



Agenda

Planning Committee

Date:	Wednesday, 11 January 2023 at 10:30 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, 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 of the Committee held on 7th December 2022 (previously circulated) as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 105
	INFORMATION ITEMS:	
5	List of Appeals Decided	106

Contact: democracy@fylde.gov.uk

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

© Fylde Council copyright 2023

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

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

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

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

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

Planning Committee Agenda

11 January 2023

Item	Appn.	Location	Proposal	Rec.	Page
1	21/1110	LAND AT GREAT BIRCHWOOD EQUESTRIAN CENTRE AND COUNTRY PARK, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1TE	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 30 DWELLINGS (USE CLASS C3) FOLLOWING DEMOLITION OF EXISTING STRUCTURES, REMOVAL OF EXISTING HARD SURFACES AND REMOVAL OF ALL OTHER BUILDINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE FOR ROADS AND FOOTWAYS AND THE CONSTRUCTION OF NATURAL HABITAT AREAS AND FORMAL PLAY SPACE (ACCESS, LAYOUT AND SCALE APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Delegated to Officers	4
2	22/0431	ROSSALL'S YARD, RUTLAND ROAD LYTHAM ST ANNES LANCASHIRE FY8 4DU	ERECTION OF SINGLE STOREY TERRACE OF 4 UNITS FOR STORAGE AND DISTRIBUTION (CLASS B8) OR LIGHT INDUSTRIAL (CLASS E (G)) PURPOSES INCLUDING ASSOCIATED PARKING AREA AND 2M HIGH GATE TO ACCESS POINT FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE	Grant	93

Background Papers

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

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

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

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Item 1

Application No:	21/1110	Case Officer:	Matthew Taylor Area Team 1
Applicant:	Bellair Scotland Limited	Agent:	Mr Whittingham
Location:	LAND AT GREAT BIRCHWOOD EQUESTRIAN CENTRE AND COUNTRY PARK, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1TE		
Proposal:	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 30 DWELLINGS (USE CLASS C3) FOLLOWING DEMOLITION OF EXISTING STRUCTURES, REMOVAL OF EXISTING HARD SURFACES AND REMOVAL OF ALL OTHER BUILDINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE FOR ROADS AND FOOTWAYS AND THE CONSTRUCTION OF NATURAL HABITAT AREAS AND FORMAL PLAY SPACE (ACCESS, LAYOUT AND SCALE APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Ward:	Warton and Westby	Parish:	Bryning with Warton
Statutory Expiry:	16 January 2023	Earliest Decision:	23 December 2022
Reason for any delay:	Officers negotiating design improvements		Online application file here

Summary of Officer Recommendation: Delegated to Officers

Summary of Officer Recommendation

The application relates to the site of Great Birchwood Country Park which covers an irregularly-shaped area of land extending to *circa* 8.3 hectares on the northern side of the A584 (Lytham Road), Warton. The site is within an area of Green Belt identified on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map and falls broadly equidistant between the settlement boundaries of Warton (*circa* 0.9km to the east) and Lytham (*circa* 1.3km to the west) as defined in the Local Plan.

The site, along with other adjoining land to the east and west, was used as a Royal Air Force (RAF) base during the 1940s, with this use ceasing *circa* 1956. Following the cessation of the site's use as an RAF base the land has benefitted from numerous permissions allowing its use variously, and within different areas, as a mixed-use holiday park, country and western themed leisure /entertainment facility ('Fort San Antone') and equestrian centre. The site also includes two dwellings to the southern/central part and an indoor pistol range to the northern end. The most recent implemented permission on the site (09/0587) allows the extension and reorganisation of a holiday caravan site which permits the siting of 49 touring caravans and 46 static caravans within the northern part of the land, together with alterations to the internal access road and introduction of additional landscaping. Subsequent to this, outline permission 16/0992 was granted on 05.09.18 to redevelop the site for a care home, 33 extra care units, 2 replacement dwellings, a mixed use leisure/café/retail building and associated landscaping works. However, this permission has since expired without any application for approval of reserved matters having been made.

This application seeks outline permission (including matters of access, layout and scale) for a residential development of up to 30 dwellings (including associated garages) on the site following the demolition and removal of all existing buildings, structures and hard surfaces, together with the provision of associated infrastructure, landscaping and open space. The scheme includes the

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

provision of 9 dwellings (30% of the total) as affordable housing which will meet the definition in Annex 2 of the National Planning Policy Framework.

The Great Birchwood site, taken as a whole, is considered to comprise previously developed land in the Green Belt as a result of the mix of uses which have been carried out since the cessation of its use as an RAF base. The proposed complete redevelopment of the site for housing would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. As a result of the increased volume and height of the proposed dwellings in comparison to the existing development (including the fallback position provided by 09/0587) and the siting of the buildings on plots 1-6 on a part of the site which presently comprises open grazing land devoid of any existing development, the proposal would have a greater impact on the openness of the Green Belt than the existing development. The level of harm arising would, however, be tempered by the approach taken to the development layout which groups the proposed buildings together in a central, consolidated, low-density core and includes the provision of substantial buffers of open space and woodland planting around the site's outer fringes to its full perimeter where it borders other land outside the site. Whilst the degree of harm attributable to the development's effects on the openness of the Green Belt is finely balanced it is considered that, when taken as a whole and in tandem with the mitigation to be incorporated as part of the scheme, the totality of the harm to the openness of the Green Belt would be less than substantial. Accordingly, subject to the provision of 30% affordable housing being secured through a planning obligation, the proposal is considered to meet the exception in the second limb to paragraph 149 g) of the NPPF and, in turn, it is not inappropriate development in the Green Belt.

The approach to access, along with the proposed layout, maximum scale parameters of the development and the illustrative landscaping strategy, would ensure that the scheme follows the principles of good design set out within the policies of the local plan and other national guidance cross referenced in the NPPF. The scheme would also provide for the preservation, future management and enhancement of the woodland to the northwest of the site which is protected by a Tree Preservation Order, and includes the introduction of substantial woodland planting buffers to create a shelterbelt around the site perimeter.

The site is located within 100m of the Ribble and Alt Estuary Ramsar/Special Protection Area/Site of Special Scientific Interest. A shadow Habitat Regulations Assessment (HRA) prepared by the applicant concludes that likely significant effects on this designated nature conservation site arising from the development cannot be ruled out and so mitigation is required to avoid any adverse effects on its integrity. Natural England's comments on the latest version of the HRA (which has been updated to reflect the reduction in the quantum of development and to address previous issues raised by Natural England) are awaited to determine whether the mitigation measures referred to in the HRA are sufficient to avoid adverse effects on the integrity of the designated nature conservation site. However, as the outstanding issues in this case relate principally to the scope of the mitigation measures proposed and there is no suggestion from Natural England that it would not be possible, in principle, to mitigate the development's effects in this regard, it is recommended that resolution of this matter between the applicant, LPA and Natural England be delegated to the Head of Planning (with the decision only allowed to be issued once Natural England's confirmation of their satisfaction with the HRA is received). This will ensure that the LPA has discharged its obligations as a competent authority in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The development includes a number of site-specific ecological impact avoidance, mitigation, and enhancement measures which can be secured through the imposition of appropriate conditions and the relevant derogation tests which allow the loss of an existing bat roost on the site are satisfied, including the implementation

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

of compensation measures to ensure that the favourable conservation status of this species would not be adversely affected.

The scheme includes the on-site provision of 30% affordable housing and public open space and will make commuted sum payments towards the delivery of new secondary school places and healthcare in accordance with the relevant policies of the local plan relating to infrastructure contributions. The proposed residential development, by virtue of its separation and screening with surrounding land uses, will be integrated effectively with these existing uses without the need for additional restrictions to be imposed on these established businesses, and their continued operation in the vicinity of the proposed development would not have a significant adverse effect on future occupiers for the purposes of the 'agent of change' principle in paragraph 187 of the NPPF. Similarly, the internal development layout would ensure that a high standard of amenity for future occupiers can be achieved.

The proposal includes modifications to the existing priority junction which provides the site access onto Lytham Road and other associated off-site highway improvements to ensure that it would achieve a safe and suitable means of access to the development for all users and takes up appropriate opportunities to promote sustainable transport modes in proportion to the type and scale of the development and its location. The proposed improvements to the existing access arrangements, in combination with the level of traffic estimated to be generated by the development, would ensure that the scheme does not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the surrounding road network would not be severe.

Whilst a small area to the southern end of the site surrounding the access falls within flood zones 2 and 3, all elements of the proposed residential development are located entirely within flood zone 1. Therefore, the proposal steers the development to those areas with the lowest risk of flooding in accordance with the requirements of the sequential test. Suitable measures can be put in place to ensure that surface water is disposed of effectively without increasing the risk of flooding within the site itself or to surrounding land elsewhere. No adverse impact would arise with respect to the loss of agricultural land and appropriate measures can be put in place through the imposition of planning conditions to avoid any harmful effects with respect to aerodrome safeguarding and contaminated land.

Therefore, 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 Bryning with Warton 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. Therefore, the application is referred to the Planning Committee in accordance with the requirements of paragraph 5.1 (2)(d) of the Council's constitution.

Site Description and Background

The application relates to the site of Great Birchwood Country Park which covers an irregularly-shaped area of land extending to *circa* 8.3 hectares on the northern side of the A584 (Lytham Road), Warton. The site is within an area of Green Belt identified on the Fylde Local Plan to 2032 (incorporating Partial

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Review) Policies Map and falls broadly equidistant between the settlement boundaries of Warton (*circa* 0.9km to the east) and Lytham (*circa* 1.3km to the west) as defined in the Local Plan.

The site, along with other adjoining land to the east and west, was used as a Royal Air Force (RAF) base during the 1940s. Aerial photography from the 1940s indicates the presence of a series of buildings and barracks-style structures on the site. The applicant's supporting statement indicates that the site's use as an RAF base ceased in 1956. This is supported by aerial photography from the 1950s which indicates that the majority of buildings and structures associated with this use were demolished following the closure of the RAF base, though the concrete bases of some of those structures remain on parts of the site to the present day.

Following the cessation of the site's use as an RAF base the land has benefitted from numerous permissions allowing its use variously, and within different areas, as a fishery (76/0802); equestrian centre (including stables and dome-shaped barn), boarding kennels and cattery (82/0718 and 83/0151); for the siting of an indoor pistol range (86/0100); as a weekly collectors fair (88/0502); the conversion and extension of the kennel and cattery buildings permitted by 82/0718 and 83/0151 to allow the creation of two dwellings (87/0578, 89/0045 and 99/0596); and for the construction of a miniature railway (00/0762).

The site's use as a holiday park stems from the granting of planning permission 87/0614 on 04.11.1987 which allowed the siting of touring caravans within a limited area to the northern end of the site. This was followed by applications 91/0890, 96/0441 and 01/0171 which, taken together, allowed the construction of 15 log cabins, 10 craft units (later used to provide holiday chalets, though without a specific planning permission having been granted), 18 stables, the conversion of the former kennels to a 24 bed bunk house and alterations to a barbeque building which, through subsequent extensions under applications 96/0441 and 01/0171, would provide a bar, restaurant, function room, shops and guest rooms within a country and western themed clubhouse building known as 'Fort San Antone'. This clubhouse building remains on site, as do 7 of the log cabins and the craft units (later chalets).

The most recent permission associated with the site's use as a holiday park (09/0587) was granted on 15.01.2010 and allows the extension and reorganisation of the holiday caravan site to permit the siting of 49 touring caravans and 46 static caravans within the northern part of the site, together with alterations to the internal access road and introduction of additional landscaping. An appeal (reference 2189446) relating to the removal of condition 11 on planning permission 09/0587 establishes that this permission has been implemented.

At present, and despite planning permission 09/0587 being extant, large parts of the site are presently vacant. Existing buildings and uses on the site include:

- a) The split-level two/single storey brick and timber-clad former clubhouse ('Fort San Antone') occupying a staggered rectangular footprint to the northwest of the site – Constructed pursuant to planning permissions 91/0890, 96/0441 and 01/0171.
- b) A rectangular, brick-built, single storey building to the north of the clubhouse which is used by Blackpool and Fylde Fullbore Pistol and Rifle Club – Constructed pursuant to planning permission 86/0100.
- c) A single storey, L-shaped timber building to the south of the clubhouse which has been used as craft units and holiday chalets – Constructed pursuant to planning permission 91/0890.
- d) A group of 7 timber lodges and 4 static caravans located amongst a collection of concrete bases to the northeast part of the site. A handful of touring caravans were also parked on this area of the site at the time of the officer's site visit – Uses introduced pursuant to planning permissions 87/0614 and 91/0890.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- e) A collection of four equestrian buildings to the southeast corner of the site which include 3 elongated, single storey, brick-built stable blocks and a taller, dome-shaped barn – Constructed pursuant to planning permissions 82/0718 and 83/0151.
- f) Two single storey rendered buildings to the southern/central part of the site which provide separate dwellings – Created through the conversion and extension of the separate cattery and kennel buildings permitted by planning permissions 82/0718 and 83/0151 pursuant to planning permissions 87/0578, 89/0045 and 99/0596.

The buildings and land uses in a) – d) are contained within a broadly rectangular parcel to the northern part of the site which is flanked by a woodland to the west (Great Birchwood). This irregularly-shaped area of mature woodland to the northwest of the site is protected by a Tree Preservation Order (TPO) – reference 1965 no.2 (Warton). In contrast, the buildings and land uses in e) and f) are located to the southeast and central/southern areas of the site respectively. The remainder of the site includes a combination of open grassland and overgrown scrubland to the central, southwest and eastern parts of the site which provide large, intervening buffers of open space between the buildings and uses mentioned in a) to f) above. Three ponds (one to the east of the internal road and two to the west) are located within these areas of open space.

Outline planning permission for the site's redevelopment for a mixed used scheme involving the following uses was granted on 05.09.18 (application reference 16/0992):

- A two storey care home and up to 33 single storey assisted living units (within use class C2) to replace the lodges, caravan pitches, clubhouse and craft unit/chalet building within the northern part of the site.
- A single storey mixed use leisure/café facility with an ancillary retail shop (within use classes D2, A3 and A1 at that time) to replace the dome-shaped barn and stable buildings to the southeast corner of the site.
- Two replacement 1.5 storey (dormer bungalow) dwellings (within use class C3) to replace the two existing bungalow dwellings to the southern/central part of the site.

Although outline permission 16/0992 included access only as a detailed matter, precise parameters relating to the location and extent of developable areas, along with the maximum number, volume and scale (by storey height) of the approved buildings were provided as part of the scheme and secured by conditions imposed on that permission (specifically conditions 4 and 5). This permission has not, however, been followed by any application for approval of reserved matters and has now expired.

Access to the site is gained via a priority ('give way') junction from Lytham Road which is served by a dedicated right hand turn lane with a ghost island approach off the A584. The site access merges with a broadly oval-shaped route which splits to create a central 'island' comprising open space to the north and south of the two dwellings in f). A broadly triangular shaped area of open space containing one of the ponds is located to the west side of the internal access road. Towards the centre of the site, the northern tip of the oval-shaped access road merges with a linear track which extends up to the northern boundary. The sides of this route are flanked by a pond and hardstanding parking and touring caravan pitches to its southern end before it emerges into the northern parcel which contains the craft units/chalets, clubhouse, gun club and lodges/static caravans.

The site is relatively flat, with the submitted topographical survey indicating a gentle north – south fall towards the site access on Lytham Road. The mature, TPO woodland of Great Birchwood separates the site from adjoining open fields to the northwest and a golf driving range to the west. Aside from a single storey clubhouse and netting to mark the perimeter of the driving range to its western end, along with associated hardstanding to provide modest parking and internal circulation routes, the land

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

forming the golf driving range is characterised by open grassland. Beyond the woodland, the site's southwestern boundary with the driving range is marked by a low post-and-wire fence partially backed by a hedgerow and its southern boundary to Lytham Road is formed by a *circa* 3m high roadside hedgerow.

Adjoining land to the northeast and east comprises open fields extending up to Lodge Lane (north) and West Wend Lane (east). A *circa* 2.5m high bund backed by fragmented, lower-level planting marks the site's northeast and eastern boundaries. Other adjacent land uses include a row of three agricultural buildings associated with a quail farm (which is vacant at present) to the southeast of the site, along with a smaller industrial unit fronting onto Lytham Road to the east side of the site access which appears to be in use as a builder's yard ('Maincoat Ltd'). The Fylde Land Registry Office is located further to the southeast on the opposite side of Lytham Road.

Details of Proposal

The application seeks outline planning permission for a residential development of up to 30 dwellings (within use class C3) following the demolition of all existing structures, removal of existing hard surfaces and removal of all other buildings, together with associated infrastructure for roads and footways and the construction of natural habitat areas and formal play space.

While submitted in outline, the application seeks detailed permission for access, layout and scale at this stage, with matters of appearance and landscaping being reserved for future consideration. The original application was made valid on 13.01.22. However, packages of amended plans and documents were submitted on 26.05.22 and between 29.11.22 and 01.12.22 following observations made by the Local Planning Authority (LPA) and several consultees.

For the avoidance of any doubt, the assessment below is based on the most recent revisions to the scheme submitted between 29.11.22 and 01.12.22. In summary, the revised scheme differs from the original submission which was made valid on 13.01.22 as follows:

- The number of dwellings has been reduced from "up to 62" to "up to 30".
- The internal layout of the development has been rearranged to include dwellings in a perimeter block structure with interlocking rear gardens and an outward-facing aspect over a looping, oval-shaped estate road to the outer edge of the development.
- The extent of a soft landscaped shelterbelt of woodland planting to the site perimeter has been updated to include greater strengthening of perimeter landscaping.
- Where necessary, several of the supporting technical reports have been updated to account for the changes to the scheme.

Access:

Access to the development will be via the existing priority (give way) junction onto the A584 (Lytham Road) to the southern end of the site. This access is served by a dedicated right hand turn lane with a ghost island approach on the westbound carriageway of the A584.

The latest version of the Transport Statement (dated 25 November 2022) indicates that visibility splays of 2.4m x 150m are available in both directions at the junction of the site access onto Lytham Road across land within the adopted highway. At present, both sides of the access road's junction onto the A584 are marked by a *circa* 1m high brick wall. This wall is to be re-positioned to allow the provision of 2m wide footways on both sides of the access in order that these connect with the existing footway on Lytham Road (Figure 5.2/drawing no. 21156-HYD-XX-XX-DR-TP-0004 Rev P01.01 of the Transport

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Statement). The modified access would merge with the main spine road running in a general north-westerly direction through the site.

The proposal also includes the following off-site highway improvement works surrounding the development's access (figure 5.3/drawing no. 21156-HYD-XX-XX-DR-TP-3001 Rev P01 of the Transport Statement):

- The provision of tactile paving on each side of the access where it crosses the footway on the north side of Lytham Road.
- To the west of the access, the provision of a pedestrian refuge in the centre of the carriageway of Lytham Road including associated pedestrian crossing points with dropped kerbs and tactile paving within the footways on both the north and south sides of Lytham Road.
- The upgrading of two existing bus stops on the north (eastbound) and south (westbound) sides of Lytham Road through the provision of shelters and raised boarding kerbs.

Layout:

The latest version of the layout (drawing no. 2110-KTA-ZZ-XX-DR-A-SK1003 Rev I) shows housing grouped into three main parcels laid out around an oval-shaped estate road crossed by two central, latitudinal linkages which split them into separate 'island' clusters as follows:

- **Parcel A** – A group of 13 dwellings (plots 18-30) clustered within the northern 'island' between the northern arm of the estate road and the northernmost east-west crosslink on the far northern part of the site.
- **Parcel B** – A group of 11 dwellings (plots 7-17) occupying the central 'island' between the northern and southern east-west crosslinks.
- **Parcel C** – A group of 6 dwellings (plots 1-6) occupying the southern 'island' between the southern arm of the estate road and the southernmost east-west crosslink on the southern/central part of the site.

Dwellings within each parcel are arranged in a perimeter block structure with interlocking rear gardens and an outward facing aspect over the peripheral estate road. Each dwelling would have a garage (either a single or double) and driveway parking providing at least 2 spaces per unit. Buildings are laid out to follow an undulating, but consistent building line reflecting the curvature of the estate road. Outside the dwellings and estate roads, the layout also includes the following elements to the external areas:

- The provision of public open space buffers of varying width surrounding the outer edges of the site beyond the central development core. Drawing no. SK1004 Rev E indicates that these areas of public open space have a total, combined area of approximately 53,400sqm (5.34hectares). This open space includes a dedicated play area – a Local Area for Play (LAP) – within a lapsed area of the TPO woodland alongside the western boundary.
- The retention of all 3 existing ponds within the site and the provision of a wildlife corridor to link them (including an amphibian tunnel beneath the shortest stretch of the estate road).
- Landscaping buffers of differing width are shown within parts of the public open space areas which border the site perimeter. The size and density of these planting buffers are shown illustratively on drawing no. 01 Rev C (the 'illustrative landscape layout'), with the main intentions being: i) to restore the current TPO woodland in the northwest corner of the site back to a size more akin to its historical (e.g. that evident when the RAF base was in place) footprint; and ii) to bolster existing sporadic, low-level planting along the site's remaining boundaries with thicker shelterbelt woodland planting. The illustrative landscape layout also shows the introduction of several ecological features – including a "hibernacular, logpile, bird or bat box" – spread throughout the new landscape buffers.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Scale:

The layout on drawing no. SK1003 Rev I shows 6 standard house types and the table in section 8.4 of the design and access statement sets out their gross internal area (GIA). The design and access statement also identifies the number and GIA of garages to be provided for each house type. The dwelling and garage mix is summarised in Table 1 below:

Dwelling/garage Type	GIA – m ²	Number of bedrooms	Number of units
Westfield	107	3	9 (including 2 affordable housing units)
Wyre	109	3	5 (all as affordable housing units)
Wyre corner	127	3	1 (affordable housing unit)
Savick	139	4	4
Barton	167	4	3 (including 1 affordable housing unit)
Lancaster	186	5	8
Double garage	41.6	N/A	15
Single garage	20.5	N/A	15
TOTAL		113	30 dwellings (including 9 affordable housing units) and 30 garages

Table 1 – Proposed building mix.

Despite the indication of standard house types, no floor plans or elevations showing the exact external dimensions of each individual dwelling (including clarifying whether their GIA includes rooms in the roof) or garage have been provided. Nevertheless, the footprints of each house type and their standard-sized single and double garages can be scaled from the layout. Accordingly, the footprint figures in Table 3 are based on dimensions scaled from drawing no. SK1003 Rev I, rather than the floor areas given in the design and access statement.

The application also does not include plans showing the height of each individual house type or their garages. Nevertheless, section 8.4 of the design and access statement clarifies that “all dwellings shall be no higher than 2 storeys, comprising a ground and first floor. Where a 3rd floor is part of the dwelling, this shall be wholly within the pitched roof space. Windows to that storey shall be provided by rooflights and/or dormers. Dormers shall not have a ridge line higher than the principal ridge line.” Section 8.4 of the design and access statement also provides figures, within a range, for the dwellings’ eaves and ridge heights and maximum eaves and ridge heights for each garage. The upper limits of the figures given are set out in Table 2.

Building type	Maximum eaves height (m)	Maximum ridge height (m)
Dwelling	5.77	10.8
Double garage	2.47	4.32
Single garage	2.47	4.32

Table 2 – Proposed maximum eaves and ridge heights for the dwellings and garages.

The upper limits specified for the proposed building heights (along with an assumed use of dual-pitched roofs) have been used to calculate the maximum volume of the proposed dwellings and garages that could be permitted based on the scale parameters identified in section 8.4 of the design and access statement (as identified in Table 2). These volumes, along with the proposed footprint of the buildings, are set out in Table 3. For the avoidance of doubt, the figures below relating to volume have been calculated using the Planning Portal’s volume calculator for buildings with a “pitched roof

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

– two end gables” (<https://www.planningportal.co.uk/services/professional-portal/volume-calculator>).

Building	Number of buildings	Total footprint (m ²) (individual building footprint x number of units)	Maximum volume (m ³) using upper limit building eaves and ridge heights (individual building volume x number of units)
Westfield	9	603 (67 x 9)	4,977 (553 x 9)
Wyre	5	315 (63 x 5)	2,610 (522 x 5)
Wyre corner	1	72 (72 x 1)	597 (597 x 1)
Savick	4	336 (84 x 4)	2,780 (695 x 4)
Barton	3	297 (99 x 3)	2,448 (816 x 3)
Lancaster	8	712 (89 x 8)	5,880 (735 x 8)
Double garage	15	435 (29 x 15)	1,470 (98 x 15)
Single garage	15	322.5 (21.5 x 15)	1,095 (73 x 15)
GRAND TOTAL		3,092.5m²	21,857m³

Table 3 – Summary of maximum proposed building footprints and volumes.

Relevant Planning/Appeal History

Application no.	Development	Decision	Date
22/0623	DEMOLITION OF EXISTING RIFLE CLUB BUILDING AND ERECTION OF REPLACEMENT BUILDING FOR FYLDE RIFLE CLUB (USE CLASS SUI GENERIS)	Pending (presently invalid)	Received 14/08/2022
16/0992	OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR THE REDEVELOPMENT OF THE SITE AS A MIXED USE SCHEME COMPRISING: (1) UP TO 33 SINGLE STOREY ASSISTED LIVING UNITS (USE CLASS C2) WITH A MAXIMUM OVERALL VOLUME OF 10,400 CUBIC METRES; (2) A TWO STOREY CARE HOME (USE CLASS C2) WITH A MAXIMUM OVERALL VOLUME OF 14,700 CUBIC METRES; (3) REPLACEMENT OF TWO SINGLE STOREY DWELLINGS WITH TWO 1.5 STOREY DWELLINGS (USE CLASS C3) WITH A MAXIMUM OVERALL VOLUME OF 800 CUBIC METRES; (4) A SINGLE STOREY MIXED USE BUILDING INCLUDING A PUBLIC LEISURE/CAFÉ FACILITY (USE CLASS D2/A3) AND ANCILLARY RETAIL SHOP (USE CLASS A1) WITH A COMBINED MAXIMUM OVERALL VOLUME OF 2,600 CUBIC METRES; (5) A BOWLING GREEN; AND (6) ASSOCIATED REVISIONS TO INTERNAL ACCESS ROUTES AND LANDSCAPING	Granted	05/09/2018
12/0586	RETROSPECTIVE ADVERTISEMENT CONSENT FOR NON-ILLUMINATED V-SHAPED POST SIGN	Refused	10/01/2013
12/0485	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION 09/0587 RE AN AGREED DETAILED SCHEME FOR OFF SITE HIGHWAY IMPROVEMENT WORKS	Refused	02/11/2012
09/0587	EXTENSION AND REORGANISATION OF EXISTING TOURING / STATIC CARAVAN PARK. RESULTANT SITE TO PROVIDE 49 TOURING CARAVAN PLOTS AND 46 STATIC CARAVAN PLOTS ALONG WITH	Granted	15/01/2010

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

	AMENDED PARKING ARRANGEMENT & INTERNAL ACCESS ROADS AND ADDITIONAL LANDSCAPING		
08/0624	RESUBMISSION OF APPLICATION 07/0973 FOR REDEVELOPMENT OF LAND TO PROVIDE A HOTEL, TWO REPLACEMENT DWELLINGS, 61 HOLIDAY CHALETs TOGETHER WITH ASSOCIATED CAR PARKING, ACCESS ROADS AND LANDSCAPING	Refused	29/09/2008
07/0973	REDEVELOPMENT OF SITE TO PROVIDE A 66 BED HOTEL WITH CONFERENCE AND LEISURE FACILITIES, TWO DWELLINGS, 61 HOLIDAY CHALETs TOGETHER WITH ASSOCIATED CAR PARKING, ACCESS ROADS AND LANDSCAPING	Withdrawn	11/06/2008
06/1168	DEMOLITION OF EXISTING GUN CLUB AND CONSTRUCTION OF RE-PLACEMENT CLUB WITH 12 CAR PARKING SPACES	Granted	08/03/2007
01/0171	TWO STOREY EXTN. TO EXISTING BUILDING TO PROVIDE TWO SHOPS, 11 BEDROOMS AND INCREASE SIZE OF BAR AREA	Granted	23/05/2001
00/0762	PROPOSED MINIATURE RAILWAY	Granted	29/11/2000
99/0772	ADVERTISEMENT CONSENT TO DISPLAY TWO EXTERNAL ILLUMINATED STATIC SIGNS AT ENTRANCE	Refused	05/01/2000
99/0596	EXTENSION AND CONVERSION OF SINGLE STOREY BUNK HOUSE TO FORM DWELLING	Granted	09/08/2000
97/0019	FEATURE ENTRANCE GATES (RETROSPECTIVE)	Granted	07/03/1997
96/0441	EXTENSION TO EXISTING CLUBHOUSE FACILITY WITH NEW ENTRANCE FACADE, (AND INCORPORATING 4 FIRST FLOOR BEDROOMS AND 2 NO. SHOP UNITS)	Granted	06/11/1996
94/0446	MODIFICATION OF CONDITION NO.11 ON APP. 5/91/0890 RELATING TO OCCUPATION OF CABINS & ALTS TO DESIGN OF CHALETs PREVIOUSLY APPROVED UNDER SAME. ALSO VARIATION OF TIMESCALE IN S.106 FOR ROAD SURFACING	Withdrawn	23/02/2000
91/0890	CHANGE OF USE TO COUNTRY LEISURE PARK:- PHASE ONE, 15 HOLIDAY LOG CABINS; 10 CRAFT UNITS; 18 STABLES; 24 BED BUNKROOM CONVERSION; ALTERATIONS TO BBQ BUILDING, ADDITIONAL CAR PARKING; RECEPTION OFFICE; LIGHTING STANDARDS TO ACCESS ROAD; ANCILLARY LANDSCAPING	Granted	18/01/1993
91/0162	OUTLINE APPLICATION FOR HOLIDAY HOMES DEVELOPMENT	Refused	14/08/1991
89/0988	OUTLINE FOR TWO STOREY MOTEL	Refused	28/02/1990
89/0245	SINGLE STOREY EXTENSION TO FORM COVERED BBQ AREA	Granted	14/06/1989
89/0045	EXTENSION TO FORM LOUNGE TO DWELLING	Granted	22/03/1989
88/0502	CHANGE OF USE; TO WEEKLY COLLECTORS FAIR	Granted	19/05/1989
87/0614	CHANGE OF USE; PART OF EQUESTRIAN CENTRE TO SITE FOR TOURING CARAVANS	Granted	04/11/1987
87/0578	REGULARISING APPN; USE OF CATTERY AS DWELLING	Granted	04/11/1987
87/0526	BUILDING TO FORM BAR/SERVERY TO BARBECUE AREA & CONVERSION TO FORM TOILET ACCOMMODATION	Granted	04/11/1987
87/0161	C/U. FOR 12 ONE DAY SALES ANNUALLY (EQUESTRIAN NEEDS)	Granted	17/06/1987
87/0064	FREE STANDING BOARD SIGNS	Granted	25/03/1987

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

86/0708	CHANGE OF USE OF PART OF EQUESTRIAN CENTRE TO SITE FOR 32 TOURING CARAVANS	Refused	22/04/1987
86/0100	INDOOR PISTOL RANGE	Granted	23/04/1986
84/0438	ONE DETACHED DWELLING	Refused	15/08/1984
84/0098	ERECTION OF STABLES AND TACK ROOM	Granted	28/03/1984
84/0097	REVISIONS AND RESITING OF CATTERY & KENNELS	Granted	28/03/1984
83/0773	ERECTION OF INDOOR RIDING SCHOOL	Granted	09/11/1983
83/0772	PROPOSED BARN (SMALLER BARN PREVIOUSLY APPROVED)	Granted	09/11/1983
83/0392	OUTLINE - INDOOR PISTOL RANGE	Granted	20/07/1983
83/0151	DETAILS, STABLES, CATTERY AND KENNELS FOR EQUESTRIAN CENTRE AND ANIMAL HOTEL, ALSO A BARN	Granted	30/03/1983
82/0718	CHANGE OF USE TO RIDING CENTRE, STABLES, GRAZING LAND, BOARDING KENNELS, CATTERY AND SITING OF MOBILE HOME	Granted	02/02/1983
82/0376	CHANGE OF USE TO FISHERY (RENEWAL OF CONSENT)	Granted	21/07/1982
80/0467	OUTLINE - 210 DWELLINGS	Refused	20/08/1980
76/0802	CHANGE OF USE - DISUSED RAF SITE TO A FISHERY	Granted	12/12/1977
76/0273	CHANGE OF USE - DERELICT CAMP SITE TO TOURING CARAVAN PARK FOR 164 CARAVANS AND 36 STATIC HOLIDAY CARAVANS	Refused	23/06/1976
74/0198	USE OF FORMER GUARD ROOM AS YOUTH CLUB HEADQUARTERS	Refused	12/09/1974

Relevant planning appeals history

Application no.	Development	Decision	Date
12/0586 (appeal ref 2192617)	RETROSPECTIVE ADVERTISEMENT CONSENT FOR NON-ILLUMINATED V-SHAPED POST SIGN	Allowed	08/07/2013
12/0485 (appeal ref 2189446)	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION 09/0587 RE AN AGREED DETAILED SCHEME FOR OFF SITE HIGHWAY IMPROVEMENT WORKS	Allowed	29/05/2013
91/0162 (appeal ref 191513)	OUTLINE APPLICATION FOR HOLIDAY HOMES DEVELOPMENT	Dismissed	26/02/1992

Parish/Town Council Observations

Bryning with Warton Parish Council – Initially notified of the application on 14.01.22 and subsequently on 20.07.22 and 02.12.22 following the receipt of amended plans. The Parish Council's only representations on the application received to date were submitted on 10.02.22 and are repeated verbatim below. Any representations received following the publication of the committee agenda will be set out in the late observations report:

The Parish Council welcomed the Community and Stakeholder consultation carried out by BECG on behalf of Bellair (Scotland)Ltd and the opportunity to attend the proposal site' open day' meeting in summer. Despite the intent of the Government's National Planning Policy Framework (NPPF), updated in July 2021, which states that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties" and that "good quality pre-application discussion enables better coordination between public and private resources and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

improved outcomes for the community” (paragraph 39) it is not often afforded to the Parish Council by the majority of developers. Two representatives on behalf of the Parish Council were able to attend and discuss the revised proposals for the site.

The statement of Community Involvement is however misleading in the interpretation of what was discussed or indicated by the representatives. Naturally the Parish Council is extremely disappointed in the 2018 proposal for the *'33 assisted living bungalows and two storey care home. However attempts to find a developer to deliver the proposal were unsuccessful, with no potential provider able to make the scheme financially viable'* and given the perceived aging population and local needs development of the site for this would have been strongly championed. It was expressed that while appreciated the site itself either needed significant investment as the former 'Holiday Entertainment and Caravan Park' or its future potential (as proposed in the earlier application) needed further investigation and members were surprised that the former proposal was decided unviable. Indeed the Parish had experienced exponential residential growth in recent years already and it was not the view that further family home type residential developments were viable to the current infrastructure of the area.

It seems clear from the Statement of Community Involvement, section 5, Response to Feedback that Bellair already acknowledge and appreciate lack of local support for this application: *'Whilst there is some disagreement about the proposed new use for Great Birchwood Country Park, the only viable way to redevelop the site and bring it back into use is through the delivery of a modest amount of family homes.'* A conclusion statement not based on the research or consultation it would seem. 60% against.

The Parish Council have to seriously question the Sustainability of the project which despite the proposed improvement benefits offered do not seem achievable, and, as ever are surrendered to financial viability. It seems the precedent for development is already set but hopefully held at the 'modest' level. The Statement of community involvement goes on... *'The project team has spent a considerable amount of time working with key stakeholders to ensure that our plans are sympathetic to the surrounding Lancashire countryside. This is demonstrated through the low density of proposed development, the incorporation of generous open space with each property and the inclusion of green & blue infrastructure that will retain or create wildlife habitats'*. More modest thirty, fifteen or even just a couple of houses would be far more sympathetic to the local countryside.

Beyond the construction of new homes Bellair believe that the proposed re-development of this site would bring a range of other benefits compared to the current development and that which has planning permission. These include improvements to biodiversity, a financial contribution towards off site affordable homes and community facilities at the Lytham Road frontage to provide a safe stop-off point for pedestrians and passing cyclists.

While it could be argued that the proposal falls short in several areas of the National Planning Policy Framework the Parish Council are not minded to oppose nor support the application.

Statutory Consultee responses

British Aerospace Systems (BAE) – Comments submitted 17.01.22 and 07.02.22 as follows:

- Before responding to the consultation, Airfield Operations require more detailed information regarding the 'Natural Habitat Areas'.
- The Airfield Manager has requested that a Wildlife Hazard Management Plan be submitted.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Environment Agency – Comments dated 27.01.22 as follows:

- **Summary** – No objection to the application, subject to the inclusion of a condition in relation to contaminated land.
- **Flood risk** – The application site lies partly within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning and the proposal is for a residential development, which is classed as ‘more vulnerable’ development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Hydrock Consultants Limited (ref. 21156-HYD-XX-XX-RP-FR-0001; dated 10 December 2021). We have reviewed the FRA, insofar as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.
- **Flood warning and emergency response** – While the proposed dwellings are to be located in Flood Zone 1 (low probability of flooding), the site access is located in Flood Zone 3, in an area which benefits from defences. The presence of defences does not entirely remove the risk of flooding. Defences can fail and they can be overtopped due to extreme weather and the impacts of climate change. As such, there is a potential for access and egress to be affected during a flood. This is an emergency planning risk that others will need to consider. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.
- **Sequential & exception tests** - We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission. In accordance with the National Planning Policy Framework (paragraphs 164 and 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. You will need to weigh these risks against any wider sustainability benefits to the community.
- **Contaminated land** – The previous use of the proposed development site as a military base presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer B and is adjacent to several watercourses. The submitted Ground Conditions Desk Study Report, prepared by Hydrock Consultants Limited (ref. 21156-HYD-XX-XX-RP-GE-000; dated 15 October 2021) provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

- **Biodiversity** – 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.
- **Water quality** – The development site is close to water-dependent designated sites and habitats (coastal saltmarsh and intertidal mudflats), associated with the designated sites of the Ribble and Alt Estuaries, which are fed by Wrea Brook and its tributaries. Downstream of the site, Wrea Brook forms part of the migratory route for European Eel, Atlantic Salmon and Smelt, which are priority aquatic species. Precautions should be taken to prevent any detrimental impact water quality, such as from contaminated run-off waters entering the nearby watercourses, which may affect these protected species and habitats. Given the above, we would recommend that a Construction Environmental Management Plan (CEMP) is produced by the developer to specify the pollution prevention measures required to prevent any detrimental impacts on water quality during construction activities.
- **Proximity to regulated site** – The application site is within 400 metres of an existing intensive poultry farm, which could result in the nearby community being exposed to impacts including odour, noise, dust and flies. The severity of these impacts will depend on the size of the facility, the animals it houses and prevailing weather conditions. Planning policy requirements (paragraph 187 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing pig or poultry farm could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring pig or poultry farm and/or through financial contributions to the operator of the farm to support measures that minimise impacts. Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 187 of the National Planning Policy Framework. When a new development is built near to an existing intensive pig or poultry farm this does not automatically trigger a review of the permit.

Environmental Protection Officer (EPO) – Comments 18.01.22 & 26.04.22 as follows:

- **Contamination** – Recommend conditions relating to: i) a detailed site investigation to address the nature, degree and distribution of contamination and ground gases, followed by a remediation statement and verification report; ii) a report which provides full details of measures to resist the ingress of ground gases into the development; iii) measures to be taken if previously unsuspected contamination is found.
- **Odour** – The conclusions in the applicant's odour assessment shows there to be potential nuisance caused by a nearby business. In order to mitigate this, the recommendations within the report must be implemented in full. In particular, the proposed dwellings should be located at least 25m from the site boundary of the quail farm. At present, this recommended standoff distance between the dwellings and the quail farm is not shown on the submitted

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

layout and so it is unclear whether this mitigation would be achieved. An updated layout should be provided to demonstrate that the proposed dwellings would achieve the 25m standoff with the quail farm as recommended in the odour impact assessment.

- The EPO's comments dated 26.04.22 follow the submission of an updated (earlier) version of the development layout which shows all the dwellings and their garden areas to be located outside the 25m buffer zone referred to in the odour assessment by ADAS. The EPO's comments of 26.04.22 advise that: "this has addressed what was put into the original odour report (mitigation measures). I still think we may get complaints, but we don't have the evidence base to push back further." The latest version of the layout (SK1003 Rev I) shows a greater minimum standoff distance of 47m between the quail farm boundary and the closest of the proposed dwellings (that on plot 2) and so would also meet (and exceed) the minimum 25m standoff distance required by the odour impact assessment and the EPO.
- **Noise** – Recommend a condition stating that: "The residential development hereby permitted shall be designed so that noise levels at each dwelling does not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

LAeq 50 dB 16 hours – gardens and outside living areas, daytime (07.00-23.00)

LAeq 35 dB 16 hours – indoors, daytime (07.00-23.00)

LAeq 30 dB 8 hours – indoors, night-time (23.00-07.00)

LAFmax 45 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*

LAFmax 60 dB 8 hours - façade level night time (23.00-07.00)

LAFmax 60 dB 4 hours - façade level evening (19.00-23.00)*

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority."

Lancashire and South Cumbria Integrated Care Board (ICB)– Latest comments on revised scheme dated 08.12.22 as follows:

- Lancashire and South Cumbria Integrated Care Board (ICB) has delegated co-commissioning responsibility for general practice services in Lancashire and South Cumbria and is the body that reviews planning applications to assess the direct impact on general practice.
- The ICB has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution calculated as follows:

30 dwellings @ 2.4 persons/unit = 72 people

Total 30 dwellings = 72 people

In cases where bedroom numbers are not fixed, the following formula will apply:

X No of units X 2.34 assumed occupancy = Y No of people

Y No of people X standard m² x £RICS rate = £X contribution

72 people x 0.11 x £1,902 = £15,064

	Total chargeable units	Total	Project
General Practice	30 (72 persons)	£15,064	Towards reconfiguration at Holland House Surgery for additional clinical capacity

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- The obligation should also include the provision for the re-imbursement of any legal costs incurred in completing the agreement. We would highlight that failure to secure the contribution we have requested effectively means that we are objecting to the application.
- This proposal will generate approximately 72 new patient registrations based on an average household size of 2.4 (ONS 2017). The proposed development falls within the catchment area of Holland House Surgery. This need, with other new developments in the area, can only be met through the reconfiguration of the existing practice premises in order to ensure sustainable general practice. The practice is located less than 1.5 miles from the development and the branch surgery 1.9 miles and would therefore be the practice where the majority of the new residents register for general medical services.
- From an ICB perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site. It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.
- The ICB is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the ICB confirms that there are no more than four other obligations towards this project.

Greater Manchester Ecology Unit (GMEU) – Submitted comments on 11.02.22, 03.05.22 & 17.06.22 raising issues with the original (62 dwelling) scheme. However, GMEU's latest comments on the revised scheme dated 20.12.22 indicate that these have been addressed by the reduced quantum and amended layout of the development, subject to the imposition of appropriate conditions as follows:

- **Pond connectivity** – The amended layout is an improvement on the previously submitted ones but the issue of connectivity between the ponds on the east and west of the site has not been fully addressed. The Update Preliminary Ecological Appraisal and Preliminary Roost Assessment states that the “an amphibian corridor to connect the pond along the eastern side to the site with those on the west “could be included. The proposed layout plan shows a dotted brown line marked “wildlife corridor” between the ponds but with no indication as to what happens on the main road into the site and this route is shown as a path on the Illustrative Landscape Layout. We would therefore advise that full details of this corridor be submitted with any reserved matters application, should permission be granted.
- **Biodiversity enhancements** – The Illustrative Landscape Layout outlines a number of biodiversity enhancement measures. Full details of this and long term management measures will be required. We would therefore advise that a Landscape And Ecological Management Plan (LEMP) be required by condition. The LEMP should also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- **Habitat protection during construction** – The Update Preliminary Ecological Appraisal and Preliminary Roost Assessment include measures to protect species and retained habitats during construction works. We would therefore advise that these measures be included

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

within a Construction Environmental Management Plan for Biodiversity and required by a condition attached to any permission granted.

- **Bats** – More details on the mitigation measures that will be implemented have been submitted and these are acceptable. We are therefore satisfied that provided the mitigation measures are followed in full the favourable conservation status of bats would be maintained at this site. As the works will require a licence from Natural England we would recommend that a condition be attached to any permission granted requiring confirmation of that license having been granted before buildings 10 and 11 as identified in the Bat Mitigation Plan by Arbtech are carried out. The Bat Mitigation Plan also makes recommendations for the lighting design of the site. To ensure that these recommendations are followed we would advise that a lighting design strategy for biodiversity is required by condition.
- **Invasive species** – As the invasive Japanese knotweed is present on site we would advise that a condition be imposed to ensure that this invasive species is controlled in an appropriate manner.

Housing Services (FBC): Comments 17.01.22 as follows:

- I note the development is within the green belt and that as a consequence there are specific planning policy challenges to be addressed for it to be considered acceptable in principle. I will not comment on the merits of that, but in the event that the scheme is to be supported it should meet the obligations of Policy H4 of the Fylde Local Plan to 2032 (incorporating Partial Review) in full with regards to the provision of affordable housing:
- The scheme must provide 30% of the development as affordable housing.
- We would expect this to be provided on site.
- The provision should reflect the mix of dwellings to be provided across the site as a whole.
- We would expect this 30% to be a basket of tenures to meet a range of income levels – affordable rent, shared ownership and discount to market – with the majority of the units being for affordable rent with a Registered Provider of affordable housing.
- The affordable housing is needed to help address the identified need in the borough, including in both Warton and Lytham so it could be that priority is given to those with a link to those areas.
- A draft Affordable Housing Statement would be a helpful submission at this point to help set out the intentions regarding affordable housing delivery.

LCC Highways – Latest comments dated 12.08.22 (in respect of 62 dwelling scheme, but the same access arrangement) as follows:

- **Summary** – LCC Highways does not have any objections regarding the proposal 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. This is subject to the applicant carrying out the remedial off site works as agreed to in the amended transport statement. The associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act.
- **Trip rates/traffic generation** – LCC have considered the trip rates presented within the submitted Transport Statement and are of the opinion that they are a little on the low side. However, the existing site with the proposed modifications and the A584 can accommodate the slightly larger trip generation that is expected. Therefore, it is LCC Highways opinion that whilst the trip rates are not representative, it is not a concern that requires additional analysis.
- **Vehicle tracking** – LCC Highways are satisfied that the amended site layout with its new turning heads is appropriate and have no further concerns. It is noted that on the amended plan the front of the refuse vehicle does cross over the proposed footways of both newly proposed turning heads. However, as there is additional space for the refuse vehicle to

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

advance into during the turning manoeuvre it is not a concern that requires additional vehicle tracking.

- **Internal Highway layout** – The internal highway layout is acceptable. The carriageway and footway widths are to be 5.5m and 2m respectively. This would meet LCC Highways adoption requirements. It has not been indicated by the applicant whether the internal highway would be offered for adoption.
- **Site access** – The proposed site access is an existing priority junction from the A584 with some minor modifications, there is an existing dedicated right turn lane on the A584. Given the scale of development and the existing highway conditions a priority junction with a Ghost Island is appropriate for this junction. Due to the existing bus stop on the southern side of the A584 a pedestrian refuge would need to be provided. This would be to facilitate pedestrian movements across the A584 generated by the proposed development, this would also help to "protect" right turning vehicles. LCC Highways accepts the proposed measures to achieve the above as shown in Appendix D "Site Access and Tracking" (Dwg No: 21156-HYD-XX-XX-DR-TP-3001) of the amended Transport Statement. The associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act.
- **Sustainable transport** – Fronting the proposed development site is an existing unsegregated shared use footway. Just to the east of the existing site access is an existing bus stop with a bench but no shelter or quality bus stop kerbing. On the opposite side of the A584 to the west of the existing site access is another bus stop without any seating, shelter or quality bus stop kerbing. There is no clear crossing point to the bus stop on the opposite side of the A584. Also, no refuge is provided for pedestrians originating from the proposed development who may need to make the crossing in two phases due to the width of the A584 and its high speed nature. There are several junctions on the northern shared use of the A584 to the west and east of the proposed development. None of these junctions have any tactile paving provision. This could make sustainable transport via walking or cycling unattractive to users generated by the proposed development. As promoting sustainable development is a requirement on all developments as set out by the National Planning Policy Framework (2021) it is required that the applicant funded or provided works to enhance the existing sustainable transport infrastructure to make sustainable transport attractive to users caused by the proposed development. The enhancements necessary are upgrades to the existing bus stops closest to the development, tactile paving provision across the junctions to the west and east of the site on the northern shared use of the A584 and an uncontrolled crossing with refuge island complete with tactile paving provision across the A584. The bus stops would need to be made Equality Act 2010 compliant via quality bus stop kerbs and would require an appropriate bus shelter for each bus stop. A suitable crossing location would be needed along with a pedestrian refuge in the middle of the carriageway, both the crossing point and pedestrian refuge would need pedestrian tactile provision. The junctions on the northern side of the A584 would need suitable tactile paving provision for shared use from the junction of Lodge Lane to the west and West End Lane to the east. LCC Highways finds acceptable the proposed mitigation measures to address the above concerns as demonstrated in Appendix D "Site Access and Tracking" (Dwg No: 21156-HYD-XX-XX-DR-TP-3001) of the amended Transport Statement. The associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act.
- **Construction traffic** – Given the nature of the A584 a scheme will be needed regarding the planning and management of construction. Due to the A584 being a high-speed road and being single lane, it would cause highway safety concerns if vehicles had to queue outside of the dedicated right turn lane to access the site. A Traffic Management Plan would need to be prepared that deals with this.
- **Conditions** – LCC Highways recommends conditions relating to: i) a scheme for the construction of the modified site access and the off-site works of highway improvement; ii)

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

the construction specification of car parking and manoeuvring areas; and iii) the submission of a traffic management plan.

LCC School Planning Team – Latest comments on revised scheme dated 19.12.22 as follows:

- **Primary School Places** – There are 4 primary schools located within a 2 mile radius of the site. It is estimated that 86 places will be available in these schools in 5 years' time, with additional planning approvals not expected to generate any demand for any further school places. With an expected pupil yield of 11 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.
- **Secondary School Places** – There is 1 secondary school located within a 3 mile radius of the site (St Bedes Catholic High School, Lytham). It is estimated that there will be a shortfall of 99 places in this school in 5 years' time. With an expected yield of 5 places from this development the shortfall would increase to 104. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 5 places. This assessment represents the final position to inform committee, assessed on 19/12/2022 but will be adjusted by indexation at the point of payment. However, based on current rates the secondary education contribution would be £123,765 (£24,753 per place x 5). It should be noted that as this is an outline application the development impact should be reassessed on reserved matters approval, taking into account detailed bedroom mix information. The use of a formula to enable this should be agreed as part of the planning decision process.
- **Expenditure Project** – Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Carr Hill High School and/or St Bede's Catholic High School. These are the closest secondary schools to the development that have space to accommodate an expansion.

Lead Local Flood Authority (LLFA) – Comments 07.02.22 as follows:

- The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions requiring: i) development to be carried out in accordance with the submitted flood risk assessment; ii) the submission of a final sustainable drainage strategy for surface water; iii) a construction surface water management plan; iv) a sustainable drainage system operation and maintenance manual; and v) a verification report of the constructed sustainable drainage system.

Ministry of Defence (MOD) – Comments 09.03.22 as follows:

- The application site is approximately 1.8km from Warton Aerodrome and occupies the statutory aerodrome height and technical and birdstrike safeguarding zones surrounding the aerodrome.
- **Aerodrome height and technical safeguarding zones** – The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.
- **Birdstrike safeguarding zone** – Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and/or, flocking birds close to the aerodrome.
- **Noise** – The MOD advises that the proposed development will be exposed to noise from aircraft activities from Warton Airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. Aircraft types and flight paths can vary over time and this may cause disturbance."

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- **Conclusion** – On reviewing the documents provided there is not enough information for the MOD to determine whether we have any safeguarding concerns. Therefore, the MOD would like to be consulted at the next stage of this application where further details of elevations of the buildings, details of landscape such as new planting, details of enhancement to waterbodies and drainage are available.

Natural England – Comments dated 02.02.22 and 27.06.22 as follows:

- **02.02.22** – The proposal is within 100m of Ribble and Alt Estuaries SPA, Ribble and Alt Estuaries Ramsar and Ribble Estuary SSSI. As submitted, the application could have potential significant effects on: i) Ribble and Alt Estuaries Special Protected Area (SPA); ii) Ribble and Alt Estuaries Ramsar; and iii) Ribble Estuary Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: A Habitats Regulations Assessment (HRA).
- The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a HRA. As a competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. In advising your authority on the requirements relating to a HRA, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We have reviewed the submitted report - HRA (Arbtech Consulting Limited, 04 December 2021) and advise that the information within this report regarding noise disturbance, light pollution, construction and vehicular pollutants and recreational pressure, can help to inform your HRA. Natural England advise that you should obtain the following information to help undertake your HRA:
 - There is currently no information on surface water discharges during the construction phase of the development. We advise that you request further details of how drainage will be managed during the construction phase from the developer, to ensure there will be no impacts via water pollution on the above designated sites.
 - The submitted HRA report makes reference to Appendix 2, 3 and 4 to support its conclusion however they have not been submitted. We would like to see this information.
- **27.06.22** – Natural England has reviewed the following documents: i) MT – Committee Final (Savills, May 2022); ii) Habitats Regulations Assessment (Arbtech, October 2021); iii) Revised Planning Statement (Savills, December 2021); and iv) Flood Risk Assessment (Hydrock, 2021).
- 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). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- **Functionally linked land** – In the HRA (Arbtech, October 2021), you use the data from Appendix 2, Pink-footed Goose Desk Study (Arbtech, February 2018), to inform your assessment of the suitability of the site and surrounding land for use by SPA birds. As per the Advice Note from the Chartered Institute of Ecology and Environmental Management (CIEEM) on the Lifespan of Ecological Surveys and Reports (CIEEM, April 2019), if surveys are undertaken over 3 years ago, they should be updated. As per the guidance above, suitable bird survey evidence will be required for overwintering and passage birds associated with the designated sites. A comprehensive desk study should first be carried out to inform the need for site specific bird surveys. The desk study should include a robust data search, including relevant bird survey, data local records information including any data from local bird groups and any other survey evidence together with an assessment of the suitability of the site and surrounding area for SPA birds. The HRA should then be updated according to this evidence.
- **Surface water drainage** – We note that ‘the accidental release of pollutants into watercourses which may reach the estuaries’ has been identified as an impact pathway in Paragraph 28 of the HRA (Arbtech, October 2021) and mitigation has been suggested, however, there is no supporting information on surface water drainage in your application to inform the HRA. As per our previous response dated 02.02.22, we advise that you request further details of how drainage will be managed during the construction phase from the developer, to ensure there will be no impacts via water pollution on the above designated sites. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised. Natural England would also welcome a more comprehensive drainage strategy that considers drainage management during the operational phase as well as the construction phase.

Tree Officer – Comments on revised scheme 15.12.22 as follows:

- The revised scheme has addressed the concerns expressed in my previous response of 21.06.22 by reducing the number of properties, developing away from the protected woodland and enhancing the green vegetation.
- The Arboriculture Method Statement by Arbtech dated 28 November 2022 seems to cover all protection measures and best practices when working close to trees. It would be good to see a Landscape Plan that has all relevant best practices for planting trees. For instance, BS8545: Trees from nursery to independence in the landscape, but that can be dealt with through discharge of conditions.
- We would need a woodland management plan for how the woodland will be maintained for longevity. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:
 - a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.
 - b) Type and frequency of management operations to achieve and sustain canopy, understory, and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
 - c) Frequency of safety inspections, which should be at least three yearly in areas of substantial risk, less often in lower risk areas.
 - d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
 - e) Special measures relating to Protected Species or habitats, e.g., intensive operations to avoid March - August nesting season or flowering period.
 - f) Inspection for pests, vermin and diseases and proposed remedial measures.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

United Utilities (UU) – Comments 15.02.22 as follows:

- As this is a full application we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application. Should planning permission be granted without the provision of this information UU recommend the imposition of a condition requiring the submission of a sustainable surface water drainage scheme and a foul water drainage scheme.
- If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.
- Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their decision notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.
- United Utilities will not allow building over or in close proximity to a water main and may not allow building over or in close proximity to a public sewer. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Neighbour Observations

Neighbours notified:	14 January 2022
Site notice posted:	1 February 2022
Press notice:	27 January 2022
Amended plans notified:	31 May 2022 & 2 December 2022
No. Of Responses Received:	9
Nature of comments made:	6 objections, 2 letters which declare no specific stance & 1 letter of support

The appropriate neighbouring properties were notified of the application by letter on 14 January 2022. In addition, as the application involves major development and the original submission was considered to represent a departure from the development plan it has also been advertised through the posting of notices at/around the site and in the local press. Additional notification letters were sent to neighbouring residents on 31 May 2022 and 2 December following the receipt of amended plans and gave a period of up to 21 days for additional comments to be made. A total of 9 letters of representation have been received in connection with the application. Six of these letters indicate a

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

stance in objection to the application, a single letter of support has been received from Ward Councillor Robert Rigby and two letters declare a neutral or no specific stance.

The comments in the letters of objection are summarised as follows:

Principle of development:

- There are numerous other housing developments taking place in and around Warton which have been allowed despite strong opposition from residents. There is no need for additional housing in Warton. People's desire to move to the area and to seek more space must be balanced against the need to preserve what makes this a pleasant destination for residents and visitors.
- Although the use of the Great Birchwood site for leisure activities is appropriate, building a small hamlet there seems entirely wrong.

Lack of local services and infrastructure:

- While the site may be previously developed, the proposed 62 new homes could equate to approximately 120 children and cars. This is of concern to the area's infrastructure of schools, doctors, hospitals and highways. It is unclear how the effects of this added population would be mitigated.

Character and appearance:

- The introduction of a housing estate in this location will hasten the prospect of ribbon development in the open countryside between existing settlements and create a semi-continuous belt of housing from Lytham to Freckleton.
- Approval of this scheme will lead to similar requests for land on either side of the site to be developed, which would be difficult to refuse if this application is allowed and sets a precedent, eventually leading to the joining of Warton with Lytham.

Alternative schemes:

- While the prospect of tidying up the Great Birchwood site by removing existing structures is welcomed, it would be preferable for the site to be returned to nature through re-wilding.
- The idea of a care village on the site as proposed by the previous application (16/0992) was welcome due to the number of aging residents in the area and it is unclear why this has been deemed unviable.

Flood risk and drainage:

- The site is a flood plain and more properties adding to current drainage infrastructure will increase the risk of sewer flooding.

Amenity impacts:

- Odours from the quail farm which lies adjacent to the site can be detected during certain times of the year at neighbouring properties much further away on West End Lane. If these odours are detectable over such a long distance then future occupiers of the proposed dwelling will be heavily exposed to these unpleasant smells.

Impact on Blackpool and Fylde Fullbore Pistol and Rifle Club:

- The gun club owns the building located to the northern end of the site and has unimpeded access to this building 24 hours a day as stated in the property deeds. If the application is approved in advance of the developer reaching an agreement with the gun club regarding the construction of a new range, then this could allow the current building to be demolished without any need for this facility to be replaced.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- Even if the range is retained while the other buildings are being demolished, vehicle access to the building is required 24 hours a day. Pedestrian access is not suitable to allow firearms to be transported in a safe manner and several members of the club are disabled. This would not, however, be possible with the demolition of other buildings taking place around the gun club.
- Any approval of permission should be subject to conditions which require that the developer maintains full legal access to the gun club building. If access to the range is restricted due to the development and the club has to close temporarily this will greatly impact our members as they have to shoot each firearm X amount of times per year to allow them to retain their licences. With over 100 members in the Club this can have a detrimental effect on a lot of our members as this is their only club, and it could cause them to lose their firearm certificates.

Impact on Brook Bridge Poultry Farm:

- Brook Bridge Farm has been used for the intensive rearing of poultry for the past 80 years. The whole of the Great Birchwood site lies within 400 metres of Brook Bridge Poultry Farm. Therefore “protected dwelling” status issues ought to be a material planning consideration in the determination of the application, particularly in terms of conflicting uses and potentially prejudicing the continued use of the farm. Any permanent dwellings on the application site would be classed as “protected dwellings” and this could potentially prejudice the continued use of the farm for livestock including poultry, cattle etc. Therefore the proposed development could potentially conflict with the continued use of Brook Bridge Farm for livestock and these are matters of material planning consideration that ought to be taken into account before the application is determined.

Officer note: The term “protected building” is pertinent to Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as that part of the Order prevents, among other things, “the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building” (with a “protected building” meaning “any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed”) under the prior approval process in Part 6. It is, however, the case that there are already two dwellings on the Great Birchwood site (the former cattery and kennels converted to dwellings pursuant to planning permissions 87/0578 and 99/0596) located a minimum of *circa* 19m and 49m from the quail farm boundary and buildings respectively. Accordingly, any further development at Brook Bridge Poultry Farm would already be within 400m of a “protected building” and so the proposed redevelopment of the site for a greater number of houses would not fundamentally alter current circumstances in respect of the rights to the farm conferred by Schedule 2, Part 6 of the GPDO.

- The Council should ensure that any planning approval does not prejudice the use of Brook Bridge Farm, in particular the potential continued use for the rearing of livestock and any potential for development associated with its current agricultural use. The intensive livestock rearing use of the site is unrestricted in planning terms, including hours of use. These material planning considerations ought to be taken into account in the determination of the current application. It is unclear whether these matters were considered in the determination of the previous outline application Ref 16/0992 which has since expired. There is no reference to these matters in the submitted Planning Statements or the consultation response from the Council’s Environmental Protection officer relating to the current planning application. It therefore appears questionable as to whether proper consideration can currently be afforded

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

in respect of the issues affecting Brook Bridge Poultry Farm. Any approval which fails to properly consider the impact upon the continued use of my client's site, or prejudice that use, could render the Council liable to a challenge under Judicial Review.

- There is an ongoing application at Brook Bridge Poultry Farm (reference 22/0558) which proposes the change of use of Brook Bridge Farm to Class B8 storage and distribution, however this change of use would not represent a material planning consideration until the application were approved. Therefore, the current application for Great Birchwood should not be determined until full consideration has been given to the continuation of a livestock use of the existing buildings at Brook Bridge Farm (incl poultry, cattle etc), or, alternatively, until planning consent for the change of use of the whole site of Brook Bridge Farm has been granted.

The comments in the letter of support from Ward Councillor Robert Rigby are summarised as follows:

- Great Birchwood Country Park is a derelict, rundown and unsafe space along a key route for visitors travelling to Lytham St Annes. The site has been developed for various uses since the Second World War and the fact that much of it remains as hardstanding demonstrates that it should be prioritised for redevelopment.
- The proposals for 62 homes should be supported by the council. The latest iteration of the plans would deliver a high-quality development of family homes that has no greater impact on the wider Green Belt than the status quo. Moreover, the applicants have incorporated much of the feedback received from the local community, such as improved landscaping around the edge of the site, walking trails, a community orchard and children's play area. This will mean that the site will be used by the wider community in Warton as well as new homeowners.
- The proposals from Bellair for a low density development of family homes here will bring this site back in to use sustainably and make Great Birchwood an asset to our community once again. The improvements to green infrastructure that are proposed as part of the development and the financial contribution that will be made towards the provision of affordable homes are particularly pleasing.

The points made in the letters which declare no specific stance are summarised as follows:

- There are bats present in the area but it is unclear what, if any, measures are proposed to prevent disturbing them or what alternative strategy is proposed. Where I live, not far away, is on a bat 'corridor'.
- It is unclear why, when Great Birchwood was returned to private ownership after WWII, there was no attempt to return the area back to its previous, undeveloped state. The proposed development would presumably not have been made if it had been returned to a natural state.
- By reducing the number of dwellings the revised application goes some way to addressing previous objections relating to the scale of the development and the provision of enhanced natural habitat areas will probably result in a net gain for the rural character of the site. There has, however, been an excessive amount of development allowed in South Fylde in recent years, though efforts appear to have been made to mitigate the impact in this particular case.

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.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

The Council adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. In addition, as the site also falls within the boundaries of the Bryning with Warton Neighbourhood Development Plan (the ‘BWNP’), the Neighbourhood Plan is also part of the statutory Development Plan in this case. Therefore, the FLPPR and BWNP 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.

National Policy:

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

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy
DLF1 - Development Locations for Fylde
GD2 - Greenbelt
GD7 - Achieving Good Design in Development
GD9 - Contaminated Land
H1 - Housing Delivery and the Allocation of Housing Land
H2 - Density and Mix of New Residential Development
H4 - Affordable Housing
HW1 - Health and Wellbeing
INF1 - Service Accessibility and Infrastructure
INF2 - Developer Contribution
T2 - Warton Aerodrome
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)

Bryning with Warton Neighbourhood Development Plan:

BWNE1 – Protecting and Enhancing Local Wildlife and Habitats
BWNE2 – Protecting and Enhancing Local Character and Landscape
BWNE3 – Design to Reduce Surface Water Run Off

Other relevant guidance:

Affordable Housing Supplementary Planning Document
Building for a Healthy Life
National Design Guide
National Model Design Code

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) – specifically category 10(b)

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

relating to “urban development projects”. As the overall site area is *circa* 8.3 hectares, it exceeds the 5 hectare threshold in part (iii) of the second column. In turn, the proposal is Schedule 2 development for the purposes of the EIA Regulations.

Indicative screening thresholds for Schedule 2 developments are provided in a table at paragraph 057 (ID:4-057-2070720) of the “Environmental Impact Assessment” chapter to the PPG. The following indicative criteria and thresholds are given for category 10(b) developments in column 3 of the table:

“Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Sites which have not previously been intensively developed:

- (i) area of the scheme is more than 5 hectares; or
- (ii) it would provide a total of more than 10,000 m² of new commercial floorspace; or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).”

The supporting text to the same paragraph of the PPG advises that “the figures in column 3 are indicative only and are intended to help determine whether significant effects are likely. However, when considering the thresholds, it is important to also consider the location of the proposed development. In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. It follows, therefore, that the thresholds below should only be used in conjunction with the general guidance on determining whether Environmental Impact Assessment is required and, in particular, the guidance on environmentally sensitive areas.”

In addition, paragraph 018 (ID 4-018-20170728) of the same chapter to the PPG identifies that “only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. [...] The table also gives an indication of the types of impact that are most likely to be significant for particular types of development. However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

As observed in the responses from Natural England, the site is located within 100m of the boundary of the Ribble and Alt Estuaries Ramsar, SPA and SSSI – a “sensitive area” for the purposes of the definition in the EIA Regulations. This proximity alone does not, however, mean that the scheme represents EIA development. In particular, the following factors are of particular relevance in making this assessment:

- The development site itself is not within a “sensitive area”.
- The proposed buildings and roads would occupy an area of approximately 2.96 hectares, with the remainder of the site (*circa* 5.34 hectares) comprising open space. Accordingly, the built-up areas of the development would not exceed the indicative threshold in part (i) of column 3.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- For the reasons set out later in the report the site is, as a whole, considered to be previously developed land. While the land is not presently “intensively developed”, it has a legacy of previous development associated with its former use as an RAF base and extant permissions for use as a holiday park and equestrian centre.
- The number of dwellings proposed (30) falls substantially below the indicative 1,000 dwelling threshold in part (iii) of column 3.

Given the above, it is considered that the location and characteristics of the development, and the characteristics of the potential impact, are such that the project is not likely to have significant effects on the environment which would warrant its classification as EIA development. In turn, the application does not need to be accompanied by an Environmental Statement.

Analysis

Policy context and main issues:

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

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

The whole of the application site is located within the Green Belt. With respect to subparagraph d) i., footnote 7 of the Framework clarifies that “the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; **land designated as Green Belt**, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change” (emphasis added).

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

The application is submitted in outline with matters of access, layout and scale having been applied for at this stage. These matters are defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

“Access, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.”

“Layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.”

“Scale except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.”

Accordingly, the assessment of the application is limited to the principle of the development, along with detailed consideration of the issues pertinent to matters of access, layout and scale, for which approval is sought at this stage. Matters relating to the appearance and landscaping of the development are reserved for later consideration and so no specific details relating to those matters have been provided. The application is, however, accompanied by an “illustrative landscape layout” (drawing no. 01 Rev C) which identifies broad landscaping principles for the scheme and so can also be taken into account for illustrative purposes at this stage.

Having regard to the relevant national and local planning policies, the site’s history and designation within the local plan, the nature of the development applied for and the responses from interested parties, the main issues in this case are:

1. Whether the site is a suitable location for housing having regard to the spatial strategy of the development plan and its accessibility by a range of transport modes.
2. Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework, relevant development plan policies and the effect of the proposal on the openness and purposes of the Green Belt.
3. If the development would be inappropriate, whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
4. The development’s effects on the character and appearance of the area, including whether it achieves a high quality standard of design.
5. The development’s impact on designated nature conservation sites and ecological networks and features within the site.
6. Whether the development makes suitable provision for the delivery of affordable housing and other necessary infrastructure contributions required to mitigate its effects.
7. The development’s impact on surrounding occupiers and land uses and whether it would achieve a high standard of amenity for future occupiers.
8. The scheme’s effects on the surrounding highway network.
9. Other material considerations relating to the loss of agricultural land, flood risk, aerodrome safeguarding and contamination.

Suitability of location:

Compliance with spatial strategy of development plan:

FLPPR policy S1 identifies a four-tier settlement hierarchy comprising “Key Service Centres”, “Local Service Centres”, “Tier 1 Larger Rural Settlements” and “Tier 2 Smaller Rural Settlements”. The boundaries of these settlements are defined on the FLPPR Policies Map.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

FLPPR policy DLF1 indicates that “the local plan will provide sites for a minimum of 7,275 new homes [...] over the plan period to 31 March 2032”. The policy identifies four “Strategic Locations for Development” which, with the exception of Freckleton, align with the locations of the “Key” and “Local” Service Centres identified in policy S1. FLPPR policy DLF1 also identifies the “Non-strategic Locations for Development, which comprise the Local Service Centre of Freckleton, the Tier 1 Larger Rural Settlements and the Tier 2 Smaller Rural Settlements.” Policy DLF1 indicates that “the Local Plan Development Strategy is to direct the majority of future growth to the most sustainable locations, specifically to the four Strategic Locations for Development” and states that this will result in “around 90% of homes to be developed in the plan period (including small sites) [being] located in the four Strategic Locations for development [and] around 10% of homes to be developed in the plan period (including small sites) [being] located in the Non-strategic Locations.”

FLPPR policy H1 a) and c) state that the Council will provide for and manage the delivery of new housing by:

- a) Setting and applying 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.
- c) Ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the “Liverpool” method from the start of each annual monitoring period and in locations that are in line with the Policy DLF1 (Development Locations for Fylde) and suitable for developments that will provide the range and mix of house types necessary to meet the requirements of the Local Plan.

The application site occupies a broadly central location within an area of Green Belt between the settlements of Lytham and Warton. The defined settlement boundary of Warton lies *circa* 0.9km to the east, with the boundary of Lytham located approximately 1.3km to the west (via Lytham Road). Accordingly, the site falls beyond any of the settlement boundaries defined in FLPPR policy S1 and, in turn, is outside any of the Strategic and Non-strategic locations for development identified in policy DLF1.

It is not, however, the case that the FLPPR restricts residential development to areas within the settlement boundaries identified on the Policies Map. In particular, FLPPR policy S1 indicates that “within the rural areas, development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as applicable**” (emphasis added). In addition, the “windfalls (including small committed sites)” subsection of FLPPR policy DLF1 indicates that “small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan.**[...] Small committed sites and windfalls yet to come will provide around 11% of the housing requirement. **There may also be some larger windfall sites that will also contribute to this figure**” (emphasis added).

Accordingly, the Development Strategy in FLPPR policy DLF1 does not confine new housing developments to the settlements identified in policy S1, nor does it restrict them to the Strategic/Non-strategic Locations for Development set out in policy DLF1, as long as they comply with other policies of the plan. As the site falls within the Green Belt, the provisions of FLPPR policy GD2 are applicable in this regard.

FLPPR policy GD2 states that “the Green Belt within Fylde is shown on the Policies Map. Within that area national policy for development in the Green Belt will be applied.” Policy GD2 does not identify any additional requirements for the assessment of developments located in the Green Belt beyond those contained in chapter 13 of the NPPF. Therefore, the scheme’s compliance with FLPPR policy GD2 is intrinsically linked to its compliance with the provisions in chapter 13 of the Framework. If the

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

proposed development is found to conflict with chapter 13 of the NPPF it will conflict with FLPPR policy GD2 and, in turn, it will also conflict with FLPPR policies S1 and DLF1 because the spatial requirements of those policies only allow developments to take place in locations outside the defined settlements where they also comply with the policy relating to the relevant out-of-settlement designation – policy GD2 in this case. The development's compliance with chapter 13 of the NPPF is addressed under the second and third main issues below.

Accessibility:

The 'existing land uses' subsection of FLPPR policy DLF1 states that "development will contribute towards sustainable growth, the continuation and creation of sustainable communities, by their locations and accessibility."

FLPPR policy INF1 a) states that, in order to protect and create sustainable communities, proposals for development should "make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity".

Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals in accordance with five principles (a-e)). In particular, principles b) and c) require that:

- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; and
- c) opportunities to promote walking, cycling and public transport use are identified and pursued.

In addition, paragraph 105 of the Framework indicates that "the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

Paragraphs 110 a) and 112 a) and b) of the NPPF indicate 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.
- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Chapter 4 of the applicant's Transport Statement (TS) considers the site's accessibility on foot, by cycle and by bus. In terms of access on foot, the TS refers to "the guidance on the preferred maximum walking distances to amenities [...] given in the Chartered Institution of Highways and Transportation [CIHT] document "Providing for Journeys on Foot" (2000)", stating that "in terms of commuting journeys by foot, the desirable distance is 500m, the acceptable distance is 1km and the preferred maximum is 2km." Figure 4.1 of the TS shows a "2km walking catchment" and uses this to conclude, in paragraph 4.1.8, that "Lytham and Warton are both within walking distance from the site."

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

It is, however, the case that the 2km walking distance referred to in table 3.2 of the CIHT 2000 publication applies to “Commuting/School Sight-seeing”, whereas CIHT’s preferred maximum for “Town centres” is 800 m and for “Elsewhere” 1,200 m. CIHT’s more up to date 2015 publication titled “Planning for Walking” does not repeat reference to the maximum acceptable walking distance of 2km. It states, instead, in section 6.4 that walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres). This is also reflected in the National Design Guide (NDG), which defines “Walkable: Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius).” Accordingly, all the local facilities and services in Warton and Lytham – which are further away from the site than the defined edges of those settlements (some 0.9km and 1.3km away respectively) – would be beyond what the NDG states to be within walking distance for residents of the development.

With respect to access by cycle, the TS states that “it is widely recognised that cycling can act as a substitute for short car journeys, particularly those up to 5km in length” and indicates that “a shared cycle route is present along Lytham Road, whilst National Cycle Route [NCR] 62 runs within proximity of the proposed development site linking the coastal route to Kirkham and beyond.” Figure 4.2 shows a 5km cycling catchment in relation to the site and paragraph 4.2.5 concludes that “Warton and Lytham are within easy cycling distance from the site, whilst National Cycle Route 62 runs to the north of the site.”

In terms of access by bus, paragraph 4.3.1 of the TS states that “the closest bus stops to the site are located on Lytham Road, approximately 20m from the site.” While this is true of the eastbound bus stop on the northern side of Lytham Road to the east of the site access, the westbound bus stop on the south side of Lytham Road is approximately 75m away from the centreline of the access and on the opposite side of the A584. Nevertheless, both bus stops are in a comfortable walking distance of the site access. Table 4.1 of the TS provides timetables for the bus services visiting those stops (nos. 68, 78 and 76), concluding that “the site is served by 11 services in the weekday morning and 10 services in the afternoon peak, and a total of 143 busses passing the site on a weekday. It is therefore concluded that the site benefits from excellent access by bus, offering a viable alternative to single occupancy car journeys.” In addition, the off-site highway improvements identified in figure 5.3 of the TS indicate that pedestrian connections between the site and these bus stops would be enhanced through the provision of a pedestrian refuge leading to the westbound bus stop on the south side of Lytham Road, the upgrading of both bus stops for people with disabilities and reduced mobility, along with the introduction of tactile paving.

For the reasons set out above, while it is the case that future occupiers of the proposed dwellings would not be within a comfortable (10 minute or 800m) walking distance of local facilities in the town centres of Warton or Lytham to meet their everyday needs by access on foot, there would be good access by cycle and, in particular, the frequency of public transport passing the site provides a genuine choice of transport modes which would avoid over reliance on car-based journeys. Accordingly, it is considered that these public transport connections are sufficient to meet the accessibility objectives of FLPPR policies DLF1 and INF1 and the NPPF.

Whether the proposal is Inappropriate development in the Green Belt and effects on the openness and purposes of the Green Belt:

Policy context:

FLPPR policy GD2 relates to development within the Green Belt and states that “national policy for development in the Green Belt will be applied” in these areas. Accordingly, the principal

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

considerations relating to development's impact on the Green Belt are those set out in chapter 13 of the NPPF.

Paragraph 137 of the NPPF indicates that "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 138 of the NPPF identifies that Green Belt serves five purposes as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 147 and 148 of the Framework state that:

- "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 149 of the NPPF indicates that "a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

In addition, paragraph 150 of the Framework states that "certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

Whether the proposal is inappropriate development in the Green Belt, including its effects on openness:

The applicant’s case in favour of the scheme is predicated on the development’s compliance with the exception in paragraph 149 g) of the NPPF which states that the following is not inappropriate development in the Green Belt:

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

The first test in paragraph 149 g) is whether the parts of the site where “complete redevelopment” (which is applicable in this case) is proposed are previously developed land. As the scheme includes the provision of affordable housing, the two subsequent tests contained in the exception to the second limb of paragraph 149 g) are relevant – namely: whether the development would “cause substantial harm to the openness of the Green Belt”; and whether it would “contribute to meeting an identified affordable housing need within the area of the local planning authority”. Each of these tests are addressed in turn below.

Whether the site is previously developed land:

The term “previously developed land” (PDL) is defined in Annex 2 of the NPPF as “land which is or was occupied by a permanent structure, **including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)** and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and **land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape**” (emphasis added).

The applicant’s supporting statement contends that the whole of the site should be considered PDL by virtue of its historical use as an RAF base. It is, however, apparent from historical aerial photography that any former buildings (though it is unclear how many of those were “permanent structures”) associated with the site’s use as an RAF base were demolished between 1940 and 1960. In addition, plans accompanying the earliest applications for new uses on the site following the closure of the RAF base (e.g. those for application 82/0718) show the site to be free from all of the former RAF buildings. At present, large areas of the land – particularly those surrounding the two dwellings and stables to the southern and eastern parts of the site – comprise open grassland which is free from development and where the remains of any permanent or fixed surface structures associated with the former use

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

of the site as an RAF base have blended into the landscape. Accordingly, despite the applicant's assertions, the site cannot be considered PDL as a result of its historical use as an RAF base.

The basis for determining whether the site as a whole can be considered PDL relates, instead, to the development which has taken place on the land since it was vacated by the RAF. This relies on an analysis of the site's planning history. The first post-RAF base uses on the land granted by applications 82/0718 (outline) and 83/0151 (reserved matters) established an equestrian centre to the southeast corner (including the stables and barn which exist on the site today) and a kennels and cattery to the west of the stables (which were subsequently extended and converted to form the two dwellings which now exist on this part of the site). The later development granted (and implemented) pursuant to planning permission 91/0890 is key to establishing the whole of the site as PDL as it refers to a change of use of the site to a country leisure park and the red line boundary includes the whole of the land. On this basis, it is considered that the site as a whole is PDL as it forms a mixed-use country leisure park and equestrian centre which provides the overarching context within which other subsequent development on the site has emerged. In this respect, the parts of the site which are not presently occupied by permanent structures or associated fixed surface infrastructure can be considered PDL on the basis that they form the curtilage of the developed land.

Whilst the site as a whole can be considered to be PDL for the purposes of the definition in Annex 2 of the Framework, the basis for this conclusion is of particular importance to the Green Belt openness test in paragraph 149 g) of the NPPF. Specifically, as it is the case that large areas of the site are presently open grassland which is free from development and no permission exists for the erection of permanent structures or associated fixed surface infrastructure on these areas, they are only classed as PDL by virtue of forming "the curtilage of the developed land". As set out in the definition of PDL in the Framework "it should not be assumed that the whole of the curtilage should be developed". The importance of this distinction feeds in to the analysis of the development's impact on Green Belt openness below.

Impact on the openness of the Green Belt:

The proposal involves the complete redevelopment of the Great Birchwood site to provide up to 30 dwellings with associated garages, infrastructure, open space and landscaping. This development would follow the demolition of all existing buildings and removal of existing hard surfaces on the site.

The application is shown to include the provision of 9 dwellings (30% of the total) which will meet the definition of "affordable housing" in Annex 2 of the NPPF in order to satisfy the quantitative requirement of FLPPR policy H4. Therefore, providing this will "contribute to meeting an identified affordable housing need within the area of the local planning authority" (which is the conclusion of the assessment in the following section), the exception in the second limb of paragraph 149 f) of the Framework is engaged. This provides that the complete redevelopment of PDL which would "not cause **substantial harm** to the openness of the Green Belt" (emphasis added) is not inappropriate development in the Green Belt.

Neither the NPPF nor the PPG provide a definition and/or guidance as to when the threshold of "substantial harm to the openness of the Green Belt" is likely to occur. This is, instead, a matter of planning judgement which will vary between different sites on a case-by-case basis according to their individual location and characteristics. It is, however, clear that this allows an impact on openness greater than that identified in the first limb of paragraph 149 g) (which restricts developments to those "which would not have a greater impact on the openness of the Green Belt than the existing development") and that the term "not cause substantial harm" pre-supposes that some harm to

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

openness is acceptable to enable the provision of affordable housing, providing that the level of this harm is not “substantial”.

It has been established through various appeals and case law that, in the context of the Green Belt, the term “openness” is a three-dimensional concept which effectively denotes an absence of buildings and development. As has also been established through case law and is set out in paragraph 001 (ID 64-001-20190722) of the “Green Belt” chapter to the PPG, “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”. This paragraph also provides the following additional examples of matters which may need to be taken into account when assessing a proposal’s impact on the openness of the Green Belt:

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Accordingly, a combination of both quantitative and qualitative impacts on Green Belt openness are relevant to the assessment in this case. Each of these are considered in turn below:

Building footprint and volume:

Having concluded that the whole of the site comprises PDL, in assessing whether its complete redevelopment would cause substantial harm to the openness of the Green Belt it is relevant to compare the impacts occurring as a result of the current situation with those arising from the proposed development. For the purposes of benchmarking, it is acknowledged that the current situation is not limited to the buildings and land uses which presently exist on the site but also includes the fallback positions provided by the following, implemented planning permissions:

- 91/0890 – This permission included several elements, all of which have been carried out with the exception of single storey extensions to the existing stables in the southeast corner of the site. However, as the planning permission has been implemented the ability to construct the stable extensions remains in place.
- 09/0587 – Which allows the extension and reorganisation of the holiday park to provide 46 static caravan plots and 49 touring caravan pitches within the northern part of the site.

The submission does not include any plans for the existing buildings on the site, nor any survey of these which calculates their footprint and/or volume. Nevertheless, a survey of all existing buildings on the site was undertaken by ‘WHR’ in November 2016 as part of application 16/0992. The WHR survey includes the buildings which remain on the site at present (in the same state) and so the footprint and volume figures in Table 4 have been calculated based on the details in that survey. It is, however, the case that the WHR survey did not include measurements for the roofs of each building and so an uplift of 15% has been added to the volume of each building as an allowance for that omission for consistency with the principles adopted during the consideration of application 16/0992. In addition to this constraint, and for the avoidance of any doubt, the total footprint and volume for existing buildings on the site given in Table 4 has been calculated using the following parameters:

- The proposed development would necessitate the demolition of the existing indoor pistol range building. However, this building has been discounted as there is a separate, ongoing (though presently invalid) application made on behalf of the gun club (who own the building) to demolish this and re-locate it elsewhere on the site (22/0623). Accordingly, it has been removed from the calculations in Table 4 to avoid any ‘double counting’ as part of both applications.
- The existing lodges on the northern part of the site have been discounted as they occupy the same parts of the site as the caravans permitted by 09/0587 and so would be replaced by

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

them. As the benchmarking exercise is based on a scenario where planning permission 09/0587 has been implemented in full, the lodges and caravans cannot both be counted.

- As the caravans permitted by 09/0587 (whether statics or tourers) are not “buildings”, they are excluded from the footprint and volume calculations in Table 4, though their impact on the openness of the Green Belt by virtue of their bulk and massing is addressed later.
- Footprints and volumes for the stable extensions permitted by 91/0890 have been scaled from historical plans.

Accordingly, the footprint and volume calculations for the existing buildings on the site set out in Table 4 include: i) the clubhouse (‘Fort San Antone’); ii) the stables (including the extensions to them permitted by 91/0890); iii) the dome-shaped barn; iv) the two dwellings; and v) the craft units. The footprint and volume figures for the proposed buildings (both the dwellings and their garages) are taken from the calculations in Table 3.

Total existing building footprint (m ²)	Total proposed building footprint (m ²)	Variance (m ²): Proposed - Existing	Total existing building volume (m ³)	Total proposed max building volume (m ³)	Variance (m ³): Proposed - Existing
2,940	3,092.5	+152.5	16,871	21,857	+4,986
Variance (%)		+5.19			+29.55

Table 4 – Existing and proposed building footprint and volume comparison

As set out in Table 4, the proposed redevelopment of the site would result in an approximate 5.19% increase in building footprint and a 29.55% increase in building volume. The significantly greater increase in building volume in comparison to footprint (which indicates a much more modest increase in building coverage across the site) is a consequence of the taller (both average and overall) height of the proposed dwellings in comparison to the existing buildings. The implications of this increase in building scale are addressed in detail below.

External viewpoints and effects of building scale and height:

In its wider context, the Great Birchwood site falls broadly to the centre of a semi-circular area of land on the north side of Lytham Road, the outer edge of which is marked by Lodge Lane/West End Lane. Between its junctions with Lodge Lane (western end) and West End Lane (eastern end), the semi-circular area of land to the north side of Lytham Road is predominantly characterised by open agricultural land, with other development limited to the adjacent golf driving range to the west and sparse clusters of dwellings and farm buildings. As a result, the site is not viewed against the backdrop of or in conjunction with any other significant surrounding built development and is, instead, seen across and adjacent to open fields.

External views into the site vary from different vantage points. At present, the most meaningful landscape buffering which filters views into the site is the TPO woodland to the northwest corner. This significantly restricts views of the current clubhouse from vantage points on Lytham Road to the southwest and from Lodge Lane to the north/northwest. A much thinner, linear belt of planting exists along the site’s northern, eastern (which is also marked by a *circa* 2.5m high earth mound) and southern boundaries. This comprises a collection of often poor, semi/immature, self-seeded and/or ornamental trees and hedges with a much thinner canopy, lesser vertical height and lower density than the TPO woodland. In addition, as this existing planting is composed of deciduous species, its limited depth offers almost no screening during the autumn and winter months when not in leaf. As a consequence, the existing single storey gun club and timber lodges on the northern part of the site

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

are clearly visible through the tree line to the northern/northeastern boundaries in vantage points from Lodge Lane/West End Lane at this time of year, as is the two storey clubhouse. Accordingly, there is very little existing meaningful landscaping available alongside the site's northern and eastern boundaries to screen the two storey dwellings proposed in place of the existing mixed-height buildings and single storey caravans.

Similarly, the lack of any meaningful planting to the southwestern site boundary (that running between the southern tip of the TPO woodland up to Lytham Road), means that views into the site from vantage points on the eastbound approach along Lytham Road are largely unfiltered and the land beyond is heavily exposed (though this is presently an open grazing paddock with two bungalows to the south of it whose rooftops only can be seen beyond an internal cluster of planting that surrounds these buildings). The southern part of the site is also prominently in view from a public right of way (PRoW) – 5-3-FP8 – which runs in an east-west direction bordering the estuary on the opposite side of Lytham Road to the south.

In contrast, views into the site from Lytham Road to the southeast are largely restricted by a tall (*circa* 3m high) roadside hedgerow which forms a continuous buffer on the north side of the A584 extending for some 535m from the southeast corner of the access to Maincoat/Brook Bridge Poultry Farm up to the triangular building cluster on the south side of the junction with West End Lane. The only gap in this hedgerow is a gated access into the adjoining, open land to the east of Great Birchwood (part of which was also used as the former RAF base). However, this is a relatively narrow opening and as the gate is set back from the roadside only very fleeting views towards the site are available through it. The siting of the existing stables and barn to the southeast corner of the site behind the three buildings at Brook Bridge Poultry Farm and the industrial unit at Maincoat also combine to restrict views into this part of the site from all surrounding public vantage points.

With the exception of the two storey clubhouse, all existing buildings on the site are of a single storey height (though the dome-shaped roof of the barn to the southeast corner is notably taller than the adjacent lean-to stables). Similarly, the definition of a “caravan” in the Caravan Sites Act 1968 limits the “overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level) [to] 3.05 metres” and so the caravans permitted by 09/0587 could also be no taller than a single storey.

In contrast, the scale parameters for the proposed buildings given in the design and access statement indicate that all the dwellings would be two storeys in height, including some with rooms in their roof spaces, with an eaves height up to 5.77m and a ridge height up to 10.8m. Each dwelling would be provided with a detached garage of a single storey height (maximum 2.47m to eaves and 4.32m to ridge). In comparison, historical plans for the tallest of the existing buildings on the site (the clubhouse) show that this has maximum eaves and ridge heights of 5.4m and 7.55m respectively. Accordingly, the overall scale of the proposed development would be appreciably greater than that of the existing buildings due to the increased height of the proposed dwellings.

In addition to their greater height in overall terms, the increased bulk and massing arising from the inclusion of first floors and second floor roof spaces (which the design and access statement indicates could include dormers) to the dwellings could not fail to give rise to a significantly greater visual and spatial perception of built development on the site in comparison to the existing (including the fallback) position due to the marked uplift in building height. In particular, the group of dwellings occupying the grazing paddock to the southern part of the site (the whole of Parcel C), along with plots 7 and 8 on Parcel B located beyond the southern tip of the TPO woodland, would be heavily exposed in views from Lytham Road and the PRoW to the south/southwest. Similarly, the dwellings on plots 11, 14, 17, 20, 21, 24, 26, 28 and 30 (those flanking the northern/eastern site boundaries) would be

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

prominently in view from Lodge Lane/West End Lane above and through the current lower level, sporadic and deciduous tree line which marks these boundaries, especially in the autumn/winter months.

Without mitigation, it is considered that the loss of openness to the Green Belt arising from: i) the replacement of single storey buildings and caravans with much taller two storey dwellings on exposed parts of the site; and ii) the siting of buildings (including both the two storey dwellings and their single storey garages) on land which presently comprises an open grazing paddock devoid of any development (Parcel C) would result in substantial harm to openness of the Green Belt. The applicant has sought to reduce the effects of these impacts on openness to a level which falls below “substantial harm” through the layout, distribution and density of development across the site and the inclusion of substantial areas of landscaping strengthening to the boundaries where this is currently either limited (north, east and south)) or absent (southwest). The effectiveness of these measures in reducing the level of harm to Green Belt openness is considered in turn below.

Layout, distribution and density of development:

At present, existing development on the site is arranged in three distinct groups which are separated from one another by intervening buffers of open space. The largest of these is the northern group which comprises the clubhouse, pistol range, craft units and the 46 static and 49 touring caravan pitches permitted by 09/0587. The second group comprises the stable blocks (including consideration of the unimplemented extensions permitted by 91/0890) and dome-shaped barn to the southeast corner of the site. The third group includes the two dwellings contained centrally within the ‘island’ enclosed by the loop of the internal access road to the southern end of the site.

The impact on Green Belt openness arising from each existing group varies according to the scale, amount and spread of development, its visibility from external viewpoints and the effectiveness of existing landscape buffers. In this respect, the first (northern) group has the greatest impact. In particular, the two storey height and continuous massing of the clubhouse’s bulky, rectangular footprint increases its visibility from vantage points outside the site. The gun club is also prominently in view from vantage points on Lodge Lane/West End Lane and, while there are only a limited number of caravans and lodges in place on the site at present, these are positioned mainly around the site perimeter behind a thin tree line and so are also readily visible from viewpoints to the north/northeast. In this respect, it is apparent that the bulk, solid profile and massing of 46 static caravans sited in tightly-grouped clusters in the positions shown on the approved plans for 09/0587 would markedly reduce the perception of openness on this part of the site. A lesser impact would arise from the 49 touring caravan pitches due to their more transient nature and centralised positioning within the site. In contrast, and despite being located closer to the A584, the collection of buildings within the second (southeast) and third (south-central) groups have a much lesser impact due to their lower scale, larger gaps between them and the screening provided by a combination of internal planting and neighbouring buildings outside the site.

Although the two storey height of the proposed dwellings and their siting on parts of the land which is presently open would, in both spatial and visual terms, have a greater overall impact on the openness of the Green Belt than the existing development, the level of harm arising is tempered by the following factors pertaining to the development’s layout:

Whereas the current arrangement of development on the site positions a series of buildings and caravans around the periphery, the proposed layout creates three separate building clusters laid out along a central ‘spine’ of development following a north-south axis through the site. Firstly, this moves buildings away from the site boundaries into a central core enclosed by an outer estate road and,

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

beyond that, allows the provision of wide buffers of open space to the site perimeter which has the effect of setting buildings further back into the site. Secondly, the provision of wider buffers of open space around the site perimeter provided opportunities for significant bolstering of existing planting alongside all the site boundaries. This is shown indicatively on both the proposed layout and the landscape masterplan. The width of these open space buffers, in combination with the extent of planting to be introduced within them, would form a dense woodland screen around the site perimeter which is designed to 'contain' the development from surrounding open land and, in turn, reduce their visibility from nearby external viewpoints.

In addition to rearranging development to follow a central core, the layout also shows generous gaps between individual buildings and, whilst the height of the proposed dwellings may be taller than existing development, their individual footprints are much smaller and the spacing between them is greater. In particular, the intensive collection of larger-scale buildings and caravans to the northern part of the site would be replaced by a lower number of dwellings and garages on a smaller footprint with larger gaps between them. In a 3-dimensional sense, therefore, the increased height of the proposed dwellings would be offset by their reduced footprint and density within the northern part of the site.

Whilst the proposed buildings on Parcels A and B would occupy the same parts of the site as the building and caravan cluster within the northern area, the 6 dwellings (and garages) on the southern part (Parcel C) would be located on land which is presently an open grazing paddock devoid of any development. In addition, this area of the site is presently heavily exposed in views from Lytham Road and the PRoW bordering the estuary to the south/southwest. The siting of buildings on parts of the land which are presently open would, in normal circumstances, cause substantial harm to the openness of the Green Belt. Although there will, undoubtedly, be some harm to openness arising as a result of the development introduced on Parcel C, in this case it is considered that the level of harm arising would be less than substantial for the following principal reasons:

- Existing buildings on the southern part of the site include three stables, a dome-shaped barn and two 'true' bungalows. These buildings are grouped in two separate clusters which, while adjacent to one another, are separated by the southern loop of the internal access road and intervening open space. They are also separated from proposed development Parcels A and B by the open grazing paddock to the north of the two bungalows. Although it would be possible to position the 6 dwellings in Parcel C on the same parts of the site as these existing buildings (e.g. 2 dwellings in place of the current bungalows and 4 in place of the stables and barn), that approach would: i) annex those dwellings from the other development on Parcels A and B; ii) break the central spine of the layout by creating two outlying development parcels; iii) result in the need for a more convoluted estate road layout (including additional hardstanding); and iv) position dwellings closer to the site boundaries and the highway of Lytham Road, thus increasing their visual prominence and reducing the effectiveness of the open space and landscape buffers. Accordingly, it is considered preferable to, instead, allow a 'trade off' where the open grazing paddock to the north of the two bungalows can be developed providing that the land which is presently occupied by the stables, barn and those bungalows is returned to open space. This allows the proposed buildings to be grouped together in a continuous central core with undeveloped buffers around the more sensitive site perimeter, rather than spread them out sporadically in a contrived attempt to follow the current siting of existing buildings within the southern part of the site.
- The size of each development parcel and the number and density of buildings within it reduces incrementally as the layout enters the southern part of the site which is more sparsely developed and exposed. In this respect, the density of residential development reduces from 17.3 dwellings per hectare (dph) on Parcels A and B to 16.2 dph on Parcel C, with the number

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

of dwellings within this parcel also being more limited and the gaps between these detached properties becoming greater to create a less intensive form of development.

- The centralised siting of buildings on Parcel C which flows along the same north-south axis as Parcels A and B allows the provision of deeper buffers of woodland planting and/or open space to the site perimeter and, in turn, enables the provision of significant strengthening of existing landscaping. In addition, it also provides for the retention of the majority of the established internal tree and hedge planting which surrounds the two dwellings.

Duration and remediability:

Existing development on the site includes a combination of permanent buildings (the clubhouse, craft units, pistol range, stables, barn and two bungalows) and more transient land uses (principally the static and touring caravans permitted by 09/0587). It is, however, also the case that the degree of transience of the static caravans (though moveable) would be much more limited than touring caravans as statics tend to remain in the same place for extended periods of time and are not removed when not in use. Accordingly, the impacts on openness arising from the static caravans is likely to be more prolonged in comparison to the touring caravan pitches.

The proposed dwellings and their garages would be permanent buildings and, in turn, their impact on Green Belt openness would be a permanent one. In terms of duration and remediability, therefore, they would have a greater impact on Green Belt openness than the caravans permitted by 09/0587. Nevertheless, as set out in Table 4, even when these caravans (along with some other existing development on the site) are excluded from the volumetric benchmark comparison exercise, the uplift in building footprint and volume is not particular large.

Moreover, there would be a degree of remediability arising from the scheme by virtue of the site's peripheral areas (including the locations of some caravan pitches, the stables, barn and two existing bungalows) being returned to undeveloped open space and the extensive bolstering of perimeter landscaping to the fringes of the site. In particular, the landscape masterplan identifies the provision of advanced (heavy standard) planting within the woodland buffers to the site perimeter. Although landscaping is not applied for at this stage, a condition is recommended to require any landscaping scheme submitted at that stage of reserved matters to demonstrate compliance with the principles of the landscaping scheme shown on the illustrative landscape layout (drawing no. 01 Rev C). Whilst it is the case that, even with advanced planting, this would take a number of years to mature and so form a screen which is effective in 'containing' the development, there is no reason to doubt that the depth and density of the proposed planting shown on the illustrative landscape layout would be sufficient to achieve this objective.

Degree of activity:

While the site is currently largely vacant, the established use of Great Birchwood as a mixed holiday/leisure park and equestrian centre has the potential to generate a significant amount of activity with respect to both pedestrian and vehicular movements to and within the site. This is, however, also likely to vary seasonally with peaks in the summer and lulls in the winter. The submitted Transport Statement (TS) attempts to make a comparison between the number of vehicle trips associated with the development proposed by application 16/0992 and the 30 dwellings proposed by this application. However, notwithstanding that planning permission 16/0992 has now expired, the trip rates for that development set out in the TS relate to the quantum of development originally proposed by that application rather than the much-reduced quantum eventually permitted by the amended scheme. Accordingly, this comparison is of little relevance in this case and no trip rates are given for the existing development (including the fallback position allowed by 09/0587).

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Nevertheless, trip rates are given in the TS for the proposed residential development of 30 dwellings. This estimates that a total of 58 two-way trips (by all transport modes) would occur in the morning peak and 49 two-way trips would occur in the evening peak. The mix and quantum of existing uses permitted on the site are likely to generate trips by a series of different users for different purposes at different times of the day and so are unlikely to follow the morning and evening commuting peaks for dwellinghouses contained in the TS. In spite of this, it is apparent that the level of activity associated with the existing uses is likely to be significant, especially during the peak holiday season when it is conceivable that all 95 caravans permitted by 09/0587 could be stationed on the site alongside the other established uses. However, in the absence of any definitive evidence within the applicant's TS to demonstrate comparative impacts in this regard, it is considered that there would, at worst, be a neutral impact on Green Belt openness arising from the degree of activity generated by the proposed development in comparison to the existing situation.

Contribution to meeting identified affordable housing needs:

The final test in the second limb of NPPF paragraph 149 g) is that the development must "contribute to meeting an identified affordable housing need within the area of the local planning authority". It has been established through several appeals (e.g. 3209204 and 3221581) that the term "contribute" does not mean that the whole of the development must comprise affordable housing. In this case, the proposal includes a contribution of 9 dwellings (30% of the total) within the development as affordable housing units which will meet the definition in Annex 2 of the NPPF in order to satisfy the quantitative requirement in FLPPR policy H4.

The need for affordable housing in Fylde is quantified in the Fylde Coast Strategic Housing Market assessment (SHMA). The SHMA (including its Addenda) identifies a high level of affordable housing need in the Borough of 249 affordable homes per annum for the remainder of the plan period (SHMA Addendum 1, 2014). As stated in paragraph 9.67 of the FLPPR "the figure of 249 per annum would represent a large proportion of the [overall] 305 per annum requirement of all housing for Fylde [set out in policy H1], and this would therefore be undeliverable". However, the high level of need identified in the SHMA demonstrates "an identified affordable housing need within the area of the local planning authority" to which the 30% level of affordable housing provision proposed by this development would contribute in accordance with the requirements of FLPPR policy H4. Indeed, paragraph 9.68 of the FLPPR indicates that "the policy [H4] therefore requires 30% of all homes on major developments to be affordable, this being established as a level which makes as effective a contribution to affordable housing need as is viable."

Summary and conclusion on openness impacts:

The analysis above considers the main effects arising from the development which would impact the openness of the Green Belt. For the reasons set out above, these impacts vary across different topics and cause differing degrees of harm. However, the main sources of visual and spatial harm to Green Belt openness which would occur as a result of the development relate to the increased volume and height of the proposed buildings in comparison to the existing development and the siting of the buildings on plots 1-6 (Parcel C) on a part of the site which presently comprises open grazing land devoid of any existing development. The level of harm arising would, however, be tempered by the approach taken to the development layout which groups the proposed buildings together in a central, consolidated, low-density core and includes the provision of substantial buffers of open space and advanced woodland planting around the site's outer fringes to its full perimeter where it borders other land outside the site.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Based on the analysis set out above, it is concluded that the proposed development would have a greater impact on the openness of the Green Belt than the existing development and so would fail to meet the exception in the first limb to paragraph 149 g) of the NPPF. However, as the scheme would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority, it falls to be assessed against the exception in the second limb of paragraph 149 g) which requires that the development “would not cause substantial harm to the openness of the Green Belt”.

Neither the NPPF nor the PPG provide a definition or guidance as to when “substantial harm to the openness of the Green Belt” is likely to arise for the purposes of the second limb to paragraph 149 g) and so this is a matter of planning judgement which will vary on a case-by-case basis. In this instance, while the degree of harm attributable to the development’s effects on the openness of the Green Belt is finely balanced, it is considered that, when taken as a whole and in tandem with the mitigation to be incorporated as part of the scheme, the totality of the harm to the openness of the Green Belt would be less than substantial. Accordingly, subject to the provision of 30% affordable housing being secured through a planning obligation, the proposal is considered to meet the exception in the second limb to paragraph 149 g) of the NPPF. In turn, it is not inappropriate development in the Green Belt.

Effects on the purposes of the Green Belt:

Paragraph 138 of the NPPF sets out the five purposes of Green Belt. In this case, it is considered that the purposes in subsections b) and c) are of direct relevance in this case as follows:

- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment

The site’s exposed location bordering land which is largely open on all sides and its lack of any meaningful containment by other development nearby adds to its sense of separation and detachment from the settlements of Lytham (to the west) and Warton (to the east). Accordingly, it contributes to the purpose of including land in the Green Belt set out in paragraph 138 b) of the NPPF. If the site were developed intensively (e.g. in the manner proposed by the original submission for up to 62 dwellings), this would have the effect of urbanising and eroding the gap between the settlements of Lytham and Warton, thus undermining the purpose of including land within the Green Belt in paragraph 138 b) of the NPPF.

However, the reduced quantum and more confined distribution of buildings proposed by the revised scheme for up to 30 dwellings which concentrates development within a consolidated, low-density central core with extensive areas of open space buffering and woodland planting around the outer edges of the site along its full perimeter where it borders adjoining open land would ensure that any urbanising effects which may increase the perception of Lytham and Warton merging by developing the gap between them would not be significant.

The land which forms Parcel C of the development presently comprises open greenspace. Accordingly, the siting of the six proposed two storey dwellings and associated garages within this area would result in a degree of encroachment into the countryside by introducing development onto land that is presently open. For the reasons already set out above in relation to impacts on openness it is, however, the case that the development of Parcel C forms part of an offsetting exercise which would result in existing buildings on other, more peripheral (and, particularly in respect of the bungalows, more exposed) land being demolished and returned to greenspace and/or woodland planting. This approach is intended to increase the depth of the undeveloped buffer around the edges of the site and, in doing so, increase the opportunities for screening and setting the developed areas further away from the site boundaries where it would be most prominently in view from external vantage

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

points. In overall terms, therefore, it is considered that this offsetting exercise would avoid any unacceptable increase in the level of encroachment into the countryside which could give rise to a conflict with the purpose in paragraph 138 c).

Very special circumstances:

Paragraph 147 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. In turn, paragraph 148 indicates that “‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

The analysis in the section above concludes that the proposal meets the exception in the second limb to paragraph 149 g) of the NPPF. Accordingly, it is not inappropriate development in the Green Belt and so the definitional harm referred to in paragraph 147 would not arise in this case. In turn, there is no requirement for the scheme to demonstrate the existence of ‘very special circumstances’ which would otherwise be required to allow inappropriate development in the Green Belt to proceed.

Character and appearance:

Although the appearance and landscaping of the development are reserved at this stage, matters of layout and scale are applied for, and details of landscaping are shown illustratively.

BWNP policy BWNE2 states that developments should demonstrate good design, respect local character and where possible, reinforce local distinctiveness.

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). Criteria b), d), h), i), k) and m) are of greatest relevance in this case as follows:

- Ensuring densities of new residential development reflect and wherever possible enhance the local character of the surrounding area.
- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.
- 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.
- 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 impact on the amenity, character, appearance, distinctiveness and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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.

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 (as identified in the Lancashire Landscape Character Assessment, December 2000). Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting. In particular, criterion a) of the policy states that “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”.

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.”

Density:

When calculating housing density, paragraph 9.25 of the FLPPR clarifies that the ‘normal’ net residential density of 30 homes per hectare “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” and, furthermore, that “lower net residential densities may be justified, where it would reflect and enhance the local character of the surrounding area”.

In this case, the overall site area of 8.3 hectares is to be split between a developable area of *circa* 2.96 hectares for buildings and roads, with the remainder comprising areas of open space totalling *circa* 5.34 hectares in area. As set out in paragraph 9.25 of the local plan, these areas of open space are to be excluded from the calculation of net residential density. In this case, therefore, the proposed development of up to 30 dwellings would deliver a net residential density of approximately 10.14 dwellings per hectare.

Although this falls some way below the ‘normal’ density requirement in policy H2, there are several reasons why a low-density layout is required in this case, with those relating principally to the need to limit the development’s impact on the Green Belt as set out in the previous section of the report. As set out in paragraph 9.25 of the FLPPR, the purpose of the 30 dwelling per hectare density target in policy H2 is “to ensure the creation of well-planned sustainable communities with high standards of amenity and to prevent the profligate use of land”. Given the site-specific circumstances of this case, and having particular regard to its location within the Green Belt, there are other planning reasons which justify a reduced net residential density in order to reflect local character without prejudicing the objective of FLPPR policy H2 to make efficient use of land.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Layout:

Sections M.1.i, N.1.iii, B.2.i, B.2.ii and U.1.iii of the NMDC (Part 2) relate to connected street networks, open space design, development blocks, building lines and active frontages.

Considerations 1 (natural connections), 5 (making the most of what's there), 7 (well defined streets and spaces), 8 (easy to find your way around), 9 (healthy streets) and 11 (green and blue infrastructure) of BHL advise that the following design principles should be followed with respect to the layout of developments:

- Connected street patterns. These work best when they include straight or nearly straight streets to make pedestrian routes as direct as possible.
- Continuous streets (with public access) along the edges of a development.
- Using existing assets as anchor features, such as mature trees and other existing features.
- Protecting and enhancing existing habitats; creating new habitats.
- Streets with active frontages.
- Well defined streets and spaces, using buildings, landscaping and/or water to enclose and define spaces.
- Cohesive building compositions and building lines.
- Front doors that face streets and public spaces.
- Perimeter blocks.
- Simple street patterns based on formal or more relaxed grid patterns.
- Tree lined streets.
- Provide natural surveillance opportunities.

Conversely, considerations 1 (natural connections), 4 (homes for everyone), 5 (making the most of what's there), 6 (a memorable character), 7 (well defined streets and spaces), 8 (easy to find your way around) and 11 (green and blue infrastructure) of BHL advise that the following should be avoided in development layouts:

- Internal streets and paths that are not well connected or are indirect.
- Play and other recreational facilities hidden away within developments rather than in located in more prominent locations that can help encourage new and existing residents to share a space.
- Building orientations and designs that fail to capitalise on features such as open views.
- Arranging buildings next to each other in a way that does not create a cohesive street scene.
- Broken or fragmented perimeter block structure.
- Staggered and haphazard building lines that are often created by placing homes with a mix of front and side parking arrangements next to each other.
- Disorientating curvilinear street patterns.
- Disconnected streets, paths and routes.
- Buildings that turn away from open spaces.
- Cul de sac based street patterns.

The proposed layout is based around a connected, looping street pattern with a single point of access from Lytham Road which splits into an oval-shaped estate road running north-south and crossed by two east-west linkages. This street pattern creates three distinct parcels of housing occupying separate 'islands'. Dwellings are arranged with an outward-facing aspect to the estate road and, despite being staggered in places, their consistent setback from the street ensures a regular and legible building line. Interlocking rear gardens and outward facing buildings arranged in a curvilinear arrangement follow the "informal block" structure referred to in section B.2.i of the NMDC.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Dwellings on corner plots benefit from generous side gardens where they border frontages and, while appearance is not applied for at this stage, dual aspects could be achieved on these plots to create active frontages. In other instances (plots 5 and 6), corner plots are splayed with a front-facing aspect onto junctions to ensure active elevations to these focal points. Garages to the dwellings are set back from the main building frontage to appear as recessive additions at the head of driveway approaches at the sides or rear of the houses and so avoid these appearing dominant features.

Open spaces are arranged around the outer edges of the central development core to provide a landscaped setting and backdrop periphery to built-up areas. The existing TPO woodland to the northwest of the site would be retained, managed and strengthened alongside a significant bolstering of landscaping to the site's fringes where it borders open countryside. A wildlife corridor is shown indicatively (the detailed design of which can be secured by condition) to connect the three retained on-site ponds, including an amphibian tunnel beneath the narrowest stretch of the estate road. A Local area for Play (LAP) is proposed within a central clearing of the TPO woodland to the western edge of the public open space buffer. This would be accessed via a short connection off the estate road footway and would be positioned directly opposite the front elevations of a group of outward facing dwellings in order that it benefits from good natural surveillance without being annexed from the remainder of the development.

The development layout is based around a low-density concept which concentrates developable areas within a central core arranged around a connected street pattern with deep landscape buffers to the fringes providing a sense of containment to external public vantage points and a woodland setting for the dwellings. Buildings would follow a consistent, legible pattern which, whilst suburban in character, broadly follows the relevant principles of good design identified in the NMDC and BHL. In addition, subject to the appearance of the buildings and detailed matters relating to landscaping (including the design of boundary treatments to each plot) being achieved at reserved matters stage, the approach to the layout would achieve the objectives in FLPPR policies GD7, H2 and ENV1, and policy BWNE2 of the BWNP which relate to achieving good design in development.

Scale:

The subsection of FLPPR policy H2 which relates to "mix" requires that "all developments of 10 or more dwellings will be required to include at least 50% of dwellings that are 1-, 2- or 3-bedroom homes" (the additional requirements for a specific proportion of 1 or 2 bedroom homes for Tier 1 and Tier 2 settlements are not considered applicable in this case given that the site falls within the BWNP area and Warton is a Local Service Centre in the settlement hierarchy). In addition, the subsection of policy H2 which relates to "specialist accommodation for the elderly" states that "in order to meet the needs of an ageing population in Fylde, at least 20% of homes within residential developments of 20 or more homes should 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".

Sections B.1.iii and B.2.iii of the NMDC (Part 2) relate to building types, forms and heights.

Considerations 4 (homes for everyone) and 5 (making the most of what's there) of BHL advise that the following design principles should be followed with respect to building scale:

- A range of housing typologies supported by local housing needs and policies to help create a broad-based community.
- Homes with the flexibility to meet changing needs.
- Positive characteristics such as street types, landscape character, urban grain, plot shapes and sizes, building forms and materials being used to reflect local character.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- Sensitive transitions between existing and new development so that building heights, typologies and tenures sit comfortably next to each other.

Conversely, considerations 5 (making the most of what's there) and 6 (a memorable character) of BHL advise that the following should be avoided in relation to scale:

- Not being sensitive to existing neighbouring properties by responding to layout arrangements, housing typologies and building heights.
- Using a predetermined sequence of house types to dictate a layout.

Although the application includes scale as a detailed matter at this stage, this is limited to details of maximum building footprint (as shown on the layout) along with parameters for eaves and ridge heights (as set out in the design and access statement). Whilst the volumetric breakdown in Table 3 is based on maximum building heights which could be permitted under the parameters set out in the design and access statement, no details of specific house types are provided with the application and it is likely that any application for approval of reserved matters would include a range of building heights to suit different house types.

Nevertheless, the design and access statement clarifies that dwellings would be no more than two storeys in height (including an allowance for rooms in roof spaces) and the layout does include an indicative mix of dwelling sizes (by bed spaces) which shows the provision of 15 three-bed houses (equating to 50% of the total). Accordingly, the dwelling mix would meet the requirements in that subsection of policy H2. Although the lack of detailed floor plans and elevations does not allow a full assessment to be made in relation to the requirements in the subsection of policy H2 relating to "specialist accommodation for the elderly", a condition is recommended to require that any application for approval of reserved matters demonstrates compliance with both subsections of policy H2.

Existing buildings surrounding the site are limited to the poultry farm and industrial unit to the southeast corner and the golf driving range building to the west. Within the site itself are a mix of two and single storey buildings, though these are to be demolished as part of the scheme. Further away from the site dwellings to the east at the junction of Lytham Road and West End Lane include a mix of bungalows, dormer bungalows and two storey properties in a pocket of suburban-style housing, whereas those to the west around the junction with Lodge Lane are more individual in their design and include a mix of two and single storey dwellings set in generous plots arranged around a more fragmented and organic building pattern.

The scheme includes a mix of dwelling sizes in a combination of detached and semi-detached configurations. Although the building height ranges identified in the design and access statement show that there would be variation between them (including the potential for rooms in roof spaces), all dwellings would be two storeys in height. In the absence of detailed elevations showing variations in heights between different dwelling types it is not possible to assess matters relating to urban grain and whether their groupings would add interest and variety. Such matters would, instead, become apparent at the point that appearance is applied for at reserved matters stage.

It is, however, the case there would be a range of house types of different sizes to meet the requirements in FLPPR policy H2, that the grouping of the two storey dwellings within a central core contained by substantial peripheral landscaping would avoid an incursion of suburbanisation in the surrounding landscape and that the dwellings would occupy generous plot sizes in a range of shapes reflective of their differing densities and typologies. Accordingly, subject to resolution of matters relating to the appearance of the buildings at reserved matters there is no reason, in principle, to

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

conclude that the scale parameters set out within the application could not achieve a high standard of design and a range of dwellings that integrate successfully with the site's rural character.

Illustrative landscaping:

In landscape terms, the site is classified as a "mossland" landscape type under subcategory 16b "south Fylde Mosses" in the Lancashire Landscape Strategy (2000). The Strategy identifies one of the key characteristics of this landscape type as a "low lying flat landscape, which provides extensive uninterrupted views for great distances". The Strategy also identifies one of the "local forces for change and their landscape implications" as "pressure for suburbanisation and the expansion of settlements" with the strategy noting that "new development, particularly that containing vertical elements such as pylons, will often be visually dominant in this flat, open landscape."

The site exhibits some of the characteristics of the "south Fylde Mosses" landscape referred to in the Lancashire Landscape Strategy with respect to its largely flat topography between wider expanses of open agricultural land and the long ranging views available within the surrounding landscape (particularly from public vantage points on Lytham Road and the PRoW to the south and West End Lane/Lodge Lane to the east, north and west). However, views from these receptors would be heavily filtered by the depth, nature and extent of the planting buffer which is to be retained, strengthened and enhanced to the site boundaries. In particular, the details on the illustrative landscape layout (drawing no. 01 Rev C) include the provision of new advanced woodland planting buffers to the whole site perimeter (save for the access onto Lytham Road and a narrow strip of land to the east of this bordering Maincoat) along with replenishing the lapsed areas of the TPO woodland to the northwest of the site.

While it is the case that these areas of proposed landscaping would take time to mature (even if planted as advanced specimens), the shelterbelt of woodland that they would provide in the medium to long term would have the effect of containing the centralised development parcels in order that external views of the proposed buildings would be heavily filtered and, in turn, their visual impact on the character of the surrounding landscape limited accordingly as required by FLPPR policy ENV1. An appropriate condition has been recommended to ensure that any application that seeks approval for the reserved matter of landscaping includes a detailed landscaping scheme which demonstrates compliance with the principles shown on drawing no. 01 Rev C.

There are a number of trees within the site which afford significant amenity value to the area. In particular, the dense woodland buffer to the northwest of the site is protected by TPO and several other individual specimens within the central areas of the site are shown to fall within retention categories 'A' and 'B' within the applicant's Arboricultural Method Statement (AMS). The AMS identifies that it will be necessary to remove a total of 54 individual trees and 7 groups to facilitate the development. These specimens are located principally to the southern and central areas of the site, and to the eastern periphery of the TPO woodland, with the majority falling within retention category 'C'. Their removal is required to allow the construction of the proposed access, buildings and peripheral estate road. Other trees and hedges outside the proposed development parcels and estate road to the outer edges of the site would be retained. Despite the removal of several existing trees to facilitate the development (including some to the edge of the TPO woodland), these losses would be offset by the significant overall net gain in planting proposed as part of both the perimeter shelterbelt and new street trees which are to form part of the development layout. Appropriate conditions have been put in place to ensure adequate protection measures are put in place to safeguard the specimens shown to be retained, to limit the extent of tree removal to that specified within the AMS and to require the preparation of a woodland management plan for the TPO woodland as advised by the Council's Tree Officer.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Ecological impacts:

Paragraph 174 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

In addition, paragraph 180 of the NPPF states that local planning authorities should apply the following principles when determining applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 182 of the Framework indicates that “the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

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

In addition, BWNP policy BWNE1 indicates that developments which impact on local wildlife and habitats should demonstrate how biodiversity will be protected and enhanced, with an emphasis on retaining and enhancing natural features and creating new habitats and linkages.

Impact on designated nature conservation sites:

Although the land is not within the internationally important Ribble and Alt Estuaries SSSI/SPA/Ramsar site, it is located within 100m of this designated nature conservation site and, accordingly, the development has the potential to cause both direct and indirect impacts on the designated site and/or land that is ‘functionally linked’ to it. As the proposal is not necessary for the management of the European site, a Habitat Regulations Assessment (HRA) is required in order to determine the significance of these impacts and the need for/scope of mitigation. In cases where screening of the project reveals that likely significant effects cannot be ruled out and that mitigation is required, the

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

HRA must proceed to Appropriate Assessment stage to determine whether the measures proposed to mitigate against any adverse effects on the integrity of the designated site are sufficient.

Although the LPA is required to undertake the HRA in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended), this assessment is to be based on information provided by the applicant. It is not the LPA's responsibility to carry out surveys and/or identify the scope of mitigation measures on the applicant's behalf and the applicant must provide the LPA with sufficient information to be able to carry out the HRA. Natural England are a statutory consultee on applications which are likely to affect designated nature conservation sites and comment on the conclusions in any HRA.

In this case, the applicant has prepared a 'shadow HRA'. This has been updated on two separate occasions to address previous deficiencies identified in Natural England's comments dated 02.02.22 and 27.06.22. The latest version of the HRA is dated 29.11.22. In particular, the latest version of the HRA accounts for the reduction in dwelling numbers (from 62 to 30), includes further details relating to the mitigation of pollution from surface water drainage and provides updated bird survey data. This is intended to address the observations made by Natural England in their response dated 27.06.22. In summary, the conclusions in the revised HRA dated 29.11.22 are as follows:

- The proposed development is likely to have a significant effect on the Ribble and Alt Estuaries Ramsar/SPA either alone or in combination with other plans or projects. Accordingly, an "appropriate assessment" is required before the Council is able to grant permission. This is due to the *'People over Wind'* judgement which found that avoidance and mitigation measures cannot be considered at the initial screening stage and that it is only appropriate to consider such measures at the appropriate assessment stage.
- The following mitigation measures are suggested as part of the appropriate assessment – there are various strands to these but, in summary, they include: i) the preparation of a Construction Environmental Management Plan (CEMP); and ii) an ecological mitigation, enhancement and management plan.

Natural England were consulted on the updated HRA on 02.12.22 and given the statutory period of 21 days to respond (i.e. until 23.12.22). However, Natural England have advised that they will be unable to respond to this consultation until 10.01.23 at the earliest and so it is presently unknown whether the updated HRA has successfully addressed the issues raised in their previous responses (and so could be adopted by the LPA as part of its decision in order to fulfil its duty as a competent authority), or whether further information is required. Nevertheless, there is nothing within Natural England's current responses or the conclusions in the shadow HRA to suggest that it would not be possible, as matter of principle, to put appropriate mitigation measures in place to avoid adverse effects on the integrity of the Ribble and Alt Estuaries SSSI/SPA/Ramsar site. Instead, the main outstanding issues concern the scope of what these mitigation measures should comprise in order to avoid these adverse effects.

Given the above circumstances, and as all other technical matters are considered to have been resolved by the revised submission, part ii. of the resolution at the end of the report recommends that the committee resolves to grant planning permission subject to, among other things, Natural England's confirmation of its approval of a HRA (whether that be the version dated 29.11.22 or a subsequent update) which can be adopted by the LPA in order to fulfil its duty as a competent authority in accordance with Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017, with the decision to be issued only once its contents is agreed with Natural England. Part iii. of the resolution also notes that it may be necessary to amend existing and/or impose additional conditions in order to secure the mitigation measures required by the HRA. This will also ensure compliance with the requirement of FLPPR policy ENV2 and the NPPF.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Site-specific impacts:

In addition to consideration of the development's effects on the Ribble and Alt Estuaries SSSI/SPA/Ramsar, the application is accompanied by a preliminary ecological appraisal and bat mitigation plan, alongside specific surveys for water voles, bats, badgers and Great Crested Newts (GCN). When taken together, these assess the site-specific implications associated with the value of existing habitats and ecological features both within and surrounding the site, along with the potential for the presence of protected species. The various ecology surveys make the following conclusions and recommendations in this regard:

- **Habitats and Flora** – The site contains hedgerows and other habitats of high ecological value including woodland and marshy grassland. Other habitats within the site are common and widespread and have low ecological value. Japanese knotweed was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981. Existing trees and hedgerows should be protected during construction and an invasive species management plan will be required to control and/or eradicate Japanese Knotweed. Habitat creation and enhancement measures should include the use of native tree, hedgerow and shrub planting; creation of wildflower grassland; and the enhancement of existing pond for wildlife to include native plant species and no fish.
- **Bats** – Historical and updated (2021) surveys identified a maternity roost and day roost of common pipistrelle bats on the site within buildings B10 (the craft units) and B11 (the clubhouse) respectively. Accordingly, a European Protected Species Licence (EPSL) will be required from Natural England to allow a lawful commencement of demolition works to buildings B10 and B11. No bat roosts were found in any of the other buildings or trees within the site. Works to the existing buildings B10 and B11 will only be undertaken once an EPSL has been granted by Natural England. Table 3 of the bat mitigation plan sets out a series of mitigation measures which are to be implemented during the demolition works on B10 and B11 which will be included as part of the EPSL application, including the provision of compensation via alternative roosting sites during the demolition works (specifically 3 bat boxes). The plan also identifies the provision of permanent roosting sites to be incorporated into the development including 9 bat access tiles on plots 5, 9 and 14 and 6 bat access tubes on plots 11, 27 and 40. The number and locations of these features are shown in Figure 7 of the Bat Mitigation Plan. In addition, the bat mitigation plan identifies the need for a scheme to be prepared for the control of artificial lighting across the site to avoid spillage onto sensitive areas along the site boundaries and areas of woodland which provide foraging/commuting habitats for bats.
- **Amphibians** – Two EPSL and two class licence returns for GCN are present within 2km of the site. The areas of marshy grassland, overgrown amenity grassland and ponds are likely to provide both suitable terrestrial and aquatic habitat for amphibians. The proposed development will not result in the loss of any ponds. However, due to the presence of ponds within close proximity of the site, indirect effects such as pollution could occur during construction. Habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians. These are identified in Table 6 of the Preliminary Ecological Appraisal and include the formation of an amphibian corridor to connect the pond on the eastern side of the site with those on the west.
- **Reptiles** – The areas of ruderal shrub, marshy grassland and overgrown amenity grassland are likely to provide suitable habitat for reptiles. Reptile presence and absence surveys were undertaken in 2017 which found no reptiles present on the site. Given that there has been a lack of substantial change in habitats within the development boundary the results of the previous surveys are still considered to be valid. Areas of scrub and overgrown amenity grassland will be removed during construction. The loss of such habitats is likely to be

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. Enhancement opportunities for reptiles could include the creation of reptile refugia and hibernacula; planting of native scrub and grassland to increase foraging opportunities; and the creation of basking areas such as rock piles or areas of cleared ground with shelter nearby.

- **Badgers** – Woodland habitats provide suitable habitat for badger foraging, commuting and sett creation. No evidence of badger was noted on the site in the badger scoping survey undertaken in 2021.
- **Birds** – The areas of woodland and scrub will provide suitable habitat for common nesting birds. Due to the site's previous use it is not considered to provide suitable habitat for schedule 1 or wintering birds. Areas of scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. Vegetation clearance works should be undertaken outside the period 1 March to 31 August. The installation of a minimum of 20 bird boxes on mature trees around the site boundaries or on the new buildings on site will provide additional nesting habitat for birds.
- **Water Vole** – Past water vole surveys were undertaken in 2018 found evidence of water vole. However, an updated survey in 2021 survey found no evidence of water vole on site. Accordingly, no impacts are anticipated on water vole as a result of the proposed development.

GMEU have commented on the application on several occasions. Their initial responses raised issues with the scope of the previous ecology surveys as these were based on a previous iteration of the scheme, the lack of connectivity between the eastern and western ponds and the lack of details concerning mitigation and compensation measures for the bat roosts to be lost as part of the development.

The latest revisions to the application include an updated Preliminary Ecological Appraisal (PEA) and bat mitigation plan. In addition, the route of a wildlife corridor is shown indicatively on the proposed layout (and cross referenced in the PEA) and the illustrative landscape layout shows significant enhancement to areas of planting alongside the site boundaries and bolstering of the TPO woodland. GMEU's latest comments dated 20.12.22 concerning the revised scheme conclude that the alterations to the scheme made as part of the revised layout are, in principle, sufficient to address their previous concerns subject to the imposition of conditions requiring: i) full, precise details of what the wildlife corridor will comprise (including where it crosses the access road) as part of any reserved matters application; ii) a Landscape and Ecological Management Plan; iii) a Construction Environmental Management Plan; iv) confirmation of the granting of the EPSL by Natural England and implementation of the bat roost mitigation and compensation measures set out in the bat mitigation plan; v) a lighting strategy for biodiversity; and vi) a scheme for the containment, control and removal of Japanese Knotweed on the site.

Given the latest response from GMEU, it is considered that the implementation of appropriate and proportionate mitigation measures as set out in the ecology appraisal can be dealt with through the imposition of conditions to ensure that the proposed development does not adversely affect existing habitats and/or the favourable conservation status of protected species on the site, while also providing suitable biodiversity enhancements in accordance with the requirements of FLPPR policy ENV2 and the NPPF.

Derogation tests for bats:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended). This assessment is made through the application of three derogation tests as set out in 55(2)(e) and 55(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- (i) That the development is for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- (ii) “That there is no satisfactory alternative”; and
- (iii) “That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

With respect to the first test, although the development is not in the interest of public health or safety, social and economic benefits would arise in this case through the provision of additional housing, including a proportion of affordable housing on a suitable site. Therefore, the first test is satisfied.

Although buildings B10 and B11 are of a permanent and substantial construction, their character and method of construction does not lend itself readily to conversion without the need for major works of reconstruction and extension. Therefore, works required to ‘convert’ the buildings would be tantamount to a demolition and rebuild which would have the same effects on roosting bats. The alternative to developing the site in the manner proposed would be to ‘do nothing’. Therefore, there is no satisfactory alternative and the second test is satisfied.

The submitted bat survey has detected a maternity roost in building B10 and a day roost in building B11. Table 3 of the bat mitigation plan sets out a series of measures to mitigate and compensate for the loss of these existing roosts to be implemented prior to, during and after the buildings are demolished and when the new development is carried out. As advised by GMEU, these measures can be secured through the imposition of an appropriate condition and will ensure that the favourable conservation status of the species in question is maintained in their natural range as part of the development. Accordingly, the third test is satisfied.

Affordable housing and other infrastructure contributions:

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

The number of dwellings proposed by the development exceeds the 10-unit threshold where infrastructure contributions towards affordable housing, public open space, education and healthcare may be required in accordance with the provisions of policies H4, ENV4, INF2 and HW1 of the FLPPR. In this case, the following are required to deliver policy-compliant infrastructure contributions as part of the scheme:

Affordable housing:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

FLPPR policy H4 states that “all market housing schemes of 10 or more homes will be required to provide 30% affordable housing, unless robust viability testing has demonstrated that the cost of the affordable housing provision would prevent the development from being delivered.” Subsection a. of the policy clarifies that “for residential developments within or in close proximity to the Key Service Centres and Local Service Centres (i.e. the urban areas), the provision of affordable housing will be to meet the requirements identified for borough wide needs.” Policy H4 clarifies that “the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing”.

Annex 2 of the NPPF contains a definition for “affordable housing”. In addition, paragraphs 63 and 65 of the Framework indicate that:

- “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The submitted layout indicates that the scheme includes the provision of 9 dwellings that would meet the definition of affordable housing contained in the NPPF. Despite the lack of detailed plans for each individual house type identified as providing affordable housing, these are shown to comprise a mix of 8 x 3-bed and 1 x 4-bed units located in two different clusters within Parcels A and B. Importantly, the level of affordable housing provision satisfies the minimum quantitative (30%) requirement in FLPPR policy H4 to make the scheme policy compliant without the need for any viability testing. As set out in the Green Belt section earlier in the report, this affordable housing provision also means that the scheme is to be assessed under the exception in the second limb of paragraph 149 g) and so securing its provision is also intrinsically linked to matters concerning whether the principle of development is acceptable.

As the scheme is in outline and specific details of each house type are presently unknown, the size, type, tenure and layout of the affordable housing is illustrative at this stage, with only the number of affordable housing units being fixed (at 30%). Precise details of the affordable housing units will, instead, be required through the provision of an affordable housing statement to be secured within a planning obligation entered into under S106 of the Town and Country Planning Act 1990.

Education:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include “community facilities providing for the health (i.e. new or enhanced healthcare facilities) and wellbeing, social, **educational (i.e. schools)**, spiritual, recreational, leisure and cultural needs of the community” (emphasis added).

In addition, paragraph 95 of the NPPF states that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b)

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

The latest response from the County’s School Planning Team (19.12.22) indicates that, while no contribution is sought towards the provision of new primary school places, a predicted shortfall in the provision of local secondary school places in 5 years’ time results in a requirement for the development to make a financial contribution towards the delivery of 5 new secondary school places. Based on current rates this contribution would be £123,765. This is, however, based on all 30 of the proposed dwellings being 4-bed houses as the current application is in outline. Accordingly, a formula would be used within any planning obligation to require the re-calculation of the pupil yield and, in turn, the secondary education contribution following the granting of any application for approval of reserved matters.

The School Planning Team have indicated that the secondary education contribution would be used to provide additional places at “Carr Hill High School and/or St Bede’s Catholic High School”, as these are the closest primary schools to the development that have space to accommodate an expansion. However, as LCC’s latest response dated 19.12.22 clarifies that the only school within a 3 mile radius of the site is St Bede’s Catholic High School then this is where any contribution must be spent in order to meet the catchment radius criteria.

Healthcare:

FLPPR policy INF2 lists the types of infrastructure that developments may be required to provide contributions towards. Criterion e) of the policy identifies that this may include “community facilities providing for the **health (i.e. new or enhanced healthcare facilities)** and wellbeing, social, educational (i.e. schools), spiritual, recreational, leisure and cultural needs of the community” (emphasis added).

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

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

The latest response from the Lancashire and South Cumbria Integrated Care Board (ICB) dated 08.12.22 indicates that the proposed dwelling mix is anticipated to generate 72 new patient registrations at the closest GP Practice (Holland House Surgery, Lytham). A contribution of £15,064 is sought from the ICB towards the reconfiguration of the existing practice to provide additional clinical capacity for the anticipated population generated by the development.

Public Open Space:

The subsection of FLPPR policy ENV4 relating to “amenity open space” indicates that “within new housing developments comprising ten or more homes the provision of amenity open space with facilities for children’s play (i.e. playgrounds and Multi-Use Games areas including LAPs and LEAPs), will be required to the following minimum standards:

- 16m² per 1 bedroom home
- 24m² per 2 bedroom home

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- 32m² per 3 bedroom home
- 40m² per 4 bedroom home
- 48m² per 5 bedroom home"

In this case, the indicative mix of dwelling sizes would generate a requirement for a minimum of 1,144 sqm of amenity open space provision in accordance with the above standards. In addition, paragraph 60i. of the NMDC (Part 1) indicates that "all housing schemes over 15 dwellings should include a Local Area of Play (LAP)".

The applicant's submission includes a plan (drawing no. SK1004 Rev E) identifying the areas of the site which are to form the public open space for the development, along with the provision of a LAP within the western area. The total area of this open space extends to approximately 5.34 hectares (53,400 sqm) and so significantly exceeds the minimum quantitative requirement in policy ENV4. As set out in the earlier sections of the report, the provision of this level of amenity open space is driven by other factors associated principally with the development's impact on the Green Belt. Nevertheless, the level of amenity open space provision and inclusion of a LAP satisfies the requirements of policy ENV4. A scheme for the provision and future maintenance of the open space and play area shown on drawing no. SK1004 Rev E is to be secured through condition.

Monitoring fees:

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

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

The Council's strategy for monitoring fees follows the process highlighted in bold above – that a fixed fee will be charged per obligation contained in each agreement for in-kind contributions. This fee is charged at a rate of £300 per trigger for each contribution (for example, if a commuted sum payment towards healthcare was made in two separate instalments on the occupation of the 10th and 20th dwellings, the monitoring fee would be £600) and will be payable on commencement of development (that being the point when the monitoring period commences). As the precise triggers for each contribution required in this case are unknown at this stage (they are to be determined through the drafting of the S106 agreement), the resolution sets out the approach and charges that will be applied rather than specifying a figure.

Mechanism for securing contributions:

With the exception of public open space provision (including the integrated play area) which is to be secured by condition, the resolution at the end of the report requires the above-mentioned

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

contributions towards affordable housing, education and healthcare, along with payment of the monitoring fee, to be secured through a planning obligation entered into pursuant to S106 of the Town and Country Planning Act 1990.

Amenity impacts:

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.”

Paragraph 185 of the NPPF states that “planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;”

In addition, paragraphs 187 and 188 of the Framework indicate that:

- “Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”
- “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

The site is bordered by open agricultural fields to the north and east which extend up to Lodge Lane and West End Lane. A single storey, rectangular building to the far northern end of the site (and within the red line boundary) is used by Blackpool and Fylde Fullbore Pistol and Rifle Club – referred to hereafter as the ‘gun club’. A poultry farm (Brook Bridge) and industrial unit (Maincoat) are located within a building cluster beyond the site boundary to the southeast (due east of the site access) and a golf driving range at Lytham Golf Academy falls to the west. Aside from the two bungalows to the southern end of the application site, the closest dwellings are located on West End Lane a minimum of *circa* 365m to the east; at Brook Cottage some 140m to the south on the opposite side of Lytham Road; and at the junction with Lodge Lane approximately 540m to the west.

Effects on neighbouring uses:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

The scheme involves a residential development of up to 30 dwellings, with associated outbuildings and infrastructure. The nature of these proposed uses are likely to generate less noise and disturbance than the site's permitted use as a mixed holiday park, leisure/entertainment and equestrian centre, especially if occupied at the full capacity allowed by the fallback position of 09/0587. Accordingly, the proposal would not adversely affect the amenity of the occupiers of surrounding premises. Instead, as the occupation of the proposed dwellings will introduce sensitive receptors to the site, the main effects on existing land uses likely to arise as a result of the development relate to the potential for additional restrictions to be placed on them due to complaints from future occupiers of the proposed dwellings generated by the activities carried out at these existing facilities. The implications of the development for each of the immediately surrounding land uses are assessed in turn below in accordance with the 'agent of change' principle identified in paragraph 187 of the NPPF.

Gun club:

The gun club is located within a rectangular building to the northern end of the site and falls within the red line boundary. Notice has been served on the gun club as part of the application as this building is in separate ownership. Nevertheless, it forms part of the site's proposed redevelopment and several of the dwellings within Parcel A could only be constructed following its demolition. Accordingly, the gun club will not co-exist with the proposed housing in its current location and so any impacts arising from that existing use (principally noise) will be nullified following its demolition.

Representations from the gun club raise concerns that approval of the application prior to an agreement being reached regarding the construction of a new building for the club could allow the current facility to be demolished without any replacement having been approved. Concerns are also raised about the operation of the gun club while other buildings on the site are being demolished and the need to ensure that the club's legal rights of access are maintained throughout the construction period.

Since making these representations the gun club have submitted a separate, standalone full planning application for the construction of a replacement shooting range to the southeast corner of the site (reference 22/0623). It is, however, the case that this application remains invalid at the present time due to several missing pieces of information and so this application for residential development must be determined on its own merits under the circumstances that apply at the time of the decision. Nevertheless, as the gun club own their existing building the fact that a planning permission may be granted to allow its demolition does not override these private property interests or allow the building to be demolished without the owner's consent. Moreover, as this application is in outline, no demolition works could be carried out pursuant to any permission granted by this application until a subsequent application for approval of reserved matters has also been allowed. In terms of maintaining the gun club's legal rights of access during the construction period, this is a private matter between adjoining landowners which falls outside the remit of the planning system is not enforceable by the LPA. Accordingly, it would be unreasonable to impose a planning condition stipulating that these rights must be maintained.

Brook Bridge Poultry Farm:

Three agricultural buildings located beyond the site boundary to the southeast corner form the site of Brook Bridge Poultry Farm. The site has, historically, been used as an intensive poultry rearing business, though it is presently vacant. In spite of this, its use as a poultry rearing business remains established and so the effects of this use on future occupiers of the proposed dwellings must be taken

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

into account as part of the assessment, having particular regard to impacts associated with noise and odour.

Representations have been submitted on behalf of Brook Bridge Poultry Farm which: i) question the proposed residential development's impact on the continued operation of the poultry farm as the dwellings would be "protected buildings" for the purposes of Schedule 2, Part 6 of the GPDO; ii) opine that the applicant's submission has failed to properly take into account the development's potential prejudicial impacts on the continued operation of Brook Bridge Poultry Farm; and iii) draw attention to the existence of an ongoing planning application (reference 22/0558) which proposes to change the use of the existing buildings at Brook Bridge Poultry Farm to storage and distribution within use class B8.

The issues raised in i) are dealt with by the officer note in the "neighbour observations" section of the report, but do not have any specific implications for future development at the poultry farm in comparison to present circumstances. The issues raised in ii) are addressed in more detail below. In terms of the point in iii) relating to ongoing application 22/0558 for the change of use of the poultry farm buildings to B8 use, as this is presently undetermined it does not have any specific implications for this scheme which require additional assessments to be submitted by the applicant. Instead, the application is to be determined based on present circumstances (i.e. that Brook Bridge farm has an established use as a poultry rearing business and no other permission exists for an alternative use). It is also the case that the representations submitted on behalf of Brook Bridge Poultry Farm were made in respect of the original (62 dwelling) scheme rather than the revised (30 dwelling) scheme.

The application is accompanied by an Odour Impact Assessment (OIA) which assesses the potential effects of the existing poultry farm on any residential development carried out at Great Birchwood. As the poultry farm is presently vacant, the OIA which accompanies the application is the same as that submitted with application 16/0992 and is dated 13.04.17. Whilst this assessment relates to a different form of development (though still residential in nature), its evidence base and conclusions remain valid and equally relevant to this scheme – especially as it is based on site-specific odour data obtained at a time when the poultry farm was still in use and which could not be repeated now. In summary, the OIA includes the following conclusions:

- The quail rearing enterprise at Brook Bridge Farm is permitted by the Environment Agency for the operator to keep up to 190,000 quail in two buildings. In the case of permitted installations such as this odour emissions should also be minimised by following an Environment Agency approved Odour Management Plan, to meet the requirements of the Environmental Permit which includes a specific condition requiring the operators to use "appropriate measures" to minimise odour emissions.
- The Odour Impact Assessment was undertaken based on a methodology set out in Appendix 1 of the Institute of Air Quality Management (IAQM) document 'Guidelines on the assessment of odour for planning' (2014). Additional odour sniff test surveys have also been undertaken based on guidelines for monitoring of ambient odours set out in Appendix 2 of the Institute of Air Quality Management (IAQM) document 'Guidelines on the assessment of odour for planning' (2014). Findings - Qualitative Odour Assessment.
- The IAQM assessment indicates that: i) an assessment based on "Small" Source Potential combining "Negligible Risk" with "High" potential receptor sensitivity leads to an overall assessment of Negligible Effect; and ii) An assessment based on "Medium Source Potential" combining "Low Risk" with "High" potential receptor sensitivity leads to an overall assessment of Slight Adverse Effect. These findings suggest that the presence of the quail rearing farm would not prevent future residents of the proposed development enjoying a reasonably good standard of amenity, although there may be times when there are some odour impacts at the end of each quail "crop" when emissions will increase. These findings also do not suggest that

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

that there would be any reason why potential new residents would cause any interference with the operation of the quail rearing farm, which in any case will have the benefits of “appropriate measures” controls of odour emissions under the environmental permit.

- ADAS has also undertaken three on-site odour surveys to evaluate the actual odour impact of the quail rearing buildings on the development site to assess if appropriate minimum separation distances can be established if necessary. The results of this work demonstrated that: i) substantial adverse odour impacts are likely to occur within 5m of the operational boundary of the quail farm; ii) up to 10m from the boundary moderate adverse impacts are likely, given the high sensitivity of the future receptors; and iii) the furthest point where odours could be faintly detected on all three site visits was between 20m to the north of the poultry farm, that is on the proposed development site, and also 120m to the west of the poultry buildings, but that is on Lytham Road. Therefore it can be reasoned that given the potential for “high” sensitivity of future receptors to the north of the poultry farm, slight adverse odour impacts could occur at these separation distances. The IAQM guidance sets out that the overall odour effect is likely to be significant if it is greater than slight adverse, but for slight adverse, as in this case, the impact may be deemed acceptable or tolerable. In light of this evidence, it is suggested that the more sensitive residential elements of the proposed development should be subject to a minimum separation distance of at least 25m from the site boundary of the quail farm.
- Providing that suitable minimum separation distances are established there are no reasons why the proposed development and quail farm cannot co-exist, and physical features such as a dense landscaping or vegetation barrier north of the quail farm, will help mitigate odour impacts over the remainder of the site.

The principal recommendation in the OIA relates to the minimum separation distance of 25m that should be achieved between any proposed residential components of the scheme and “the site boundary of the quail farm”. This is required to limit the effects of any odour impacts to a magnitude of no greater than “slight adverse” and it follows that any exceedance of this minimum standoff distance would result commensurate improvements to the living conditions of future occupiers of the proposed dwellings. In this case, the closest of the proposed dwellings (that on plot 2 – including its external curtilage) would be located a minimum of some 47m away from the site boundary of the poultry farm. Accordingly, the minimum separation distance of 25m set out in the OIA would be exceeded by a significant margin and, in turn, any effects on future occupiers arising from odour would be limited to no more than “slight adverse”. It is also the case that the illustrative landscape layout includes the provision of an enhanced woodland buffer to the north of the poultry farm buildings to screen these from the proposed dwellings as recommended in the OIA. The response from the Council’s EPO accepts that there is no alternative evidence available to challenge the minimum 25m standoff distance referred to in the OIA and advises that there are insufficient grounds to object on odour impacts providing that this separation distance is achieved. Accordingly, there is no reason to conclude that the proposed residential development would have a prejudicial impact on the continued operation of Brook Bridge Poultry Farm as a result of nuisance caused by odours.

The representations on behalf of the poultry farm highlight that this use is unrestricted in planning terms, including its hours of use. There is, however, no specific reason to suggest that any past or future operator of the poultry farm has or would choose to operate this business during unsocial hours (e.g. between 23:00 and 07:00) on a frequent basis, or that the nature of the use necessitates such a working pattern, and the scale of the use is restricted by the limited size of the site. When this is taken in combination with the minimum spacing distances and screening that would be achieved between the poultry farm and the proposed dwellings, along with the context of the background noise source in the area associated with passing road traffic on the A584, there is no reason to conclude that the continued operation of the poultry farm and its relationship with the proposed dwellings would give

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

rise to “significant adverse impacts on health and the quality of life” of future occupiers of the development due to noise for the purposes of paragraph 185 of the NPPF or, in turn, that it would result in unreasonable restrictions being placed on the existing business.

For the reasons set out above, it is considered that the proposed residential development can be integrated effectively with the existing poultry farm without the need for additional restrictions to be imposed on that established use. In addition, the applicant’s submission, having particular regard to the conclusions and recommendations in the OIA, has demonstrated that appropriate mitigation measures (through a combination of separation distances and screening) have been incorporated into the scheme to ensure that the continued operation of the existing poultry farm in the vicinity of the proposed development would not have a significant adverse effect on future occupiers for the purposes of the ‘agent of change’ principle in paragraph 187 of the NPPF.

Maincoat:

A separate, small-scale industrial unit is located to the west of Brook Bridge Poultry Farm and shares the same access off Lytham Road. The unit is presently occupied as offices by a roofing company (‘Maincoat’) and has a storage yard to the west side adjacent to the Great Birchwood access. The size and nature of this use (including its typical daytime operating hours), in combination with its roadside location adjacent to the A584, separation and screening with the proposed dwellings would ensure that the development can be integrated effectively with this existing business without the need for additional restrictions to be imposed on it.

Golf driving range:

The golf driving range to the west of the site (Lytham Golf Academy) has a separate access off Lytham Road which leads to a hardstanding forecourt at the front of an elongated, single storey building which faces north over a rectangular driving range enclosed by tall (*circa* 10m high) netting. The advertised opening hours for the driving range are between 10:00 and 21:00 Monday – Friday and between 09:00 and 18:00 on Saturday and Sunday. Much of the development site is separated from the driving range by the dense TPO woodland to the northwest corner, which is to be strengthened and supplemented by additional woodland planting along the western site boundary. In addition, the closest of the proposed dwellings would be located a minimum of approximately 140m from the driving range building. These factors would, in combination, ensure that the current operation of the adjacent driving range would not be prejudiced as a result of the proposed residential development.

Neighbouring dwellings:

As the two existing bungalows to the southern end of the site are to be demolished as part of the scheme and the closest neighbouring dwelling outside the site (Brook Cottage) is located some 140m to the south on the opposite side of Lytham Road, the development’s separation from the closest neighbouring dwellings would ensure that it has no adverse impacts on the amenity of nearby occupiers through loss of outlook, overshadowing or overlooking.

Effects on future occupiers:

For the same reasons set out above in relation to the development’s impacts on the operation of surrounding land uses, the proposed dwellings would be successfully integrated, separated and screened from neighbouring uses to ensure that future occupiers do not experience any unacceptable amenity impacts as a result of these uses with respect to noise, odour, operating hours, interface distances or any other nuisance.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

The Council's EPO has recommended that a condition be imposed requiring the maximum noise levels set out by the World Health Organisation to be achieved for each dwelling. It is, however, unclear why this is requested in this case given the absence of any specific noise-generating use or source in the locality which would warrant the need for specific noise mitigation measures to be incorporated into the development in order to achieve these levels. Indeed, the closest of the proposed dwellings would be set back a minimum of approximately 130m from the roadside of the A584 (likely to be the most prevalent source of noise in the area due to passing road traffic) and this relationship, along with the site's rural setting, is unlikely to require the implementation of additional noise mitigation measures for the dwellings (e.g. trickle vents in windows or acoustic fencing) above and beyond standard modern construction techniques dealt with under the Building Regulations. Accordingly, it is considered that the imposition of this condition is unnecessary and would not meet the tests in paragraph 56 of the NPPF.

With respect to the internal development layout, the proposed dwellings would be laid out to a low density with generous garden areas and interface distances achieved between them. While matters relating to the appearance of each house type (e.g. window positions) are not applied for at this stage, the proposed layout and maximum scale parameters of the buildings would ensure that a high standard of amenity for future occupiers can be achieved in accordance with the objectives of FLPPR policy GD7 and the NPPF.

Impact on highway network:

Criteria q), r) and s) of FLPPR policy GD7 require developments to meet the following principles with respect to highway safety:

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

In addition, FLPPR policy T4 requires developments to enhance opportunities for travel by maximising access to sustainable transport modes, including by supporting the shift towards new technologies and fuels by promoting low carbon travel choices and encouraging the development of ultra-low carbon / electric vehicles and associated infrastructure (criterion i)).

Paragraph 104 c) of the NPPF states that "transport issues should be considered from the earliest stages of plan-making and development proposals, so that: opportunities to promote walking, cycling and public transport use are identified and pursued". Paragraph 110 of the NPPF indicates that, in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Paragraph 112 of the Framework indicates that, within this context, applications for development should:

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

Access:

Access to the development will be via the existing priority (give way) junction onto the A584 to the southern end of the site. This access allows two-way traffic flow and is already served by a dedicated right hand turn lane with a ghost island approach on the westbound carriageway of the A584. It also has visibility splays of 2.4m x 150m in both directions at the junction onto Lytham Road across land within the adopted highway, which is sufficient for the road’s 50 mph speed limit.

Minor modifications are proposed to the existing junction as part of the scheme which involve the re-positioning of a *circa* 1m high brick wall to allow the provision of continuous, 2m wide footways on both sides of the access to connect this with existing footways on Lytham Road. The proposal also includes the following off-site highway improvement works to improve the safety of the current access and enhanced opportunities for public transport and travel by pedestrians:

- The provision of tactile paving on each side of the access where it crosses the footway on the north side of Lytham Road.
- The provision of a pedestrian refuge in the centre of the carriageway of Lytham Road to the west of the right turn lane into the site including associated pedestrian crossing points with dropped kerbs and tactile paving within the footways on both the north and south sides of Lytham Road.
- The upgrading of two existing bus stops on the north (eastbound) and south (westbound) sides of Lytham Road through the provision of shelters and raised boarding kerbs.

Whilst the Local Highway Authority’s (LHA) most recent comments dated 12.08.22 were made in respect of a previous iteration of the scheme which proposed a development of up to 62 dwellings, the design of the access shown in the applicant’s updated Transport Statement (TS) dated 25 November 2022 is unchanged. As the LHA’s comments of 12.08.22 advise that, subject to the imposition of a condition to secure the highway improvements shown on drawing no. 21156-HYD-XX-XX-DR-TP-3001 Rev P01 within the TS, the proposed access arrangement is acceptable for a development of up to 62 dwellings, it follows that the same arrangement will be equally suitable for a lesser quantum of development involving up to 30 dwellings.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

In addition to ensuring a safe and suitable means of access to the site for all users, the proposed off-site highway improvements will also provide enhanced access to public transport by upgrading the two nearby bus stops on each side of Lytham Road and enhancing pedestrian access at and around the site through the provision of tactile paving and a pedestrian refuge to assist crossing over the A584. Accordingly, the proposal also ensures that appropriate opportunities to promote sustainable transport modes have been taken up in proportion to the type and scale of the development and its location.

Although the internal highway layout for the development has changed since the LHA's response dated 12.08.22, their comments on the previous layout indicate that "the carriageway and footway widths [were] found to be 5.5m and 2m respectively. This would meet LCC Highways adoption requirements" and the LHA opine that details of vehicle tracking are also acceptable. While the internal highway layout proposed in the revised scheme modifies the estate road's configuration, it continues to be based on a 5.5m wide carriageway with continuous 2m wide footways to its edges. Updated vehicle tracking plans provided within the revised TS also demonstrate the availability of suitable manoeuvring space for refuse vehicles within the site. Accordingly, the internal layout would continue to meet the LHA's 'in principle' standards for adoption and ensure safe access and circulation for all traffic within the site.

Traffic generation:

With reference to the Trip Rate Information Computer System (TRICS) database, the TS estimates that the proposed residential development of 30 dwellings would generate a total of 21 two-way vehicle trips in the peak morning period and 16 two-way vehicle trips in the peak evening period. The LHA's comments of 12.08.22 opine that the trip rates presented within the TS "are a little on the low side. However, the existing site with the proposed modifications and the A584 can accommodate the slightly larger trip generation that is expected. Therefore, it is LCC Highways opinion that whilst the trip rates are not representative, it is not a concern that requires additional analysis." It follows that as the LHA's comments in this regard related to a development of up to 62 dwellings, their conclusion would be unchanged for the revised scheme of up to 30 dwellings.

Given the limited number of additional vehicle trips likely to arise from the development (even without any comparison between those already likely to be generated by the fallback position) and in the absence of any objections from the LHA, there is no reason to indicate that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe as a result of the level of traffic generated by the development.

Parking:

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.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

As set out in the introduction to the parking standards of the JLSP: “levels of car parking are set out as the maximum that may be allowed, rather than minimum levels which must be provided.” Paragraph F.4.1 re-states this in an explanatory note for dwelling houses as follows: “the figures identified for residential parking are maximum figures”. Paragraph 108 of the NPPF states that “maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”.

In addition, paragraph 107 of the NPPF indicates that local parking standards for residential and non-residential development should take into account:

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

The submitted layout indicates that each dwelling would be provided with at least two off-road car parking spaces, though additional provision could also be made within garages (although their precise internal dimensions are unknown at this stage). A hard landscaping scheme submitted at reserved matters stage would be required to clarify the precise level of parking to be provided for each dwelling (as required by condition), but given the low density layout, spacious plot sizes and inclusion of garages within the development, it is apparent that adequate parking provision can be made for each dwelling in accordance with the objectives of FLPPR policy T5, the JLSP and the NPPF.

Other matters:

Loss of agricultural land:

A small (under 1 hectare) area to the southern end of the site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. The map categorises the remainder of the site as “urban”. The NPPF defines best and most versatile agricultural land (BMV) as “land in grades 1, 2 and 3a of the Agricultural Land Classification” and paragraph 174b) of the Framework states that planning decisions should contribute to and enhance the natural and local environment by “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land**, and of trees and woodland” (emphasis added).

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the part of the site which is classified as grade 2 land is occupied by part of the circular access road (including the junction onto Lytham Road) and open greenspace within the wider grounds of the holiday park.

Accordingly, this area of the site is already in use for non-agricultural purposes and, in combination with its small size and fragmented arrangement, it could not be utilised for any beneficial agricultural use. Therefore, the proposed development would not result in any further loss of the BMV agricultural land within the borough and would not conflict with the objectives of paragraph 174b) of the NPPF.

Flood risk:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development set out in paragraph 159 of the NPPF. 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. Where discharge is allowed to a surface water sewer, policy CL2 indicates that evidence must be provided to demonstrate that capacity exists within that sewer, including relevant authorisation from the appropriate infrastructure provider.

In addition BWNP policy BWNE3 states that “the provision of sustainable urban drainage (SuDS) will be supported”, “the design of new buildings and infrastructure should take account of existing topography to manage the flow of water along specific flow routes away from property and into appropriate storage facilities; and water attenuation facilities such as lagoons, ponds and swales should be provided”, and that “areas of hard standing such as driveways and parking areas should be minimised and porous materials used where possible”.

A small area to the southern end of the site surrounding the access from Lytham Road falls within flood zones 2 and 3 as identified on the Flood Map for Planning. However, all elements of the proposed residential development (including the dwellings and their garden spaces) are to be located on land which is entirely within flood zone 1. Nevertheless, as part of the site falls within flood zones 2 and 3, and the site area is over 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA). The FRA includes the following conclusions and recommendations:

- The majority of the site is located within Flood Zone 1 (Low Risk) with small areas within the southern portion of the site indicated to be within Flood Zone 2 and 3 (Medium and High Risk) but the areas of Flood Zone 3 are shown to benefit from flood defence. The site is at ‘low’ or ‘negligible’ risk of flooding from all other potential sources.
- A sequential approach should be adopted to locate all residential development on the site in flood zone 1. This approach would meet the requirements of the Sequential Test and would avoid the need for the Exception Test to be applied.
- Finished floor levels of the buildings should be raised 150mm above adjacent ground levels to address any residual risk of surface water flooding on the site.
- The proposed site access is shown to be at risk of flooding but benefits from defences. As such, it is recommended that safe access and egress is addressed by a Flood Evacuation Management Plan which highlights the flood risk to residents and details the procedures to follow in the event of a Flood Warning from the EA being issued for the area.
- The proposed development sits outside the present-day functional floodplain and therefore the proposed development is not considered to increase flood risk within the catchment through a loss of floodplain storage.

Whilst the FRA is based on a previous iteration of the scheme which involved a development of 62 dwellings rather than the 30 now proposed, its conclusions are considered to be equally valid in relation to the reduced quantum of development now proposed. Comments on the FRA have been

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

received from the Environment Agency (EA) and Lead Local Flood Authority (LLFA). In addition, United Utilities (UU) have commented on the application, but their comments are generic rather than raising any specific issues with the details contained in the FRA.

The EA's response dated 27.01.22 concludes that, following their review of the FRA, "we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified." The EA also identify the potential for the access and egress to the site (which is in flood zone 3, albeit benefitting from flood defences) to be affected during a flood event and advise that appropriate flood warning, emergency response and rescue implications should be considered as part of the development. Attention is also drawn to the requirements of the sequential and exception tests contained in the NPPF.

As set out in paragraph 162 of the NPPF, "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding." The exception test in paragraph 164 of Framework only needs to be applied if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered.

The proposed dwellings are classed as "more vulnerable" development for the purposes of the flood risk vulnerability classification in Annex 3 of the NPPF. In this case, and as identified in the applicant's FRA, all elements of the dwellings (including both the buildings and their garden areas) are to be located entirely upon the parts of the site that are located in flood zone 1 and, in turn, are at the lowest risk of flooding from fluvial and tidal sources. The far southern part of the site which is in flood zones 2 and 3 would include only the development's access (as it already exists at the junction with Lytham Road) and areas of open space adjacent to the site entrance. Accordingly, the distribution of development across the site in relation to the land's designation on the Flood Map for Planning means that the sequential test is passed by steering the proposed housing onto the parts of the site which are at the lowest risk. In turn, the exception test does not need to be applied. The EA's response clarifies that, providing the development is undertaken in accordance with the measures identified in the FRA, the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. Accordingly, the requirements of FLPPR policy CL1 and the NPPF will be satisfied.

The FRA does not include an indicative surface water drainage strategy for the proposed development. Nevertheless, the response from the LLFA dated 07.02.22 indicates that they have no objections to the scheme provided that appropriate conditions are imposed on any permission granted requiring: i) its compliance with the principles in the FRA; ii) the submission of a sustainable surface water drainage strategy; iii) the submission of a surface water management plan during construction; iv) the submission of an operation and maintenance manual for the sustainable drainage system; and v) a verification report for the constructed sustainable drainage system. Appropriate conditions have been imposed in this regard to ensure that the development complies with the requirements of BWNP Policy BWNE3, FLPPR policy CL2 and the NPPF.

Aerodrome safeguarding:

The subsection of FLPPR policy DLF1 relating to "existing land uses" states that "development will not be permitted which would prevent or undermine the operation of existing land uses [...] or prejudice airport safety at Blackpool Airport or at Warton Aerodrome". In addition, FLPPR policy T2 indicates that "development proposals within the wider area surrounding Warton Aerodrome will be assessed

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

for potential for adverse impacts on aviation operations, and on defence navigation systems and communications. Where such impact is identified, planning permission will be refused.”

The operator of Warton Aerodrome (BAE) has requested that more detailed information be provided “regarding the natural habitat areas”, including a “Wildlife Hazard Management Plan”. The responses from BAE do not set out the specific reasons why this information has been requested, though a subsequent response from the Ministry of Defence (MoD) clarifies that “the application site is approximately 1.80km from Warton Aerodrome and occupies the statutory aerodrome height and technical and birdstrike safeguarding zones surrounding the aerodrome” and “within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and/or, flocking birds close to the aerodrome”.

As the application is in outline and landscaping has not been applied for at this stage, the creation of new habitat areas and landscape buffers is shown for illustrative purposes only. Accordingly, it is not possible to provide the precise details of habitat creation and soft landscaping (and, in turn, the ‘wildlife hazard management plan’) referred to in the response from BAE at this stage. Such details would, instead, only be known at reserved matters stage once landscaping is applied for. This is acknowledged in the response from the MoD which concludes that “there is not enough information for the MOD to determine whether we have any safeguarding concerns. Therefore, the MOD would like to be consulted at the next stage of this application where further details of elevations of the buildings, details of landscape such as new planting, details of enhancement to waterbodies and drainage are available.”

The comments from BAE and MoD do not raise any ‘in principle’ objection to the redevelopment of the Great Birchwood site for housing and are, instead, concerned primarily with the potential for any new habitats created by the development (arising from the landscaping of the site) to attract and support populations of large and/or flocking birds close to the aerodrome. However, as is acknowledged in the MoD’s response, the effects of the development’s landscape strategy on aerodrome safeguarding, having particular regard to any increased risk from birdstrike, can only be determined once specific details of that strategy are known at the reserved matters stage. Therefore, impacts on aerodrome safeguarding will be subject to further scrutiny through consultation with BAE and MoD once specific details of the site’s landscaping are known at reserved matters stage. From the details available at present there is, however, no reason to conclude that the principle of redeveloping the site for housing would have a harmful impact on aerodrome safeguarding for the purposes of FLPPR policies DLF1 and T2.

Contamination:

The site has a historical use as a military base. The legacy of this use, along with the site being located upon a secondary aquifer and adjacent to several watercourses, has the potential to give rise to the release of contamination, especially to controlled waters, which would need to be remediated as part of the development. FLPPR policy GD9 states that development will be encouraged on previously developed land that may be contaminated as result of previous uses provided that three criteria relating to: a) evidence of satisfactory site investigation; b) the stability of surrounding areas; and c) evidence of remedial and mitigation measures, are met. Similar requirements are identified in paragraphs 120 c), 174 f) and 183 of the NPPF.

The application is accompanied by a phase I ground condition report which includes the following recommendations:

- Based on historical land uses and its current operational use, the overall risk from land contamination at the site is considered to be low to moderate for the current development,

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

and moderate (with some specific high risks) identified for a redeveloped site, but would need to be confirmed by appropriate intrusive investigation, testing and assessment of the results of the investigation.

- It is considered that it is unlikely that the site would be classified as Contaminated Land under Part 2A of the EPA 1990.
- In order to confirm the actual risks to receptors and confirm the ground conditions with respect to potential geotechnical and geo-environmental risks, an appropriate intrusive investigation will need to be undertaken.

Both the EA and the Council's EPO have reviewed the phase I ground condition report and agree with its recommendations that further, intrusive site investigations are needed to establish the nature and extent of any contamination on the site, along with details of subsequent remediation measures. The EA and EPO indicate that an appropriate condition can be imposed to secure this in order to manage the risk of contamination posed by the development in accordance with the requirements of FLPPR policy GD9 and the NPPF.

Conditions:

A list of suggested conditions are set out in the resolution below. These cover various different topics and several of them require details to be supplied either at reserved matters stage and/or before any development takes place (these being 'pre-commencement' conditions).

Paragraph 036 of the 'Use of Conditions' chapter to the PPG (ID 21a-036-20180615) states that:

- "Section 100ZA(5) [of the Town and Country Planning Act 1990 (as amended)] provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition **(except in the case of a condition imposed on the grant of outline planning permission within the meaning of Section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018)**" (emphasis added).

As the application is in outline, the written agreement of the applicant does not need to be sought for the imposition of the 'pre-commencement conditions' set out in the schedule below due to the exception for this application type contained in section 100ZA(8) of the Act.

The suggested conditions below also include a condition which withdraws the permitted development rights conferred by Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) from the proposed dwellings. Paragraph 54 of the NPPF advises that "planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so". In this case, however, and given that the level of harm arising from the development's impact on the openness of the Green Belt is already finely balanced, the removal of these permitted development rights is required to avoid any further reduction to the openness of the Green Belt caused by the erection of ancillary development or domestic paraphernalia associated with the residential use.

Conclusion

The application relates to the site of Great Birchwood Country Park which covers an irregularly-shaped area of land extending to *circa* 8.3 hectares on the northern side of the A584 (Lytham Road), Warton. The site is within an area of Green Belt identified on the Fylde Local Plan to 2032 (incorporating Partial

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Review) Policies Map and falls broadly equidistant between the settlement boundaries of Warton (*circa* 0.9km to the east) and Lytham (*circa* 1.3km to the west) as defined in the Local Plan.

The site, along with other adjoining land to the east and west, was used as a Royal Air Force (RAF) base during the 1940s, with this use ceasing *circa* 1956. Following the cessation of the site's use as an RAF base the land has benefitted from numerous permissions allowing its use variously, and within different areas, as a mixed-use holiday park, country and western themed leisure/entertainment facility ('Fort San Antone') and equestrian centre. The site also includes two dwellings to the southern/central part and an indoor pistol range to the northern end. The most recent implemented permission on the site (09/0587) allows the extension and reorganisation of a holiday caravan site which permits the siting of 49 touring caravans and 46 static caravans within the northern part of the land, together with alterations to the internal access road and introduction of additional landscaping. Subsequent to this, outline permission 16/0992 was granted on 05.09.18 to redevelop the site for a care home, 33 extra care units, 2 replacement dwellings, a mixed use leisure/café/retail building and associated landscaping works. However, this permission has since expired without any application for approval of reserved matters having been made.

This application seeks outline permission (including matters of access, layout and scale) for a residential development of up to 30 dwellings (including associated garages) on the site following the demolition and removal of all existing buildings, structures and hard surfaces, together with the provision of associated infrastructure, landscaping and open space. The scheme includes the provision of 9 dwellings (30% of the total) as affordable housing which will meet the definition in Annex 2 of the National Planning Policy Framework.

The Great Birchwood site, taken as a whole, is considered to comprise previously developed land in the Green Belt as a result of the mix of uses which have been carried out since the cessation of its use as an RAF base. The proposed complete redevelopment of the site for housing would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. As a result of the increased volume and height of the proposed dwellings in comparison to the existing development (including the fallback position provided by 09/0587) and the siting of the buildings on plots 1-6 on a part of the site which presently comprises open grazing land devoid of any existing development, the proposal would have a greater impact on the openness of the Green Belt than the existing development. The level of harm arising would, however, be tempered by the approach taken to the development layout which groups the proposed buildings together in a central, consolidated, low-density core and includes the provision of substantial buffers of open space and woodland planting around the site's outer fringes to its full perimeter where it borders other land outside the site. Whilst the degree of harm attributable to the development's effects on the openness of the Green Belt is finely balanced it is considered that, when taken as a whole and in tandem with the mitigation to be incorporated as part of the scheme, the totality of the harm to the openness of the Green Belt would be less than substantial. Accordingly, subject to the provision of 30% affordable housing being secured through a planning obligation, the proposal is considered to meet the exception in the second limb to paragraph 149 g) of the NPPF and, in turn, it is not inappropriate development in the Green Belt.

The approach to access, along with the proposed layout, maximum scale parameters of the development and the illustrative landscaping strategy, would ensure that the scheme follows the principles of good design set out within the policies of the local plan and other national guidance cross referenced in the NPPF. The scheme would also provide for the preservation, future management and enhancement of the woodland to the northwest of the site which is protected by a Tree Preservation Order, and includes the introduction of substantial woodland planting buffers to create a shelterbelt around the site perimeter.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

The site is located within 100m of the Ribble and Alt Estuary Ramsar/Special Protection Area/Site of Special Scientific Interest. A shadow Habitat Regulations Assessment (HRA) prepared by the applicant concludes that likely significant effects on this designated nature conservation site arising from the development cannot be ruled out and so mitigation is required to avoid any adverse effects on its integrity. Natural England's comments on the latest version of the HRA (which has been updated to reflect the reduction in the quantum of development and to address previous issues raised by Natural England) are awaited to determine whether the mitigation measures referred to in the HRA are sufficient to avoid adverse effects on the integrity of the designated nature conservation site. However, as the outstanding issues in this case relate principally to the scope of the mitigation measures proposed and there is no suggestion from Natural England that it would not be possible, in principle, to mitigate the development's effects in this regard, it is recommended that resolution of this matter between the applicant, LPA and Natural England be delegated to the Head of Planning (with the decision only allowed to be issued once Natural England's confirmation of their satisfaction with the HRA is received). This will ensure that the LPA has discharged its obligations as a competent authority in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The development includes a number of site-specific ecological impact avoidance, mitigation and enhancement measures which can be secured through the imposition of appropriate conditions and the relevant derogation tests which allow the loss of an existing bat roost on the site are satisfied, including the implementation of compensation measures to ensure that the favourable conservation status of this species would not be adversely affected.

The scheme includes the on-site provision of 30% affordable housing and public open space and will make commuted sum payments towards the delivery of new secondary school places and healthcare in accordance with the relevant policies of the local plan relating to infrastructure contributions. The proposed residential development, by virtue of its separation and screening with surrounding land uses, will be integrated effectively with these existing uses without the need for additional restrictions to be imposed on these established business, and their continued operation in the vicinity of the proposed development would not have a significant adverse effect on future occupiers for the purposes of the 'agent of change' principle in paragraph 187 of the NPPF. Similarly, the internal development layout would ensure that a high standard of amenity for future occupiers can be achieved.

The proposal includes modifications to the existing priority junction which provides the site access onto Lytham Road and other associated off-site highway improvements to ensure that it would achieve a safe and suitable means of access to the development for all users and takes up appropriate opportunities to promote sustainable transport modes in proportion to the type and scale of the development and its location. The proposed improvements to the existing access arrangements, in combination with the level of traffic estimated to be generated by the development, would ensure that the scheme does not have an unacceptable impact on highway safety, and that the residual cumulative impacts on the surrounding road network would not be severe.

Whilst a small area to the southern end of the site surrounding the access falls within flood zones 2 and 3, all elements of the proposed residential development are located entirely within flood zone 1. Therefore, the proposal steers the development to those areas with the lowest risk of flooding in accordance with the requirements of the sequential test. Suitable measures can be put in place to ensure that surface water is disposed of effectively without increasing the risk of flooding within the site itself or to surrounding land elsewhere. No adverse impact would arise with respect to the loss of agricultural land and appropriate measures can be put in place through the imposition of planning conditions to avoid any harmful effects with respect to aerodrome safeguarding and contaminated land.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Therefore, 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 Bryning with Warton 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 stipulations 1 and 2 below being satisfied and the conditions in stipulation 3 (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, having particular regard to the requirements in stipulation 2), or otherwise to refuse permission:

Stipulation 1:

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

- a) The provision of 30% of the dwellings within the development as affordable housing which meets the definition in Annex 2 of the National Planning Policy Framework to comply with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies H4 and INF2.
- b) A secondary education contribution towards addressing the expected shortfall in secondary education capacity to serve the occupants of the development, with the precise figure to be calculated following the granting of an application for approval of reserved matters submitted pursuant to this permission in accordance with the methodology identified in the assessment from Lancashire County Council's School Planning Team dated 19.12.22, and to be spent at St Bedes Catholic High School (or any other named infrastructure project in any subsequent assessment that succeeds it) to comply with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy INF2.
- c) A healthcare contribution towards addressing the expected shortfall in Primary Care capacity to serve the occupants of the development, with the precise figure to be calculated following the granting of an application for approval of reserved matters submitted pursuant to this permission in accordance with the methodology identified in the assessment from the Lancashire and South Cumbria Integrated Care Board dated 08.12.22, and to be spent in connection with the provision and/or enhancement of healthcare facilities at Holland House Surgery, Lytham (or any other named infrastructure project in any subsequent assessment that succeeds it) to comply with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies HW1 and INF2.
- d) A fee equivalent to £300 per trigger towards the Council's costs incurred in monitoring the contributions set out in a) and c) above.

Stipulation 2:

The completion of a suitable Habitat Regulations Assessment which demonstrates, to the satisfaction of Natural England and the local planning authority, that with appropriate mitigation in place the proposed development will not result in adverse effects on the integrity of the Ribble and Alt Estuaries Ramsar/Special Protection Area/Site of Special Scientific Interest either alone or in combination with other plans or projects, including subsequent adoption of the Habitat Regulations Assessment by the local planning authority and the imposition of any amended and/or additional conditions to secure the necessary mitigation 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); and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Stipulation 3:

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, having particular regard to the requirements in stipulation 2 above):

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

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

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

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

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

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

4. This permission relates to the following plans:

Drawing no. 2110-KTA-ZZ-XX-DR-A-0101 Rev B – Site location plan.

Drawing no. 2110-KTA-ZZ-XX-DR-A-SK1003 Rev I – Proposed site layout.

Drawing no. 2110-KTA-ZZ-XX-DR-A-SK1004 Rev E – Proposed layout with reduced developable area with POS shown.

Drawing no. 2110-KTA-ZZ-XX-DR-A-SK1006 Rev E – Proposed layout overlay on previously consented site layout (consent ref 09-0587).

Drawing no. 21156-HYD-XX-XX-DR-TP-0004 Rev P01.01 – Indicative access arrangement.

Drawing no. 21156-HYD-XX-XX-DR-TP-0005 Rev P01.01 – Visibility splays.

Drawing no. 21156-HYD-XX-XX-DR-TP-3001 Rev P01 – Proposed bus stop improvements and pedestrian crossing point.

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

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

5. Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall ensure that none of the buildings (including the dwellings and their garages)

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

exceed the maximum storey, eaves and/or ridge heights specified in section 8.4 of the document titled "Design & Access Statement" by 'KTA' dated November 2022 (document reference 'Revision P2').

Reason: To ensure that the scale of the development is consistent with and/or does not exceed the maximum parameters established as part of this permission in order to limit the development's impact on the openness of the Green Belt and to ensure its successful integration into the surrounding landscape in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD2, GD7 and ENV1, and the National Planning Policy Framework.

6. Except where explicitly shown to be retained as part of the development on the plans listed in condition 4 of this permission, all existing buildings, structures (whether permanent or temporary), caravans, means of enclosure, hardstandings and any associated fixed surface infrastructure or other appurtenances (the footprints/areas of which are identified on the four plans forming the topographical survey and all given drawing no. U06757 0) shall be demolished and/or dismantled and removed from the site in their entirety before any of the dwellings hereby approved are first occupied.

Reason: To secure the comprehensive redevelopment of the site by avoiding any potential for the development to be carried out in a piecemeal fashion where existing development is retained alongside that approved by this permission (especially where these do not overlap) in order to ensure that the development does not cause substantial harm to the openness of the Green Belt and to avoid conflicts arising between existing and proposed land uses to achieve a high standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies G2 and GD7, and the National Planning Policy Framework.

7. Any application for approval of reserved matters submitted pursuant to condition 1 of this permission shall provide a mix of types and sizes of dwellings which comply with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy H2.

Reason: To ensure that the development delivers a mix of types and sizes of home suitable for a broad range of age groups to reflect the demographics and housing needs of the Borough in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy H2 and the National Planning Policy Framework.

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

Reason: The redevelopment of the site has been permitted on the basis that it would not cause substantial harm to the openness of the Green Belt. To ensure this remains the case, and to preserve the openness of the Green Belt, it is necessary to remove the permitted development rights referred to above in order to avoid any further reduction to the openness of the Green Belt which could be caused by the erection of additional ancillary development or domestic paraphernalia associated with the permitted residential use.

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

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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

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

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

10. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a soft landscaping scheme which demonstrates compliance with the landscaping strategy indicated on the following plans:

Drawing no. 2110-KTA-ZZ-XX-DR-A-SK1003 Rev I – Proposed site layout.

Drawing no. 2110-KTA-ZZ-XX-DR-A-SK1004 Rev E – Proposed layout with reduced developable area with POS shown.

Drawing no. 01 Rev C – Illustrative Landscape Layout

Drawing no. Arbtech AIA 01 sheet 1 of 3 Rev B – Arboricultural Impact Assessment.

Drawing no. Arbtech AIA 01 sheet 2 of 3 Rev B – Arboricultural Impact Assessment.

Drawing no. Arbtech AIA 01 sheet 3 of 3 Rev B – Arboricultural Impact Assessment.

The soft landscaping scheme shall provide for, but not be limited to, the following:

- a) The retention of all existing trees, hedgerows and any other vegetation shown to be retained on the abovementioned plans unless suitable provision is made for compensatory planting to replace any other trees or hedgerows which are identified for removal within the landscaping scheme;
- b) The bolstering of the existing woodland to the northwest of the site which is protected by Tree Preservation Order reference “1965 No. 2 (Warton)” through the introduction of new advanced native tree planting within and around it;

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- c) The strengthening and/or introduction of landscaping buffers along all boundaries of the site to the depths and extents indicated on drawing no. 01 Rev C and which shall include advanced native tree planting.
- d) The introduction of additional planting within the site which forms part of the internal development layout and does not fall within a), b) or c)
- e) Details of the number, size, species, siting, planting distances/densities and the programme of planting of all trees, hedges and shrubs within a) – d).

The duly approved soft landscaping scheme shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings, 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, before 80% of the dwellings hereby approved are first occupied. The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied. 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 retention of existing landscape features, to achieve the strengthening and/or introduction of landscaped buffers of appropriate depth, size and species where the site borders areas of open countryside in order to limit its visual impact (including on the openness of the Green belt), to provide an appropriate screening buffer with surrounding land uses in the interests of the amenity of future occupiers, to contribute to appropriate biodiversity enhancements and to ensure that suitable measures are put in place for the future maintenance of landscaped areas in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2, GD2 and GD7, and the National Planning Policy Framework.

11. No development shall take place until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on drawing nos. Arbtech AIA 01 sheets 1, 2 and 3 Rev B. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed in the positions indicated by a solid blue line on drawing nos. Arbtech TPP 01 sheets 1, 2 and 3 Rev B. The CEZ shall be maintained in the duly installed positions during the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development (including those protected by Tree Preservation Order) before any construction works commence in order to safeguard existing natural assets at the site in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and ENV1, and the National Planning Policy Framework.

12. None of the dwellings hereby approved shall be occupied until a Management Plan for the woodland located to the northwest of the site which is protected by Tree Preservation Order reference "1965 No. 2 (Warton)" has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development including amenity classification, nature conservation value and accessibility.
- b) The type and frequency of management operations to achieve and sustain canopy, understory, and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Details of the frequency of safety inspections, which should be at least three yearly in areas of substantial risk and less often in lower risk areas.
- d) Confirmation that all tree pruning work is to be carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats (e.g. intensive operations to avoid March - August nesting season or flowering period).
- f) Details of inspection for pests, vermin and diseases and proposed remedial measures.
- g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

The development shall thereafter be carried out in full accordance with the details and timetable contained within the Management Plan.

Reason: To ensure that appropriate measures are put in place to secure the ongoing maintenance of the protected woodland within the site as an existing natural asset and to secure its long term positive contribution to biodiversity and visual amenity in the area 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.

13. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a scheme for the provision, design and future maintenance of the areas of Public Open Space (POS) and Local Area of Play (LAP) identified on drawing no. 2110-KTA-ZZ-XX-DR-A-SK1004 Rev E. The scheme shall include:
- a) Details of the design (including landscaping) of the areas of informal Public Open Space, the extent of which shall match the size and layout of the areas identified on drawing no. 2110-KTA-ZZ-XX-DR-A-SK1004 Rev E.
 - b) Details of the precise siting, size, layout, design and materials of the Local Area of Play (including its associated play equipment), which shall demonstrate compliance with the guidance set out in the Fields in Trust publication 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (October 2015).
 - c) A timetable for the provision and programme for the ongoing maintenance of the areas of informal Public Open Space and Local Area of Play.

The areas of Public Open Space and Local Area of Play shall thereafter be provided and subsequently maintained in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that the development delivers appropriate buffers of open space around its fringes to limit its impact on the openness of the Green Belt, in order that it makes an appropriate contribution towards the provision and future maintenance of open space to avoid a deficiency in the quantity and quality of open space in the locality and to achieve a high standard of amenity

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

for future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD2, GD7 and ENV4, and the National Planning Policy Framework.

14. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a scheme for the size, design and construction (including surface and subsurface treatment) of the vehicle parking and manoeuvring areas for each dwelling. The scheme shall specify the number of vehicle parking spaces which are to be made available for each dwelling and shall include provision for the use of permeable surfacing in the construction of vehicle parking and manoeuvring areas. The vehicle parking and manoeuvring areas shall be constructed and made available for use in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety, to ensure appropriate surface treatment of parking areas in the interests of visual amenity and to minimise the risk of flooding and improve water quality through the use of permeable surfaces in accordance with the requirements of Bryning with Warton Neighbourhood Development Plan Policy BWNE3, Fylde Local Plan to 2032 (incorporating Partial Review) policies CL2, T5 and GD7, and the National Planning Policy Framework.

15. Before any of the dwellings hereby approved are first occupied a scheme for the provision of charging points for plug-in and other ultra-low emission vehicles within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number, siting and design of the charging points for each dwelling. All the charging points shall be provided and made available for use in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: To support the shift towards new technologies and fuels by promoting low carbon travel choices and to ensure that the development delivers suitable infrastructure which is designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy T4 i) and paragraphs 107 e) and 112 e) of the National Planning Policy Framework.

16. Other than demolition, no above ground works of development shall take place until a scheme for the design and construction of the development's access (the siting, layout and geometry of which is shown on drawing nos. 21156-HYD-XX-XX-DR-TP-0004 Rev P01.01, 21156-HYD-XX-XX-DR-TP-0005 Rev P01.01 and 21156-HYD-XX-XX-DR-TP-3001 Rev P01) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for minimum visibility splays of 2.4 metres x 150 metres in both directions at the junction of the site access with the A584 (Lytham Road). The development's access shall be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splays shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 1 metre in height.

Reason: To ensure a suitable and safe means of access to the site for all users and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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

17. Other than demolition, no above ground works of development shall take place until a scheme for the layout, design and construction of the following highway improvement works (the illustrative siting of which is shown on drawing no. 21156-HYD-XX-XX-DR-TP-3001 Rev P01) has been submitted to and approved in writing by the Local Planning Authority:

- a) The provision of tactile paving on both sides of the development's access onto the A584 (Lytham Road) where it crosses the existing footway on the north side of Lytham Road.
- b) The provision of a pedestrian crossing over and refuge within the carriageway of the A584 (Lytham Road) to the west of the site access, including associated tactile paving and dropped kerbs.
- c) The upgrading of the two existing bus stops on the A584 (Lytham Road) located closest to the development's access on the north (eastbound) and south (westbound) sides of Lytham Road to include provision for shelters and raised boarding areas together with any associated road markings and signs.

The highway improvement works shall be implemented and made available for use in full accordance with the duly approved scheme before any of the dwellings hereby approved are first occupied, or within any other timescale that has first been approved in writing by the Local Planning Authority.

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

18. Other than demolition, no above ground works of development shall take place until a scheme for the design, construction and phasing of all new estate roads and associated footways shown on drawing no. 2110-KTA-ZZ-XX-DR-A-SK1003 Rev I has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full engineering, drainage, street lighting and constructional details and a timetable for their delivery. Each estate road and their associated footways shall be constructed in full accordance with the duly approved scheme before any of the dwellings to be served by that road are first occupied.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and 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.

19. None of the dwellings hereby approved shall be occupied until a scheme setting out arrangements for the future management and maintenance of all the estate roads and associated footways to be constructed pursuant to condition 18 of this permission has been submitted to and approved in writing by the Local Planning Authority. The estate roads and associated footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

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

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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.

20. 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;
- i) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- j) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

21. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include a scheme for the siting and design of the “wildlife corridor” identified on drawing no. 2110-KTA-ZZ-XX-DR-A-SK1004 Rev E which is required to connect the ponds on the east and west sides of the site. The scheme shall include precise details of the routing, layout and composition of the wildlife corridor both above and below ground (including where it crosses the estate road) and how its design is intended to maintain connectivity between the eastern and western ponds for amphibians. The wildlife corridor shall thereafter be provided in full accordance with the details in the duly approved scheme within a timetable which has first been submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied, and shall be maintained as such thereafter.

Reason: There are presently unobstructed links over open ground between existing ponds on the east and west sides of the site which would become impeded by the development. Accordingly, the provision of a dedicated corridor of connectivity between these existing ponds is required to mitigate the development’s effects on amphibians and prevent the severance of existing links

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

between these ponds in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

22. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:
- a) A description and evaluation of features to be managed.
 - b) An analysis of ecological trends and constraints on the site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule and timetable for implementation (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation.
 - h) Arrangements for ongoing monitoring and remedial measures, including how contingencies and/or remedial action will be identified, agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - i) The legal and funding mechanism(s) by which the long term implementation of the LEMP will be secured by the developer with the management body responsible for its delivery.

The development shall thereafter be carried out in full accordance with the duly approved LEMP and the timetable, monitoring and remedial measures contained therein.

Reason: To ensure that appropriate measures are put in place to provide net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures and to mitigate the development's effects on existing features of biodiversity value in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

23. No development (including demolition), ground works or vegetation clearance shall take place until a Construction Environmental Management Plan (CEMP) to protect species and retained habitats during the construction period has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) A risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'.
 - c) A method statement setting out practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Pollution prevention measures to avoid contaminated water run-off entering nearby watercourses.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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

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

24. No development associated with the demolition of buildings 'B10' and 'B11' (identified in the document titled "Bat Mitigation Plan" by 'Arbtech') shall take place unless and until the Local Planning Authority has been provided with one of the following:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) A written statement from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Thereafter, the demolition of buildings B10 and B11 shall be carried out in strict accordance with the recommendations, mitigation, compensation and enhancement measures and the timing for the introduction and maintenance of these measures identified in Tables 3 and 4, and Figure 7, of the document titled "Bat Mitigation Plan" by 'Arbtech' (as amended or succeeded as part of the licencing process). Before the last of the dwellings hereby approved is occupied a report to verify the implementation of the approved mitigation, compensation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate habitat compensation and 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 and the Conservation of Habitats and Species Regulations 2017 (as amended).

25. None of the dwellings hereby approved shall be occupied until a scheme for the installation of any exterior lighting on the building(s) and the external areas of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places through compliance with best industrial practice contained in the Institution of Lighting Professionals and Bat Conservation Trust publication – Guidance Note 08/18: Bats and artificial lighting in the UK, and shall include details of the lighting's: i) position and height on the building(s) and/or site; ii) spillage, luminance and angle of installation, which shall be designed to avoid light spillage towards those areas/features on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and (iii) any hoods to be fixed to the lights. All exterior lighting shall thereafter be installed in accordance with the duly approved scheme.

Reason: To ensure that any exterior lighting to be installed at the site does not undermine the value and use of retained and enhanced habitats within the site for protected species (specifically bats) as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

26. No development shall take place until a method statement for the containment, control and/or removal of Japanese Knotweed within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- a) Measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
- b) A timetable for implementation (including any phasing for removal/control on different parts of the site).

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

Reason: To ensure the satisfactory treatment and disposal of invasive plant species which have been identified at the site before any development commences on affected areas of the site in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

27. Other than demolition, no above ground works of development shall take place until details of finished ground floor levels for the buildings 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 land uses and to minimise the risk of flooding within the development before ground works to establish site levels are completed in the interests of ensuring a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7, CL1 and CL2, and the National Planning Policy Framework.

28. Other than demolition, no development shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and shall include:

- a) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365, and the potential to dispose of surface water through infiltration.
- b) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- c) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. A plan identifying areas contributing to the drainage network, including surface water flows from outside the site as necessary.
 - ii. The sustainable drainage system layout showing all pipe and structure references, dimensions and design levels.
 - iii. Details of all sustainable drainage components, including drawings showing their topography and slope gradient as appropriate.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- iv. A plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of the building to confirm a minimum 150mm+ difference for FFL.
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.

The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the sustainable disposal of foul and surface water in accordance with the requirements of Bryning with Warton Neighbourhood Development Plan Policy BWNE3, Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

29. No development shall take place until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the local planning authority. The CSWMP shall set out how surface water and stormwater will be managed on the site to prevent pollution during the construction period (including demolition and site clearance operations) and shall include the following details:

- a) Measures taken to ensure surface water flows are retained on-site during the construction period (including temporary drainage systems) and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate that does not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

30. None of the dwellings hereby approved shall be occupied unless and until a Verification Report for the construction of the surface water drainage system to be installed pursuant to condition 28 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall: i) demonstrate that the surface water drainage system installed pursuant to condition 28 of this permission has been constructed in accordance with the duly approved scheme (or detail any variations) and is fit for purpose; and ii) contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

control structures). The surface water drainage system shall thereafter be retained in accordance with the details in the duly approved Verification Report.

Reason: To ensure that flood risks from the development to the future occupiers of the development and the occupiers of neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development is constructed in accordance with the duly approved surface water drainage scheme in accordance with the requirements of Bryning with Warton Neighbourhood Development Plan Policy BWNE3, Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

31. None of the dwellings hereby approved shall be occupied unless and until an Operation and Maintenance Scheme for the lifetime of the surface water drainage system to be installed pursuant to condition 28 of this permission has been submitted to and approved in writing by the Local Planning Authority. The Operation and Maintenance Scheme shall include:

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

The surface water drainage system shall thereafter be managed and maintained in accordance with the duly approved Operation and Maintenance Scheme.

Reason: To ensure that flood risks from the development to the future occupiers of the development and the occupiers of neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that suitable measures are put in place for the future management and maintenance of the surface water drainage system in accordance with the requirements of Bryning with Warton Neighbourhood Development Plan Policy BWNE3, Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2, and the National Planning Policy Framework.

32. None of the dwellings hereby approved shall be occupied until a scheme for the distribution of homeowner information packs to inform new occupiers of the development of the importance of surrounding designated nature conservation sites has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a copy of the homeowner information pack and details of when, how and to whom these will be distributed (including provisions for future occupiers). The homeowner information packs shall be distributed in accordance with the duly approved scheme, and shall be maintained as such thereafter.

Reason: To ensure that future residents and visitors to the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

sites – particularly the Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to it – and to ensure appropriate measures are introduced are taken to mitigate the development's potential effects on designated nature conservation sites through recreational disturbance in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

Informatives:

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.

Tree protection and woodland management plan (conditions 10 and 12):

With respect to the requirements of conditions 10 and 12 of this permission the applicant is advised that a separate consent will need to be obtained through the submission of a works to trees application prior to undertaking any tree pruning/felling works to specimens located within the woodland protected by Tree Preservation Order reference 1965 no.2 (Warton), where those works are not expressly authorised by condition 10 of this permission.

Highways (conditions 16-19):

With respect to the requirements of conditions 16-19 of this permission, the applicant is advised to contact the Local Highway Authority (Lancashire County Council) in order to determine the need, requirements and/or timescales for agreements under S278 and/or S38 of the Highways Act (1980) to be entered into with respect to the carrying out of any engineering works within the adopted highway and the future adoption of the development's estate road network in order to satisfy the requirements of these conditions. Further information and advice can be found at www.lancashire.gov.uk

For the purposes of condition 18 of this permission, the applicant is advised that if the new estate roads are to be offered for adoption by the Local Highway Authority, they will need to be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads.

The management and maintenance scheme required by condition 19 should set out the measures to be put in place 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.

Lead Local Flood Authority (LLFA) advice (conditions 28-31):

The following advice is provided to inform the applicant of the LLFA's expectations in relation to the details required to discharge conditions 28-31 of this permission:

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Multi-Functional SuDS – The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their cost effectiveness, regardless of the size of development site. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas. The LLFA wishes to stress that limited potential for infiltration and limited space do not rule out the use of SuDS components within the drainage scheme.

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional. On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bioretention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bioretention tree pits. Further information and advice on SuDS can be found in:

- CIRIA C687 – Planning for SuDS – Making it Happen
- CIRIA C753 – The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 – Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance

Advice concerning contents of homeowner information packs for condition 32:

The applicant is advised that any homeowner information pack (including the one which will need to be submitted to discharge condition 32 of this permission) should include, but not necessarily be limited to, the following:

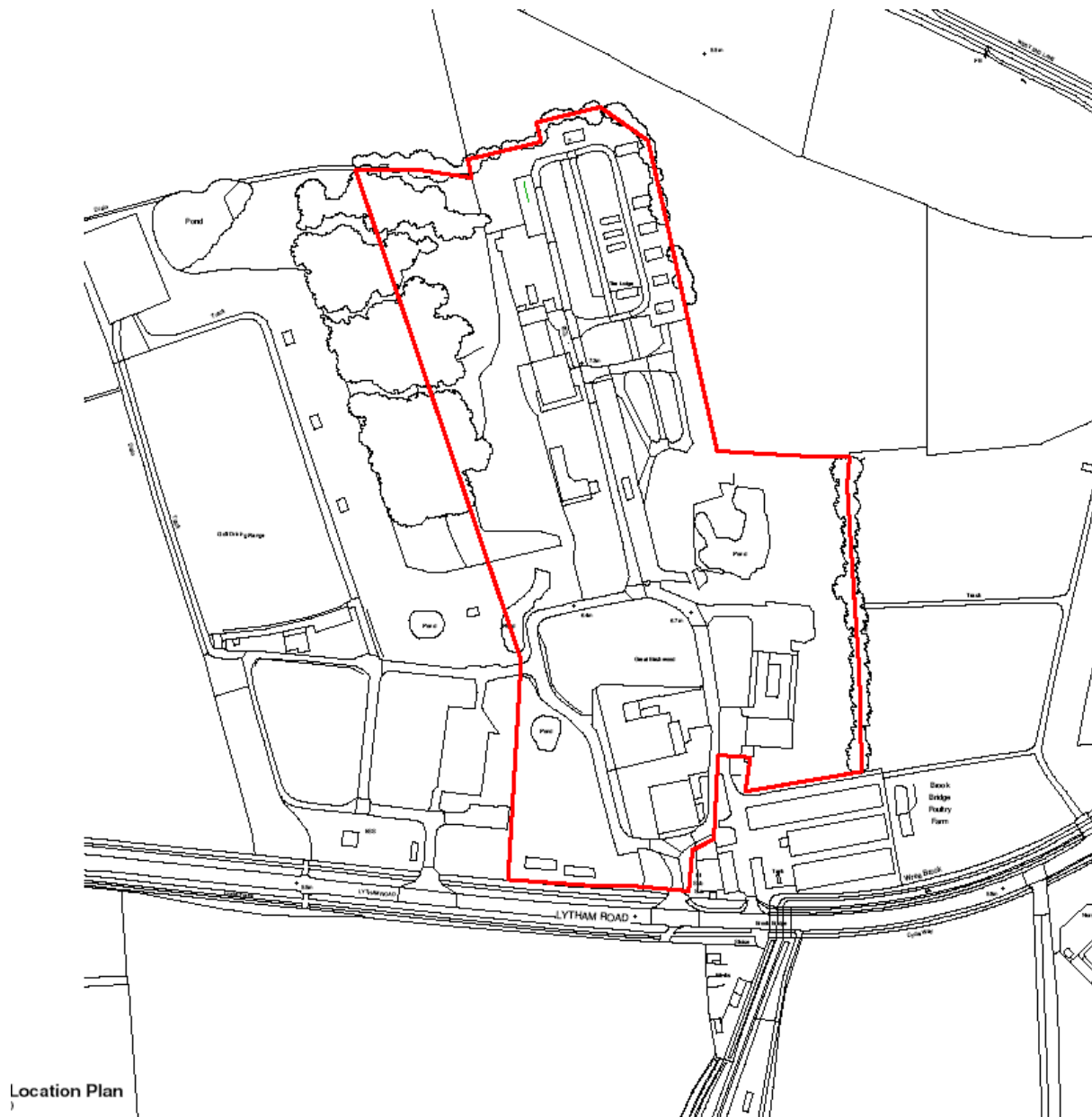
- Introduction letter to the pack, setting out the issue and providing a contents page of included documents.
- Description of the designated sites and their features, this should include a map explaining the boundaries of the designated sites.
- An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the designated sites.
- List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).
- Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).

The following principles should also be followed for the packs;

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

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Location Plan for 21/1110



AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Item 2

Application No:	22/0431	Case Officer:	Katie Halpin Area Team 1
Applicant:	WANSFIELD PROPERTIES	Agent:	MR PHIL BROTHWELL
Location:	ROSSALL'S YARD, RUTLAND ROAD LYTHAM ST ANNES LANCASHIRE FY8 4DU		
Proposal:	ERECTION OF SINGLE STOREY TERRACE OF 4 UNITS FOR STORAGE AND DISTRIBUTION (CLASS B8) OR LIGHT INDUSTRIAL (CLASS E (G)) PURPOSES INCLUDING ASSOCIATED PARKING AREA AND 2M HIGH GATE TO ACCESS POINT FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE		
Ward:	Ansdell	Parish:	
Statutory Expiry:	2 August 2022	Earliest Decision:	10 November 2022
Reason for any delay:	Officers negotiating design improvements		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Recommendation

The application relates to the erection of a single storey terrace of 4 units for storage and distribution (Class B8) or light industrial (Class E (g)) purposes including associated parking area and 2m high gate to the access point. This is to follow the demolition of existing buildings on site within the settlement area where development is assessed against the criteria of Policies GD7, EC1 and ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Many objections have been received including 2 petitions, mainly based on the original proposal for 6 units and a building of a different design with B2 Industrial use included. However resident concerns remain over the amended proposal relating to noise, disturbance, proximity of the building to existing residences and habitable rooms, restriction of natural light, the height of the building, a perceived risk of increase of health and safety of residents, fear of crime and fire risk and the fact that the character of the area will be changed, not enough parking and increased congestion, concerns about asbestos on site, depreciation of house value and potential damage to garages in close proximity.

Since its original submission the application has been amended to reduce the scale of the development and it is now considered that the parking provision is considered to be ample, with the local highway authority not raising any objection to the development. The building re-design has meant that the potential massing impact on neighbouring properties has been reduced to provide an acceptable relationship to them in all regards. The inclusion of landscaping to the front elevation has reduced the impact on the streetscene. The proposed uses are not, by their nature, intended to impact on the amenity of nearby residents and so are considered to be acceptable.

Having viewed the application and considered the issues raised by the objectors, it is considered that the application is in accordance with Policies GD7, EC1 & ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review). Conditions relating to hours of construction, hours of operation, the provision of parking and landscaping are all considered to be appropriate and with their inclusion the officer recommendation is for approval.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Reason for Decision Level

The application is to be determined at Committee as the Head of Planning notes the level of representations received and the scope of the comments made, and believes that these are such that it is appropriate that the application should be determined by the Planning Committee.

Site Description and Location

The site is a vacant previously developed plot of land in the settlement area of Lytham St Annes. IT extends to just over 1000 square metres and consists of an open yard with an existing dual pitched building running along the majority of the northern border of the land. It is located at the southern end of Rutland Road and is bounded by Rutland Road to the east, Rutland Court to the north, Commonsides to the south and further industrial/storage buildings to the west.

The site is within the Settlement Area as defined by Policy GD1 of the Fylde Local Plan to 2032 (incorporating Partial Review) adopted 6th December 2021.

Details of Proposal

The application as originally submitted sought planning permission for the erection of a single storey terrace of 6 units for general industrial (Class B2), storage and distribution (Class B8) or light industrial (Class E (g)) purposes including associated parking area and 2m high gate to access point following demolition of existing buildings on site. The building was proposed to be an a-symmetrical dual pitched roof with the ridge point further to the north of centre. The ridge was proposed to be 6m in height, eaves height to the north 5.1m and eaves height to the south 4.4m. The building was to be 11.22m in width along the Rutland Road frontage to the east and run 36.2m along the northern boundary. Units 4 & 5 were proposed to be shallower at 5.6m. 5 parking spaces plus a disabled parking space were proposed as well as an area to store bins.

This generated a large number of resident complaints and officers felt that the scale of the building was excessive and the range of uses would create unacceptable amenity issues in that location.

The application was therefore amended to the scheme now under consideration which relates to the erection of a single storey terrace of 4 units for storage and distribution (Class B8) or light industrial (Class E (g)) purposes including associated parking area and 2m high gate to access point following demolition of existing buildings on site. The building design has been amended during the course of the application in order to reduce its impact on the streetscene and its relationship with neighbouring properties. The design now proposed is for a mono pitched building, set off 0.8m from the northern boundary, with the highest point along the southern elevation at 5.8m falling to an eaves height of 4m along the northern boundary. The building width facing the Rutland Road frontage to the east is now proposed to be 10.13m in width. This relates to Units 1 & 2 whilst Units 3 & 4 are shallower in depth at 6.8m.

The materials proposed for the eastern elevation facing Rutland Road are a rustic facing brick from ground level to 3.4m in height and then clad in Merlin Grey metal panels above. The remaining elevations propose a rustic facing brick from ground level to 0.75m with the remainder of the walls clad in Merlin Grey metal panels. A total of 13 parking spaces are now proposed; 5 on the forecourt frontage and 9 within the yard area along with an area to store bins. A strip of laurel hedging is also proposed along the eastern boundary between the building and proposed forecourt parking spaces. The drainage for the new building has been confirmed to be connecting to the existing drainage system. Each of the 4 units will benefit from a single pedestrian access and a vehicular sized roller

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

shutter door. Units 1 & 2 are proposed to benefit from 2 rooflights each and Units 3 & 4 from 4 rooflights each.

Relevant Planning/Appeal History

No recent history

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
LCC Highways	<p><u>Initial consultation 30th June 2022</u></p> <p><i>Having considered the information submitted, Lancashire County Council's Highway Development Control Section makes the following comments. The layout as submitted raises concerns although not sufficient to raise an objection.</i></p> <p><u>Proposal</u></p> <p><i>The proposal is for the erection of six small, mixed use industrial units (Use Classes B2, B8 and E(g)) with associated on-site parking.</i></p> <p><u>Car parking</u></p> <p><i>Whilst the Use Classes for the site have been indicated how the site's use would be split has not. However, given the small scale of the development one parking space per unit could be considered an adequate level to contain parking within the site.</i></p> <p><i>Whilst the five standard bays are adequately sized there is an insufficient manoeuvring area from the bays, which should be a minimum length of 6m (Manual for Streets – perpendicular parking bays).</i></p> <p><i>The mobility bay is also not laid out to the national guidance where an additional width of 1200mm on both sides and the rear should be provided. However, as the end users are unknown the inclusion of a mobility bay is queried, and the provision of a standard sized bay is likely to be more relevant for the type of uses proposed.</i></p> <p><i>The highway authority also considers that the site is over-developed with the internal manoeuvring/circulation areas being inadequate giving rise to potential conflict between the different site users. This may also lead to on-road parking on Rutland Road, where there is existing demand from the adjacent residential properties. The deletion from the scheme of either Units 4 and 5 or Unit 6 would create areas which could be used for parking and would improve the internal manoeuvring/circulation areas.</i></p>

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

	<p><u>Re-consultation 9th August 2022</u></p> <p><i>LCC Highways does not have any objections regarding the proposed erection of single storey terrace of 6 units for general industrial (class B2), storage and distribution (class B8), or light industrial (class E (g)) purposes including associated parking area and 2m high gate to access point following demolition of existing buildings on site 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></p> <p><i>Drawing No PL01 Rev B shows 4 units which is acceptable. The parking and layout is acceptable.</i></p> <p><i>LCC Highways recommends the following conditions as part of the formal planning decision: -</i></p> <ol style="list-style-type: none"> <i>1. A private car park and manoeuvring scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter. Reasons: To allow for the effective use of the parking areas</i>
Environmental Protection	<p><i>With reference to your memorandum dated 10/06/2022, there are no objections to the above proposals in principle, however I would add the following conditions:</i></p> <p><i>I have concerns the proposed application will submit noise nuisance to nearby residential dwellings, especially Rutland Court Flats. With this in mind:</i></p> <ol style="list-style-type: none"> <i>1. The buildings shall only operate for any use, including collections or deliveries, between the hours of 08.30 – 18.00 Monday -Friday, 09.00 – 13.30 Saturdays and not on Sundays or Bank Holidays.</i> <i>2. Further details of any proposed lighting scheme should be submitted to the Local Authority.</i>
Lancs Fire & Rescue	<i>Advised the scheme will need to comply with Building Regulations.</i>
United Utilities	<i>Raise no objections to the application and request that a condition be imposed to request that a drainage scheme is submitted for approval which accords with the drainage hierarchy.</i>

Neighbour Observations

Neighbours notified:	9 June 2022	
Amended plans notified:	27 October 2022	
Site Notice Date:	9 June 2022	
Number of Responses	Objections to initial consultation	36 plus duplicates
	Objections to re-consultation	3
	Petition in objection	1 with 21 signatures
		1 with 14 signatures

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Summary of Comments

The comments received in opposition to the application can be summarised as:

Initial consultation

- Contrary to Policy GD7
- Detrimental Impact on residential amenity due to noise and disturbance
- Too close to bedroom windows
- Restricts access to light
- Increased traffic congestion
- Other more appropriate commercial areas for this type of development
- Unacceptably change the character of the area
- Potentially dangerous and hazardous materials including flammable chemicals on site and close by
- Increased risk to health and safety of residents due to increased activity
- Increased permanent fire risk
- Increased fear of crime
- Increased air & noise pollution
- Restriction of natural light to residential properties
- Potential permanent drainage issues from on site activity
- Increased traffic congestion and access issues
- This is a quiet residential area
- Impact on value of properties in the area
- Not enough parking
- Potential damage to garages due to proximity to the site during construction process
- Adjacent site only granted planning permission for B8 storage and distribution
- Concerns about asbestos in building to be demolished
- Concerns about underground contamination from redundant diesel pump
- Unacceptable impact of construction work

Re-consultation

- Access for refuse lorries and health hazard of missed collections
- Concerns remain over increase in noise, traffic and parking
- Concern about asbestos in building to be demolished
- Construction work will cause considerable distress to residents
- Unacceptable impact on residential visual amenity of the area
- Further concerns related to road access, highway safety, pedestrian safety, increased traffic generation, adequacy of parking/loading/turning and fear of crime
- Building too close to residential building
- Building is not single storey
- Adjacent site only granted planning permission for B8 storage and distribution

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- Potential damage to garages due to proximity to the site during construction process

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

GD7 – Achieving Good Design in Development

EC1 – Overall Provision of Employment Land and Existing Employment Sites

ENV1 - Landscape

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 site lies within the settlement area in accordance with Policy GD1 of the FLPPR where development proposals are generally supported subject to more detailed assessment against all relevant Local Plan policies. In this case that would involve an assessment of the proposed development against Policies GD7, EC1 and ENV1. The fallback position of the application site must also be a consideration.

Whilst the site is currently vacant it is clear that there has been a range of non-residential uses on the site over previous years. The application refers to previous uses as storage of builders materials and motor vehicles, along with a printer and print shop. These previous uses would indicate a lawful use of the site for B8 Storage & Distribution Use and B2 Industrial Use and the Council holds no information to dispute this.

Against this fallback position, this application seeks to erect a new commercial building split into 4 units to be used within Use Class B8 (Storage and Distribution) and Use Class E (g). This is a specific part of the wider Class E use and is defined in the Use Classes Order as the following elements:

- (i) an office to carry out any operational or administrative functions,

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Given the fact a B8 use is likely to be lawful and, by definition, a Class E (g) use can only be carried out in a residential area if it is not detrimental to residential amenity, the principle of the uses proposed are considered to be acceptable subject to further assessment below regarding design, impact on the streetscene and any impact on residential amenity from the proposed new building. There is also the added fact that the lawful B2 Industrial Use will be removed from the site.

Policy EC1 of the FLPPR deals with Existing Employment Sites. This site is not identified as an employment site in FLPPR and so this policy does not apply specifically. However it is a useful guide for development here as the site clearly does have an existing employment use. This requires that proposals on this type of site will be considered in the context of the character and amenity of the surrounding area and Policy GD7. If the proposal is considered to comply with Policy GD7 then the principle of this development in the settlement area is considered to be appropriate. This is covered later in this report.

Design and Impact on the Streetscene

The amended building which is now the subject of this application has been revised at officer request and in response to concerns raised by neighbouring residents regarding the design of the building and the impact on neighbour amenity. The design now proposed is now for a mono pitched building, set off 0.8m from the northern boundary, with the highest point along the southern elevation at 5.8m falling to an eaves height of 4m along the northern boundary. The building width facing the Rutland Road frontage to the east is now proposed to be 10.13m in width. This relates to Units 1 & 2 whilst Units 3 & 4 are shallower in depth at 6.8m. The materials proposed for the eastern elevation facing Rutland Road are a rustic facing brick from ground level to 3.4m in height and then clad in Merlin Grey metal panels above. A strip of laurel hedging is also proposed along the eastern boundary between the building and proposed forecourt parking spaces.

The design proposes the use of rustic facing brick to help reflect the construction of the nearby brick built structures which surround the site, whilst the metal sheeting reflects the commercial use of the building. The use of metal sheeting also serves to break up what would otherwise be an overbearing mass of brick. Furthermore, the applicant has also confirmed that a strip of landscaping will be included in front of the building along the eastern elevation to further soften the appearance of the building.

It is considered that the building will provide a modern and clean appearance to the streetscene which is an improvement on the current arrangement which is of dilapidated buildings, and detracts from the quality of the surrounding residential environment. The continuation of the same brick into a new 2m boundary wall and sliding metal gate will smarten up the appearance of the site as a whole.

A streetscene plan has been provided as part of the application which shows that the building will not be any higher than residential dwellings in the vicinity and the design of the buildings with the roller shutter on the elevation which has the highest point deters the inclusion of any mezzanines within the buildings and therefore minimises the likelihood of any further intensity of the proposed uses.

Based on the above the application is considered to comply with Policy GD7 and ENV1 of FLPPR.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Impact on Neighbour Amenity

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 site is bounded by existing commercial development to the west and south. To the east are 1, 1A, 3 & 5 Rutland Road and to the north are 1-12 Rutland Court. Due to the properties on Rutland Road being located on the opposite side of the road, it is not considered that there will be any detrimental impact on these properties from the scale of the building. The main potential for this impact will be on the flats 1-2 at Rutland Court.

Many objections have been received including 2 petitions, mainly based on the original proposal for 6 units and a building of a different design with B2 Industrial use included. However concerns remain over the amended proposal relating to noise, disturbance, proximity of the building to existing residences and habitable rooms, restriction of natural light, the height of the building, a perceived risk of increase of health and safety of residents, fear of crime and fire risk and the fact that the character of the area will be changed.

Rutland Court is a 3 storey, flat roofed building consisting of flats to each floor. On the southern elevation facing the development there are habitable rooms. The southern elevation of the building is located 13.5m from the boundary with a strip of private garages running along the entire northern boundary of the application site. The ground floor flats therefore look out to the garage doors opposite. The proposed building has been amended to a mono pitch roof which slopes down towards the northern boundary to reduce the impact the building has on the access to light of the flats in Rutland Court. The proposed building is set off 0.8m from the boundary resulting in the proposed building being located 14.3m from Rutland Court. However there are no windows proposed in the northern elevation of the building so there is not considered to be any impact on the privacy on the occupants of Rutland Court. The proposed rooflights will not impact on privacy due to the oblique angles involved.

It is considered that the increase in height of the proposed building over the height of the existing building will have some impact on the access to daylight/sunlight to resident of 1-12 Rutland Court. However the re-design of the building has reduced the scale of the building in this aspects and so it is now only a limited increase over the existing arrangement and so not considered to warrant a refusal of the application.

The proposed building will have to meet Building Regulation and so there is no reason why there should be an increased risk of fire. The redevelopment and modernisation of the site could arguably reduce the risk of crime due to the existence of activity on site.

The use classes proposed, by their nature, are not intended to cause disturbance to residential amenity and if any disturbance is caused this would indicate that the use involved was not one that was permitted by the use classes that are authorised by this decision. Whilst the area does include a number of residential properties, it is also one where a range of small-scale commercial sites exist and this must set the context for the consideration of this application. If approved and implemented it will lead to an increase in the activity on the site given that it is currently vacant but with the narrow

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

scope of uses applied for, and their nature, it is appropriate for this area without leading to undue harm to neighbouring amenity.

It is acknowledged that to minimise the impact of the proposed development on the residential amenity as much as possible it would be appropriate to impose conditions restricting hours and days of operation. The combination of the uses proposed and the restricted hours and day of use will combine to improve on the fallback position of uncontrolled hours and day of use with a potential for industrial uses on site removed.

Highways & Parking

As submitted, the application provided 5 parking spaces and a disabled parking bay for 6 units. LCC Highways commented that whilst this was not ideal they did not consider the proposal to have enough of an impact on highway safety to recommend a refusal of the application. Despite this lack of objection improvements were sought to the provision of parking by making better use of the land within the red edge. Provision of parking has been further improved by the reduction in the number of units.

The amended proposal now provides for 13 parking spaces; 5 on the exterior forecourt and 8 within the internal yard area. This provides for over 3 spaces per unit which is appropriate for the size of the units proposed.

Many objections mention the fact that refuse lorries currently struggle to access Rutland Court due to inconsiderate parking of vehicles. This cannot justify reason for refusal of this application given the level of parking provision now provided in the application and the lack of objection from the Highway Authority.

Based on the above it is considered that the amended proposal complies with criteria j) and q) of Policy GD7.

Other Matters

The application confirms that the site will continue to attach to the existing drainage. It is not considered that this will have any undue impact on the surrounding area. It is appreciated that there will be some inconvenience from construction work but this would be the case for any form of proposed development on the site and cannot be considered as a reason for refusal. It is acknowledged that uncontrolled construction work would be unacceptable and so a condition restricting hours of construction is considered to be required and proportionate in this instance. Many objections have queried the existence of asbestos in the existing building to be demolished. If there is asbestos within the existing building, legislation that is found outside the remit of the Planning system covers the dismantling and disposal of any hazardous materials. This would also be the case for any other alleged hazardous materials found on the site.

It has been raised that planning permission 19/0936 was granted on a site to the west of the current application site and the building was restricted to a B8 Storage and Distribution Use. On closer inspection this application did not request any other use than B8 and only claimed that a B8 use existed on the site. The condition seeks to restrict any uncontrolled change of use but does not stop any applications to amend this condition in the future, should the applicant request planning permission for other uses to be assessed.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

Whilst neighbouring residents have raised issues relating to their concerns about the proposed building being built on or in close proximity to the party wall and the impact on the structural integrity of adjoining garages at Rutland Court as well as the impact on house prices and a right to light, these are not material planning considerations which are relevant to the determination of a planning application. In particular, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

This is clarified in paragraph 008 of the 'determining a planning application' chapter to the NPPG which states that "the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

Conclusions

The application seeks planning permission for the erection of a single storey terrace of 4 units for storage and distribution (Class B8) or light industrial (Class E (g)) purposes including associated parking area and 2m high gate to access point following demolition of existing buildings on site. Having viewed the application and considered the issues raised by the objectors, it is considered that the application is in accordance with Policies GD7, EC1 & ENV1 of the Fylde Local Plan to 2032, (incorporating Partial Review).

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 & Site Plans - Drawing no. PL01 Rev D
- Proposed Building Layout & Elevations - Drawing no. PL02 Rev B
- Existing & Proposed Site Elevations - Drawing no. PL03 Rev D
- Rutland Road Streetscene - Drawing no. PL04 Rev A

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

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

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

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

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

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the premises shall only be used for purposes within Class B8 or Class E(g) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: To ensure that the future use of the premises is limited to one which can be carried out in any residential area without detriment to the amenity of that area in order that it remains compatible with, that it does not have any adverse amenity impacts upon the occupiers of nearby dwellings, and to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety. These are to ensure compliance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing nos. PL01 Rev D shall be carried out during the first planting season that occurs after the development is substantially completed. The areas which are landscaped shall be maintained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the street scene 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.

6. The 13 car parking spaces indicated on drawing no. PL01 Rev D shall be marked out in accordance with the details shown on that approved plan and made available for use before any of the units hereby approved are first used, and shall be retained available for the parking of motor vehicles at all times thereafter.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

7. There shall be no external storage of any plant, tools, equipment, machinery, materials or other appurtenances associated the use hereby permitted within the areas of the site identified for vehicle parking and manoeuvring on drawing no. PL01 Rev D.

Reason: To ensure that the areas of the site to be used for vehicle parking and manoeuvring remain free from obstruction in order to allow sufficient space for vehicles to park clear of the highway and to enter and exit the site in forward gear in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7, and the National Planning Policy Framework.

8. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, if any external lighting is to be installed on the building(s) and/or the external areas of the site a scheme including details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any shields or hoods to be fixed to the lights shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. Any external lighting shall only be installed in accordance with the duly approved scheme.

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

9. The use hereby permitted shall only be open for trade or business between the hours of 08:30 and 18:00 Monday to Friday, between the hours of 09:00 and 13:30 on Saturdays and not on Sundays and Bank Holidays. No machinery shall be operated, no processes associated with the permitted use shall be carried out and no deliveries shall be taken or vehicles despatched from the site outside the specified opening hours.

Reason: To limit the potential for noise generation at times when surrounding occupiers would reasonably expect to be undisturbed and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. Notwithstanding the requirements of condition 9 of this permission, waste collections and deliveries for the development shall only take place between the hours of 08:30 and 18:00 Monday to Friday, between the hours of 09:00 and 13:30 on Saturdays and not on Sundays and Bank Holidays.

Reason: To limit the potential for noise generation from visits to the site by heavy goods vehicles and refuse wagons during hours when surrounding residents would reasonably expect to be undisturbed in order to prevent nuisance arising and to safeguard the amenity of neighbouring occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

11. Other than quiet internal building operations such as plastering and electrical installation, works associated with site preparation, delivery of materials and construction shall only take place between the hours of 08:30 and 18:00 Monday to Friday, between the hours of 09:00 and 13:30 on Saturdays and not on Sundays and Bank Holidays.

AGENDA FOR 11 JANUARY 2023 PLANNING COMMITTEE

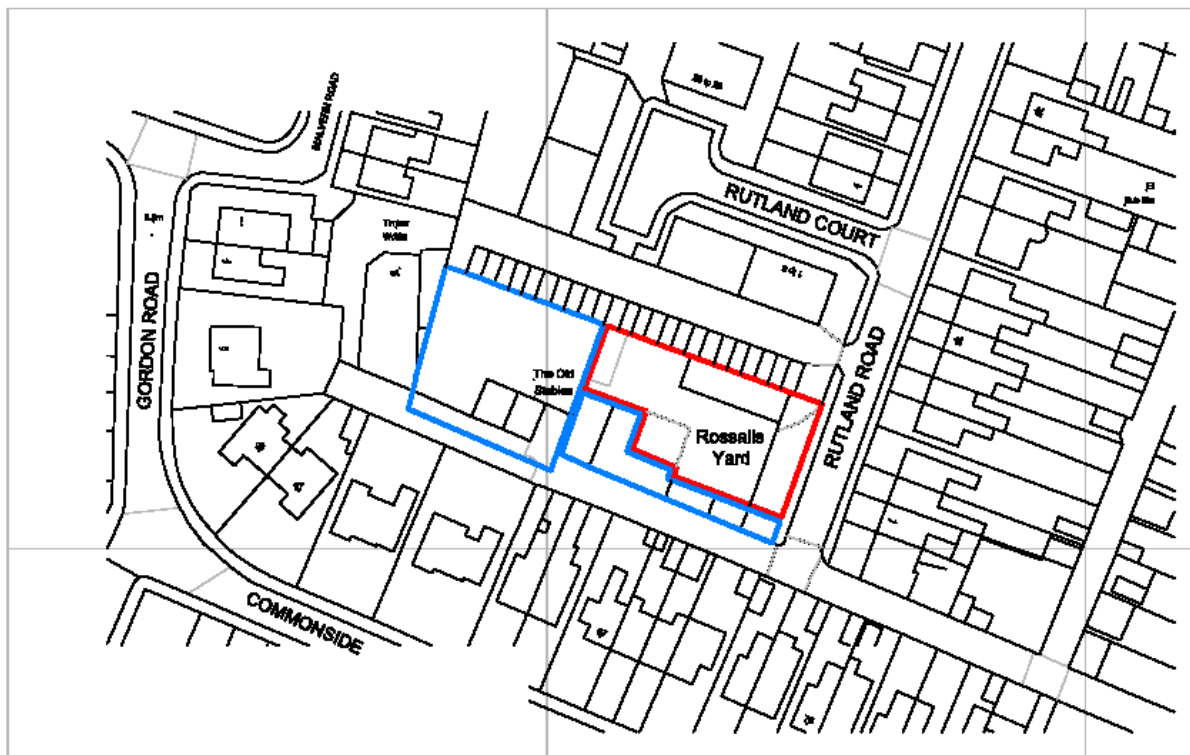
Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance during hours when surrounding residents would reasonably expect to be undisturbed in order to prevent nuisance arising in accordance with the requirements of Fylde Local Plan to 2032 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 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.

Location Plan for 22/0431



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	11 JANUARY 2023	5

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The Council received no appeal decisions between 25 November 2022 to 3 January 2023.

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