



Meeting Agenda

Development Control Committee
Town Hall, St Annes
Wednesday 22 September 2010, 10:00a.m.

The maximum capacity for this meeting room is 60 persons –
once this limit is reached no other person can be admitted.

Membership

Development Control Committee

CHAIRMAN - John Bennett
VICE-CHAIRMAN - Ben Aitken

Councillors	Michael Cornah	Councillors	Barbara Pagett
	Fabian Craig-Wilson		Barbara Douglas
	Richard Fulford-Brown		Kevin Eastham
	Trevor Fiddler		Peter Hardy
	Howard Henshaw		Linda Nulty
	Kiran Mulholland		Albert Pounder
	Paul Rigby		Heather Speak

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email:
lyndseyl@fylde.gov.uk



Our Vision

Fylde Borough Council will work with partners to provide and maintain a welcoming, inclusive place with flourishing communities.

Our Corporate Objectives

- To Promote the Enhancement of the Natural & Built Environment
 - To Promote Cohesive Communities
 - To Promote a Thriving Economy
- To meet the Expectations of our Customers

The Principles we will adopt in delivering our objectives are:

- To ensure our services provide value for money
- To work in partnership and develop joint working



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Development Control Committee meetings held on 25 August 2010 (previously circulated).</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. SERVICE OF NOTICES UNDER SECTION 215 OF THE TOWN & COUNTRY PLANNING ACT 1990	7-12
5. DEVELOPMENT CONTROL MATTERS	AS NUMBERED

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC DEVELOPMENT SERVICES	DEVELOPMENT CONTROL COMMITTEE	22 SEPTEMBER 2010	4

SERVICE OF NOTICES UNDER SECTION 215 OF THE TOWN & COUNTRY PLANNING ACT 1990

Public Item

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

Summary

A series of sites have been brought to the attention of the local planning authority that have an untidy appearance that is considered to affect the amenity of the surrounding locality. In line with Best Practice Guidelines issued in January 2005, Officers have been seeking the cooperation of the site owners in improving the appearance of the sites. In regard to a number of sites, it has not been possible to secure improvements and Officers consider that it is appropriate in these instances to serve notice under Section 215 of the Town & Country Planning Act 1990.

Whilst powers to serve other planning enforcement notices are delegated to the Director, Strategic Development Services, Section 215 Notices are not included in the approved scheme of delegation.

In addition to authorising the service of the notices specifically referred to in the report, Members are requested to delegate authority to serve future notices to Officers.

Recommendations

1. That Officers be authorised to serve a Notice under Section 215 of the Town & Country Planning Act in regard to 10 St Davids Road South. Lytham St Annes, FY8 1TB
2. That Officers be authorised to serve a Notice under Section 215 of the Town & Country Planning Act in regard to 41 Clarendon Road. Lytham St Annes, FY8 3NG
3. That Officers be authorised to serve a Notice under Section 215 of the Town & Country Planning Act in regard to various HGV trailers placed in the fields to the north and south sides of the M55 Motorway.

4. That powers to issue future Section 215 Notices be added to the approved scheme of delegation.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Cllr Trevor Fiddler

Report

Background

1. Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out.
2. The use of s215 by LPAs is discretionary and it is, therefore, up to the LPA to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances. LPAs need to consider, for example, the condition of the site and the impact on the surrounding area. Section 215 action can be taken against land *and* buildings – in s336 of the Act the definition of ‘land’ includes a building.
3. Section 215 is a relatively straightforward power that can deliver important, tangible and lasting improvements to amenity. The scope of works that can be required in s215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting.
4. ‘Amenity’ is a broad concept and not formally defined in the legislation or procedural guidance, i.e. it is a matter of fact and degree and each case will be different. What would not be considered amenity in one part of an LPA’s area might well be considered so in another.
5. Unlike enforcement notices, appeal against the s215 notice is to the Magistrates Court. Like all statutory notice regimes, the court would be likely to award legal costs against the council if it was unsuccessful in defending its decision to serve a notice. However, the Best Practice Guidance advises that very few s215 notices are actually appealed and of those that are only a small proportion are upheld. Section 215 allows an LPA to take positive action and unlike, for example, stop notices or Article 4 directions, would not place any prohibition or restriction upon the land.
6. In the event of a land owner failing to comply with a s215 Notice, it is open to an LPA to deal with the matter by direct action, ie by carrying out the works themselves, or to prosecute for non-compliance. The Best Practice Guidance advises that experience has shown that each route is equally as successful as the other in terms of outcome. It is for the LPA to decide which is the most appropriate action to take, taking into consideration the details of each individual case. Indeed, in some cases the LPA may take the view that both courses should be pursued together. The majority of s215 cases are resolved before these stages need to be considered, that said, cases should always be conducted from the outset with these eventualities in mind.
7. Any pursuance of non compliance through the Courts would be carried out within existing budgets, however, if officers consider that it would be appropriate to resolve any case via direct action, a further report would be brought to Members in order to allow consideration of any further financial implications.

8. Although authority to issue enforcement notices and other similar notices is currently delegated to the Director, Strategic Development Services, there is no similar delegated authority that extends to the service of s215 Notices.
9. Officers have been negotiating to seek the improvement of a number of sites within the Borough over recent months, but it has not been possible to secure improvements of the appearance of a number of the sites in question. Your officers consider that attempts to improve the appearance of these particular sites have been exhausted and that it is expedient to serve formal notices on the property owners. The details of each individual case are outlined below.

10 St Davids Road South. Lytham St Annes, FY8 1TB

10. Number 10 St David's Road South is a vacant shop unit within a small parade of shops on the south west side of St David's Road South. The property owner currently resides above and to the rear of the shop premises.
11. The property owner has had contact from Environmental Health Officers and The Planning Enforcement Officer [3 letters]. The owner of the property has been contacted several times by telephone and has been given every opportunity to meet with officers on site to discuss the matter. The Planning Enforcement Officer has also explained in detail why it is the Council's view that this premises should be subject to Section 215 action.
12. Despite numerous verbal assurances from the developers, no works have been undertaken. It is your officers' opinion that the owners of the property do not intend to accede to the Council's request to improve the appearance of the property and therefore the only action left would be to proceed to issuing a s215 Notice.
13. The Council would require the following steps to be taken for remedying the condition of the land.
 - Permanently remove all boarding from the shop front.
 - Repair or replace and paint the window and door frames where rotten.
 - Replace any broken and missing glazing with new glass to the appropriate specifications.
 - Replace the fascia boards above the former shop front.
 - Clear the shop frontage of all rubbish, rubble and debris, leaving the shop frontage in a clean and tidy condition
 - Undertake any works arising from, or as a result of, the execution of the above repairs, removing all debris from the land.
14. The time for compliance with steps listed above would be within three months of the date on which the Notice takes effect.

41 Clarendon Road. Lytham St Annes, FY8 3NG

15. 41, Clarendon Road is large detached residential property located on the north east side of Clarendon Road at its junction with St Annes Road East. The property has gardens to the front and side and is surrounded by other residential properties.

16. The property owner has had contact from the Senior Planning Officer and the previous Planning Enforcement Officer [5 letters]. Three further letters have been sent by the current Planning Enforcement Officer in the last two months. The owner has been visited and explained in detail why it is the Council's view that his premises should be subject to Section 215 action.
17. Despite the recommendation for the submission of a planning application none has been forthcoming and no works have been undertaken. Your Officers are of the opinion that the owner does not intend to accede to the Council's requests and therefore the only action left would be to proceed to issuing a S215 Notice.
18. The Council would require the following steps to be taken for remedying the condition of the property on Clarendon Road:
 - Cut back or remove all the foliage growing up the walls of the property
 - Cut back and maintain the hedging and shrubbery, surrounding the property to a neat and tidy level.
 - Remove all the old timber trellis and timber structure, in the garden areas. Remove the rotten shed.
 - Repair or replace all the windows and doors were rotten. Prior to repainting, clean and repair all external timbers, removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers are in an appropriate condition for painting.
 - Make good any rotten fascia boards/barge boards. Prior to repainting, clean and repair all external timbers, removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers are in an appropriate condition for painting.
 - Reinstate the roof tiles to match existing roof tiles.
 - Permanently remove all boarding from the property, replacing any broken glazing with new glass to the appropriate specifications..
 - Repair or replace all the render were rotten using suitable materials to match the existing render finish. Prior to repainting, clean and repair all render, removing in the process any flaking paint and replacing any damaged render with replacement render so as to ensure that all external walls are in an appropriate condition for painting.
 - Remove from the site, to an authorised place of disposal, all hardcore, waste and demolition materials. Materials to be removed will be timber, brick, plastic, concrete, glass and garden waste.
19. The time for compliance with steps listed above would be within four months of the date on which the Notice takes effect.

Various HGV trailers placed in the fields to the north and south sides of the M55 Motorway

20. Members may recall that the Council carried out a successful prosecution in regard to a number of unauthorised advertisements that were being displayed on HGV trailer bodies parked in fields on the south side the M55 motorway to the east of Junction 4. In addition to these trailer units, there is a further trailer unit, also previously used for the display of an advertisement but in separate ownership, to the east of Junction 3 on the north side of the M55

21. Although the prosecution was successful in removing the advertisements, a number of trailers upon which they were previously displayed have been left in the fields. The M55 motorway is a key gateway into the Borough and Officers have requested the owner of the land to remove the trailers. Despite a number of requests, the trailers are still on site and your Officers are of the opinion that the owner does not intend to accede to the Council's requests and therefore the only action left would be to proceed to issuing a S215 Notice.
22. The Council would require the following steps to be taken for remedying the condition of the land
- Remove the HGV trailer units from the land
23. The time for compliance with steps listed above would be within two months of the date on which the Notice takes effect.

Human Rights Act

24. Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In each of these cases, the wider impact of the appearance of the land is considered to outweigh the owner's right to the peaceful enjoyment of their property.

Future Section 215 Notices

25. The current approved scheme of delegation authorises the Director, Strategic Development Services to serve Planning Contravention Notices, Enforcement Notices and Breach of Condition Notices as well as Serving Stop Notices after consultation with the Chairman and Vice-chairman of the Development Control Committee.
26. The service of Section 215 notices is considered similar to the service of an enforcement notice and Members are requested to add the service of Section 215 Notices to the approved scheme of delegation in order to ensure that any future Notices can be served in a timely manner.

IMPLICATIONS	
Finance	The cost of serving the notices would be carried out within existing budgets. Any additional costs that would incur additional expense, for example ensuring compliance via direct action, would be the subject of a further report.
Legal	The legal implications are covered in the body of the report.
Community Safety	None
Human Rights and Equalities	These implications are covered in the body of the report
Sustainability and Environmental Impact	The proposed actions would secure the improvement of the local environment.
Health & Safety and Risk Management	Any notices would be served having regard to the current planning enforcement protocols which have been the subject of risk assessments.

Report Author	Tel	Date	Doc ID
Mark Evans	(01253) 658460	September 2010	

List of Background Papers		
Name of document	Date	Where available for inspection
Town and Country Planning Act 1990 Section 215 Best Practice Guidance	January 2005	http://www.communities.gov.uk/publications/planningandbuilding/townplanningact

Development Control Committee Index

22 September 2010

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	09/0659	LYTHAM QUAYS, LYTHAM, LYTHAM ST ANNES OUTLINE APPLICATION FOR 102 DWELLINGS AND 2,396 SQ. M OF OFFICES AND LIGHT INDUSTRIAL FLOORSPACE.	Approve Subj 106	2
2	10/0449	LAND AT WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL ENABLING WORKS ASSOCIATED WITH CONSTRUCTION OF MENTAL HEALTH INPATIENT UNIT (OUTLINE APPLICATION 10/0129). WORKS INCLUDE GROUND LEVEL ALTERATIONS, INSTALLATION OF DRAINAGE TANKS, FORMATION OF TEMPORARY CONSTRUCTION ACCESS AND SITE COMPOUND (AS AMENDED).	Grant	29
3	10/0469	FYLDE BOROUGH COUNCIL CREMATORIUM, REGENT AVENUE, LYTHAM ST ANNES, FY8 4AB PROPOSED CLADDING TO EXTERNAL CONCRETE ENTRANCE CANOPY.	Grant	42
4	10/0484	2 FYLDE STREET, KIRKHAM, PRESTON, PR4 2DE SUB-DIVISION OF PROPERTY TO CREATE ADDITIONAL DWELLING AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION	Approve Subj 106	46
5	10/0557	LAND ADJACENT TO 164 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU RETROSPECTIVE APPLICATION FOR SECOND ENTRANCE TO LAND AND INTERNAL ACCESS TRACK	Grant	51

Development Control Committee Schedule

22 September 2010

Item Number: 1 Committee Date: 22 September 2010

Application Reference:	09/0659	Type of Application:	Outline Planning Permission
Applicant:	Kensington Development Ltd	Agent :	Lambert Smith Hampton
Location:	LYTHAM QUAYS, LYTHAM, LYTHAM ST ANNES		
Proposal:	OUTLINE APPLICATION FOR 102 DWELLINGS AND 2,396 SQ. M OF OFFICES AND LIGHT INDUSTRIAL FLOORSPACE.		
Parish:	St Johns	Area Team:	Area Team 1
Weeks on Hand:	52	Case Officer:	Mr M Evans
Reason for Delay:	Awaiting amended plans, assessment of environmental impacts, resolving contributions and updating of Interim Housing Policy in the light of revocation of the Regional Spatial Strategy.		

Summary of Recommended Decision:

Summary of Officer Recommendation

The proposed employment use of part of the site is in line with the provisions of the development plan, whilst the proposed residential use would be contrary to the plan. However, it is considered that the proposed mixed use development is a pragmatic solution to the development of the site which would fit with adjacent land uses and secure the redevelopment of part of the site for employment uses.

Subject to resolving a number of matters of detail and the completion of a Section 106 agreement to secure affordable housing, it is recommended that planning permission be granted.

Reason for Reporting to Committee

This is a major planning application that falls outside the approved scheme of delegation

Site Description and Location

This application relates to an irregularly shaped piece of land situated to the north and south of Dock Road, Lytham. The site is bounded by Preston Road to the west, Liggard Brook to the north, The Ribble estuary and an existing employment site (Helical Technology) to the east and existing residential development, part of which is the first phase of development carried

Details of Proposal

The application has been submitted in outline with all matters bar access reserved for future approval. The application proposes residential development on land opposite the existing terraced houses on Dock Road, an area of employment uses on the remaining land to the north of Dock Road and an area of residential development on the south side of Dock Road adjacent, and to the east of, the first phase of residential development carried out by the applicant. In addition there are areas of public open space, which incorporates a footpath, alongside Liggard Brook and that part of the application site which fronts the Ribble Estuary. Access to the site would be via Dock Road and through the existing phase 1 development.

An area is indicated as forming a children's play area within the area of public open space that has been incorporated to form a buffer between the proposed residential and employment uses on the north side of Dock Road.

The application has been reduced in area since the original submission in order to delete any development proposals on land on the north side of Liggard Brook.

Whilst the application has been submitted in outline, an indicative plan showing 102 dwellings and 2,396 m² of office and light industrial floor space (Class B1) has been submitted with the application.

Relevant Planning History

Application No.	Development	Decision	Date
08/0720	SUBSTITUTION OF HOUSE TYPES TO PLOTS 99 & 107	Granted	15/10/2008
08/0476	OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT OF RESIDENTIAL PROPERTIES AND BUSINESS USE	Withdrawn - Appeal against non-determine	03/03/2009
07/1076	SUBSTITUTION OF HOUSE TYPES ON PLOTS - 96, 102, 105 AND 110. MODIFICATION OF HOUSE TYPES ON PLOTS - 91, 94, 99, 107 AND 113.	Granted	01/02/2008
07/0642	GARAGES TO PLOTS, 5, 6, 9, 10, 14, 15, 18, 19, 22, 23, 24, 25, 26, 27-30, 35-36, 39-50, 53-55, 64-69, 72, 124, 126, 135, 140-143, 147, 153, 154, 157, 162, 168, 173-179, 182, 184-186, 190-198, 201, 202, 205, 206, 207, 210, 211, 214 AND 215.	Granted	06/11/2007
05/0541	OUTLINE PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, INDUSTRIAL UNITS, EDUCATION FACILITIES AND 2,734 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 28.902 HECTARES	Withdrawn by Applicant	24/11/2005
05/0542	FULL PLANNING APPLICATION FOR MIXED DEVELOPMENT INCLUDING: CINEMA COMPLEX, LEISURE AND RETAIL OUTLETS, CANALS, ICE RINK AND 975 MIXED 1 AND 2 BEDROOM APARTMENTS. SITE AREA 10.13 HECTARES - PHASE ONE.	Withdrawn by Applicant	24/11/2005

Relevant Planning Appeals History

Parish Council Observations

Not applicable

Statutory consultees and other representations**Consumer Wellbeing and Protection**

No comments received

Cultural Services Parks

No comments received

County Planning Officer

Comments on Initial Proposal (N.B. The comments below were provided prior to the Regional Spatial Strategy being revoked by the Secretary of State in July 2010. The RSS no longer forms part of the development plan.)

Thank you for your letter dated 1st October 2009.

I have assessed the proposed development against the provisions of the approved North West of England Plan Regional Spatial Strategy to 2021.

The Director of Strategic Planning and Transport considers that the proposed development is in conformity with the North West of England Plan: Regional Spatial Strategy to 2021.

Housing

Policy L4 of the RSS sets out housing figures for the Fylde district and sets out a minimum provision of 5,500 dwellings in Fylde over the plan period 2003-2021. The Policy specifies an annual average provision of 306 dwellings. These dwellings provide for household change and are net of clearance replacement dwellings. Policy L4 explains that Districts should monitor and manage availability of land to achieve annual housing provision.

Based on the latest information provided by the Borough Council, 1434 dwellings had been completed between 1 April 2003 and 31 March 2009 and a further 941 dwellings were under construction or had the benefit of planning permission. This equates to approximately a 2 year supply (as of March 2009) based on an annual provision of 306. A minimum supply of 5 years is advocated by the RSS. Taking into account the undersupply of housing in Fylde the proposal is acceptable in terms of meeting the district's housing needs as set out in Policy L4 of the RSS.

Policy DP4 of the approved RSS requires local authorities to release housing land according to the sequential approach. It is located within an existing settlement on brownfield land and is able to contribute to the 65% indicative target set out in Policy L4. The housing element of the proposal is, therefore, acceptable in terms of its location.

Policy L4 and L5 set out how affordable housing should be provided through the use of targets and by working in partnership with developers. Fylde Borough Council's Interim

Housing policy identifies a 30% target of affordable housing on housing developments greater than 15 dwellings or more. Although the issue is referred to in the applicant's planning statement no reference can be found to a proposed figure for affordable housing. You will need to be satisfied that a satisfactory level can be provided as part of this application.

Employment

Policy W4 of the RSS is concerned with the release of allocated employment land for other uses. The proposal involves the loss of 2.4 Ha of employment land for housing provision and open space. Your authority will need to be satisfied, therefore, that the requirements set out in Policy W4 for the release of employment land have been met by this proposal.

Natural Environment

Policy EM1 requires developers and local authorities to take into account the regions natural environment with a foundation of no net loss in resources as a minimum requirement. The application site boundary has been amended from previous applications and does not now include any part of the BHS. Although the close proximity of the BHS remains an issue, this is no longer considered to be a strategic matter. I understand the Environment Directorate's specialist advisor on ecology is writing to you directly on this matter.

Renewable Energy

Policy EM18 of the RSS requires that all residential developments of 10 or more units should incorporate renewable energy production to provide at least 10% of the developments predicted energy requirements. Should you be minded to approve the application it is considered that the 10% target should be met, unless the applicant is able to demonstrate that its achievement is not possible.

Other information

Neil Stevens (tel: 01772 534415) may write to you separately regarding accessibility, transport and parking implications.

Kate Grimshaw (tel: 01772 533856) or Brian Sheasby (tel: 01772 532243) may write to you separately regarding planning contributions.

Conclusion

Subject to your authority being satisfied that the release of employment land is in accordance with the criteria set out in Policy W4, and that an adequate level of affordable housing can be provided as part of the development, the proposal is considered to be in conformity with the approved RSS

Comments on revised proposal

Thank you for your letter dated 19th February 2010 inviting strategic planning observations on the above application.

The Director of Strategic Planning and Transport has assessed the proposed development against the provisions of the approved North West of England Plan: Regional Spatial Strategy to 2021 (RSS).

The Director of Strategic Planning and Transport considers that the proposed amendments do not raise matters of strategic importance and has no comment to make at this stage.

Other information

You should contact the relevant section in this Directorate if you require detailed ecological, landscape or highways design comments to this application.

Lancashire County Council Environment Directorate (Contributions)

Comments on Initial Proposal

Further to the consultation with regard to the above proposed development, this consultation response outlines the Planning Contribution request for Lancashire County Council services based upon the Policy Paper, 'Planning Obligations in Lancashire'. The methodologies and formulae within the Policy Paper have been used to determine the level of contribution request, in order to help mitigate the perceived impact of the proposal.

Although this application is outline the applicant has indicated on the planning application form 172 of the 190 dwellings will be two bedroom or more.

Education

Primary School Places

Forecasts show that the surrounding schools currently have 48 surplus places available. However pupil numbers in the area are starting to rise and we are predicting a shortfall in the areas from 2012. On this basis a contribution is sought for the full potential pupil yield of this development i.e. 60 pupils.

Using the DCSF cost multiplier (£12,257 x 0.9) per place = £661 ,878

Secondary School Places

The potential pupil yield from this development is 43 pupils. On the basis that forecasts show that there will be 128 places available by 2014 no contribution to secondary school places is sought at this time.

Transport

There is likely to be a considerable transport contribution request in relation to this proposed development. However, precise details have not been verified. Until the final contribution figure can be provided, to discuss the transport contribution further, please contact Glenn Robinson, tel: (01524) 753347

Youth and Community

The Young People's Service would like to request a planning contribution in relation to this proposed new development. The planning contribution could be appropriately used to enhance the facilities at the InfoCentre, 11/12 Back St Annes Street West, St Annes to provide a warm, welcoming Open Access facility within the InfoCentre for the young people on this new development.

Based on the methodology for the Young People's Service, £660 per dwelling is requested for each of the two plus bedroom dwellings. The application states that 172 of the dwellings will be 2 bedroom or more and as such the contribution amounts to £113,520. If however, the number of 2 bedroom dwellings increases or decreases

the total contribution can be amended accordingly by £660 per dwelling.
To discuss the Young People's Service further, please contact Pauline Burke, Assets
Technical Support Officer, Young People's Service Tel: 01772 531265

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from landfilling, has become all the more apparent, since the recent announcement on the rise in landfill tax in the National Budget (1st April 2008). Every District in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper methodology for Waste Management of a £480 per household, the request is £91,200.

By way of summary, the planning contribution request for Lancashire County Council services is as follows: -

Education: £661,878
Transport: unknown
Youth and Community £113,520
Waste Management £91 ,200

Comments on revised proposal

Further to the consultation with regard to the above development this consultation response outlines the Planning Contribution request for Lancashire County Council services based upon the Policy Paper, 'Planning Obligations in Lancashire' :

Transport

There may be a request for a contribution towards sustainable transport measures. However, the level of such a transport contribution has not yet been determined. To discuss sustainable transport further, please contact Clive Holt 01524 753338 or Glenn Robinson 01524 753347.

Education

Using the LCC Planning Obligations Policy Paper, a yield of 0.35 primary and 0.25 secondary pupils per house has been used. Therefore, there is a possible yield of 36 primary and 26 secondary aged pupils.

Primary School Places

There is already projected to be a shortfall of places in these schools in the next 5 years without additional impact from this development. Therefore, we would be seeking a contribution in respect of the full potential pupil yield of this development i.e. 36 pupils.

Using the DCSF cost multiplier (£12,257 x 0.9) x 1.0733 per place = £426,236

Secondary School Places

There are anticipated to be sufficient secondary places to support the impact of this development. Therefore no claim is made.

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from landfilling, has become all the more apparent, since the recent announcement on the rise in landfill tax in the National Budget. Every District in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a 'contribution towards waste management.

Based upon the Policy Paper methodology for Waste Management, the request is £48,960

By way of summary, the planning contribution request for Lancashire County Council services is as follows: -

Transport	Not yet determined
Education	£426,236
Waste Management	£48,960

Please could you provide us with feedback in terms of the decision, s106 agreement and if refused any subsequent appeals.

British Aeropsace

No comments received

Ministry of Defence

Initial Comments

Thank you for consulting the Ministry of Defence on the above proposed development which was received by this office on 01/10/2009. We can confirm that the Ministry of Defence has no safeguarding objections to this proposal providing the building height does not exceed 45.7 metres.

Comments on revised proposal

Thank you for consulting the Ministry of Defence on the above proposed development which was received by this office on 03/03/2010. We can confirm that the Ministry of Defence has no safeguarding objections to this proposal.

County Ecology Officer

Initial Comments

Thank you for your consultation in respect of the above planning application. The main ecological issue arising from the proposal is the lack of adequate

compensation for habitat loss. Further information is also required regarding the presence or absence of roosting bats.

RECOMMENDATIONS

The following matters will need to be addressed before the application is determined:

- It should be ensured that Natural England have no concerns regarding impacts on the nearby Ribble Estuary SSSI, Ribble & Alt Estuaries SPA and Ribble Marshes NNR, or associated species using habitats in the wider area.
- Owing to the proximity of the proposed development to the Liggard Brook and the River Ribble, it should be ensured that the Environment Agency has no concerns regarding impacts on these water courses and the wider aquatic environment.
- The application should not be approved unless the applicant can provide adequate habitat re-establishment/enhancement measures to off-set all habitat losses and demonstrate that the proposed development will enhance the quantity and quality of biodiversity and habitat.
- Further justification should be provided to demonstrate why bat surveys were not considered necessary, or bat survey data should be submitted for features with potential to support roosting bats (see below).

If the above matters can be adequately addressed and Fylde Borough Council is minded to approve the above application or any amended proposals, the following planning conditions are recommended:

- Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- No site clearance, site preparation or development work shall take place until full details of all habitat re-establishment and enhancement methods have been submitted and approved by Fylde Borough Council in consultation with specialist advisors. This shall include full details of seeding/planting species mixes.
- No site clearance, site preparation or development work shall take place until full details of aftercare and long term management proposals for all habitats retained, enhanced or re-established within the site or other mitigation area has been submitted and approved by Fylde Borough Council in consultation with specialist advisors. The management proposals should include monitoring and periodic review of measures to control recreational pressure on the adjacent Biological Heritage Site.
- Japanese knotweed (*Fallopia japonica*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

JUSTIFICATION FOR RECOMMENDATIONS

1. LEGISLATION AND PLANNING POLICY

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- Planning Policy Statement 9: Biodiversity and Geological Conservation.
- Government Circular: Biodiversity and Geological Conservation -

- Statutory Obligations and Their Impact Within The Planning System
- (OEFRA 01/2005, OOPM 06/2005).
- North West of England Plan Regional Spatial Strategy to 2021, Policies
- EM1
- Environmental Protection / Nature Conservation policies of the Local Plan.

In order to meet the requirements of the above policies, the applicant would need to demonstrate that the development would be located and designed in a way that would avoid ecological impacts and that mitigation/compensation measures were sufficient to fully off-set all unavoidable ecological impacts and deliver enhanced quantity and quality of biodiversity and habitat. It should also be demonstrated that habitat connectivity would be maintained and enhanced. If harm to biodiversity cannot be prevented, adequately mitigated or compensated for, then planning permission should be refused (PPS9).

In its current form, the planning application does not meet the requirements of the above, principally because of the insufficient area of habitat re- establishment or enhancement to off-set habitat losses (mainly to the north of Liggard Brook). Further information is also required regarding potential impacts on bats.

2. MITIGATION/COMPENSATION

It is stated in the ES that the proposed scheme cannot accommodate direct mitigation for the loss of semi-natural habitats to the north of Liggard Brook. In order to meet the requirements of the above policies, either the development will need to be re-designed to accommodate adequate habitat re-establishment/enhancement, or appropriate off-site compensation will need to be provided. An appropriate area for mitigation/compensation will need to be proposed before the application is determined as there may be implications for the design of the development or the extent of the developable area. In order to demonstrate that the proposed area of mitigation/compensation is adequate, I recommend that the applicant be required to quantify and clearly map all areas of habitat that would be lost, damaged, retained, enhanced, re- established and brought into favourable management.

Once an adequate area of habitat re-establishment/enhancement has been identified, the details of habitat re-establishment and enhancement methods and species mixes will need to be provided. This may be dealt with by an appropriate planning condition (see above). Landscaping and habitat creation schemes should comprise only native species and habitats appropriate to the locality. Appropriate guidance is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage (<http://www.lancashire.gov.uk/corporate/web/view.asp?siteid=3654&pageid=11650&e=e>).

3. DESIGNATED SITES

Statutory Designated Sites

The proposed development lies in close proximity to the Ribble Estuary SSSI, Ribble & Alt Estuaries SPA and Ribble Marshes NNR. There may be short or long term impacts on these sites or associated species using habitats in the wider area. Natural England should therefore be consulted before the application is determined.

Biological Heritage Sites

A buffer zone of native habitat creation has been proposed between the built development and the adjacent Lytham Foreshore Dunes and Saltmarsh Biological Heritage Site (BHS 32NW01). The details of the proposed habitat re-establishment within this buffer zone should be submitted for approval by Fylde Borough Council in consultation with

specialist advisors. This can be addressed by an appropriate planning condition along with other habitat re-establishment and enhancement measures discussed above. Measures have been proposed to prevent increased recreational pressure on the Biological Heritage Site. The likely long-term effectiveness of the proposed measures is difficult to determine. I therefore recommend that the applicant be required to monitor the effectiveness of the proposed measures and periodically review the need for additional measures to control recreational pressure.

4. PROTECTED SPECIES

If protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted. (DEFRA Circular 01/2005).

Protected species assessments have been submitted. On the basis of the information submitted, it seems reasonably unlikely that there would be any significant impacts on otters, water voles or reptiles. However, I am unclear as to why some of the buildings and trees have not been surveyed for roosting bats and I recommend that the applicant be required to provide further justification (or bat survey data) before the application is determined. In particular, one of the buildings appears to be a pre-1960s building which lies within 200m of woodland and water. It is described as a slate roofed building with gable ends and gaps in the slates. According to the Bat Conservation Trust 'trigger list for bat surveys' such buildings are likely to support bats, and developers can reasonably be expected to undertake a bat survey.

Additionally, the tree survey report shows 2 trees with cavities (Tree 15 and Tree 19), which are not mentioned in the bat survey report. Trees with obvious holes, cracks and cavities are also included in the BCT trigger list for bat surveys.

Unless further justification is submitted to explain why a bat survey is not required in the above building and trees, or adequate bat survey data is submitted, then the application should not be approved. Bats are a European Protected Species. Therefore, if bats would be affected by the proposal, three tests will need to be met before planning permission is granted. These are that:

- The development is of overriding public interest
- There is no satisfactory alternative
- The development would not be detrimental to maintaining the population of the species concerned at a favourable conservation status.

(DEFRA Circular 01/2005)

Recent case law has confirmed the need for local planning authorities to apply the above tests to the planning decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009).

Breeding Birds

Habitats on the site, including existing buildings, have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided. This can be addressed by an appropriate planning condition

5. INVASIVE & INJURIOUS WEEDS

Japanese knotweed (*Fallopia japonica*) is present on the site. It needs to be ensured that the proposed development does not result in the spread of this species into the wild. The above comments are based on a review of documents submitted with the planning

application as well as a review of ecological records, maps and aerial photographs held by Lancashire County Council. I have also previously visited the site during 2005 when reviewing planning applications 05/05/0541 & 0542.

Blackpool Airport

Initial Comments

With reference to your letter dated 25 September 2009 regarding the above application, the Airport Company has no objection to the development as proposed and indicated on the plans providing that the proposed development does not exceed 53.52 metres above ordnance datum.

Comments on revised proposal

Further to your letter dated 19 February 2010 regarding the above proposed development, whilst I understand the application to be outline, as the development is going to be extremely close to the low level 10 Approach line, I would like to know more about the following.

1. Bird control measures built into the roof areas of industrial units to prevent any sort of gull build up either feeding, roosting or rooftop breeding.
2. Prospective use of the said units.
3. Any controls on the owners of the units re-food waste.
4. Any controls as above re-bird control measures should a problem develop.
5. Any controls on residents feeding and attracting gulls.
6. Planting schemes for any surrounding amenity land.
7. Tree planting schemes.
8. Water features.
9. If there are any park land/amenity land/football pitches planned?
10. If any landscaping including reed beds and rough planting is planned that may attract Starlings or pigeons.

Until the developer can demonstrate that flight safety will not be affected by these issues raised, Blackpool Airport Lid has no alternative other than to object

Government Office for the North West

None received

Environment Agency

Initial Comments

Thank you for referring the above application to us. As you know, the site lies partially within flood zone 3 ((High probability having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year) in the latest version of our Flood Maps.

We understand that the flood risk assessment prepared by MET Consulting Engineers (ref:DKM/FRA-Lytham and dated September 2008). We accept the findings of that assessment and provided the mitigation measures outlined in it are implemented we have no objections to the application. We request that any permission granted contains the following condition:-

CONDITION

The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) prepared by MET Consulting Engineers (ref:DKM/FRA-Lytham and dated September 2008 and the mitigation

measures detailed within the FRA:

REASON

To reduce the risk of flooding on site and elsewhere

The assessment proposes that surface water discharged from the site will fall by about 30% and We are pleased to see the commitment to a sustainable drainage system contained in the application and request that any approval contains the following condition:-

CONDITION

No development approved by this permission shall be commenced until a surface water drainage strategy based on sustainable drainage principles has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

REASON

To reduce the increased risk of flooding.

We are promoting the use Sustainable Drainage Systems (SUDS) and recommend attenuation should be by means of SUDS, unless the developer can demonstrate that their use is not possible. Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of Planning Policy Statement (PPS) 1: Delivering Sustainable Development and in more detail in PPS 25: Development and Flood Risk at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage". These not only attenuate the rate of surface water discharged to the system but help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.

Further information on SUDS can be found in:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales

- CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on both the Environment Agency's website: www.environment-agency.gov.uk and CIRIA's website: www.ciria.org.uk

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written Consent is required for any proposed works or structures either affecting or within 8 metres of the flood defence. Works to the defences will be required as part of the mitigation proposed in the flood risk assessment and, I understand, the works to Graving Dock Road may impact on the defences. However it is understood that these will not involve works to the structural integrity of the defences and we, therefore, would have no objections in principle to these works provided, as part of the consent application, it is fully demonstrated that the structural integrity of the defences will be unaffected. In terms of land contamination, the preliminary walk over survey has identified potential landfills and contaminative uses that require further investigation. In order to ascertain the degree of contamination, and to avoid the possibility of contaminants being released into groundwater or surface waters as the site is developed, we would recommend that the following condition be included in any permission granted:

CONDITION

No development approved by this planning permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) If potential contamination is identified, a site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

proposals and reporting shall also be detailed in the report.

REASON

- a) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
- b) To enable:
 - A risk assessment to be undertaken,
 - Refinement of the conceptual model, and
 - The development of a Method Statement and Remediation Strategy.
- c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

In terms of Biodiversity we support the recommendations outlined within Section 9.5 of 'The Land at Lytham Quays - Environmental Statement' produced by Lambert Smith Hampton using ecological reports carried out by TEP.

Due to the highly sensitive location of the site, A Habitat Management plan should be developed prior to any works commencing and the recommendations outlined in section 9.5 of the 'Land at Lytham Quays - Environmental Statement' should form part of a Habitat Management Plan. The plan should be developed and agreed with Natural England and Lancashire County Council ecologists. We, therefore, request that the following condition be included in any permission granted:-

CONDITION

Prior to the commencement of development a Habitat Management plan, both during construction works and once the development is complete and including management responsibilities, shall be submitted to and approved in writing by the local planning authority.

REASON:

The site is within close proximity to Ribble and Alt Estuary SPA and Ramsar, Ribble estuary SSSI. The site is also adjacent to Lytham Foreshore Sand Dunes and Saltmarsh BHS. In order to ensure there is no damage to the integrity of the protected sites.

Japanese knotweed has been recorded in various locations throughout the site and since the survey, the invasive species could have spread further. It is recommended that the knotweed control regime be submitted and implemented as soon as possible. It is an offence to cause the spread of knotweed under the Wildlife and Countryside Act 1981. It is also classed as a controlled waste under the Environmental Protection Act 1990. Any use of herbicide near water will require a herbicide consent from the Environment Agency. A full site specific knotweed control regime should be developed and submitted for approval prior to any works commencing. The invasive species control method statement prepared by TEP (Report Ref: TEP1359.02.02) is not detailed enough to implement in its present form. 'The knotweed code of practice' produced by the Environment Agency for managing Japanese knotweed on development sites contains templates for designing knotweed control regimes. We, therefore, request that the following condition be included in any permission granted:-

CONDITION

Prior to the commencement of development, a detailed method statement for the removal or long-term management {eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain

measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON

Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

SUPPLEMENTARY INFORMATIONS

Foul drainage from the development of this site must be drained to the foul sewer. Surface water from any areas likely to be contaminated should be connected to the foul sewer for which the formal consent of United Utilities Limited is required. Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas in excess of 100 spaces and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. For Parking Areas of less than 100 spaces, prior to being discharged into any watercourse or surface water sewer, all surface water drainage shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

We recommend that the residential development should meet Level 3 of the Code of Sustainable Homes. Version 2 of the 'Code for Sustainable Homes Technical Guide' was published in May 2009. We, also, recommend that the other components of the development have regard to the Code, in particular:-

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

There is potential for bats to be present within mature trees and buildings present on the site. Mature trees should be retained where possible. If this is not possible, further surveys by a licensed ecologist should be carried out prior to any vegetation clearance. If bats are found then Natural England should be contacted for advice. We would encourage the use of suitable building materials and/or bat boxes to encourage bats to roost in the new development. This would help to mitigate for the loss of the potential roost site in the remaining building on site. Bats and their roosts are protected under the Wildlife and Countryside Act 1981.

Comment on revised proposal

Thank you for referring the above plans to us. We have no comments to add to those made in my letter of 28th October 2009.

United Utilities - Pylons, electric sub stations

None received

Royal Society Protection of Birds

None received

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We are working towards the delivery of four strategic outcomes: . A healthy natural environment;

- People are inspired to value and conserve the natural environment;
- Sustainable use of the natural environment;
- A secure environmental future.

We have considered the proposal against the full range of Natural England's interests in the natural environment but our comments are focussed on the following specific matters:

Consultation under Regulation 48 (3) of The Conservation (Natural Habitats, &c) Regulations 1994.

The site lies adjacent to the Ribble and Alt Estuaries Special Protection Area (SPA) / Ramsar. European sites, i.e. SACs, designated SPA's and Wetlands of International importance (Ramsar Sites) fall within the scope of The Conservation (Natural Habitats &c) Regulations 1994. However, having considered the information provided in support of this application it is our opinion that the proposed development will not materially or significantly affect these sites.

Consultation under sections 28G & 281 of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000

I draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI. Furthermore, the provisions of section 28G and I are set out in DETR circular 04/2000, paragraph 53-57. Therefore, in considering this application, you should also consider the potential for wildlife gain, which is compatible with the interests of the SSSI. I also draw your attention to the provisions of S281 of the 1981 Act, in particular to the requirement that, should permission be given contrary to' Natural England's advice, then you must ensure that notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice. . the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

The Site is located adjacent to the Ribble and Alt Estuary SSSI but having considered the information provided in support of this application it is our opinion that the proposed development will not materially or significantly affect this site. Protected Species

Natural England note the work done to identify protected species and are content that provided suitable mitigation is in place then there is unlikely to be an impact on protected species.

However, the developer should be made aware that if construction begins and protected species are subsequently found to be present, all work must stop immediately and they may be subject to a criminal prosecution given that the possibility of them being present was suspected.

Where a licence from Natural England is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a licence is issued and failure to comply can result in a fine or custodial sentence.

Other interests

We are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

If you require any further information or please do not hesitate to contact me.

CPRE - Fylde District

Initial Comments

Thank you for consulting us on this application. We have the following comments to make.

We note that this proposed development would be on previously developed land and is for outline permission to build 190 dwellings and to create 4309 sq.m. of industrial floor space. We also note that the land in question is designated for industrial use in the FBC Adopted Local Plan. Whilst it is desirable that such land is retained for industrial use we accept that housing is a possible alternative and are pleased that with this application at least a mix of both types of use is proposed. However, we are concerned about two aspects.

Firstly, we are pleased to see extensive landscaping works proposed but would like to think that the most is made of the great opportunity here to enhance this coastal area. By ensuring that landscaping both screens and breaks the outline of the buildings as viewed from all angles outside the site the appearance of this area could be greatly improved. We therefore hope that you will do all you can to secure the best possible screening to enhance the site itself and the surrounding areas.

Secondly, we are concerned about flooding issues. We note that a flood risk assessment has been carried out but we are also aware of the greater emphasis being placed now by Government on flooding issues and on the adherence to PPS25. We see from the Environment Agency's assessment of flood risk in this area that most of the site is subject to some flood risk, both marine and/or fluvial. In particular parts of the site to the north of the Liggard Brook are seen as having a "significant" risk, at greater than 1 % per year. With this in mind we believe that the building of dwellings should be restricted to areas on the site with below this "significant" risk of flooding and that flood defences be built or enhanced and be maintained to safeguard people and property. We also believe that the maintenance of flood defences affecting the site in general should be safeguarded by the developer for at least 50 years, and preferably 100 years, into the future so that the burden of maintaining these defences does not fall on the householders or industrial tenants in the area or the residents of Fylde Borough in general.

We trust you will take these comments into account in considering this application.

Comments on revised proposal

Thank you for the notification that amended plans had been submitted for this outline application and for the further opportunity to comment on the application.

We do not have any further comments to make.

British Gas

None received

Lancashire County Council, Property Group

None received

Neighbour Observations

Neighbours notified: 25 September 2009

Amended plans notified: 19 February 2010

No. Of Responses Received: Five letters have been received from local residents and one from a neighbouring business

Nature of comments made:

Comments on initial proposal

The number of flats proposed is excessive.

Local infrastructure is under pressure already.

Part of the site is not previously developed land.

Loss of wildlife habitat.

Visual intrusion.

Increased traffic volume with associated noise and pollution and safety implications.

Potential traffic hazard as a result of vehicles using Bedford Road, particularly to local children.

Closing one end of Bedford Road would make it more difficult for residents to access local services.

Graving Dock Road is an unsuitable access point.

Further traffic signals will interrupt traffic flows.

Traffic surveys have not taken account of all local roads.

The development is of too large a scale.

The density of development is too great.

There is no need for the additional dwellings.

The proposed industrial units are too close to recently built housing and would cause disturbance due to noise and traffic.

There is no need or demand for additional employment uses.

The land is allocated for employment, not residential use.

There is a need for employment land in this location to expand neighbouring businesses.

The proposed residential units are too close to existing commercial properties and will hamper business practices at the adjacent premises which operate 24 hrs per day.

Neighbouring residential and commercial properties have been advised of the revised plans, but no further comments have been received.

Relevant Planning Policy

Fylde Borough Local Plan:

SP1: Development Within Settlements

HL2: Development Control Criteria for Housing Proposals

HL6: Design of Residential Estates

EMP2: Existing Business and Industrial Uses

EMP4: Buffer Zones and Landscaping

TR1: Improving Pedestrian Facilities

TR3: Increasing Provision for Cyclists

TR5: Public Transport Provision for Large Developments

TR10: Car Park Design

TREC17: Public Open Space Within New Housing Developments

EP10: Protection of Important Landscape Habitat Features

EP14: Landscaping of New Developments

EP15: Protection of European Wildlife Sites

EP16: Development in or near SSSI's

EP17: Development in or near Biological and Geological Heritage Sites

EP18: Natural Features
EP19: Protected Species
EP23: Pollution of Surface Water
EP24: Pollution of Ground Water
EP25: Development and Waste Water
EP26: Air Pollution
EP27: Noise Pollution
EP28: Light Pollution
EP29: Contaminated Land
EP30: Development within Flood Plains

Site Constraints

Within urban area

Environmental Impact Assessment

The application was accompanied by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

Principle of Development

The originally submitted application has been amended in order to delete the development proposed on the north side of Liggard Brook. As such, the scale of the proposed development is now much less than the original submission and all of the application site is now proposed on previously developed land within the settlement boundary and outside any designated ecological sites.

The amendment of the application has addressed many of the concerns expressed by those neighbouring residents living in the existing properties the north side of Liggard Brook as there will now be no access via Graving Dock Road or Bedford Road. The amendment has also addressed the concerns of the County Ecologist relating to the development of semi naturalised areas and the County Highway Authority who had concerns regarding the proposed access via Graving Dock Road.

The application site is located within the settlement boundary and as such development of the site is acceptable in principle. The majority of the application site is allocated for employment uses in the proposals map of the Fylde Borough Local Plan. Accordingly, the proposed employment use of the land on the north side of Dock Road is acceptable in principle.

The residential development must be assessed having regard to the provisions of the Interim Housing Policy (IHP), the relevance of which has been reaffirmed by Council following the revocation of the RSS. As the site is a large site which is allocated for employment use, the proposal would not be in line with the provisions of the IHP which relates to small unallocated sites. In such circumstances, the policy advises that applications must be considered on their merits, but having regard to the criteria laid down in the IHP.

A previous application for entirely residential development on the south side of Liggard Brook along with further residential development and a small area of employment on the north side of the brook was resisted by officers resulting in the submission of an appeal. Discussions with the applicant prior to the determination of that appeal resulted in its withdrawal and the submission of this revised application for mixed residential and employment uses.

The applicant has again submitted evidence relating to the lack of demand for commercial floorspace in this locality. They have also submitted evidence which demonstrates the development of the land

for employment purposes would not be financially viable. These submissions have been assessed by your officers and third party advisors and the findings of the applicant's submissions have been accepted only in part. It was previously considered that the development of the site for entirely residential purposes would not be appropriate and, following discussions with the applicant the current application includes an area of employment land, the development of which would be secured by condition. A further area of land has been removed from the application site entirely.

Despite the application for residential purposes being contrary to the site's allocation for employment uses in the Fylde Borough Local Plan, it is considered that there is some merit in "rounding off" the earlier phases of residential development on Cookson's Bakery and Saddler's Sites. Likewise, the proposed residential development on the north side of Dock Road would be appropriate being located opposite existing residential properties on Dock Road. In addition, the development would secure the redevelopment of part of the site for employment uses and it is considered that the proposed mixed use of the site is a pragmatic solution to secure the overall development and improvement of the site.

Residential Amenity

It will be necessary to secure buffer zones between the residential and commercial uses and a parameters plan submitted with the application indicates appropriate 30m buffer zones in accordance with Policy EMP4 of the local plan. The buffer zones would be secured between all existing and proposed residential and commercial uses

Access

The principle access to the site is proposed to be via Dock Road which would serve both the existing and proposed commercial areas. Access to the main part of the residential development site on the south side of Dock Road would be via Phase 1 of the site.

The County Highway Authority have confirmed that there are no objections in principle to the development, but that details of the proposed access have still to be finalised.

Public Open Space and Play Area

The proposal includes belts of open space alongside Liggard Brook, between the commercial and residential uses on the north side of Dock Road and along the part of the site fronting the Ribble Estuary. A public footpath is proposed through these areas of open space which would link into the main development, to Preston Road and to the area of green space along the Ribble Estuary frontage that was secured as part of the Phase 1 development. The area of land set aside as public open space is in accordance with the provisions of Policy TREC17 of the local plan.

An area is set aside as a children's play area on the north side of Dock Road, between the proposed residential and employment land. It is the applicant's intention that the play area would provide for the residential development proposed in this application and as an alternative to the play area approved under phase 1 as that area is causing disturbance to adjacent residents.

The proposed play area would be separated from the majority of the residential properties by Dock Road, which would be used by commercial traffic accessing both existing and proposed premises. The need for children using the play area in the position intended by the applicant to cross Dock Road is considered to be undesirable by your officers. It is, therefore, recommended that a condition be imposed requiring the play area to be located on the south side of Dock Road.

Ecological Impact

The boundary of the application site has been amended to delete the previously undeveloped areas of land on the north side of Liggard Brook and to ensure none of the adjacent Biological Heritage Site is

within the application site. The County Ecologist has advised that the revised site boundary and additional ecological survey work is acceptable to allow the development to go ahead, subject to imposition of suitable conditions.

In addition, Natural England have confirmed that the additional information that has been submitted by the applicant is sufficient to ensure that there will be no significant effect on the nearby Ribble and Alt Estuary SSSI and Ramsar Site or any protected species. Accordingly it will not be necessary to carry out an appropriate assessment in accordance with the Habitat Regulations 2010 prior to determining the application.

Affordable Housing

The applicant has provided a viability appraisal which has been assessed by a surveyor on behalf of the Council. The Council's surveyor have confirmed that the findings of the appraisal are correct and that if the development were to incorporate any more than 5% of the residential units as affordable properties, the development would become unviable. This would clearly be far less than the 30% target figure set out in the IHP, but that policy does provide for a lower provision to be made were an open book viability appraisal has demonstrated that a site cannot support the full provision. Given that the proposed level of affordable housing provision is so far from the 30% target, your officers have discussed various alternatives with the applicant. They have agreed that improvements in the housing market may improve the viability of the site. As such they have offered to enter into a Section 106 agreement that secures an initial 5% of the units as affordable properties and then to carry out a further viability appraisal before development is complete. If this appraisal identifies that the site is providing a greater return than expected, the developer would be required to provide additional affordable properties during the final phase of development.

Other Contributions

Having regard to the findings of the viability appraisal, the development will not be able to provide any additional payments towards sustainable transport, schools, children's centres, public realm works or waste facilities. Whilst this is far from desirable, the findings of the appraisal have been assessed and agreed by an independent party. It is considered that it would be inappropriate for the Council to refuse planning permission based on an inability to make financial contributions to community services.

Conclusions

The proposed residential development of part of the site would be contrary to the allocation of the site for employment uses in the development plan. However, having regard to surrounding adjacent uses, it is considered that the proposed mixed use development would have a beneficial relationship to adjacent land uses and would secure the return of at least part of the site to employment use. Having regard to the applicant's submissions relating to the marketability and financial viability of developing the entire site for employment use, it is your officers opinion that the proposed mixed use development represents a pragmatic solution to the development of the site.

However, it is clear that a number of issues remain to be resolved, including agreeing detailed access to the site, ensuring provision is made to ensure the development does not interfere with operations at Blackpool Airport and ensuring that the proposed children's play area is located in a position that will allow its effective use without disturbing neighbouring residents and without requiring the majority of the users of the open space to have to cross Dock Road.

Given that the proposed residential development is contrary to the provisions of the development plan, your officers consider that it would be appropriate to consider this application at this stage in order to provide an indication as to whether the proposal is acceptable in principle. If Members agree to the development of part of the site for residential purposes, the remaining matters would need to be

resolved prior to issuing any decision.

Recommendation

That, subject to resolving the details of the proposed access to the site and receiving confirmation that the additional submitted information satisfies Blackpool Airport of the potential impact of the proposed development and subject to the completion of a Section 106 agreement in order to secure an initial 5% of the proposed houses as affordable housing units and a reappraisal of the viability of the development to be carried out after the completion of the 75th unit, and the submission of a travel plan, planning permission be granted subject to the following conditions:

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

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - [a] The expiration of five years from the date of this permission;
 - or
 - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any works are commenced on site, details of the reserved matters, namely appearance, landscaping, layout and scale, shall be submitted to and approved by the local planning authority and the development thereafter carried out in accordance with such approval.

The application was submitted in outline in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

3. The development on this site shall be carried out in substantial accordance with the parameters included within the Design and Access Statement submitted as part of the application and the parameters shown on drawing reference KD100/PAR.

The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

4. The details submitted in accordance with condition 2 above shall ensure that no building or structure is proposed that is in excess of 45.7 meters above Ordnance Datum.

In order to ensure development of the site does not interfere with air traffic

5. No removal or relaying of existing trees, hedgerows or shrubs shall be carried out between March and August inclusive in any one year unless the prior written consent has been obtained from the local planning authority.

In order to protect habitats which have the potential to support breeding birds.

6. The proposed development shall be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should be discharged to the watercourse/soakaway/surface water sewer and may require the separate consent of the Environment Agency. If surface water is ultimately allowed to be discharged to the public surface water sewerage system, the flow may require to be attenuated to a maximum discharge rate. United Utilities suggest that sustainable forms of drainage should be installed wherever possible in order to assist with surface water run-off.

To ensure that appropriate measures are taken to provide suitable drainage from the site.

7. No part of the development hereby approved shall be commenced unless and until details of the proposed Sustainable Urban Drainage System (SUDS) have been submitted to and approved in writing by the local planning authority. The approved works shall be thereafter implemented and fully commissioned on site prior to the occupation of any of the proposed dwellings.

To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site.

8. No part of the development hereby approved shall be commenced on site unless and until:
 - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
 - b) A site investigation has been designed for the site using the information obtained from 'a' above. This should be submitted to and approved in writing by the local planning authority prior to the investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the local planning authority.
 - d) A method statement and remediation strategy, based on the information obtained from 'c' above, including a programme of works, have been submitted to and approved in writing by the local planning authority.

The development shall only then proceed and in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in 'd' above, and to the agreed timescale, unless otherwise agreed in writing by the local planning authority.

If, during development, contamination not previously identified is found to be present on site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for an addendum or addenda to the method statement and remediation strategy. This addendum/addenda to the method statement must detail how this unsuspected contamination is to be dealt with.

Upon completion of the remediation detailed in the method statement and remediation strategy a report shall be submitted to the local planning authority providing verification that the required works regarding contamination have been carried out in accordance with the approved method statement and remediation strategy. Post remediation sampling and monitoring results should be included in the report to demonstrate that the required remediation has been fully met. Future monitoring, sampling and reporting should also be detailed in the report.

To identify all previous site uses and contaminants that might be expected in order to enable a risk assessment to be undertaken, a conceptual model to be produced and a method statement and remediation strategy to be developed to ensure that neither contaminants present nor their remediation/removal cause pollution of ground or surface waters on or off the site.

9. Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

10. Prior to the commencement of development a detailed habitat creation and management plan including details of mitigation and compensation measures shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In order to secure adequate enhancement of the ecology of the adjacent SSSI in accordance with the provisions of the Wildlife and Countryside Act.

11. No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway works (including all pedestrian, cycling and equestrian provision), all other pedestrian, has been submitted to, and approved by the Local Planning Authority, satisfying design standards, safety, capacity and the needs of motorised and non motorised modes.

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

12. No development shall commence until a Site Preparation and Construction phasing/timing Plan has been submitted by the developer and approved by the Local Planning Authority.

In order to maintain flow of traffic on local roads and movement on existing bridleways during site preparation and construction.

13. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to be included within the s106 agreement to include objectives, targets, mechanism, links to the continuously monitored traffic data and measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator and links to site management. The approved plan will be audited and updated at intervals as approved and the approved plan be carried out. The plan will include sufficient annual funds for an initial 5 year period that will permit for the promotion, marketing, implementation and maintenance of web site/ travel coordinator role.

In order to promote the use of sustainable modes of transport by future residents of the development.

14. Details of all street lighting to be provided within the development, incorporating post heights, design, construction, lighting head form and light emissions, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any street works by the developer and the development shall be implemented in accordance with the approved scheme.

In order to prevent distraction of pilots in the interests of air safety.

15. All areas of public open space and footpaths indicated on the approved drawings shall be made available to the public.

In order to ensure the proposed areas of public open space are available for use by members of the public.

16. Notwithstanding the details indicated on the approved parameters plan, the details submitted for approval of reserved matters shall include for the provision of public open space in accordance with the standards set out in policy TREC 17 of the Fylde Borough Local Plan, as altered October 2005 and incorporate children's play area in a location that is readily accessible to the residents of the site and will not cause disturbance to existing or future residents.

In order to secure the provision of public open space in accordance with development plan policy.

17. Prior to the commencement of development, details of a scheme of on site renewable energy production shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme prior to each respective property first becoming occupied.

In order to secure on site renewable energy in accordance with PPS25.

18. Prior to the commencement of development or site clearance works, a construction methodology identifying measures to prevent the pollution of local ground and surface water and air pollution during construction shall be submitted to and approved in writing by the local planning authority. All construction works shall be carried out in accordance with the approved scheme.

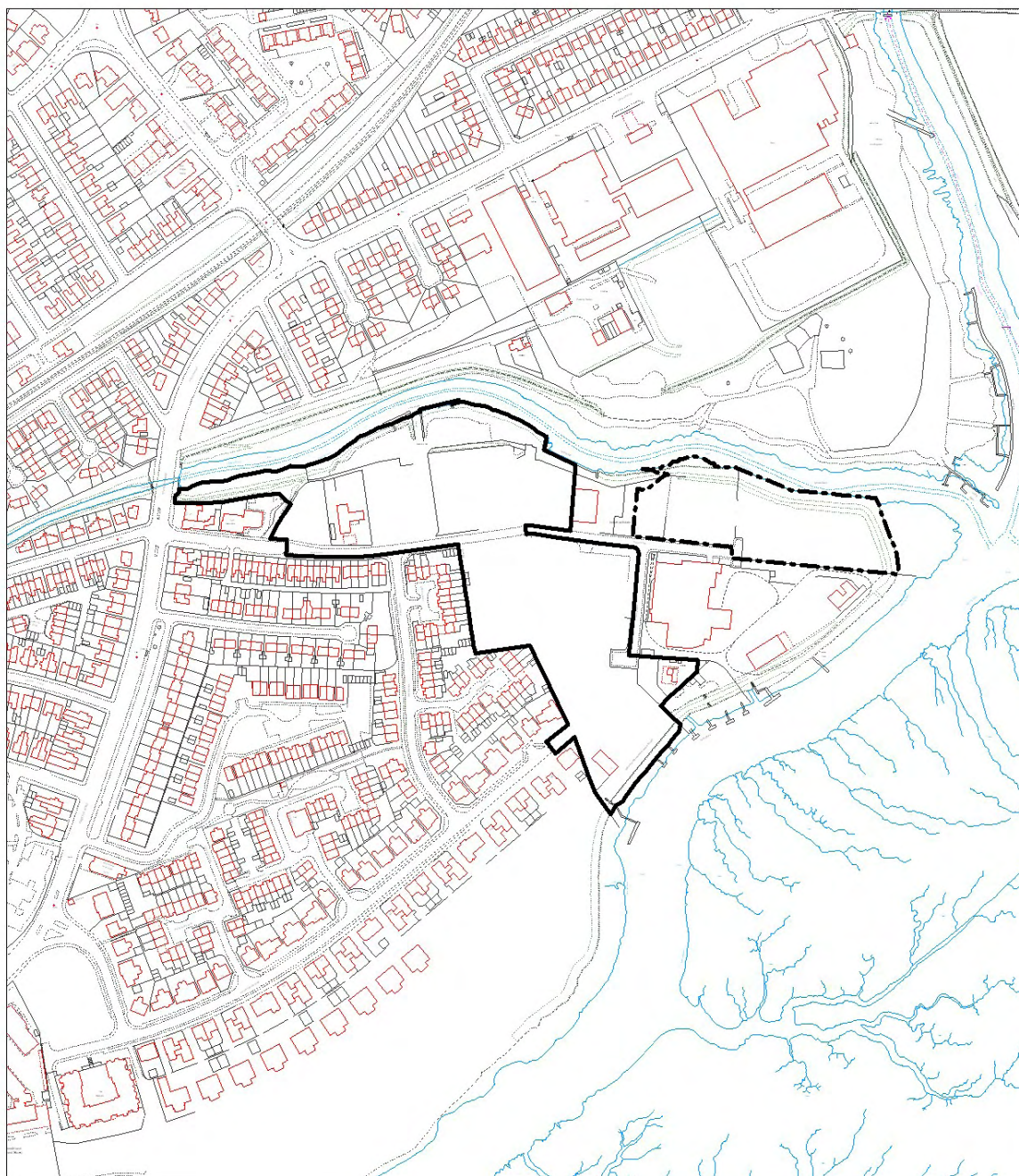
In order to prevent pollution of ground and surface water.

- 19 The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) prepared by MET Consulting Engineers (ref:DKM/FRA-Lytham and dated September 2008 and the mitigation measures detailed within the FRA:

To reduce the risk of flooding on site and elsewhere

- 20 Prior to the commencement of development a Habitat Management plan, both during construction works and once the development is complete and including management responsibilities, shall be submitted to and approved in writing by the local planning authority.

The site is within close proximity to Ribble and Alt Estuary SPA and Ramsar, Ribble estuary SSSI. The site is also adjacent to Lytham Foreshore Sand Dunes and Saltmarsh BHS. In order to ensure there is no damage to the integrity of the protected sites.



Strategic Development Services Fylde Borough Council		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084. 2010 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		
Application No. 5/09/0659	Address Lytham Quays Lytham	Grid Ref. E.3380 : N.4275	Scale N.T.S.	Item No.

Item Number: 2 Committee Date: 22 September 2010

Application Reference: 10/0449		Type of Application:	Full Planning Permission
Applicant:	Mr Alistair Rose	Agent :	BDP
Location:	LAND AT WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL		
Proposal:	ENABLING WORKS ASSOCIATED WITH CONSTRUCTION OF MENTAL HEALTH INPATIENT UNIT (OUTLINE APPLICATION 10/0129). WORKS INCLUDE GROUND LEVEL ALTERATIONS, INSTALLATION OF DRAINAGE TANKS, FORMATION OF TEMPORARY CONSTRUCTION ACCESS AND SITE COMPOUND (AS AMENDED).		
Parish:	Westby with Plumptons	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Keith Brooke
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Predicated as it is on the outline planning application 10/0129 approved on 1 July 2010 for the construction of a mental health inpatient unit on the site, the proposal accords with policy and there are no material planning considerations arising which indicate that it should be determined otherwise.

Reason for Reporting to Committee

This is a major development as was the prior outline application 10/0129 which was also reported to committee.

Site Description and Location

The application site comprises farmland forming part of what is now widely referred to as Whyndyke Farm, situated on the north eastern side of the dual carriageway A583 Preston New Road, Westby, and located roughly mid way between its junctions with Mythop Road to the north west and Clifton Road to the south east, with the M55 junction further beyond. It is of irregular shape and extends to 7.95 hectares, straddling the borough boundary with Blackpool Council, which dog-legs through the site from north west to south east. It contains mainly poor quality agricultural land, underlain by peat, which is occupied by a tenant farmer and grazed occasionally by both sheep and cattle and, in this instance, includes the site of the former Grahams Caravan Park, which is destined as the construction compound. It is gently domed along its Preston New Road frontage but falls away steeply to its north east, and contains five surface ponds, four at the upper plateau level. Its frontage is virtually bisected by a deep drainage ditch running south west to north east, which the borough boundary follows. It includes, along its south eastern boundary, the narrow access roadway to the former Grahams Caravan Park, which is now vacated. With the exception of the childrens' home to the north west, the site is

bordered from north west through north east to south east by agricultural land, and it lies opposite residential properties and Little Marton Windmill beyond Preston New Road to its south west. All these residential properties are located within Blackpool.

The site is located within a countryside area designated under Policy SP2 of the Fylde Borough Local Plan, As Altered, October 2005, but contains no other plan designations or allocations. The corridor for the proposed Fylde Coast Easterly by-pass, to which Policy TR11 refers, runs north west to south east beyond the site to its north east.

Details of Proposal

A prior outline application for the development of the mental health inpatient unit on the site, reference 10/0129, was approved on 1 July 2010. Given that the consent was in outline only, albeit with means of access submitted for consideration, no operational development is thereby sanctioned until such time as a reserved matters application has been approved and any conditions precedent discharged. The original programme for the submission of the reserved matters application was September 2010, but it is understood there has been some slippage. Details have now been submitted for the discharge of the relevant outline planning conditions. However, physical enabling works are required to facilitate the commencement of the substantive build programme and to deliver possession of the 'level' site to the design and build contractors Integrated Health Projects (IHP) as soon as possible.

The current application seeks planning permission in full for those physical enabling works, comprising ground level alterations, installation of drainage (attenuation) tanks, formation of a temporary construction access and site compound and the erection of site hoardings. A parallel application 10/0814 has been submitted to Blackpool Council.

The basic preparation philosophy comprises a cut and fill exercise, removal of any surplus arisings, and the capping of the site formation level with stone. The existing site level along the Preston New Road frontage is to be lowered, providing batters along the highway boundary reducing to a gently sloping development plateau set at between 16.5m and 16m AOD. The highest points of the existing domed site are between 18m and 18.4m AOD. To the north east of this plateau, the existing slopes will be steepened from around 12m AOD at the edge of the plateau to 16m, falling away to existing ground levels at around 5m AOD. The new wetland area will be provided at around 8m AOD, and the peripheral ring ditch at around 5m AOD.

Three options for the location of the attenuation tanks are proposed. The first is total attenuation below the proposed sports barn, comprising a cellular tank 36m long x 18.5m wide x 2m deep. The second is attenuation below the car park, comprising a cellular tank 80m long x 6m wide x 2.5m deep, which option will also require a local attenuation tank for the sports barn, the resultant size of which has yet to be confirmed. The third is attenuation sub divided along the length of the plateau at 12m AOD, comprising 3 no. cellular tanks each 50m long x 4m wide x 2m deep, which option will also require a local attenuation tank for the sports barn as in option 2. Discharge from the attenuation tanks will be routed via the existing but improved lateral ditches into the existing surface water drainage network but the outfall will be controlled by a hydraulic brake ensuring run-off does not exceed that of the existing greenfield site.

Although early considerations related to a temporary site access from Mythop Road, this was subsequently found to be impractical and the selected point of temporary access is directly onto Preston New Road between 120m and 80m north west of the existing access road to Grahams Caravan Park. This will comprise a left in left out facility only. The main route for construction traffic to arrive at this point will be via the M55, Preston New Road, Clifton Road, Cherry Tree Road and right back onto Preston New Road. It is intended that this will be used until the new signalised junction on the Preston New Road has been provided at which point it will be stopped up.

As indicated, the site construction compound will be located on the former Grahams Caravan Park which will provide office accommodation along with parking for operative's vehicles. Finally, before the works commence, a hoarding/fence will need to be erected to totally secure the site. Along the Preston New Road frontage, it is anticipated that this will comprise a solid metal hoarding 1.8m high whereas elsewhere, this will be commuted to a 1.8m high chain link fence. A security cabin will be provided adjacent to the temporary site access road and a gateperson employed to supervise access and deliveries. Outside of working hours, a security guard will patrol the site. Footprint details of the offices and security cabin are indicative only at this stage.

The application is accompanied by the following additional documents and supporting information, some of which are repeats of the information provided with the outline application:

- Planning Statement (PS);
- Construction Management Plan (CMP);
- Transport Statement (TS);
- Surface Water Drainage Strategy (SWDS);
- Topographical Survey (TS);
- Ecological Assessment Report (EAR);
- Water Vole Survey Briefing Note (WVSBN);
- Archaeological Assessment (AA);
- Flood Risk Assessment (FRA); and
- Site Selection Report (SSR).

Relevant Planning History

Application No.	Development	Decision	Date
10/0129	OUTLINE APPLICATION FOR CONSTRUCTION OF A NEW 143 BED MENTAL HEALTH INPATIENT UNIT WITH CAR PARKING, LANDSCAPING AND ASSOCIATED FACILITIES AND WORKS (AS AMENDED)	Granted	01/07/2010
99/0506	CHANGE OF USE OF TWO FIELDS, TO EVENTS FIELD WITH CAR PARK INCLUDING LANDSCAPING AND ASSOCIATED VISITORS FACILITIES	Granted	22/03/2000
97/0600	OUTLINE APPLICATION ON 65 HECTARES OF A 76 HECTARE SITE COMPRISING: DETAILED SUBMISSION 25,000 SEATS EVENTS STADIUM; 8,000 SEATS ARENA; TWO PRACTICE PITCHES; HIGHWAY INFRASTRUCTURE; COACH AND CAR PARKS, INCORPORATING PARK/RIDE FACILITY.- ACCESS AND SITING SUBMISSION FOR 31,585 SQ.M. NON-FOOD RETAIL PREMISES; HOTEL; PUBLIC HOUSE; 4 RESTAURANTS; CAR SHOWROOM; AND HEALTH AND FITNESS/TENNIS CENTRE.- ACCESS ONLY SUBMISSION FOR	Withdrawn by Applicant	14/08/1998

93/0781	COMMERCIAL LEISURE AND RESIDENTIAL DEVELOPMENT. CHANGE OF USE OF 2 FIELDS TO EVENTS FIELD WITH ALTS TO ACCESS, INC LANDSCAPING & ASSOCIATED CAR PARKING/VISITOR FACILITIES	Granted	06/12/1995
92/0859	CHANGE OF USE OF LAND FOR CLAY PIGEON SHOOTING WITH ASSOCIATED CAR PARKING	Refused	11/08/1993
91/0811	CHANGE OF USE FROM FARMLAND TO GOLF COURSE.	Refused	25/03/1992
89/0811	CHANGE OF USE OF LAND TO CAR SALES AND WORKSHOP	Refused	03/01/1990
88/0381	RESERVED MATTERS;DETAILS OF NEW DWELLING	Granted	13/07/1988
87/0804	OUTLINE; DEMOLITION OF DISUSED FARMHOUSE & REBUILD RESIDENTIAL HOUSE	Granted	23/03/1988
79/0164	OUTLINE FOR ONE DWELLING HOUSE.	Refused	30/05/1979
98/0105	PROPOSED EVENT STADIUM, TENNIS & LEISURE CENTRE, HOTEL, PUBLIC HOUSE, RESTAURANTS & FAMILY ENTERTAINMENT/LEISURE (125 ACRES)	Withdrawn by Applicant	05/06/1998

Relevant Planning Appeals History

None.

Parish Council Observations

Westby with Plumpton Parish Council notified on 05 July 2010

Summary of Response

No specific observations

Singleton Parish Council notified on 05 July 2010

Summary of Response

No reply received at the time of writing this report

Weeton with Preese Parish Council notified on 05 July 2010

Summary of Response

Supports the original application (no grounds of support given)

No objections to the amended and additional details

Statutory Consultees

County Highway Authority

No reply received at the time of writing this report (*Note: temporary site access lies within Blackpool*)

County Ecology Officer

Further to my correspondence of 23 July 2010 when I expressed reservations about the adequacy of the submitted information, I have now reviewed the additional information submitted by (the Trust's agents) BDP comprising:-

- Waterman Environmental Ecology memorandum August 2010;
- Waterman Environmental Pond Survey report July 2010; and
- Wetland and Watercourse Management Plan drawing number BLK (00)L054 Rev A

This additional and amended information does now address my earlier concerns:-

- the memorandum indicates that dewatering of the ponds will take place during the months September to January (thus avoiding the amphibian breeding season). In this situation, this seems appropriate as the ponds to be lost are shallow and seasonal in nature, and therefore unsuitable for hibernating amphibians. If the ponds had been deeper, then de-watering in winter would not necessarily be appropriate - as frogs at least will overwinter at the bottom of ponds. I recommend that the timing of de-watering should be the subject of a planning condition.
- the applicant has also now amended the planting proposals and the proposed wetland and ditch management shown on drawing number BLK (00)L054 Rev A. I am satisfied that the species are now appropriate native species, and the management proposals are now sympathetic to the maintenance of biodiversity.

In my opinion the applicant has now submitted sufficient information to demonstrate compliance with biodiversity planning policy and legislation.

Environment Agency

Revised and Additional Information

Thank you for the additional information received on 27 August 2010 including:-

Waterman's Ecology memorandum, August 2010, ref E10176-101;

Waterman's Environmental Pond Survey report, July 2010, ref EED10176-101-R-1.2.1-JM-AR; and

BDP's Wetland and Watercourse Management Plan drawing BLK (00)L054 Rev A

After reviewing this additional information we **withdraw our (original) objection** to the proposed development subject to the inclusion of the following conditions and informatives:-

1. The scheme shall comply in accordance with the mitigation measures set out in the approved Ecological Assessment (February 2010) and the Ecology Memorandum (August 2010)

To protect the interests of any protected species and UK BAP habitat

2. The scheme shall comply in accordance with the mitigation measures set out in the approved Flood Risk Assessment (February 2010) and the Surface Water Drainage Strategy (June 2010)

To reduce the risk of flooding to the proposed development and future occupants

Informatives:

In satisfying the above condition the applicant should have particular regard to the following points:-

- Limiting the surface water run-off generated by the Q100 critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- The consideration of climate change as an increase in 30% on the Q100 flow values.

Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, will require the prior formal consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive consent without full mitigation for loss of flood storage and habitats.

Details of any proposed new surface water outfalls, which should be entirely constructed within the bank profile, must be submitted to the Environment Agency for approval in accordance with the Water Resources Act 1991.

Blackpool Borough Council

No reply received at the time of writing this report. Separate application submitted to Blackpool reference 10/0814.

Observations of Other Interested Parties

None received

Neighbour Observations

Neighbours notified: No Neighbours Notified (neighbouring residential properties all located within Blackpool's area and notified by them) but site and press notices posted including identification that the proposal is a departure application.

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
TR11	Fylde coast easterly by-pass
EP10	Protection of important landscape and habitat features
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP26	Air pollution
EP28	Light pollution
EP29	Contaminated land
CF01	Provision of community facilities

Other Relevant Policy:

PPS1:	Delivering Sustainable Development
PPS7:	Sustainable Development in Rural Areas

PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport
PPG16:	Archaeology and Planning
PPG24:	Planning and Noise
PPS24:	Development and Flood Risk

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

Section 38 of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”. The process of that determination is on the individual merits of the application.

Following the Secretary of State for Communities and Local Government's revocation of the Regional Spatial Strategies (RSS) with effect from 6 July 2010, the Development Plan currently comprises the few saved policies of the Joint Lancashire Structure Plan, none of which are relevant to this application, and the Fylde Borough Local Plan (FBLP), As Altered, October 2005. Although the revocation of the RSS is now the subject of a legal challenge, the current legal advice is that the RSS remains revoked unless the courts determine otherwise.

Although planning permission for the mental health inpatient unit has been granted in July 2010 and the principle of this development on site is therefore established under FBLP Policies SP2 and CF1, the current application has been submitted in full for the site enabling works and needs to separately meet the appropriate policy tests, especially since physical development will result if it is approved.

The key issues in the determination of this application are FBLP policies SP2, EP10, EP18, EP19 and EP23.

Policy SP2 acts so as to prevent development in countryside areas unless they fall within the excepted categories specified. Criterion 1 refers to other uses appropriate to a rural area including those provided for in other policies of the plan. The report will return to this aspect later.

Policies EP10, EP18 and EP19 are closely related in this instance and address the ecological, hydrological and species value of the development site and its immediately surrounding hinterland. There were objections expressed on the original application by the local planning authority's principal consultees on these matters the Environment Agency and the County Ecologist. Once again, these parties have expressed concerns about the lack of detailed information provided and disparities in the information which had been provided with this full application. However, these concerns have been overcome by additional and amended information provided by the applicants' agents BDP. Subject to the imposition of planning conditions, both the Environment Agency and the County Ecologist are content that the revised proposals accord with policy and can be supported. The local planning authority shares their opinions and the proposal as revised accords with policy and guidance.

The issue of hydrology spills over neatly into Policy EP23 which addresses the qualitative rather than the quantitative aspects of surface water discharge from the site. In addition to the new wetland area

proposed, the development is intended to contain attenuation tanks within the remodelled landform. The revised and additional information now accords with policy and guidance. Again, subject to the provision of additional technical information, and resolution of which attenuation option the developers ultimately prefer, the matters can be appropriately regulated by planning condition. Additional comfort can be derived from the fact that the separate consent of the Environment Agency is required for land drainage and surface water outfalls.

As with the prior outline planning application, the point of the (temporary) access to the site for construction purposes lies with Blackpool, although the roadway itself may extend over the borough boundary. No consultation response has yet been received from Lancashire County Council as Highway Authority. However, it is considered that this matter can be appropriately addressed by Grampian planning condition, also requiring that the temporary site access be closed off once the new signalised junction to the development site has been provided and brought into use. In the meantime, the existing access road to Grahams Caravan Park will remain and will provide vehicular access to the proposed site compound.

As regards the other policies scheduled above, according to the County Planning Officer, the protected route of the Fylde Coast Easterly By-Pass under Policy TR11 has now been formally abandoned and is not, therefore, at issue in this development. Landscaping, to which Policy EP14 refers, is a reserved matter on the outline planning permission and although the current proposals will affect the landform to be ultimately landscaped, the applicants' agents have declined the local planning authority's invitation to include advance landscaping as part of those works. These matters are still appropriately addressed through the substantive permission for the development of the site. Archaeological significance, to which Policy EP21 refers, is the subject of a desk study accompanying this application and a further report post site survey has now been submitted for the discharge of the outline planning condition. This matter is appropriately regulated by repeat planning condition on the current application. The site comprises poor quality agricultural land, used as rough grazing only, and its loss would not conflict with Policy EP22 (the agricultural tenant has been notified and again no representations have been received). As regards Policy EP25 Waste Water, the site compound and its proposed offices will presumably contain temporary toilet facilities and portaloos elsewhere which will probably have on-site chemical or other treatment. Clarification has been sought from the applicants' agents (as omission could be inconvenient) but nonetheless this can be appropriately regulated by planning condition. The need to suppress air and light pollution, to which Policies EP26 and EP28 refer, are set out in the comprehensive project plan document, effectively the Construction Management Plan (CMP), which accompanies this application. Given that the site is on the flightpath to Blackpool Airport and, in view of the Airport's prior consultation response at outline stage, further detail of the proposed lighting to the site will be required. This can be regulated by planning condition. Finally in this review, prior indications have been received that the site may be contaminated, to which FBLP Policy EP29 refers. This is an aspect also contained in the CMP and one which can similarly be addressed by standard planning condition.

The proposal, as amended, accords with the above policies and, in turn, therefore, with Policy SP2.

All other matters raised have been considered but none detract from the local planning authority's conclusion that planning permission should be granted.

As already indicated, the application has been advertised as a potential departure from the development plan but no representations have been received. Should it ultimately be approved, however, referral to the Secretary of State for Communities and Local Government will not be required.

Conclusions

Predicated as it is on the outline planning application 10/0129 approved on 1 July 2010 for the construction of a mental health inpatient unit on the site, the proposal accords with policy and there

are no material planning considerations arising which indicate that it should be determined otherwise.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the revised plan and additional details from the agents received by the local planning authority on 23 August 2010 comprising:-

- Waterman Pond Survey Report of July 2010;
- Waterman Ecology Memorandum of August 2010; and
- BDP Wetland and Water Course Management Plan drawing reference BLK(00)L054, Revision A, dated 22 June 2010.

Unless otherwise agreed in writing with the local planning authority, the development shall not be carried out other than in complete accordance with these documents and the following planning conditions.

To define the permission.

3. The proposed dewatering of the existing ponds on site not forming part of the retained development shall only take place between the months of September and January in any consecutive calendar years.

To prevent disturbance to any amphibians on the site.

4. Unless otherwise agreed in writing with the local planning authority, the proposed development shall not be carried out other than in accordance with the habitat management and mitigation measures set out in the Waterman Ecological Assessment of February 2010 as modified by the Waterman Ecology Memorandum of August 2010.

To protect any protected species on the site along with the UK BAP habitat.

5. Unless otherwise agreed in writing with the local planning authority, the proposed development shall not be carried out other than in accordance with the Waterman Flood Risk Assessment of February 2010 and the BDP Surface Water Drainage Strategy of June 2010.

To reduce the risk of flooding to the proposed development and its ultimate future occupants.

6. Other than works to establish the site construction compound and the erection of the screen hoardings and fencing, the proposed development shall not be commenced unless and until the temporary site access road has been constructed and made available for use in accordance with the Waterman Boreham drawings reference 210233 003 and 005 dated

June 2010, or such revised and acceptable detail drawings as may be submitted. Before the temporary access road is constructed, full details of its horizontal extent on site, missing from drawing 210233 005 dated June 2010, shall first have been submitted to and approved in writing by the local planning authority and the development thereafter implemented in accordance with such approval.

To ensure that appropriate access is provided to serve the development for the duration of the construction programme or until the main signalised highway junction has been constructed and brought into use.

7. As soon as the proposed signalised junction with the Preston New Road required under planning permission 10/0129, approved on 1 July 2010, has been provided and brought into use, the temporary site access required by condition 6 above shall be permanently closed off. For the duration of construction works on the site served by whichever access, including that existing to Grahams Caravan Park, turning facilities shall be retained thereon to enable all vehicles to enter and leave in a forward direction.

In the interests of highway safety.

8. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

9. No temporary buildings or structures shall be brought onto the proposed site compound unless and until constructional and elevational details have first been submitted to and approved by the local planning authority. Once approved, the development shall be carried out in accordance with such approval in that respect.

To ensure a satisfactory external appearance for any built development.

10. Before their erection takes place on site, the materials and finishes to be used in the construction of the site hoarding and security fencing shall be submitted to and approved in writing by the local planning authority and the development thereafter implemented in accordance with such approval in those respects.

To ensure a satisfactory external appearance for the temporary development.

11. Details and locations of any temporary toilet facilities including portaloos to be located on the site and their means of foul water disposal shall first be submitted to and approved in writing by the local planning authority and the development thereafter carried out in accordance with such approval in that respect.

To ensure that an appropriate scheme for foul water disposal is provided and maintained in accordance with Policy EP25 of the Fylde Borough Local Plan, As Altered, October 2005.

12. Within 28 days of the approval of this application, details of the selected option for the attenuation of surface water on the site, along with clarification of the size of any local attenuation tanks required beneath the proposed sports barn, shall be submitted to and approved by the local planning authority. Once approved, the development shall be carried out in accordance with such approval in that respect, the facilities commissioned before the

mental health inpatient unit is brought into use, and the facilities thereafter retained at all times.

To identify the proposed option for surface water attenuation and to ensure that the facilities are available to serve the built development when it is brought into use.

13. Before any such equipment is installed, full constructional, directional and luminance details of all operational and security lighting to be provided on the site shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out in that respect in accordance with such approval.

In the interests of the amenity of the area, highway safety and any airport safeguarding issues relative to Blackpool Airport.

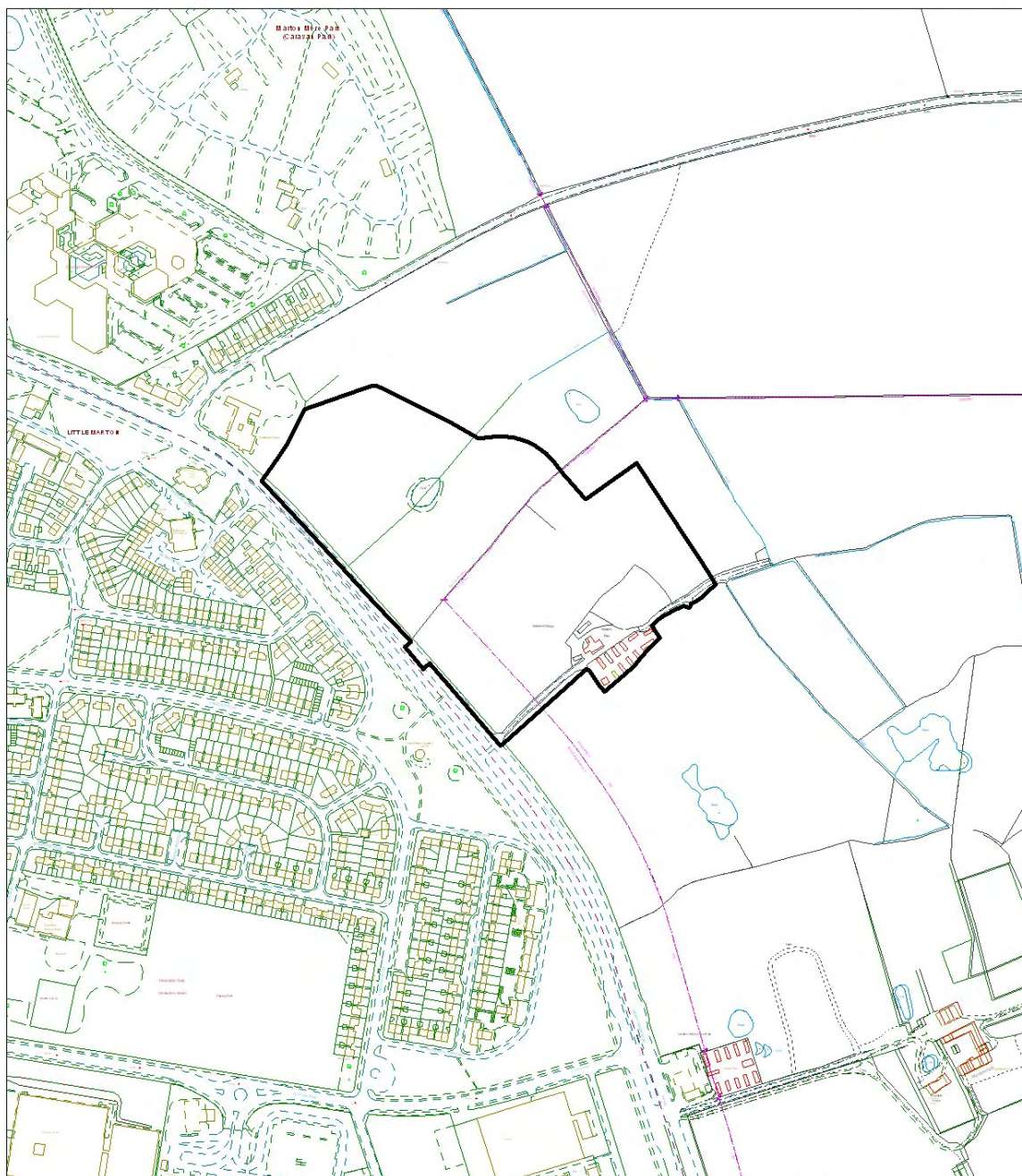
14. Unless otherwise agreed in writing with the local planning authority, operations on site shall at all times be carried out in accordance with the Integrated Health Projects Project Plan dated June 2010 accompanying this planning application.

In the interests of the amenities of neighbouring occupants and the character and appearance of the area.

15. The development hereby permitted shall not commence until a scheme to assess possible contamination of land or groundwater affecting the site and appropriate remediation where found necessary has been submitted prior to the commencement of development and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all the following requirements:

1. A desk-top study carried out by a competent person or persons to identify and evaluate all potential sources and impacts of land and/or ground water contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non technical summary shall be submitted to the Local Planning Authority upon completion.
2. A site investigation shall be carried out by a competent person or persons to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - (i) the desk-top study has been completed, satisfying the requirements of paragraph (1) above.
 - (ii) the requirements of the Local Planning Authority for the site investigations have been fully established, and
 - (iii) the extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority for assessment.

To control and/or eradicate pollution of land or water in the interests of the environment and public safety.



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Application No. 5/10/0449	Address Land at Whyndyke Farm Preston New Road, Westby	Grid Ref. E.3349 : N.4342	Scale N.T.S.	Item No.

Item Number: 3 Committee Date: 22 September 2010

Application Reference: 10/0469		Type of Application: Full Planning Permission	
Applicant:	Fylde Borough Council	Agent :	Mr Michael Jackson
Location:	FYLDE BOROUGH COUNCIL CREMATORIUM, REGENT AVENUE, LYTHAM ST ANNES, FY8 4AB		
Proposal:	PROPOSED CLADDING TO EXTERNAL CONCRETE ENTRANCE CANOPY.		
Parish:	Park	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Mr A Pinder
Reason for Delay:	In order to seek amended plans from the applicant		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The development proposed is the cladding of the existing concrete canopy and columns to the front main entrance of the Crematorium chapel. The proposal is considered to accord with the relevant policies of the Fylde Borough Local Plan and members are recommended to approve the application.

Reason for Reporting to Committee

The application site is Council owned land

Site Description and Location

This application site is the Crematorium located at the end of Regent Avenue in Lytham St. Annes. The site is located just outside the settlement boundary of Lytham St. Annes and is within designated countryside.

Details of Proposal

This application seeks planning permission for the cladding of the external concrete canopy to the front entrance of the main crematorium building. The fascia cladding would be ivory coloured 'lamina external' and the columns clad in anthracite gery GRP.

The original submission proposed cylindrical cladding to the vertical columns. However given the angular nature of the building and lack of any existing external curved features it was felt by Officers that cylindrical cladding was visually inappropriate. Hence the cladding to the columns has been revised to square GRP casings.

Relevant Planning History

Application No.	Development	Decision	Date
04/1022	REMOVAL OF EXISTING BUS STOP, REPLACEMENT PORCH AND NEW BOOK OF REMEMBRANCE BUILDING.	Granted	08/12/2004
02/0531	SINGLE STOREY EXTENSION TO PROVIDE TOILET FACILITIES	Granted	14/08/2002
02/0137	PROPOSED ACCESS LADDER AND PLATFORM	Granted	30/04/2002

Relevant Planning Appeals History

None.

Parish Council Observations

N/A

Statutory Consultees

N/A

Observations of Other Interested Parties

Head of Regeneration

No objections to the proposal as amended

Neighbour Observations

Neighbours notified: No neighbours notified directly but site notice posted

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP2 - Development in Countryside Areas

CF1 - Provision of Community Facilities

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

The main issue to consider in determining this application is the impact of the proposed development on the visual amenity of the existing building and the surrounding area. The existing canopy is constructed from white rendered concrete which is in a dilapidated condition and does little to enhance the entrance to the main 'chapel' building. The proposed cladding would improve the

appearance of this frontage, which is a prominent feature when viewed along the main drive leading up to the chapel. As such the proposal is considered appropriate development.

Conclusions

The proposed development is considered to accord with the relevant policies of the Fylde Borough Local Plan and members are recommended to grant planning permission.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

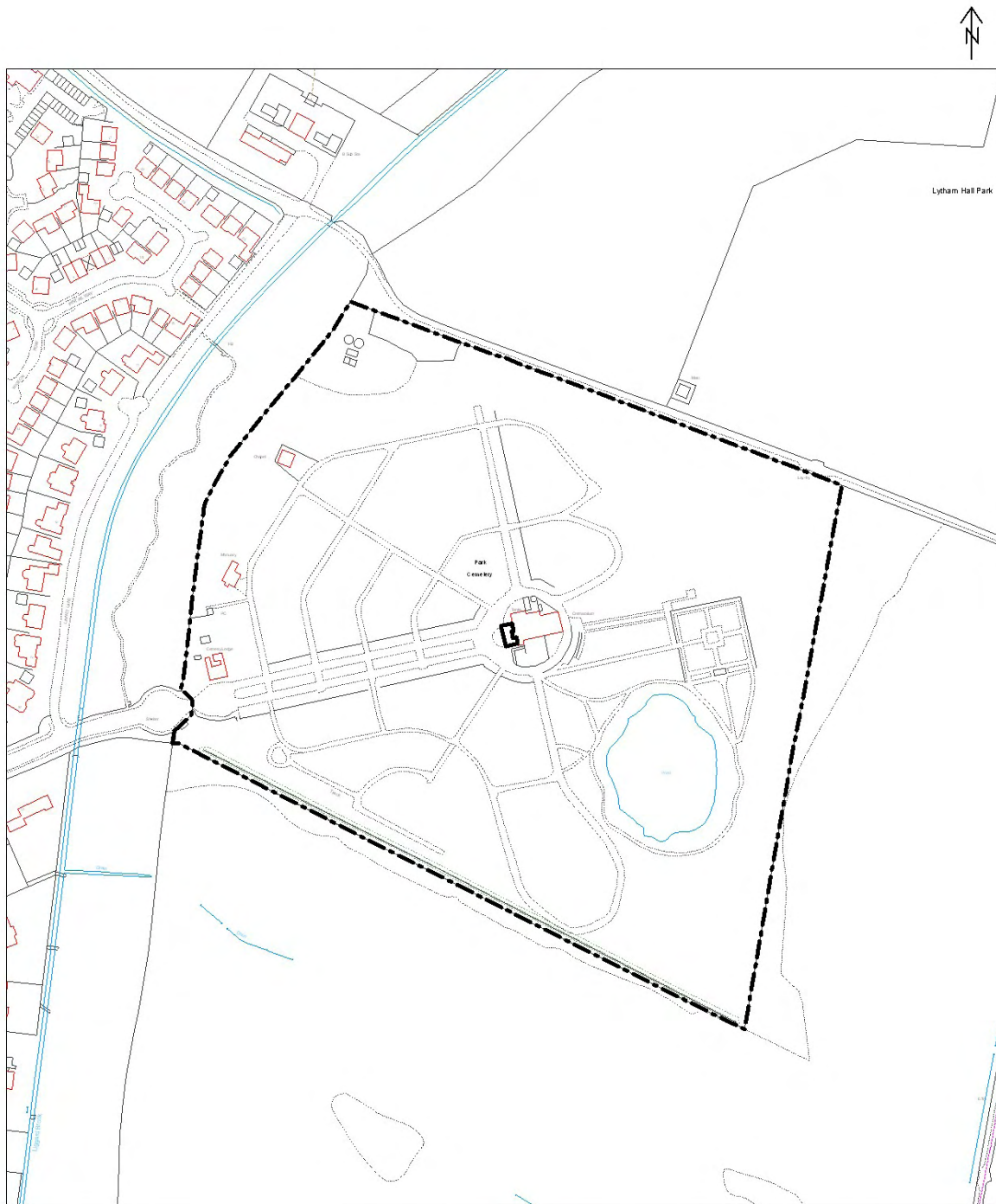
This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; the colour of the proposed fascia cladding shall be ivory coloured and that of the columns to be anthracite grey. Any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. This consent relates to the revised drawings received by the Local Planning Authority on the 09 September 2010.

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



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Application No. 5/10/0469	Address FBC Crematorium Regent Avenue, Lytham	Grid Ref. E.3354 : N.4290	Scale N.T.S.	Item No.

Item Number: 4 Committee Date: 22 September 2010

Application Reference: 10/0484		Type of Application:	Full Planning Permission
Applicant:	Mr Adam Thornton	Agent :	
Location:	2 FYLDE STREET, KIRKHAM, PRESTON, PR4 2DE		
Proposal:	SUB-DIVISION OF PROPERTY TO CREATE ADDITIONAL DWELLING AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION		
Parish:	Kirkham	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Mr A Pinder
Reason for Delay:	Awaiting consultation replies		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This application seeks planning permission for the conversion of a single dwelling into two separate dwellings, and the construction of a single storey rear extension. The proposal is considered to accord with the relevant policies of the Fylde Borough Local Plan and members are recommended to approve the application subject to a s106 agreement to secure financial contributions towards affordable housing, public open space, and public realm works in Kirkham town centre.

Reason for Reporting to Committee

The Parish Council's views are in opposition to the Officer's recommendation for approval.

Site Description and Location

The application property is a two storey end of terrace dwelling located at the corner of Fylde Street and Orders Lane in Kirkham.

Details of Proposal

This application seeks planning permission for the subdivision of the property into a one bedroomed dwelling and a two bedroomed dwelling, and for a single storey extension to be built to the rear of the two bedroomed dwelling. An existing outbuilding to the rear would be removed as part of the development.

The application is a re-submission of a previous similar scheme that was refused planning permission on 11 June 2010 (10/0142 refers). The original scheme has been amended, following discussions with Planning Officers, to address the reasons for refusal.

Relevant Planning History

Application No.	Development	Decision	Date
10/0142	PROPOSED PART SINGLE AND PART TWO STOREY EXTENSION TO CREATE ADDITIONAL DWELLING.	Refused	11/06/2010

Relevant Planning Appeals History

None.

Parish Council Observations

Kirkham Town Council notified on 15 July 2010

Summary of Response

The Parish Council object to the proposal on the grounds that it is over intensive use of the site.

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 15 July 2010

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

HL2 - Development Control Criteria for Housing Proposals

HL5 - House Extensions

Other Relevant Policy:

PPS1: Delivering Sustainable Development

IHP: Interim Housing Policy

Site Constraints

Within settlement boundary

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

The issues to consider in the determination of this application are the criteria of policies HL2 and HL5 of the Fylde Borough Local Plan, and also the Council's Interim Housing Policy (IHP). The design guidance of the Council's adopted Supplementary Planning Document (SPD), "Extending your Home", is also a material consideration.

Principle

The site is in an urban area surrounded by residential use and the proposed subdivision would accord with the surrounding modestly sized dwellings. The site is within easy walking distance of the main shopping areas and the nearby Morrisons supermarket. A main bus route is readily available via a short walk to Poulton Street. Although the proposal does not include provision for any off-street parking on-street parking is readily available on Fylde Street. As such the principle of the additional dwelling created by this application in this location is considered acceptable.

Design & Appearance

The rear of the application property faces directly on to Orders Lane with only a small rear yard area separating the rear elevation from the highway. As such the rear elevation is prominently visible from Orders Lane. This notwithstanding the amended scheme now proposes a small (2.7 metres by 2.7 metres) single storey rear extension with a hipped roof. This extension is considerably smaller and more visually acceptable than the previously proposed two storey flat roofed extension. It would not appear an incongruous or out of character with either the existing building or the street scene of Orders Lane.

Amenity

The previous scheme was refused permission in part due to the minimal provision of amenity space to the rear of the proposed one bedroomed dwelling. This revised scheme has now effectively doubled the amenity space albeit at some loss to amenity space to the rear of the two bedroomed property. The revised amenity areas would still be small in size however it is considered they are now of an acceptable size for the proposed dwellings (one bedroomed and two bedroomed) and are not greatly dissimilar in proportionate size to the rear yard areas of other properties along Fylde Street.

No elements of the proposed development would have any detrimental impact on the amenity of neighbouring properties.

Interim Housing Policy

The Urban Option of the Interim Housing Policy (IHP) supports residential development within the settlement of Kirkham. As this proposed development is for a single dwelling, the IHP requires that financial contributions are made in lieu of on-site provision of affordable housing, public open space and the Kirkham Town Centre improvement scheme, with these secured by a s106 agreement to be signed before any planning permission is issued.

Conclusions

The proposed development is considered to accord with the criteria of policy HL2 of the Fylde Borough Local Plan and with the Council's adopted Interim Housing Policy. As such the application is recommended for approval.

Recommendation

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

- a financial contribution of 5 % of the market value of each proposed housing unit towards securing off site affordable housing,
- a financial contribution of 2.5% of the market value of each proposed housing unit towards securing off site public open space,
- a financial contribution of 2.5% of the market value of each proposed housing unit towards securing public realm works in the vicinity of the site,

Planning permission be granted subject to the following conditions:

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

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

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

2. The materials of construction and/or finish in respect of the extension(s) hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

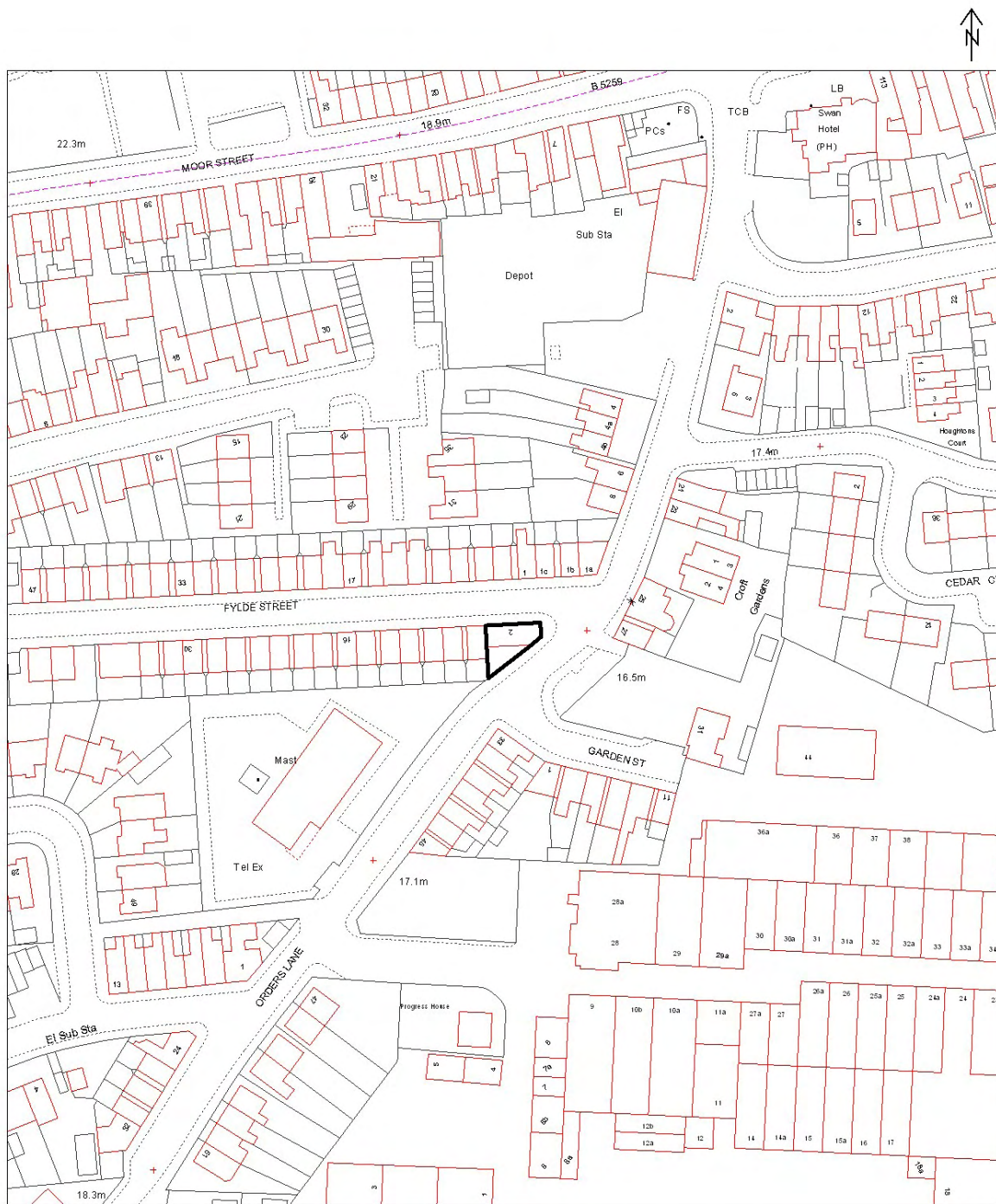
To ensure visual harmony in respect of the overall development.

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

[CLASS VARIABLES

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

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



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Application No. 5/10/0484	Address 2 Fylde Street Kirkham	Grid Ref. E.3422 : N.4319	Scale N.T.S.	Item No.

Item Number: 5 Committee Date: 22 September 2010

Application Reference: 10/0557		Type of Application:	Full Planning Permission
Applicant:	Mr Neil Farley	Agent :	
Location:	LAND ADJACENT TO 164 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
Proposal:	RETROSPECTIVE APPLICATION FOR SECOND ENTRANCE TO LAND AND INTERNAL ACCESS TRACK		
Parish:	Freckleton	Area Team:	Area Team 1
Weeks on Hand:	7	Case Officer:	Andrew Stell
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application is for the retention of a second access point to an area of land off Kirkham Road in Freckleton. The access leads to a paddock area that contains an internal access track that allows a circulatory vehicle movement between the accesses and also leads to the rear of the site. The site is in the green belt, but it is not considered that the works have any adverse impact on the open character of the area. There are no highway safety objections to the proposal and so the scheme is in accordance with the relevant policies of the Fylde Borough Local Plan and recommended for approval.

Reason for Reporting to Committee

The officer recommendation for approval conflicts with the views of the Parish Council.

Site Description and Location

The application site is a roughly rectangular area of land that measures 27m on its frontage with Kirkham Road and 77m deep. It is located immediately to the south of the applicant's dwelling and is bounded to the other side by another dwelling. Land to the rear and on the opposite side of Kirkham Road is open agricultural land. There are areas of trees and hedging to the sides of the site. The land is unused and has no lawful planning use. Areas of hard standing in the centre of the site that are the remnant concrete bases from hen cabins that previously stood on the site have recently been removed.

Details of Proposal

The site has two access points to Kirkham road, one at each side of the frontage. The northern access is a longstanding access point whilst the southern access is a new point that was formed within the past few months as part of works to replace the fencing along the front of the site. Each access point is formed with a field gate with a timber post and rail fencing running across the frontage, although only the original access point has a dropped kerb to Kirkham Road.

A new semi-circular track has been formed between the two access points and surfaced in road planings which the applicant claims is to allow access and exit without reversing. A second track leading to the rear of the site has also been improved with road planings but the applicant advises that this is a previously existing route that has been re-surfaced and so it does not form part of this application.

Relevant Planning History

There is no planning history associated with this parcel of land, but the following relates to the applicant's dwelling next door.

Application No.	Development	Decision	Date
09/0803	ERECTION OF SINGLE STOREY DETACHED BUILDING FOR DOMESTIC STORAGE	Granted	15/01/2010
93/0520	REVISED APPLICATION FROM 5/89/641 FOR EXTENSIONS TO SIDE AND REAR TO PROVIDE ADDITIONAL LIVING ACCOMMODATION	Granted	24/09/1993
89/0641	EXTENSIONS TO FORM ADDITIONAL LIVING ACCOMMODATION	Granted	01/11/1989

Relevant Planning Appeals History

None.

Parish Council Observations

Freckleton Parish Council notified on 06 August 2010

Summary of Response:

“Object to the proposal as the area is greenbelt land”

Statutory Consultees

County Highway Authority

They highlight that Kirkham Road is a non-trunk secondary distributor road that has a 60mph speed limit at the site frontage with footways on both sides. No personal injury accidents have been recorded over the past 5 years in the vicinity of the site. They raise no objection to the proposal subject to a condition to ensure that the access point is properly surfaced and that a note is added to highlight the requirement for the kerb to be dropped at the applicant's expense.

Ministry of Defence

Raise no safeguarding objections to the proposal

BAe Systems

No comments have been received

Observations of Other Interested Parties

None to report

Neighbour Observations

Neighbours notified: 06 August 2010 and advertised by site notice
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

PPS1:	Delivering Sustainable Development
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Site Constraints

Within Green Belt

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

The site is located in the Green Belt in the Fylde Borough Local Plan but contains no other policy allocations. The land is a paddock area that is currently in the same ownership as 164 Kirkham Road but is outside the domestic curtilage of that dwelling. It was overgrown at site visit and unused.

Green Belt

Policy SP3 of the Fylde Borough Local Plan protects the designated green belt areas from development that would not maintain the open character of the land or would harm its visual amenity. The forms of development that are acceptable in green belt areas are therefore very limited.

In forming the second access point this proposal effectively replaces an area of fencing on the frontage with a gate which has no impact on the openness of the site. The formation of the internal access track does introduce some urbanising development to the site, but this is limited in extent as it is of a limited length and is of a typical agricultural construction. The internal track has a very limited impact on the green belt and it is not considered that as a whole the development does conflict with Policy SP3. Obviously any proposed future use of the site or development on it will need to be carefully assessed at the time for its impact on the green belt.

Highway Safety

The site fronts onto Kirkham Road which is classified as the C293, and as a classified road planning permission is required for the formation of access points to it. The general rule on such matters is that County Highways look to reduce the number of access points to a road in the interests of highway safety as more access points creates more potential turning movements and so a greater potential for accidents. In this case, however, they do not raise objection to the proposal as they recognise that the land has no lawful use other than agricultural and so the number of movements will be limited. They also recognise that the internal track does facilitate on site turning which is greatly preferable to having vehicles reverse onto or off the road. Obviously a simple turning head within the site would also achieve this benefit.

Given the lack of any highway safety concerns from LCC it is considered that the proposal is acceptable in this regard. As the new access point does not presently have a hard surface a condition is appropriate to ensure that one is constructed to allow the access point to be safely used.

Conclusions

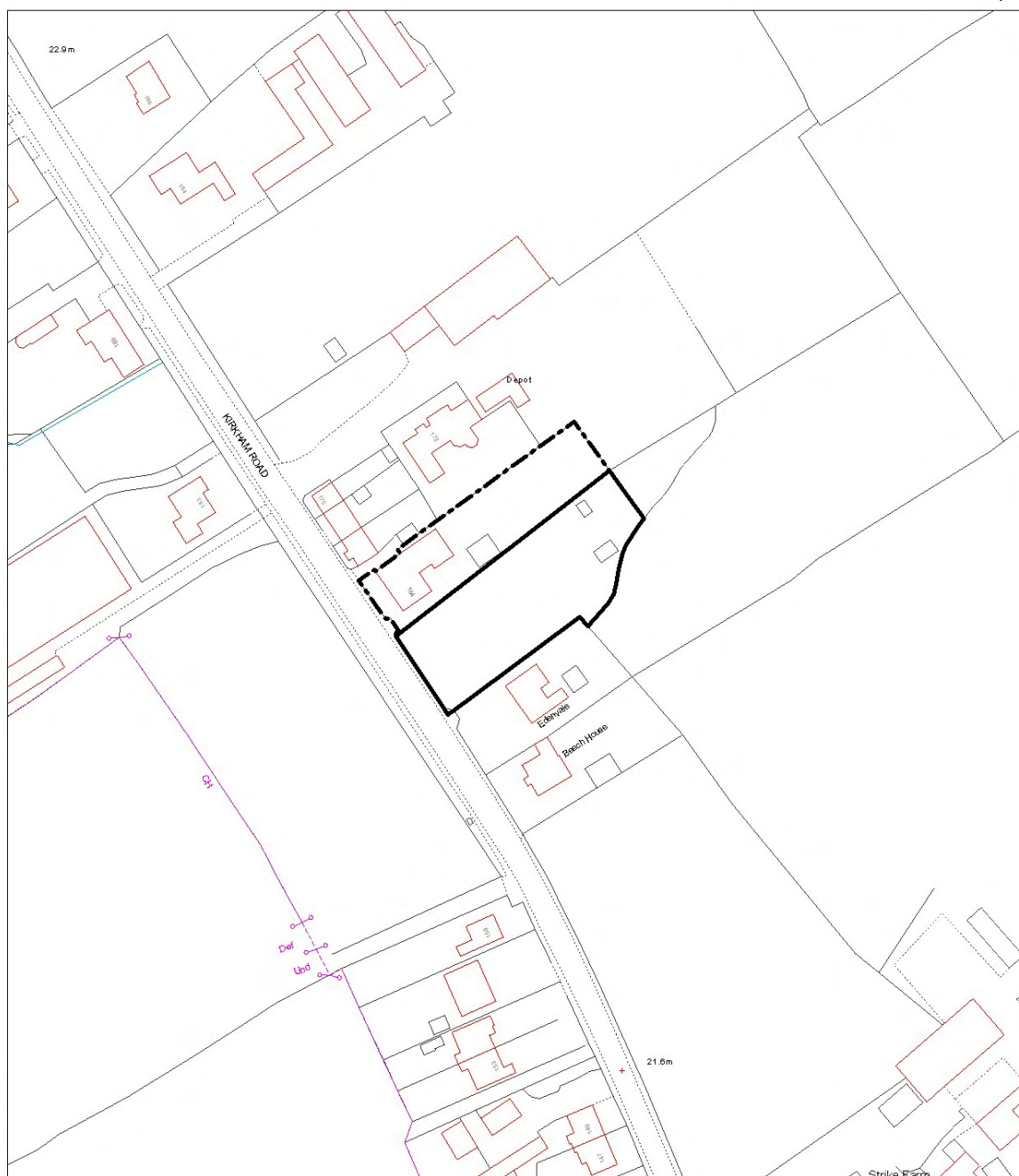
The application proposes the retention of a new access point to a paddock that fronts onto Kirkham Road in the green belt between Kirkham and Freckleton. The proposal is not considered to have any adverse impact on the open character of the green belt and so complies with Policy SP3. The scheme is also considered to be acceptable on highway safety grounds. As such the proposal complies with the relevant policies of the Fylde Borough Local Plan and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. That within 3 months of the date of this permission, that part of the new access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.



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Application No. 5/10/0557	Address Land adj 164 Kirkham Road Freckleton	Grid Ref. E.3427 : N.4298	Scale N.T.S.	Item No.

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