the main garden space. This historical nod to the 'old parent' of the hall and approach in relation to the garden were considered valid reasons for the structural gymnastics, but you need to articulate these more clearly in your narrative and the final Design and Access Statement.

The entry sequence – from driveway to forecourt to entrance - is also much improved and now more seductive.

The work on contextual elevations illustrates how successfully this scheme now sits in the landscape. The boundary wall reads distinctively with the upper level articulated materially. The reduced height and simpler forms are a very positive improvement. There is also a very successful architectural language emerging with a strong sense of detail. The clarity of material language is becoming very distinct now and with this simplicity an emerging richness in the details.

The Panel supports your sustainability aspirations to make this building zero carbon. Keep pushing this towards Passivhaus if you can, in the selection of materials and positioning of and use of equipment, such as MDHR and heat pumps.

The quality of the landscape proposal remains very high and has been adjusted to account for the design development of the building. Your "blurring the boundaries" approach is now much clearer and again, you should make more of this in the narrative. The landscape character transition is supported and well thought through.

Whilst the axis still does not lead to an entrance in the building, the overall solution is more subtle now, with the loss of the dominant gable. Given the comments from Lancashire Garden Trust the Panel agreed to support the reinstatement of the historic gate form in the southern wall.

Your views analysis is good, but would benefit from showing the chosen solution at a larger scale, to help illustrate why this supports the geometry of the building. The glass dividing section at first floor level is a positive addition, echoing the glass houses and allowing views of the trees beyond. You have the opportunity here to really make something of sitting in the canopy of the trees, so use that to position some of the planting close to the building.

The Places Matter represents an impartial review of the development by an independent and professional architectural body. Their feedback is central to the assessment as to whether the proposal can be deemed truly outstanding or innovative, and reflective of the highest standards of architecture. In this regard, Places Matter offer support for the development which weighs heavily in support of this consideration.

Landscape Character

The surrounding landscape is relatively flat and can be split into 2 broad categories. Landscape to the north, south and east is agricultural in form, with open fields interspersed by woodland copses and hedgerow boundaries. The remaining area is more parkland in nature, with Fairhaven Golf Club to the west and woodland grounds of Lytham Hall to the south west that wrap around the Hall and associated outbuildings.

There are limited public vantage points of the site as it is well separated from the public highway, and there are no public rights of way adjacent to or within surrounding fields. The 2 storey nature of the development increases opportunity for the development to be viewed externally, glimpsed views through gaps within field boundaries could be obtained on approach to Lytham from Ballam Road, as well as publicly accessible footpaths within the grounds of Lytham Hall. The development will urbanise

the appearance of the site, albeit any external view would be glimpsed and/ or set against the backdrop of other built form. Given the distance to receptor and with the filtering of views that is provided by intervening landscaping, it is not considered that the proposal would be harmful to these views. The landscaping that is proposed in this application, especially to the east, will reduce views of the building further, as it becomes established and matures.

The DAS refers to the original appearance of the site prior to the applicants purchase of the estate in October 2019. The application site was occupied by large scale agricultural buildings that had been neglected and left to deteriorate by the former owner. Other buildings in the locality, including those at Home Farm and adjacent agricultural buildings to the west, similarly had been neglected. The previous owner mainly used the site, including the Walled Garden, for storage including a large amount of tyres and plastic seats. These had a detrimental impact on the visual quality of the site and locality. The improvements undertaken by the applicant to date, including demolition of agricultural buildings, and removal of waste, as well as the renovation works to Home Farm, have transformed the site's appearance.

The proposal is accompanied by a Landscape Statement which sets out the contextual analysis, design principles and evolution which have informed the landscaping arrangements and identifies how this scheme seeks to deliver a landscape of exceptional quality. The soft landscape approach seeks to enhance the character, setting and biodiversity value of the site. This includes a formal landscape arrangement within the Walled Garden, and a natural space to the north and eastern boundaries through extension of the existing woodland adjacent. This will act to soften the boundaries of the development and the countryside beyond, forming a valuable connection and transition between the two. When compared to the former appearance of the site whilst occupied by the redundant agricultural buildings or that of its vacant state now, the proposals will positively contribute toward the off-site works undertaken by the applicant to date, further enhancing the appearance of the site and wider landscape as a consequence.

Heritage Implications

The application site is located within the Lytham Hall Registered Park and Garden. This is a Grade II listed park and garden that also contains a number of Listed Buildings and structures, and is a designated heritage asset.

Paragraph 193 of NPPF21 confirms that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."*

Policy ENV5 of the FLPPR is of relevance and states that the Boroughs Listed Buildings (and Registered Gardens) will be conserved and where appropriate enhanced. Development that results in any harm to or loss of significance of a listed building and/ or its setting will be refused, unless the harm is justified by the public benefits of the proposal.

The listing statement for Lytham Hall Park provides an extensive description of the history of the Park and the elements of it which have the most heritage importance. The principal building is recognised as Lytham Hall with the gardens and pleasure grounds around the Hall also described, as is the Park itself and the Kitchen Garden (i.e. the current application site). Lytham Hall is individually listed as a Grade 1 listed building, and there are a number of other buildings and structures within the Park and Garden which benefit from the lower quality Grade II listing. These include a number of statues, outbuildings, sections of the boundary wall, and a dovecote.

This confirms that there are a series of historical structures that are located within the Park that have heritage importance, but the primary one of these is Lytham Hall itself as the Grade 1 listed building and the property that gives the Park its name, with the other features being secondary in their scale and subservient in their use (stables, gate lodge, cottage, etc). This reflects the hierarchy of the buildings in the Park and maintains Lytham Hall as the building of primary status and heritage importance within the Registered Park and Garden.

The previous development proposed a 3 storey dwelling of significant scale and pastiche Georgian design, and was refused on heritage grounds in relation to its competing impact to Lytham Hall. The Planning Officer at that time comments *'Like Lytham Hall, the dwelling proposed in this application will be three storeys in height, and will be extensive in its scale. Its prominence within the Park and Garden will be exacerbated by the sizable and clearly defined curtilage provided by the perimeter wall, and it is located in a commanding position on the approach to the site with this emphasised by the landscaped driveway approach and series of gateway openings to the wall.'*

The current proposal provides for a 2 storey dwelling and has reduced the scale of the building proposed to 7.6m, akin to those within the Home Farm building group. This alteration represents a significant reduction in height (12.8m to ridge, 9.3m to eaves) when compared to the previous scheme. The driveway approach has been relocated to the west and proposed dwelling now has a southerly facing aspect, enabling significant but informal tree planting beyond the Walled Garden to the north and east. This revision removes the grandeur of the development within the Registered Park and Garden and when viewed from the prominent eastern vantage point, which was a criticism of the refused scheme.

The dwelling proposed is now quite clearly subservient to that of Lytham Hall, and would therefore as a consequence, retain Lytham Hall as the most prominent feature within the Registered Park and Garden.

The walled garden is not Listed (nationally or locally) though does form part of a designated heritage asset being located within the Registered Park and Garden. The original purpose of the walled garden was to provide an open space within which to grow crops and other produce to be used by the farm and Lytham Hall. This function has been severed over time through the introduction of a non-associated agricultural use. Notwithstanding, the remaining structures of the Walled Garden are an important link to the former use of the application site and the role that it played in supporting the day-to-day operation of Lytham Hall. The works proposed are sensitive to the heritage asset, and on this basis there is some heritage value in the proposals associated to restoration of the perimeter wall.

The development will not now compete with Lytham Hall, whether that be in reference to appearance, scale, visibility or prominence from public view. Nor would it be harmful as a consequence to the hierarchy of structures within the Park and Garden as a whole. Bearing in mind the above design and landscape assessment, the proposal is considered to enhance the setting of these heritage assets in accordance with Policy ENV5.

Conclusion on Principle of Residential Development in the Countryside

FLPPR policies GD4 and H6 and paragraph 80(e) of NPPF21 support new isolated residential development in the countryside, subject to criteria that help to raise the standard of design in these locations. Development must be truly outstanding, reflect the highest standards of architecture, significantly enhance its setting, be sensitive to the characteristics of the area and protect the local environment.

The design of the development has removed the Georgian pastiche references and now provides for a modern sleek design that is of reduced scale and so sits comfortably within, rather than dominating, its walled garden setting. The wall of the former Kitchen Garden is retained and enhanced within the scheme, providing a historic link to the former use of the application site. This enhanced design and reduced size is not now considered to harm the Grade I Listed Lytham Hall, or those other listed structures and buildings within its grounds. The development takes advantage of the unique opportunity offered by this site to deliver a scheme that will contribute significantly toward the restoration of the former Walled Garden, Registered Park and Garden, and landscape quality of the countryside beyond. Furthermore, construction of the property will incorporate measures that assist the decentralisation of energy demand to the local level, providing for a net zero carbon dwelling that includes use of passive house and renewable energy technologies. Soft landscaping and the provision of bat and bird boxes will significantly enhance the biodiversity value of the site and new woodland planting will improve existing ecological networks through connectivity to those existing adjacent to the site.

The proposal represents a significant revision to the previously refused scheme, providing for a number of unique circumstances that justify the dwelling to be truly outstanding in the context of the application site and the principal of development within the countryside to be acceptable. The applicant has sought impartial guidance from the Places Matter review panel and their assessment offers support for the dwelling, corroborating your Officer assessment, concluding *'As presented, the Panel feels that this scheme is now making a positive contribution in terms of both architecture and landscape, within the context of NPPF P80e.'*

Accordingly, the development is considered to be in compliance with Policies GD4, H6, ENV5 and paragraph 80(e) of NPPF21.

Neighbour Amenity

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses and existing residents that live adjacent. In respect of this current application, this amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the presence of buildings or disturbance during construction.

The only neighbours that could be impacted by the development are the residential occupiers within the building group of Home Farm. Dwellings located to the junction of Watchwood Drive/ Ballam Road may also be affected through an increase in traffic utilising that route if the property is constructed.

The scale of the dwelling proposed is reflective of a 2 storey dwelling and whilst having a southerly aspect toward dwellings at Home Farm, separation between dwellings is approximately 50m and at this distance, with the intervening perimeter wall, there will be no loss of privacy, massing or other amenity impacts from the proposal. The level of additional use of the access road at this location and at the junction with Ballam Road will also be low in relation to the new dwelling, and well below a level that could create any amenity harm to neighbours by virtue of noise disturbance.

The proposal includes substantial external amenity space through a landscaped garden and roof terrace, as well as off street car parking, ensuring appropriate levels of amenity are provided for prospective occupants.

It is inevitable that there will be some disruption for neighbours during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions will

be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, and dust suppression controls.

Subject to condition it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

Highway Safety

FLP policy GD7(p) supports good design that would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway user. Paragraph 111 of NPPF21 states that development should only be refused where there would be an unacceptable impact on highway safety.

The main access to the site is via Watchwood Drive which has a junction with Ballam Road opposite the western entrance of Green Drive. This junction has restricted visibility for oncoming cars due to its position on the inside of a bend, and is of limited width due to the positioning of gateposts which act to prevent vehicles from passing in the entrance. However, the use of this access to serve the additional dwelling proposed is not likely to lead to a 'severe' impact on highway safety, in accordance with paragraph 111 of the NPPF.

Notwithstanding this, Watchwood Drive/ Ballam Road junction could not be used for construction access, as this will inevitably require substantial numbers of vehicle movements with many of these being large vehicles that would not be able to negotiate the junction safely. The application site does have a secondary access to the north, from Ballam Road, that could be used for construction purposes.

The internal access and parking arrangements are clearly adequate to provide for the needs of a dwelling, and as such there are no issues with the access considerations of the development.

The local highway authority advise that they have no concerns for the development, subject to condition requiring a construction method statement which would include agreement of the access route for construction vehicles. These can be secured by condition and will ensure that construction of the development would not undermine highway safety.

Accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies and NPPF21.

Ecology

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the boroughs biodiversity and geological assets. With regards to the current proposal, Policy ENV2 safeguards protected species and states that development that has any adverse effect will not be supported, unless the benefits of development outweigh the ecological impact, and subject to appropriate mitigation.

The planning application included submission of a biodiversity net gain (BNG) appraisal, great crested newt assessment and invasive species (Himalayan balsam) report.

The application site has been cleared of buildings and therefore affords little ecological or habitat value presently. With regards to protective species, the lack of built form or landscaping minimises opportunity for bats or birds. There are several ponds within adjacent fields and the applicant has submitted a great crested newt survey for that reason. This survey identified that no newts were found in the ponds surveyed therefore the risk to newts straying onto the site during construction is low.

The BNG identified that the site currently has a low biological score. The scheme proposals have incorporated soft landscaping features including sedum/ green roof, ornamental planting, woodland planting, amenity grassland, bat and bird boxes, which significantly improves the biodiversity and habitat provision on the site facilitating linkages to other local habitats.

The Council's ecological consultant agreed with the report findings, commenting that the site has limited ecological value, requiring conditions relating to protection of newts during construction, as well as provision of clearance of landscaping proposals and provision of bat/ bird boxes. An informative relating to Himalayan balsam is also advised.

The application site is of limited ecological value, with protected species not being established on the site and minimal habitat. Biodiversity measures can be incorporated into the scheme through provision of landscaping, bat and bird nesting opportunities in lieu of any ecological value that will be lost. Subject to condition, the development will protect and enhance the boroughs biodiversity assets in accordance with Policy ENV2.

Drainage and Flood Risk

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

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map. As such there is no concern over the proposed development on flood risk grounds.

A drainage strategy has been submitted with the application which confirms the intention to drain surface water by a sustainable drainage system and/ or to an existing water course, and to install a treatment plant to address foul water requirements.

Environment Agency mapping confirms that the site is at Low Risk from surface water flooding. Since the proposal relates to Minor development within an area at low risk from surface water flooding, the LLFA standing advice is applicable which confirms that the LLFA has no objection to the scheme and the use of sustainable drainage is recommended.

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

Conclusions

The development is the resubmission of a previously refused dwelling on the site which was also dismissed on appeal. That determination was based upon the principle of housing within the countryside not being acceptable given that the dwelling proposed did not meet one of the exceptions of policy GD4. In addition, the scale and prominence of the dwelling proposed was adjudged to be a dominating feature in the Registered Park and Garden and that would conflict with the established hierarchy of buildings – with Lytham Hall at the top of that hierarchy with all other buildings and structures being subservient in scale and design. The application argued that the reconstruction of the brick wall of the Walled Garden was a significant benefit that would accrue from the development, though this was not viewed as sufficient justification to support the proposal. The scheme was also

criticised for not having an independent design review.

The application site is located to the immediate north of the dwellings and brick outbuildings at Home Farm and until recently was occupied by a series of large scale buildings associated with the agricultural activity based at the site. Home Farm and the surrounding land are part of the Lytham Hall estate which is recognised as a Grade II Registered Park and Garden, and therefore constitutes a designated heritage asset.

The application site is designated as Countryside under Policy GD4 of the Fylde Local Plan to 2032. Criteria e) of Policy GD4 offers support for isolated new homes that accord with policy H6. In turn, Policy H6 states that isolated new homes will only be supported where the exceptional quality of design helps to raise standards of design in the countryside. Development must accord with all 5 criteria of Policy H6 which relate to a) truly outstanding design, b) reflect the highest standards of architecture, c) significantly enhance setting, d) sensitive to the character of the area, and e) protection of the local environment.

The proposal relates to the erection of a detached dwelling that provides living accommodation over two floors. The dwelling is situated within a formal garden setting which is defined by restoration of a brick wall that originally formed the boundary of a walled kitchen garden. This kitchen garden was established as part of the initial use of Home Farm as the estate farm for Lytham Hall but has fallen into disuse and significant disrepair over the years.

The current proposal has revised the scheme significantly and argues the case that the dwelling is of truly outstanding design and reflects the highest standards in architecture. The submission has evolved through dialogue with Placers Matter whom confirm that *'As presented, the Panel feels that this scheme is now making a positive contribution in terms of both architecture and landscape, within the context of NPPF P80e.'* and that *'The Panel can envisage the potential of this scheme, if consented, as an exemplar case study.'* This represents strong justification for compliance with criteria (e) of Policy GD4 and Policy H6.

In addition, the revised proposal also ensures that the dwelling is subservient to and does not compete with Lytham Hall and would not be viewed as a prominent feature within the Registered Park and Garden. Restoration of the wall will have some heritage value, providing a link to the role that the Walled Garden played in supporting the day-to-day operation of Lytham Hall. There will be no harm to the designated heritage assets resultant from the proposal, in accordance with Policy ENV5. Moreover, the design of the dwelling in-combination with the expansive landscape scheme, will enhance the setting of the Registered Park and Garden and countryside setting to the east.

Accordingly it is your Officers view that there are a number unique factors that collectively evidence the proposal to be truly outstanding or innovative and thereby compliant with criteria a) – e) of Policy H6, those being, a) truly outstanding or innovative, b) reflect the highest standards in architecture, c) significantly enhance setting, d) sensitive to the characteristics of the local area, and e) protect the local environment.

The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note, and the development provides for a satisfactory relationship to neighbours.

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

paragraph 11c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Proposed Site Plan Drawing no. 21-28 PL04 rev B
General Arrangement Plan Drawing no. P20951-00-001-GIL-0100 rev 03

Proposed Elevations Drawing no. 21-28 PL07
Proposed Layout Plan Ground Floor Drawing no. 21-28 PL05
Proposed Layout Plan First Floor Drawing no. 21-28 PL06
Proposed Ground Floor Roof Plan Drawing no. 21-28 PL14
Proposed First Floor Roof Plan Drawing no. 21-28 PL15
Roof Terrace General Arrangement Plan Drawing no. P20951-00-001-GIL-0110 rev 01

Kitchen Garden Wall Existing & Proposed Elevations Sheet 1 of 2 Drawing no. 21-28 PL08
Kitchen Garden Wall Existing & Proposed Elevations Sheet 2 of 2 Drawing no. 21-28 PL09

Proposed House & Wall Elevations Sheet 1 of 2 Drawing no. 21-28 PL10
Proposed House & Wall Elevations Sheet 1 of 2 Drawing no. 21-28 PL11

Proposed Site Context Elevations Drawing no. 21-28 PL12

Existing & Proposed Barn Elevations Drawing no. 21-28 PL13

Tree Retention Plan Drawing no. P20951-00-001-GIL-0140 rev 01
Walled Garden Tree Planting Plan Drawing no. P20951-00-001-GIL-0400 rev 01

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

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works of development shall take place until samples or full details of all materials relative to:

external surfaces of the building
windows
doors
Insert bronze panels to the wall of the Walled Garden

have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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

4. The development hereby approved shall be constructed in complete accordance with the submitted Energy & Sustainability Statement (energycounsel, ref: Z51812, dated 14/06/2022) which includes, but is not limited to, the provision of:

A net zero carbon dwelling (112.12% improvement in carbon emissions)
Passive design measures - including enhanced building fabric, enhanced air tightness, thermal bridging and efficient extract ventilation system
Low carbon ground source heat pump
Electric vehicle charging
Photovoltaics panels to agricultural building
Rainwater harvesting

Prior to occupation of the dwelling hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate construction of the development in accordance with paragraph 10 (Conclusions) of the submitted Energy & Sustainability Statement (energycounsel, ref: Z51812, dated 14/06/2022). The report shall detail appropriate mitigation measures in the event that the dwelling has not been constructed to accord with paragraph 10 (Conclusions) of the submitted Energy & Sustainability Statement (energycounsel, ref: Z51812, dated 14/06/2022).

Reason: Provision of a net zero carbon dwelling formed part of the justification to support a dwelling in this location, in accordance with Policy GD4, H6 and CL3 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

5. No above ground works of development shall take place until details of finished floor levels for the building and ground levels for the external areas of the site, above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

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

6. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological

investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include provisions for an archaeological watching brief and shall be prepared and implemented by an appropriately qualified and experienced professional archaeological contractor in compliance with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall thereafter be carried out in full accordance with the duly approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV5 and the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a Reasonable Avoidance Measures method statement for the protection of amphibians during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in complete accordance with the approved details.

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

8. 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 (incorporating Partial Review) policy ENV2, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

9. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
 - a) hours and days of work for site preparation, delivery of materials and construction;
 - b) areas designated for the loading, unloading and storage of plant and materials;
 - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
 - d) arrangements for the parking of vehicles for site operatives and visitors;

- e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- h) measures to control the emission of dust and dirt during the construction period;

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

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

10. The dwelling hereby approved shall be used as a single residential dwelling within class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and shall not be sub-divided to form additional independent units of accommodation or sub-let in parts.

Reason: To ensure the appropriate level of control over the future occupation of the dwelling in accordance with Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the proper planning of the area.

11. The extent of the dwelling's curtilage is as indicated on the Proposed Site Plan drawing no. 21-28 PL04 rev B.

Reason: to clarify the terms of this consent.

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

Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the integral double garage shall be retained for the parking of vehicles and shall not be converted to or used as additional living accommodation.

Reason: The development has been permitted within the Countryside Area on the basis that the dwelling is of truly outstanding design. Accordingly, it is necessary to withdraw permitted development rights that would otherwise allow the construction of large extensions, alterations to roofspace, the erection of large outbuildings within garden of the dwelling, or the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, in order to ensure that such development would not undermine that design as originally approved in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4 and H7.

13. The integral double garage and manoeuvring areas for the dwelling shall be constructed and made available for use prior to occupation of the dwelling in accordance with the details shown on drawing no's:

Proposed Site Plan drawing no. 21-28 PL04 rev B
Proposed Layout Plan Ground Floor drawing no. 21-28 PL05

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

14. The duly approved soft landscaping scheme as detailed on drawing numbers:

General Arrangement Plan drawing no. P20951-00-001-GIL-0100 rev 03
Walled Garden Tree Planting Plan drawing no. P20951-00-001-GIL-0400 rev 01
Roof Terrace General Arrangement Plan drawing no. P20951-00-001-GIL-0110 rev 01

shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: Provision of soft landscaping formed part of the justification to support a dwelling in this location, and, to ensure appropriate landscaping of the site in the interests of visual amenity and to provide biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

15. Unless alternative details are submitted to and approved in writing by the Local Planning Authority, the Landscaping of the site shall be managed in complete accordance with the submitted Landscape Management Strategy (Gillespies, ref: P20951-00-001-GIL704 revision 00, dated 13/06/2022).

Reason: To ensure that appropriate measures are put in place to secure the maintenance and longevity of landscaping that forms an integral part of this development, in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4, H6, GD7 and ENV1, and the National Planning Policy Framework.

16. The development hereby approved shall be constructed in complete accordance with the hard landscaping scheme as detailed on drawing number:

General Arrangement Plan drawing no. P20951-00-001-GIL-0100 rev 03

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2, and the National Planning Policy Framework.

17. With the exception of those specimens identified on the Tree Retention Plan Drawing no. P20951-00-001-GIL-0140 rev 01, no other trees or hedges shall be pruned, topped or removed

unless details of those works and, in the case of removal a scheme for the provision of appropriate replacement planting which includes details of the number, size, species, siting, planting distances/densities and the programme of planting for replacement hedges and trees, have first been submitted to and approved in writing by the local planning authority. Any replacement planting to be introduced pursuant to this condition shall be carried out in accordance with a timetable which has first been submitted to and approved in writing by the local planning authority and any replacement 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 protect the existing trees on the site that are shown to be retained as part of the scheme and to ensure appropriate compensatory planting is introduced to offset any additional tree and hedge removal required as a result of the development in the interests of visual amenity, to safeguard the amenities of existing and future occupiers and to ensure appropriate protection for and/or replacement of valuable green infrastructure networks in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, ENV1 and ENV2.

18. Prior to occupation of the dwelling hereby approved, restoration works to the wall of the Walled Garden, including but not limited to the extent of wall dismantling, wall rebuilding, coping details, door insertion, reinstatement of gateposts and the associated urns and gates, shall be undertaken in complete accordance with the details as specified on drawings:

Kitchen Garden Wall Existing & Proposed Elevations Sheet 1 of 2 drawing no. 21-28 PL08
Kitchen Garden Wall Existing & Proposed Elevations Sheet 2 of 2 drawing no. 21-28 PL09

The works shall be implemented in complete accordance with the submitted document 'Method Statement for brickwork repointing and repair of the Kitchen Garden Walls at Home farm Lytham'.

Reason: Restoration of the wall formed part of the justification to support a dwelling in this location, and, to ensure the appropriate methodology to preserve the remaining sections of this feature, the use of appropriate materials in its restoration, and to secure the implementation of that restoration in accordance with Policy GD4, H6, GD7 and ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

Informative(s)

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

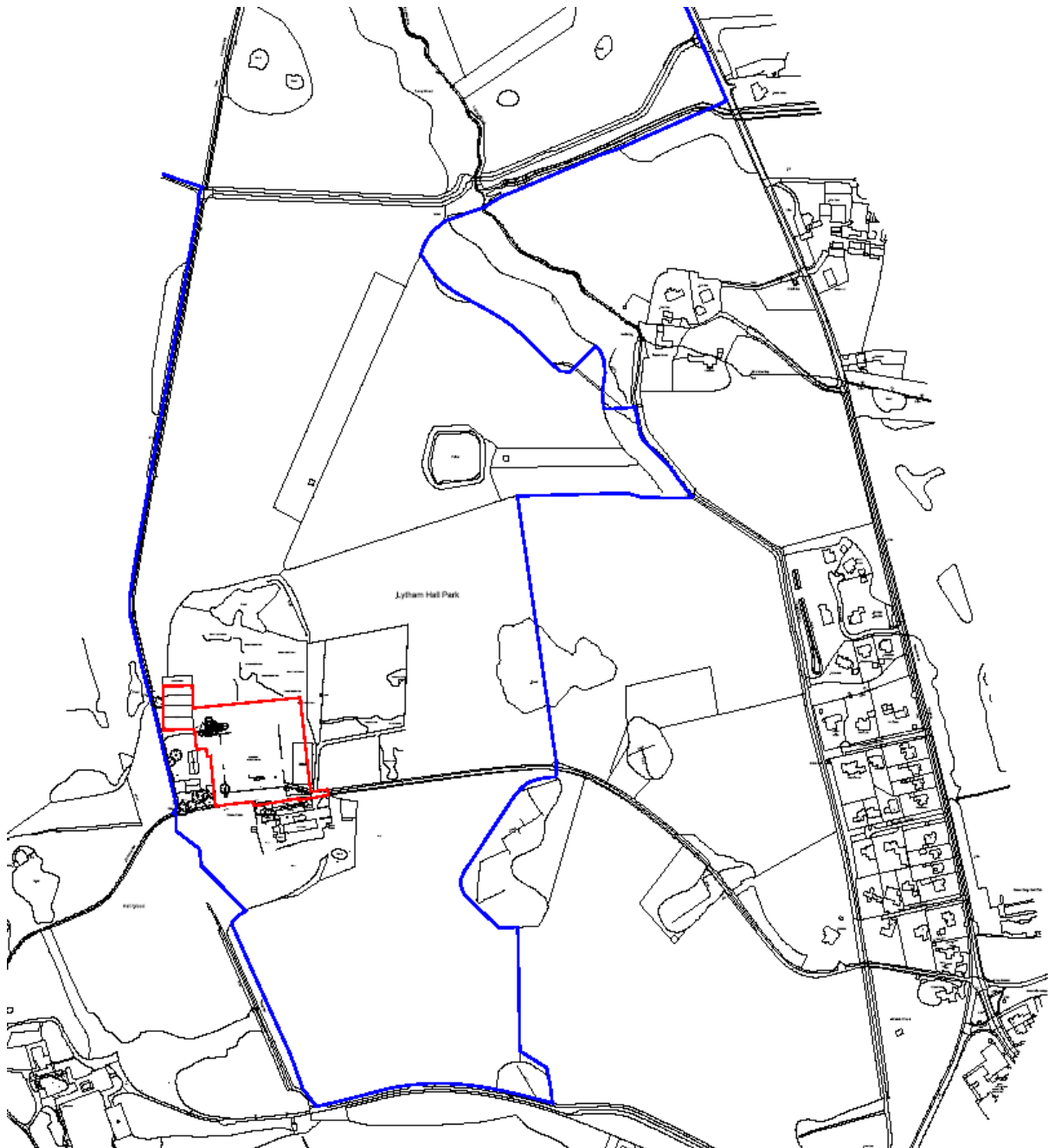
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

2. The LLFA advises that sustainable drainage on a property level is considered by the applicant to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing leaky water butts, permeable paving and roof gardens.

3. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.
4. Environmental permitting (water discharge activities) – advice to applicant
Where it is not possible to connect foul drainage to the main sewer, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.
Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone (SPZ). For information, this location is not within an SPZ.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.



Item 4

Application No:	22/0566	Case Officer:	Alan Pinder Area Team 2
Applicant:	Andrew Ashurst	Agent:	MR PHILIP LEWIS
Location:	HOLLY BANK NEW HEY LANE NEWTON WITH CLIFTON PRESTON LANCASHIRE PR4 3SB		
Proposal:	CONVERSION OF INTEGRAL GARAGE TO HABITABLE LIVING ACCOMMODATION, ADDITION OF DUAL-PITCHED ROOFS ABOVE EXISTING FLAT-ROOFED PROTRUSIONS TO FRONT OF DWELLING AND FORMATION OF NEW VEHICLE ACCESS TO NEW HEY LANE INCLUDING ERECTION OF FRONT BOUNDARY WALL AND GATES UP TO 1 METRE IN HEIGHT		
Ward:	Newton with Treales	Parish:	Newton with Clifton
Statutory Expiry:	6 October 2022	Earliest Decision:	10 August 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request		Online application file here

Summary of Officer Recommendation: Grant

Report Summary

This application relates to a detached dwelling located within the parish of Newton, but within the defined settlement of Kirkham on New Hey Lane close to its junction with Dowbridge.

The application seeks planning permission for alterations to the dwelling comprising of replacement to the existing flat and mono-pitched roofs with dual pitched gabled roofs, the conversion of an integral garage to a habitable room, and the repositioning of the existing vehicular access within the New Hey Lane frontage.

The scale and design of the various works would not prejudice the amenity of any neighbouring dwellings, would improve the public appearance and character of the dwelling, and would have no adverse impacts on the safe use of the adjacent highway. The proposal therefore accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the NPPF and so is recommended for approval.

Reason for Decision Level

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

Site Description and Location

The application property is a detached bungalow located to the west side of New Hey Lane within the settlement boundary of Kirkham as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The dwelling's front elevation faces south, at right angles to New Hey Lane, and the property is broadly 'C' shaped with protruding, flat-roofed features to the southeast and southwest corners. A central

entrance door (the main entrance to the dwelling) is on the south facing elevation. The dwelling's eastern elevation facing New Hey Lane is largely blank with the exception of a single window and presents as the dwelling's side elevation. The property has gardens to all four sides, with an existing timber-clad outbuilding within the western garden which backs onto newly constructed dwellings on Heaton Way.

Details of Proposal

Planning permission is sought for the following:

- Conversion of the integral garage to a habitable room which will provide a kitchen/dining area
- Replacement of mono-pitched roof above the living room with a gabled dual-pitched roof
- Replacement of the flat roof above the integral garage with a gabled dual-pitched roof
- Repositioning of the vehicle access towards the southern end of the front boundary with New Hey Lane. The access would feature a 1 metre high gate comprising a black steel frame with vertically lapped grey composite panels suspended between 1 metre high stone gateposts. A 0.8 metre stone wall would be erected to close the existing access. The gateposts and wall would be constructed using 'Pavestone Burford Tumbled Walling' stone

Relevant Planning History

Reference	Proposal	Decision	Date
22/0478	CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED ERECTION OF TWO SINGLE STOREY OUTBUILDINGS TO PROVIDE WORKSHOP/STORE AND GARAGE WITHIN GARDEN AREAS TO WEST AND EAST OF DWELLING	Approve Certificate	18 July 2022

Parish/Town Council Observations

Parish/Town Council	Observations
Newton With Clifton Parish Council	<u>Comments received on 20 July 2022</u> <i>Members recommend planning permission is refused; proposed new access/egress is considered detrimental to highway safety as the application fails to demonstrate there will be no adverse impact on all users of the highway. Consequently the application fails to comply with policy GD7 and revised 2018 NPPF policies requiring highway safety, including pedestrian safety, and that convenient movement of highway users is not prejudiced.</i>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed conversion of integral garage to habitable living accommodation, addition of dual-pitched roofs above existing flat-roofed protrusions to front of dwelling and formation of new vehicle access to new hey lane including erection of front boundary wall and gates up to 1 metre in height and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i>

	<i>The new access is an improvement on the existing access. The material of the entrance is acceptable. The site offers adequate off street parking provision.</i>
--	--

Neighbour Observations

Neighbours notified: 20 July 2022
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

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

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

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

Comment and Analysis

Principle

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

Design and Appearance in Streetscene

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p). In particular, criteria d), h) and i) of the policy identify the following requirements:

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

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

The property is a bungalow dwelling with a flat roofed integral garage projecting forward of its left hand side front elevation, and a single storey outrigger (living room area) with a mono-pitched roof, projecting forward of its right hand side front elevation. The main body of the property features a dual pitched roof. The resulting appearance of the existing dwelling is that there is a mix of roof styles that jar with each other. These are also at odds with the general vernacular of New Hay Lane as that is otherwise characterised by dwellings with pitched roof designs. The proposed gabled roofs to the converted flat roofed garage and the living room would provide a more cohesive and conventional appearance to the property, that blends better with the vernacular of dwellings along New Hay Lane.

With regard to the new access the proposed gates, gate pillars, and boundary used to form the access and close the existing access would be sufficiently low in height and of an appropriate finish as to not appear visually intrusive or incongruous within the character of the existing streetscape. They are also of a height where planning permission would not be required as they are less than the 1m limit on means of enclosure that are adjacent to a highway.

Accordingly the design and appearance of all elements of the proposal are considered to accord with the requirements of criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion h) states that developments should be “sympathetic to surrounding land uses and occupiers”.

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The only neighbouring property potentially affected by the proposal is ‘Tintagil’, which neighbours to the front of the application property. The proposed replacement roofs would be no closer to this neighbour and the host dwelling would remain a bungalow. With this and the separation involved it is considered that the amenity of Tintagil’s occupiers would not be prejudiced by way of overshadowing, overbearing appearance or overlooking

Overall the proposal will have an acceptable relationship to its neighbours in all regards and accord with criteria c) and h) of Policy GD7.

Parking and Access Arrangements

The proposal will result in the loss of an integral garage. However a replacement detached garage is currently under construction within the dwelling's curtilage, being built as permitted development (certificate of lawfulness ref. 22/0478). This will replace the parking provision that was provided by the integral garage. This notwithstanding there is sufficient hard standing within the front curtilage to provide appropriate off-street parking and manoeuvring area for domestic vehicles.

It is noted that the Parish Council have objected to the application on the grounds that the repositioned access would potentially have an adverse impact on highway safety. However the existing access has poor sightlines along New Hay Lane for vehicles exiting the property and the repositioning of the access further south, along the front boundary, would help to improve these sightlines. This view is also held by LCC Highways who have raised no objection, stating *"The new access is an improvement on the existing access."*

Overall the proposed repositioned access accords with criteria j) and q) of Policy GD7.

Conclusions

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

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Location Plan - Scale 1:1250

Proposed Site Plan - Drawing no. 5 Rev 0

Proposed Elevations - Drawing no. 2 Rev 0

Proposed Floor Plan - Drawing no. 3 Rev 0

Proposed Access Layout & Elevation - Drawing no. 6 Rev 0

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission, the submitted application form, and in the email dated 04 September 2022 from the agent (PJI Plans)

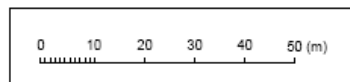
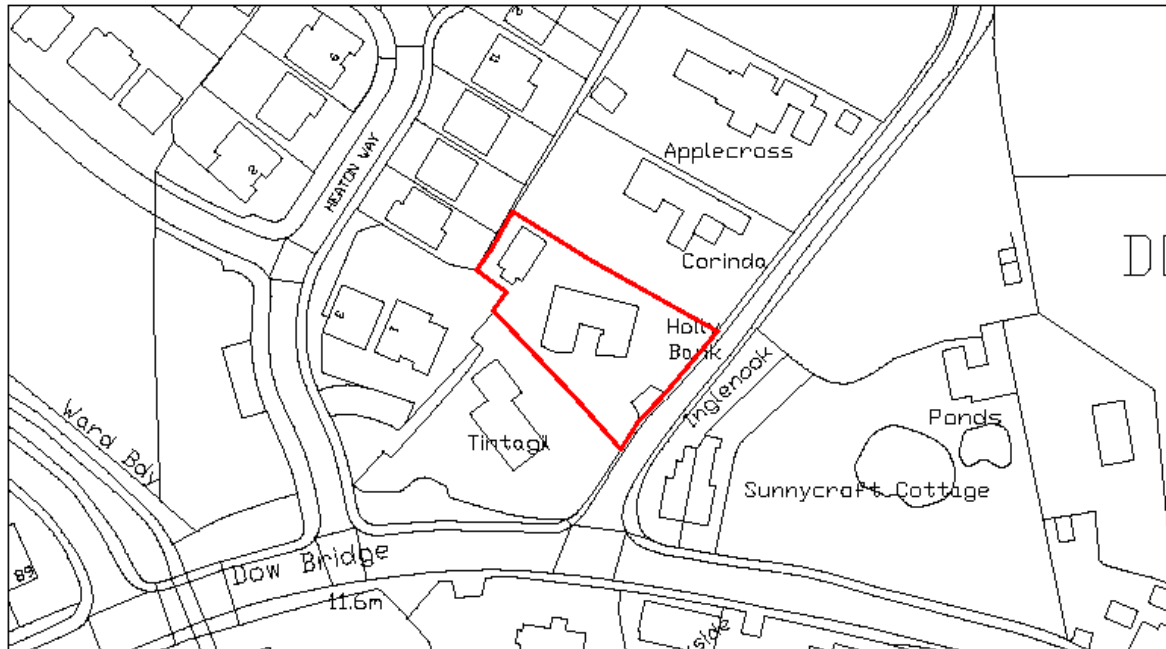
Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy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

Informative(s)

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

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

Location Plan for 22/0566



LOCATION PLAN 1:1250

Holly Bank,
New Hey Lane
Newton
PR4 3SB

Item 5

Application No:	22/0592	Case Officer:	Beth Winstanley Area Team 2
Applicant:	MR AND MRS PETER PALMER	Agent:	MR NICK HAYES
Location:	GARDEN COTTAGE, TREALES ROAD, TREALES ROSEACRE AND WHARLES PRESTON LANCASHIRE PR4 3SR		
Proposal:	SINGLE STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AND OUTBUILDING (RESUBMISSION OF 22/0015)		
Ward:	Newton with Treales	Parish:	Treales, Roseacre and Wharles
Statutory Expiry:	23 September 2022	Earliest Decision:	22 August 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	

Summary of Officer Recommendation: Refuse

Report Summary

The application relates to a detached 1 bedroom cottage is located within the village part of Treales. It was originally a laundry room for the neighbouring property, but was converted to a residential dwelling in 1951. The property is located within an area of countryside, and therefore is to be assessed against Policy GD4 relating to development in those areas, Policy H7 relating to the scale of extensions, and Policy GD7 relating to general design matters of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Policy GD4 permits residential extensions in countryside areas, but requires that they comply with the scale and design tests imposed through Policy H7. In this case the footprint of the original dwelling at the time of conversion in 1951 extends to approx. 60m². The extension proposed under this application has an overall footprint of approx. 33m², and so the overall footprint of the extended dwelling would be approx. 93m² which is an increase of approx.. 55% over the original dwelling. This is considerably in excess of the maximum size criteria set out within Policy H7 which permits an increase of no more than 33%. The proposal is therefore in conflict with that policy.

Setting that aside, the overall design and appearance of the extension would compliment the existing dwelling, with matching bricks, roof tile and roof design. The overall height of the extension would match the original property and would not dominate the streetscene or the original property. Therefore allowing the proposal to comply with the second aspect of Policy H7, and with criteria c), h) and i) of Policy GD7.

The application property is detached, but is neighboured to both the east and west. The location of the extension to the eastern side elevation will mean that the proposal will not impact the occupants of 'Hill Cottage', the neighbouring property to the west. Cobblestones, the neighbouring property to the east has a blank side elevation along the shared boundary, with the extension sitting approx. 5m from the shared boundary, therefore allowing the proposal to have an appropriate relationship with these occupants also. As such, the proposal will comply with criteria c) and h) of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Accordingly the extension is considered to be acceptable in all regards, other than one key aspect which is the scale requirements set out in Policy H7a. That policy is specifically designed to ensure

that the stock of smaller, and so more affordable, rural properties is retained and does that by imposing a strict limit on the scale of extensions that can be accepted to small rural properties such as this. Whilst the property remains modest even with the extension that is proposed here, the wording of Policy H7 unequivocal, and the conflict that the scheme has with that wording, and the aims of the policy, ensures that the application is to be recommended for refusal.

Reason for Decision Level

The Head of Planning has agreed to a request from the case officer for the application to be considered at Committee. This is on the basis that she believes the scale of the extension is not excessive and does not impact the rural character of the area in the way that other decisions for new dwellings and large properties have.

Site Description and Location

The application relates to a small detached 1 bedroom cottage within Treales. It was converted to a residential use in 1951 and was previously a laundry room ancillary to the neighbouring property 'Hill Cottage' and the wider Derby Estate.

The property has a lean to outbuilding to the rear which has been used as an externally accessed utility room due to the lack of space internally. There is also an aged UPVC conservatory located to the cottage's side elevation. Neither of these aspects were shown on the original conversion plan, therefore will be considered as non-original during the assessment of this application.

The site falls within an area of countryside as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

Planning permission is sought for the removal of the existing outbuilding and conservatory, and the creation of a single storey extension located to the eastern side elevation of the dwelling. The extension will project approx. 8.1m from the existing side elevation and will have a width of approx. 4.1m. The roof will be gabled, with an eaves height of 2.9m and top ridge height of 4.9m.

A previous application for similar development earlier this year was withdrawn after conversations with the agent due to the fact the application could not be supported due to conflicts with Policy H7 size increase. This application has now been submitted which has reduced the width of the proposed extension by approx. 0.4m.

An earlier, much smaller, extension listed in the planning history below was approved but never implemented.

Relevant Planning History

Reference	Proposal	Decision	Date
22/0015	SINGLE STOREY SIDE EXTENSION	Withdrawn by Applicant	21 April 2022
99/0096	SINGLE STOREY SIDE EXTENSION TO FORM BEDROOM	Granted	21 April 1999

Parish/Town Council Observations

Parish/Town Council	Observations
Treales, Roseacre and Wharles Parish Council	<u>Comments received on 07/09/2022</u> <i>The Parish Council supports the application, if the increase in size conforms with Fylde's Local Plan, Policy H7: Replacements of, and Extensions to, Existing Homes in the Countryside</i>

Statutory Consultees and Observations of Other Interested Parties

None to report

Neighbour Observations

Neighbours notified:	1 August 2022
Number of Responses	Total number of comments 0
Summary of Comments	N/A

Relevant Planning Policy & Government Guidance

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

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

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

GD4 - Countryside

GD7 – Achieving Good Design in Development

H7 - Replacements of, and Extensions to, Existing Homes in the Countryside

SPD1 - Extending Your Home - November 2007

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Comment and Analysis

Principle

The application site is located in the Countryside Area as identified on the FLPPR Policies Map. In these areas the principle of residential extensions is acceptable subject to the development's design and impact on the amenity of surrounding occupiers as examined below with reference to policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by policies GD4 c) and H7 of the FLPPR.

Policy H7 Background

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

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

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

Scale of Extension Assessment

This is the key aspect in the assessment of this application, with the wording of Policy H7 stating

Proposals to replace and / or to extend an existing home in the countryside will be permitted where the following criteria are met:

- a) The replacement or extended home is increased in size by no more than 33% calculated in relation to the ground floor area of the original home;*

The application relates to a 1 bedroom cottage. The current dwelling has a conservatory and attached outbuilding to the rear, but these are not original and are not shown on the plans that were approved for the conversion to a dwelling in 1951 (Ref 3/7/465 applies), with the garage existing at the time of an earlier scheme to add a smaller extension to the property in 1991 (99/0096 applies).

Therefore the ground floor area of the original home must exclude these elements and is limited to that of the main rectangular building which contains a living room, kitchen and bedroom. This has dimensions of 5m x 12.1m that provide an area of just over 60m².

The proposed extension has a width of 4.1m and projection of 8.1m from the side elevation of the dwelling. This provides a ground floor area of approx. 33m², and so will increase the overall footprint of the dwelling to 93m². This is an increase of approx. 55% over the original ground floor area of the dwelling and is therefore in conflict with the requirement in Policy H7a for such extensions to be 'no more than 33%'.

Whilst it is accepted that a property with a ground floor area of 93m² remains a small dwelling, the wording of criteria a) of Policy H7 is unequivocal in its restraint over the percentage scale of the extension of properties that can be permitted. This proposal considerably exceeds the maximum percentage that can be permitted under that policy, and so conflicts with its requirements.

This is a point that the Parish Council make, as whilst they quote support for the application, this is qualified by a reference to compliance with this aspect of the policy. As this scheme conflicts with that requirement the Parish Council's views must be taken as an objection to the application.

Design and Appearance Assessment

This forms the subject of part b) of Policy H7 as it requires that the design of an extension is appropriate to the host dwelling and to the surrounding countryside area.

As a more general point FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p). In particular, criteria d), h) and i) of the policy identify the following requirements:

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

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

The application property is a small detached bungalow which is was originally a converted from a laundry outbuilding. The application property has a boundary hedge around the plot boundary which sits at approx. 1.8m in height, with the property set within a plot which is located close to the highway. This allows the proposed extension to be visible from the streetscene and from other dwellings.

The existing dwelling is completed in brick, with a render to the gable roof end to match the render on the neighbouring dwelling. The roof is gabled with slate roof tiles. The existing windows have stone cills and headers. The existing conservatory is located to the side and is completed in brown UPVC.

The proposed extension will be located to the side of the dwelling where the existing conservatory is located and will project away from the side by approx. 8.1m. The extension will be completed to compliment the character and appearance of the existing dwelling, with matching brick to all elevations and matching slate roof tiles to a gabled roof. The windows and doors will be completed in

matching UPVC and the stone cills and headers will also be replicated from the main property. The extension will be of an improved design to the existing aging conservatory and will therefore improve the overall visual character of the dwelling. The eaves height and roof ridge height of the extension will match that of the original dwelling and will therefore not over dominate the original dwelling.

The proposed works will reflect the character, materials, proportions and form of the host dwelling, and those which contribute to its local context. The scheme is therefore in compliance with part b) of Policy H7 and criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion h) states that developments should be “sympathetic to surrounding land uses and occupiers”.

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The application property is detached, and is positioned within the original garden area of the neighbouring property to the west (Hill Cottage), therefore the dwelling shares a north and western boundary with Hill Cottage. To the east the site is neighboured by a further residential property, Cobblestones.

Hill Cottage

Hill Cottage is located to the west of the site and is set forwards from the application property. Hill Cottage has extensive grounds and wraps around to the north of the application site, with a shared to the back of the property.

The proposed extension is located to the eastern side of the application property, on the opposite side to Hill Cottage. The extension is of single storey height, and the roof ridge will sit in line with the existing roof ridge of the application property, therefore allowing the proposed extension to not be visible from the western side of the dwelling and therefore from the internal areas of Hill Cottage the occupants will be unable to see the extension to Garden Cottage. As such, the extension will not create loss of light or overshadowing to the occupants of Hill Cottage.

The proposed extension will be located approx. 6m away from the northern boundary, therefore the extension will be visible to the occupants of Hill Cottage when using the access road which wraps around the side of the application property. However it will not create any unacceptable impacts with the separation, orientation and landscaping available which enables privacy to be retained to the occupants when using the garden space.

Cobblestones

The neighbouring property to the east, Cobblestones, appears as a converted barn. The shared access for the application property and Hill Cottage is located between the side boundary of the application property and the boundary of Cobblestones. Cobblestones is built up to the boundary, with the side elevation of the dwelling positioned along the boundary edge, there are no windows within the side elevation of Cobblestones.

The proposed extension will be located over 5m away from the side boundary of Cobblestones, with the access track and a dense hedge located between the two dwellings. The proposed extension will be of single storey in height and will not extend above the height of Cobblestones. There are no windows within the side of Cobblestones, therefore the proposed extension will not have an unacceptable relationship to the occupants of Cobblestones in regards to loss of light, overshadowing or privacy.

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

Parking and Access Arrangements

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

Conclusions

The application property is a single storey 1 bedroom dwelling located within the Countryside Area as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. The circa 55 % increase in the ground floor area of the original dwelling and subsequent overall increase in its size which would arise as a result of the proposed extension exceeds the limit identified in criterion a) of Fylde Local Plan to 2032 (incorporating Partial Review) policy H7. No material considerations are considered to exist which could outweigh this clear conflict with the clear requirements of this development plan policy, and so application is recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The application property is a single storey 1 bedroom dwelling located within the Countryside Area as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map. The circa 55 % increase in the ground floor area of the original dwelling and subsequent overall increase in its size which would arise as a result of the proposed extension exceeds the limit identified in criterion a) of Fylde Local Plan to 2032 (incorporating Partial Review) policy H7. This excessive increase in ground floor area would result in a property of significantly greater size than the original dwelling and, accordingly, would reduce the availability of smaller properties in rural areas which are underrepresented in the borough's housing stock and that policy H7 a) seeks to retain. Therefore, the proposed development would result in the unacceptable enlargement of a dwelling in the countryside and a diminution in the stock of smaller homes in rural areas in conflict with the requirements of policy H7 a) of the Fylde Local Plan to 2032 (incorporating Partial Review).

Informative(s)

1. For the avoidance of any doubt, this decision relates to the following plans:

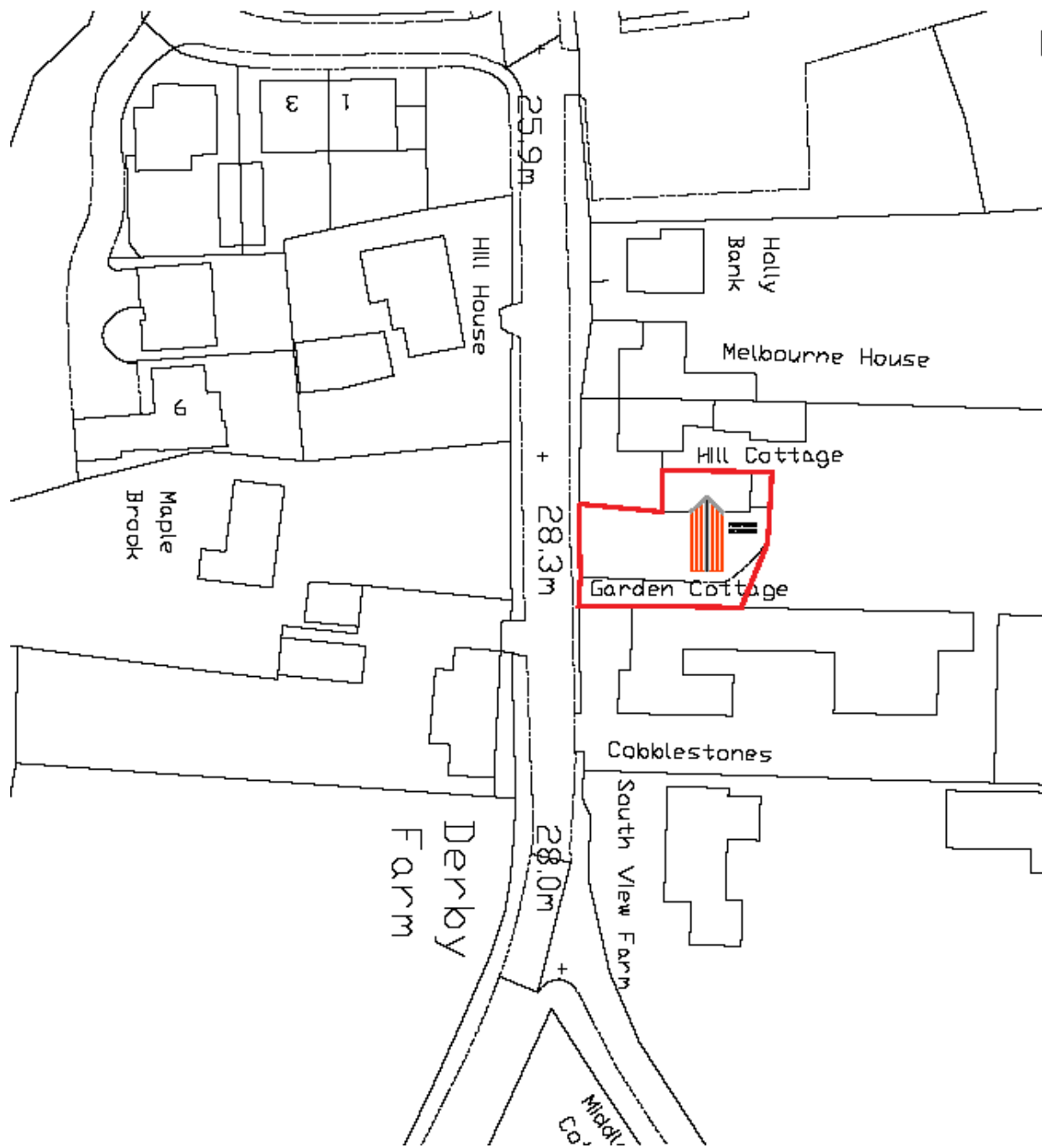
Location Plan - Hayes Drawing no. 664-EX01 Rev B

Proposed Floor Plan - Hayes Drawing no. 664-P01 Rev D

Proposed Elevations - Hayes Drawing no. 664-P02 Rev B

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

The proposal would not improve the economic, social and environmental conditions of the area and it does not comply with the development plan. Therefore, it does not comprise sustainable development. There were no amendments to the scheme or conditions which could reasonably have been imposed to make the development acceptable and, accordingly, it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 OCTOBER 2022	5
FYLDE COUNCIL TREE PRESERVATION ORDER 22/0001: LAND WEST SIDE OF FLEETWOOD ROAD, WESHAM, PRESTON PR4 3HD			

PUBLIC ITEM

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

SUMMARY

Planning Committee are asked to confirm this Tree Preservation Order (TPO) following consideration of the comments received during the consultation on the Order. The Council's constitution requires that when an objection is received the decision on whether or not to confirm the Order is to be made by the Planning Committee.

RECOMMENDATION

1. That Members confirm the Tree Preservation Order, without modification, so that it becomes permanently effective.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	√

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

The Town and Country Planning Act 1990 prescribes a “*General duty of planning authorities as respects trees*”.

Section 197 defines a duty in respect of trees:

Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and*
- (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

The council is therefore obliged by statutory legislation to consider the preservation of trees in planning applications and to use planning conditions to secure new tree planting in development.

1.2 Tree Preservation Orders.

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs).

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

1.3 Changes to TPO procedures from 6th April 2012.

In 2012 the government introduced what it described as “a consolidated and streamlined tree preservation order system.” One of the notable changes was the removal of sections 199 and 201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made and no prior consultation is allowed for.

2. Background to making the Tree Preservation Order.

2.1 The potential threat to trees due to development and inappropriate management

The trees are situated immediately west of the Fleetwood Road A585, which is the main route north south through Fylde, and which provides access from the south part of Fylde to junction 3 of the M55.

The trees have been placed under a provisional preservation order as it appears to the authority and tree officer that it is expedient in the interests of amenity to make provision for the preservation of the trees outlined in TPO 22/0001 (appendix 1). The removal of these trees would have a significant impact on the local environment and its enjoyment by the public.

The Fylde is in the Northwest region of the country and has the lowest tree canopy cover in the country. The Council aspires to increase tree cover in Fylde and this will be outlined in the Council's Tree Strategy. This increase in tree cover will include new planting and enhancing existing areas of planting including landscaped buffers to screen new development adjacent to existing settlements. Strategic Policy ENV1 Landscape of the Fylde Local Plan to 2032 (incorporating Partial Review) sets out the requirements in detail.

The trees are highly visible when driving or walking along the A585 both north and south. Driving north from Kirkham there is development to the west until you reach T1/A1. At that point the landscape becomes rural with trees (A2) to the west and open countryside views to the east. Heading south from Junction 4, A1 is highly visible from the road. G1 is set back slightly from the road but provides an attractive linear feature which will be prominent even in the winter because the pines are evergreen. A2 screens the recent development at Mill Farm so it is only seen once you have passed these trees. This is particularly important and reduces the impact of the stadium on the surrounding rural landscape.

On inspection of the trees it was found that there are four different compositions of tree groups and one individual tree. Due to three groups having a mix of understory, it was decided to use Individual, Area and Group classifications for the order.

Individual classification: if a tree merits protection in its own right

Group Classification: when there is a distinct group of tree species that warrant a preservation order

Area classification: intended as a stop-gap: the effect is to prevent any work to the trees until either more is known about the reality of a threat or a more refined Order can be issued that itemises the trees as individuals or groups.

Following the Government's guidelines on Tree Preservation Orders and classifications and in accordance with the policies of The Fylde Local Plan to 2032 (incorporating Partial Review), it was deemed by the Tree Officer appropriate to place the trees under protection. This decision is justified by the need to safeguard the amenity value of the trees given their value as features in the landscape and as part of a landscape buffer for the Mill Farm site, the trees are threatened by potential development of the site.

The Order was served on all interested parties including the present owner at the time of making the order.

2.2 Objection Period.

A statutory twenty-eight-day objection period applies to new TPOs.

All persons notified of the TPO were required to make any representations or objections before 5th May 2022.

3. Objection.

An objection was made in the format of a pdf letter submitted to Fylde Council Planning by PWA planning. The objection was dated 6th May 2022 and sent by email. A copy is attached as Appendix 2.

3.1 Summary of Objection.

The objection mainly concerns future planning implications and justification of the TPO due to varying quality of tree species

The following points have been pulled out of the objection letter and covered in this response:

- a) The Impact of the Tree Preservation Order on planning permission
- b) The Location is subject to Full Planning Permission application 21/0620
- c) Development improves the area
- d) The Development supports sustainable growth
- e) Justification of suitability of trees for a TPO as per Arboriculture Impact Assessment (AIA) and Method Statement (revision A) dated 2021, due to different categorisation of quality

4. Response to the Objection.

a) The impact of Tree Preservation Orders and Planning:

Tree Preservation Orders do not supersede planning permission, but the Council will consider the risk to protected trees when determining a planning application. Once a detailed planning permission is granted, any felling may be carried out which is directly required to enable the development to go ahead.

b) Subject to Full Planning Permission application 21/0620:

This planning application has been withdrawn.

c) Development improves the area:

There has been an increase in development, and this brings in an increased volume of vehicles and visitors can use the amenities including a

- Supermarket
- Petrol Station
- multiple fast-food restaurants
- multiply artificial sports pitches, a football stadium
- storage and distribution warehouse

Making of a tree preservation order does not take into account the increased development of amenities. A TPO is placed on trees based on amenity value of trees or if it is expedient in the interest of amenity.

The development that has taken place over recent years in the area has increased hard standings, vehicles and visitors to this location. There are few established trees or copses of trees on the development site that can help absorb the increase in pollution and particulate matter, as well as

providing natural biodiversity habitat. There has been an increase in visitors and development, it is expedient therefore, to protect what is present now and enhance it.

On page three, paragraph two of PWA letter of objection states that the TPO if made permanent could represent a barrier to any future development in this location. In determining planning applications, the Council should be seeking to protect and enhance the landscape in accordance with Strategic Policy ENV1 Landscape (see appendix 3) irrespective of the presence of any TPOs.

d) The development supports sustainable growth:

The NPPF sets out the three interdependent overarching objectives that are interdependent and need to be pursued in mutually supportive ways in order to achieve sustainable development and the planning system seeks to balance these economic, social and environmental objectives. It is important to note that the serving of a TPO would not hinder any future works, planning applications should be submitted with a detailed and suitable development and landscaping scheme in line with what has been mentioned in the objections by PWA consultancy along with following best practices and recommendations as per:

- BS8545:2014 Trees from nursery to independence in the landscape recommendation
- BS5837: 2010 Trees in relation to design, demolition, and construction recommendations
- Construction code of practice for sustainable use of soils on construction sites (DEFRA)

e) Justification of suitability of trees for a TPO as per Arboriculture Impact Assessment (AIA) and Method Statement (revision A) dated 2021, due to different categorisation of quality:

On the last paragraph of Page 3 and page 4 of the objection letter from PWA consultancy, reference is made to trees that have been surveyed within the AIA report that have different quality categorisation ranging from, low to high, and those of a lesser quality should not be afforded the same protection measures as those with high quality categorisation.

The making of a TPO is normally assessed on Amenity or Expediency. Amenity is assessed on the following criteria:

- Visibility
- Individual impact
- Wider impact

The trees are highly visible in the rural landscape from the A585 and are particularly important in screening the stadium when approaching from the north. Some of the trees within the areas are of varying quality. This is to be expected in an area of unmanaged land, and trees outcompete each other to be able to establish successfully to fulfil their natural life cycle. The location is not quite a woodland setting classification and area categorisation was deemed the most appropriate at the time when making the provisional order. It is also recommended that trees within the area orders are reassessed a few years after making the order to see if natural selection of trees has changed the requirement for an area order and to place the trees under a different classification of either Group or individual. Until that time, it is deemed that the order should stay as it is and be confirmed.

5. Conclusion

These trees have a high amenity value. They are highly visible from the A585, moving north they contribute to rural views and give an impression of leaving Kirkham and entering the countryside. Moving south they provide a landscaped buffer for Mill Farm in line with Strategic Policy ENV1.

They are potentially threatened by proposed development and protection of these trees by a Tree Preservation Order will ensure that they are conserved, maintained, and enhanced, if development takes place in accordance with ENV1 (b). This will ensure that the landscape buffer they currently provide is maintained and this will provide many other benefits. From

- biodiversity
- carbon sequestration
- reducing run off from rain and flood attenuation
- softening the landscape and creating value to the area

- more attractive place to work, live and visit.

As these trees grow so will their visibility and amenity value. They provide shelter and a source of food for wildlife and if the trees are removed, the animals/ insects and fungi that are species specific to these trees will be lost.

Alongside the development plan policies, the council's corporate plan also looks to maintain the tree canopy cover and so retain, wherever reasonably practicable, the borough's tree stock, not only for the local area in which they sit, but for the wider benefit of the Fylde area.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	The legal implications are contained within the body of the report
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	The tree preservation order that is the subject of this report has been prepared and considered in accordance with relevant legislation. There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental Impact	The provision and retention of trees is a key component in ensuring a healthy and sustainable environment and is in line with the draft Tree & Woodland Strategy for Fylde Borough and the Fylde Local Plan to 2032 (incorporating Partial Review)
Health & Safety and Risk Management	There is no risk at this moment

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Rayner	andrew.rayner@fylde.gov.uk & Tel 01253 658446	23 September 2022

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2021 No 1		Town Hall, St Annes

Attached Documents

Appendix 1 – Tree Preservation Order 22/0001 Land West Side of Fleetwood Road Wesham Preston PR4 3HD

Appendix 2 – Objection

Appendix 3 - [Strategic Policy ENV1 Landscape](#)



**Town and Country Planning Act 1990 & The Town and Country Planning
(Tree Preservation) (England) Regulations 2012**

**The Fylde Borough Council Tree Preservation Order 2022/0001 Land West
Side of Fleetwood Road, Wesham, Preston, PR4 3HD**

The Fylde Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order

Citation

1

This Order may be cited as The Fylde Borough Council Tree Preservation Order 2022/0001 Land West Side of Fleetwood Road, Wesham, Preston, PR4 3HD

Interpretation

2

- (1) In this Order “the authority” means the Fylde Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3

(1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall

- (a) cut down, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4

In relation to any tree identified in the first column of the Schedule by letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 7th day of April 2022

A handwritten signature in dark ink, appearing to read 'M.D. Evans'. The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Head of Planning
Authorised by the Council to sign in that behalf

**SCHEDULE
SPECIFICATION OF TREES**

Article 3

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation - approximate easting/northings</i>
T1	Willow	341583/ 434076

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	9 Ash, 2 Beech, 6 Birch, 2 Blackthorn, 10 Cherry, 2 Oak, 1 Rowan	Easting 341608/ Northings 434247 Total area approximately 703.15m ²
A2	Mainly consists of early mature trees. Species: 22 Ash, 10 Alder (mainly in a line parallel to Hedge Line and Fleetwood Road), 10 Beech, 5 Birch, 4 Blackthorn, 5 Cherry, 4 Field Maple, 5 Hawthorn, 2 Horse Chestnut, 5 Oak, 2 Pine, 4 Poplar	Eastings 341595/ Northings 434123 Total area approximately 1,337.71m ²
A3	Mainly consisting of Ash, Poplars, Cherry, Alders, Birch with a row of Ash trees along Westerly canopy edge	Eastings 341551/ Northings 434093 Total area approximately 906.81m ²

Groups of trees

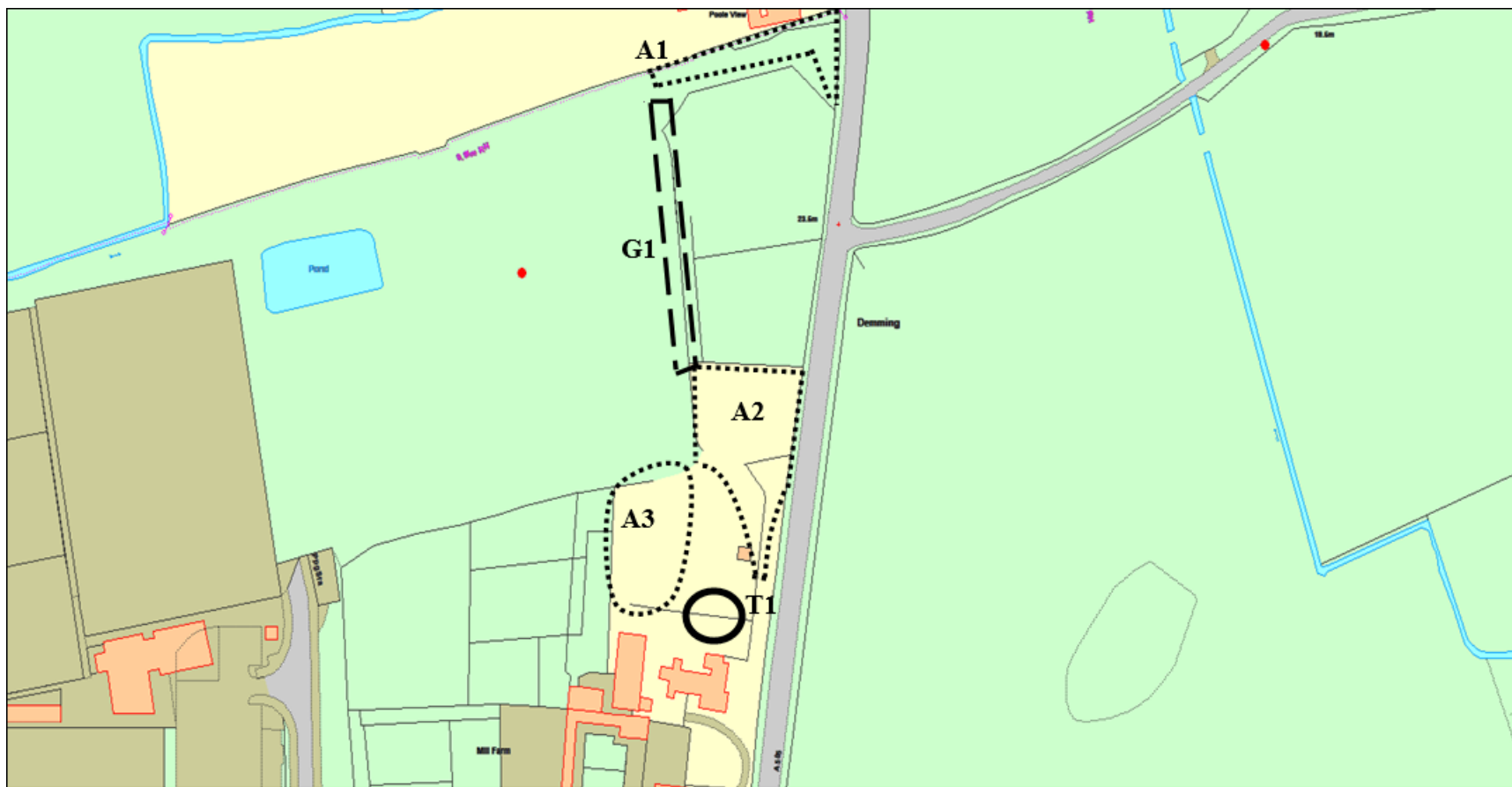
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation – approximate eastings/northings to centre of group</i>
G1	Approximately 145 Pines (in a row planted three to four deep)	Eastings 341567/ Northings 434174 Length of row 108m

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>



The Fylde Borough Council Tree Preservation Order 2022/0001 Land West Side of Fleetwood Road, Wesham, Preston, PR4 3HD

Mr. Andrew Rayner
Fylde Borough Council
The Town Hall
Lytham Saint Annes
FY8 1LW

6th May 2022

PWA Reference: 20-852

Dear Sir/Madam,

**OBJECTION TO TREE PRESERVATION ORDER REFERENCE 2022/0001
LAND WEST SIDE OF FLEETWOOD ROAD, WESHAM, PRESTON, PR4 3HD**

Under the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 (Tree Preservation) (England) Regulation 2012, Fylde Borough Council has recently made a provisional Tree Preservation Order (TPO) on the Land to the west side of Fleetwood Road, Wesham, Preston, PR4 3HD. It is hereby referred to as 'the site' and has been allocated order reference TPO/2022/0001. Please accept this objection on behalf of Mill Farm Ventures, which I trust will be considered in full prior to the issue of any decision being made.

TPO 2022/0001 is located adjacent to Mill Farm Sports Village, which is subject to allocation MUS3 within the adopted Fylde Local Plan (October 2018). This TPO replaces the former at the site, allocated reference TPO/21/0003 which has since been revoked.

Mill Farm Sports Village is a 6.8 ha parcel of land which has successfully delivered mixture of different uses including but not limited to a supermarket, multiple fast-food restaurants, a football stadium, a storage and distribution warehouse, and multiple artificial sports pitches. It is a very important generator of employment in the locality and has brought many community benefits. A copy of the extract of the Fylde Local Plan Map, showing the site in relation to the Mill Farm Sports Village allocation is provided below at Figure 1.

From discussions recently held with the Council's Planning Officers, it is understood that the allocation of Mill Farm Sports Village (MUS3) in 2018 was based upon land ownership at that time. It was not based upon any physical constraints such as trees.



Figure 1: Extract from the Illustrative Masterplan (note that MUS3 is incorrectly labelled)

PWA Planning therefore strongly believe that had the ownership of the land extended east to adjoin Fleetwood Road (A585) at that time, then the allocation of MUS3 would have also been extended by the Council. Indeed, this would have and continues to represent a wholly logical location for further development to help support sustainable growth within Fylde, rounding off the MUS3 allocation.

Mill Farm Ventures now own all the land between the Local Plan allocation and Fleetwood Road, including the site subject to the current provisional TPO 2022/0001.

The site is also currently subject to a Hybrid Planning Application, which is in the process of being determined and is suspected to be the reason why a TPO has been made now by the Council. The application was validated 28th July 2021 and assigned reference: 21/0620, for which the description of the development reads as:

“Hybrid planning application comprising: 1) Full planning application for construction of signal-controlled junction to Fleetwood Road to north of stadium with connecting spine road and associated road infrastructure, construction of north stand at stadium, and formation of car parking area. 2) Outline application (all matters reserved) for erection of building to house indoor community sports pitch adjacent Coronation Way, and residential development of up to 99 dwellings to north of new junction.”

It is particularly noteworthy that the part of the planning application which affects the TPOs is made in outline. The submitted plans are indicative only and were approval granted, then the developer would need to follow this up with an application for Reserved Matters. This would need to explore and consider the relationship between proposed development and existing trees.

Notwithstanding the merits of the planning application, which is being considered under a separate process, TPO 22/0001 lists numerous large groupings of trees and one individual tree. The below extract from the provisional Order demonstrates how the TPO is extensive. This is particularly so because of the focus on protecting groupings. If the TPO were to be made permanent, then it could represent a barrier to any future development in this location.

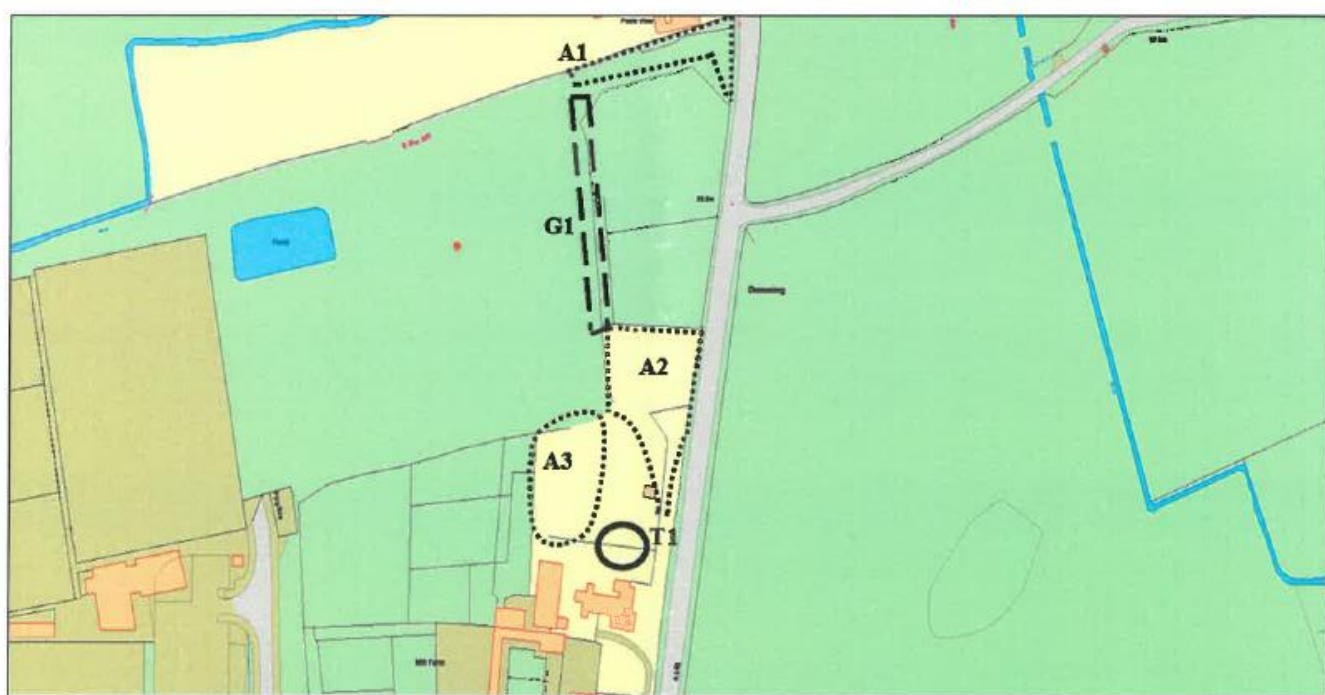


Figure 2: Extract from the Provisional TPO Notice

The Arboricultural Implications Assessment (AIA) and Tree Protection Plan (TPP) submitted alongside planning application ref: 21/0620 are enclosed with this objection. Whilst these documents indicate how all the trees affected in this part of the site have extensive Root Protection Zones, they also provide a more robust assessment of their quality. This identifies the trees as either Category A (high quality), Category B (moderate quality) or Category C (low quality).

In comparison to the information provided with the TPO, the AIA assesses the quality of the trees as follows:

TPO Identification	Arboricultural Implications Assessment
A1	Category A (high)
A2	Category B (moderate)
A3	Mix of Category B (moderate) and C (low)
G1	Category B (moderate)
T1	Category B (moderate)

The above table show that whilst there is one grouping of high-quality trees towards the very north of the site (A1), all others are of a lesser value, to an extent that not all are deemed worthy of such extensive protection.

Whilst the MUS3 designation does not include the land subject to the TPO, there are clear the benefits from promoting a truly mixed-use scheme across the site. This, in my opinion should be afforded very significant weight and influence the approach taken by the Council towards the protection of any trees. Indeed, development in such a logical position between the existing MUS3 allocation and Fleetwood Road will help to reduce wider pressures for development elsewhere within the Open Countryside.

PWA Planning consequently strongly perceive that the TPO should not be made permanent. Instead, it would be more appropriate for the value and retention of trees to be assessed through planning applications, which have to date and, in the future, would need to be accompanied by an AIA and TPP. This will ensure that any proposed development is designed in a way that allows for the retention of most of the most valued trees, whilst enabling access into the site which delivers economic and social benefits. Consequently, a more balanced approach would be achieved which can achieve all key objectives. Moreover, the planning application process would be able to ensure that proposed landscaping designs adequately compensate for any tree losses elsewhere within the site.

Should the Council disagree with this view and still wish to make the TPO permanent, then it is requested that a more focused view is taken which considers the quality of value of more individual trees – as not all are of high quality. Whereas a blanket protection, as currently shown on the TPO plan could have a damaging effect on the potential for the site to deliver development, a more focused Order is likely to help achieve a form of development that is designed around the most important natural features.

For the above reasons TPO/22/0001 should not be made permanent. I would be grateful if you could please keep me informed regarding any upcoming Meeting of Planning Committee, where the TPO is to be discussed and final decisions made. My client will wish to make verbal representations ahead of any such debate. I shall look forward to hearing from you in due course.

Yours sincerely,

Matthew Wyatt MRTPI
Associate

Enc: Arboricultural Implications Assessment (AIA) and Tree Protection Plan (TPP) submitted alongside planning application ref: 21/0620

Appendix 3 Strategic Policy ENV1 Landscape

Link: [Strategic Policy ENV1 Landscape](#)

Extract: Strategic Policy ENV1 Landscape

Strategic Policy ENV1

Landscape

Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. In addition:

- a) A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development;
- b) Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting;
- c) In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features,

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	6 October 2022	6

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 August and 23 September 2022.

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

SOURCE OF INFORMATION

Development Services

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

Index of Appeal Decisions

Appeal decisions received between 19 August 2022 and 23 September 2022.

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

App. No.	21/0166	FBC Decision:	Refusal	Level:	Delegated
Location:	172 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB				
Description:	CHANGE OF USE OF PART OF DWELLINGHOUSE TO OFFICES (USE CLASS E(G)(I)) INCLUDING PROVISION OF ASSOCIATED OFF-STREET PARKING WITHIN FRONT GARDEN - RETROSPECTIVE APPLICATION				
PINS Decision	Dismissed	Date:	7 Sept. 22	Costs:	N/A