



Agenda

Planning Committee

Date:	Wednesday, 5 April 2023 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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

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

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 8 March 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 147
5	Use of Premises as Children's Care Homes	148 - 152
	INFORMATION ITEMS:	
6	List of Appeals Decided	153 - 154

Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

© Fylde Council copyright 2023

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

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

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

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

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

Planning Committee Agenda

5 April 2023

Item No.	Appn No.	Location	Proposal	Recommendation	Page No
1	20/0384	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS	EXTENSION TO REAR (WEST) OF EXISTING LIGHT INDUSTRIAL BUILDING (CLASS E (g) (iii))	Delegate to Officers	5
2	22/0254	LONGVIEW BOARDING KENNELS WHITEHILL ROAD WESTBY WITH PLUMPTONS BLACKPOOL FY4 5LA	CONSTRUCTION OF A SINGLE STOREY BUILDING TO PROVIDE 37 PEN BOARDING KENNELS, AND CONSTRUCTION OF A SINGLE STOREY BUILDING TO PROVIDE ANCILLARY RECEPTION AND OTHER SUPPORTING FACILITIES FOLLOWING DEMOLITION OF EXISTING KENNELS AND ANCILLARY OFFICE/ RECEPTION BUILDING. RETENTION OF EXISTING RESIDENTIAL STATIC CARAVAN TO SUPPORT OPERATION OF KENNELS, AND REVISIONS TO ACCESS AND PARKING AREAS.	Grant	21
3	22/0362	COPPICE FARM LAND WEST MOSS LANE WESTBY WITH PLUMPTONS LANCASHIRE	VARIATION OF PLANNING PERMISSION 20/0737 FOR ERECTION OF A BUILDING TO BE USED FOR LIGHT INDUSTRIAL PURPOSES BY REMOVAL OF CONDITION 3 OF THAT PERMISSION RELATING TO PROVISION OF DETAILS OF FOUL AND SURFACE WATER DRAINAGE	Grant	40
4	22/0537	64 LYTHAM ROAD FRECKLETON PRESTON PR4 1XA	EXTENSION AND ALTERATION OF THE BUILDING: 1) FIRST FLOOR EXTENSION TO FORM 4 NO. OFFICES AND 3 NO. STORAGE AREAS, 2) RELOCATION OF EXTERNAL PLANT AND EQUIPMENT TO GROUND FLOOR OF REAR ELEVATION, 3) DOOR INSERTION TO GROUND FLOOR REAR ELEVATION.	Grant	55
5	22/0593	STANWAYS OF LYTHAM PRESTON ROAD LYTHAM ST	DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING: 1) A USE CLASS E FOODSTORE (1804SQM GROSS INTERNAL AREA) WITH ASSOCIATED VEHICULAR ACCESS, CAR	Grant	69

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

ANNES FY8 5BG	PARKING, SERVICING AREA, ELECTRICAL SUB-STATION, AND HARD AND SOFT LANDSCAPING, AND, 2) 80 NO. USE CLASS B8 SMALL STORAGE / WAREHOUSE UNITS WITH VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING ARRANGEMENTS.
------------------	--

6	22/0601	PRIMROSE BANK CARAVAN PARK SINGLETON ROAD WEETON WITH PREESE PRESTON PR4 3JJ	CHANGE OF USE OF LAND FOR THE SITING OF 16 STATIC HOLIDAY CARAVANS, INCLUDING 1) CONSTRUCTION OF 16 CONCRETE BASES TO SITE EACH CARAVAN, 2) INTERNAL ACCESS ROAD, 3) PROVISION OF 2 PARKING SPACES FOR EACH CARAVAN, 4) LANDSCAPING.	Grant	130
---	---------	---	--	-------	-----

Background Papers

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

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

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 1

Application No:	20/0384	Case Officer:	Andrew Stell Area Team 1
Applicant:	Mr Turpie	Agent:	Rebecca Booth
Location:	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS		
Proposal:	EXTENSION TO REAR (WEST) OF EXISTING LIGHT INDUSTRIAL BUILDING (CLASS E (g) (iii))		
Ward:	Warton and Westby	Parish:	Westby with Plumptions
Statutory Expiry:	3 March 2023	Earliest Decision:	12 April 2022
Reason for any delay:	Awaiting amended or additional details from applicant/agent	Online application file here	

Summary of Officer Recommendation: Delegate to Officers, in consultation with the Chairman and Vice-Chairman of Committee

Summary of Officer Assessment

The application site is a rectangular area of land that is located alongside Moss Hall Lane which is a bridleway that runs from Cypress Point in the south to West Moss Lane at Ballam in the north, with the site being close to West Moss Lane. The site previously contained an agricultural storage building that was one of a number associated with Coppice Farm, but now contains a newly constructed industrial building which is designed to have the appearance of a modern agricultural building and has a lawful use for Class E (g) (iii) which is light industrial use. It is the same building that is the subject of application 22/0362 on this agenda which proposes a revision to the drainage condition.

There are other industrial buildings under construction to the immediate north of the site on the remainder of the former Coppice Farm, with their use similarly restricted to light industrial activity. Other surrounding land is in uses for a mixture of equestrian and agricultural purposes with a cluster of dwellings around the junction of West Moss Lane and Ballam Road, and the farmhouse formerly associated with Coppice Farm nearest to the site.

The application under consideration here was initially submitted for the extension and subdivision of the industrial building that stands on site. This has been revised during consideration to remove the intended sub-division and to simplify the scope of the extension. These plans were received in early March 2023 and are the subject of current consultation with the Parish Councils. The scheme now under consideration is for a single storey but high-bay extension to the building with it remaining as a single light industrial undertaking. The extension is to the rear of the building when viewed from the access and is to be clad in green profile sheeting to match that of the existing building.

The application was submitted almost three years ago, but has been held in abeyance for much of that time, with this firstly whilst an issue with the planning permission for the existing building was resolved, then as the site ownership has changed and the new owner was considering his options, then whilst clarity over the drainage arrangements was resolved, and finally as further revisions were made to the scheme to reflect changes in the market. Those matters have now been clarified and so it is possible to bring this application forward for a decision.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The site is located in the Countryside where Policy GD4 is generally restrictive of new development, although the erection and extension of buildings that promote rural economic diversification are one of the exceptions to that restraint, subject to their impact on the rural character of the area. The design of the scheme has been revised since first submission to simplify the elevations, and with the change in the site context with the development of the adjacent land, the extension to the building and its revised design is appropriate. The extension now reflects the simple agricultural styling of the existing building and so does not unduly detract from the character of the wider rural landscape.

With the location being in open countryside there are some ecological implications from the development, but the submitted reports have satisfied Natural England that these can be effectively mitigated by a combination of screen fencing and controls over the activity that is to be undertaken so that the disturbance to wildlife on surrounding land is minimised. These can be secured through condition, with other conditions necessary to ensure that the drainage arrangements are appropriate and that the landscaping to the site is properly implemented and maintained.

Westby Parish Council have raised objection to the development as they are concerned that it will lead to additional vehicle movements on poorly constructed and narrow rural roads. LCC have not raised any objection to this or the other applications on the site in recent years, subject to conditions to secure improvements to them and to control the nature of the industrial use. The planning permission for the existing development on this site, and that on the adjacent land include Grampian style conditions that require improvements to be made to the access road prior to the employment use commencing. A similar condition is appropriate for this application and would satisfy the requirements of the highway authority regarding the condition of the highway access. The actual implementation of these works is outstanding at present, but in recent discussions with the developer he has advised that arrangements are well advanced with the neighbouring developer to have these works completed and so allow both sites to become operational.

The overall conclusion to the application is therefore that the proposal is acceptable and complies with the requirements of Policy GD4 and other elements of the Fylde Local Plan to 2032 (incorporating Partial Review). However, the recommendation is to delegate the decision to officers to grant once the shadow Habitat Regulation Assessment has been adopted and once a final set of conditions have been drafted. These have been delayed due to on-going discussions with the developer over some elements of the proposal and are to be drafted to enable a more effective planning permission to be granted that avoids the need for future condition discharge applications yet secures appropriate control over the use of the site.

Reason for Decision Level

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

Site Description and Location

Coppice Farm is located to west of Moss Hall Lane, to the south of West Moss Lane, which in turn is to the west of Ballam Road at the boundary of Westby Parish with the unparished area of Lytham which extends northwards to this point. The site has formerly consisted of a farmhouse with associated farm buildings but is now in three separate parcels: the farmhouse which is located at the junction of West Moss Lane and Moss Hall Lane, a series of farm buildings that were located

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

immediately to the south of the farmhouse with planning permission for commercial use but which are currently under construction, and then the site that previously contained further farm buildings located to the south of those. This application relates to this latter site which had planning permission for the conversion of the buildings to a commercial use which were demolished and a new building erected in their place, with this building now lawful following the grant of retrospective planning permission.

Surrounding land uses are generally rural in character. There are open agricultural fields to the south west and east of the Coppice Farm site with these used for crop growing. Land to the north is a woodland with an area of extensive equestrian use alongside that with a series of stable buildings and horse paddocks.

The access to Coppice Farm is along West Moss Lane which is a two-lane rural road for the initial section from Ballam Road where there are a number of dwellings, but reduces in width and quality beyond that for the final 350m before the junction with Moss Hall Lane and the access to the Coppice Farm site.

The application site, other commercial land at Coppice Farm and surrounding land is all allocated within the Countryside under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). The site is in Flood Zone 2 / 3 and within the Lytham Moss Biological Heritage Site.

Details of Proposal

The application was first submitted in 2020. As part of the assessment of that application it became clear that the work undertaken to the building on site was beyond the conversion that was authorised, and it had in fact been demolished and constructed as a new build. This was not authorised by the planning permission then in place and so work on this application was suspended pending the resolution of that situation as it would be inappropriate to consider an application to extend a building that was itself unlawful.

The existing building on site now has planning permission under reference 20/0737 which permits its use for employment purposes within Class E (g) (iii) and is a single unit, although it is understood that the building is currently vacant and has never been occupied. Application 22/0362 on this agenda is submitted as a variation of that planning permission relating to the acceptability of the drainage arrangements for the building.

This application proposes an extension of that building which would remain in the same use, which is defined in the use classes order as *“any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”*

The existing building measures 30m x 24m with eaves to 5m and a 7.8m ridge. The extension proposed in this application adds an extension to the rear that measures 12.6m in width and extends rearwards by 24m with a roof height to match the existing building. The extended building would be single storey and operate as a single undertaking with no internal sub-division other than a small office/service block in the front corner. Earlier schemes to subdivide the building and add additional doors and windows have been replaced.

The site plan confirms the provision of a bank of parking along the northern site boundary and internal circulation space to allow access to the single roller shutter door which is located to the rear of the building. The access to the site is also as existing and is from Moss Hall Lane which is a bridlepath at

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

that point and connects to West Moss Lane and then Ballam Road. The proposal initially included the formation of a second access point to that lane but that has been removed as it would be inappropriate visually in a countryside setting and unnecessary in highway terms.

Relevant Planning/Appeal History

Application	Development	Decision	Date	Date Appeal
22/0362	VARIATION OF PLANNING PERMISSION FOR ERECTION OF A BUILDING TO BE USED FOR LIGHT INDUSTRIAL PURPOSES BY REMOVAL OF CONDITION 3 OF THAT PERMISSION RELATING TO PROVISION OF DETAILS OF FOUL AND SURFACE WATER DRAINAGE	To be determined at this Committee meeting		
20/0737	RETROSPECTIVE APPLICATION FOR ERECTION OF BUILDING TO BE USED FOR LIGHT INDUSTRIAL PURPOSES IN CLASS E (g) (iii) - (RECONSTRUCTION OF AGRICULTURAL BUILDING APPROVED FOR CONVERSION TO LIGHT INDUSTRIAL USE UNDER PLANNING PERMISSION 19/0782)	Granted	29/03/2021	
19/0544	ERECTION OF 6 BUILDINGS PROVIDING 3130m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) WITH S106E FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Granted	10/09/2021	
19/0782	REPLACEMENT ROOF TO JOIN EXISTING 2 NO LIGHT INDUSTRIAL BUILDINGS FOLLOWING REMOVAL OF THE STANCHIONS.	Granted	19/11/2019	
18/0418	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 15/0151 FOR THE APPEARANCE, LANDSCAPING AND LAYOUT OF ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS	Granted	03/08/2018	
17/0507	REMOVAL OF CONDITION 4 ON PLANNING PERMISSION 14/0545 WHICH APPROVES THE CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1C USE (LIGHT INDUSTRIAL USE)	Granted	10/08/2017	
17/0501	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 14/0545 - CONDITIONS 2 (MATERIALS), 7 (PARKING), 8 (LANDSCAPING), 10 (DRAINAGE), 11 (ACCESS AND OFF SITE WORKS) AND 13 (BAT AND BIRD NESTING)	Advice Issued	05/09/2017	
15/0151	RE-SUBMISSION OF 14/0550 - OUTLINE APPLICATION FOR THE ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS (ACCESS AND SCALE APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Granted	11/06/2015	
14/0545	PROPOSED CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1C USE (LIGHT INDUSTRIAL USE)	Granted	21/11/2014	
14/0547	PROPOSED CHANGE OF USE OF EIGHT TIMBER FRAME AGRICULTURAL BUILDINGS TO LIGHT INDUSTRIAL USE (CLASS B1C) WITH ANCILLARY STORAGE.	Granted	21/11/2014	
14/0550	OUTLINE APPLICATION FOR THE ERECTION OF 8 BUILDINGS PROVIDING 2,800m2 OF OFFICE BY ACCOMMODATION (CLASS B1A) WITH COMMUNAL	Withdrawn by Applicant	23/10/2014	

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	GYM, DINING ROOM AND SHOWER FACILITIES FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)		
14/0554	OUTLINE APPLICATION FOR THE ERECTION OF 1 No. Withdrawn 23/10/2014 TWO STOREY BUILDING PROVIDING 900M2 OF OFFICE by ACCOMMODATION (CLASS B1a) FOLLOWING Applicant DEMOLITION OF EXISTING STEEL PORTAL FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)		
07/0794	PROPOSED CHANGE OF USE OF REDUNDANT FARM Finally 18/05/2011 BUILDINGS TO B1 AND B8 USE, TOGETHER WITH THE Disposed DEMOLITION OF FARM BUILDINGS AND THEIR OF REBUILDING FOR B1/B8 USE. NEW VEHICULAR ACCESS TO WEST MOSS LANE, & COMPREHENSIVE LANDSCAPING SCHEME		
04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) Refused 18/08/2004 LIGHT INDUSTRIAL USE	Allowed 9/6/2005	
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT Refused 26/05/2004 INDUSTRIAL	Allowed 10/5/2005	
03/0893	RE-SUBMISSION OF APP. NO. 03/543 FOR CHANGE OF Refused 15/10/2003 USE TO LIGHT INDUSTRIAL B1c, STORAGE B8		
03/0725	CHANGE OF USE TO B1 C LIGHT INDUSTRIAL Refused 15/10/2003		
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE Granted 10/05/2005 B8	Allowed 10/5/2005	

Parish/Town Council Observations

Parish/Town Council	Observations
Westby Parish Council	<p><u>Comments received on 30 June 2020</u> <i>It was resolved to RECOMMEND REFUSAL. Concerns are as follows:</i></p> <ul style="list-style-type: none"> • <i>There are major concerns of increased heavy traffic on a minor rural access route and bridleway on a more frequent basis than the transport document states.</i> • <i>How many vehicle spaces are there?</i> • <i>Will there be provision for a large septic tank and where will this be located?</i> • <i>The area is residential and rural – with the lack of infrastructure, any commercial development will further damage the environment and set a precedent for future commercial development.</i> <p><u>Comments received on 22 April 2022</u> <i>It was resolved to maintain the parish's objections and RECOMMEND REFUSAL</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection	Raise no objection subject to conditions being imposed which ensure that the building is appropriately insulated to prevent noise nuisance

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	to neighbouring residents during operation, and that the construction works are restricted to daytime activity.
Natural England	<p>They initially raised objection to the application due to the absence of a Habitat Regulation Assessment. This has subsequently been provided and their later comments withdraw the objection subject to appropriate mitigation being secured. They state:</p> <p>No Objection - Subject to appropriate mitigation being secured</p> <p>We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the land functionally linked to Ribble & Alt Estuaries Special Protection Area</p> <p>In order to mitigate these adverse effects and make the development acceptable, the mitigation measures need to be secured as set out in the Shadow Habitats Regulations Assessment.</p> <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. The measures suggested are:</p> <ul style="list-style-type: none"> • the implementation of the submitted lighting plan, • the voluntary restraint or statutory suspension of waterfowl shooting from 9th November and cease construction activity if it is identified as necessary to also cease waterfowl shooting within the wider Morecambe Bay/ Ribble Estuary area, • the erection of screening (2m high hoarding with a surface density of at least 10kg/m²), between the site and adjoining functionally linked land to provide noise attenuation during construction (should this occur over the winter period), • additional hedge planting and erection of a stock proof fence to minimise light spillage and noise from the site, • the production and distribution of information packs and signage on site to provide information to occupants about the sensitive nature of their surroundings, • during construction, no construction traffic to access Moss Hall Lane (from the south of the application site) to prevent impacts on the wildlife refuge areas, • the creation and distribution of a travel plan to discourage occupants from travelling along Moss Hall Lane (from the south of the application site) to prevent impacts on the wildlife refuge areas. <p>They also refer to a need to notify Natural England of any intention to grant permission for the development to allow an assessment of the impact on the Ribble Estuary Site of Special Scientific Interest (SSSI).</p>
Local Highway Authority	They offered comments on the initial scheme which included a second access to the bridlepath to simply use the existing access.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>They confirm that the proposal is acceptable subject to:</p> <ul style="list-style-type: none"> • A change to the size of the parking spaces that are shown to meet the LCC standard • That the access points are constructed to the design and widths shown • That cycle parking spaces are provided • That a 2m wide footway is provided across the site frontage to meet that which is to be provided across the adjacent site. • That carriageway construction works are undertaken to the bridlepath to a design that was approved as part of the earliest outline permission • That passing places that introduced to West Moss Lane to allow its safer use by vehicles and other users
Environment Agency	<p>Raise no objection to the application.</p> <p>They highlight that the application does not provide any detail over foul drainage. This should be to a foul sewer where possible or to a sewage treatment plant if not. They highlight the permitting regulations that apply to this aspect.</p> <p>They confirm that the submitted Flood Risk Assessment is appropriate and demonstrates that the development can proceed without causing flooding on site or elsewhere. They require that the development be implemented in accordance with this.</p>

Neighbour Observations

Neighbours notified:	18 June 2020
Amended plans notified:	29 March 2022
Site Notice Date:	18 June 2020
Number of Responses	Total number of comments 2
Summary of Comments	<p>The comments received in opposition to the application can be summarised as:</p> <ul style="list-style-type: none"> • Refer to the poor repair of the bridlepath with several large potholes making it unsuited for use by large vehicles • Highlighting that a barrier is needed to prevent access through to Lytham to the south • Querying the responsibility for maintenance of the bridlepath section of access • West Moss Lane is unsuited to serve this development due to its width and lack of footways • The site is in a very rural area and it would be preferable for employment land to be designated in more urban areas where public transport and other connections are improved

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- The rural lanes around the site are well used for recreational purposes by walkers, cyclists, horse riders and runners. These would be disturbed by this development
- The development will be harmful to the wildlife that uses the area.

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

EC1 - Overall Provision of Employment Land & Existing Employment Sites

EC2 - Employment Opportunities

ENV1 - Landscape

ENV2 - Biodiversity

GD7 - Achieving Good Design in Development

T5 - Parking Standards

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The policies map of the Fylde Local Plan to 2032 (incorporating Partial Review) indicates that the employment land at Coppice Farm is designated as an ‘Existing Employment Site’ under Policy EC1. However, the policy wording in the Plan document lists a series of sites across the borough to which that designation applies, but omits Coppice Farm. Where such issues arise the accepted position in case law is that the wording of the document, rather than the shading on the policies map, is definitive. As such the Coppice Farm site is not allocated under Policy EC1 and by default will be designated as Countryside given that this allocation surrounds the Coppice Farm site and so logically would wash over it also.

Accordingly, this application is to be determined on the basis that the site is in the Countryside under Policy GD4. This is generally restrictive of new development, but it does offer support for development that helps diversify the rural economy and that which relates to an existing enterprise

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

but does not harm the character of the surrounding countryside.

The requirements of Policy GD7 need to be assessed to consider the implications for the general design and other 'development management' implications of the proposal, along with Policy ENC1 relating to landscaping and Policy ENV2 relating to ecological matters.

Planning History

The planning history listed in this report confirms that there is a complex history at the site. The unfortunate demolition of the previous agricultural building has added to that complexity and resulted in the delay in progressing work on this application. However, the subsequent grant of the retrospective planning permission 20/0737 resolves that issue and so the current building is now lawful.

There is a further current application on the site which is reference 22/0362. This proposes a variation of the drainage condition imposed to 20/0737 to allow the drainage arrangements to be revised. This is currently under consideration but recommended for approval at this Planning Committee meeting. It would be appropriate for that item to be determined first, and assuming the decision follows the recommendation for approval, it would provide a further planning permission for that development with clarity over its final drainage arrangements. This is beneficial in that it allows that drainage scheme to be incorporated into the conditions for this extension proposal.

Members should also be aware that there is employment development underway on a parcel of land that is immediately to the north of this site. This has similarly complex site history which has recently been clarified with the grant of planning permission 19/0544 in September 2021.

Finally of note, there was an application made for the residential development of the site under reference 16/0148 and was refused by the council and dismissed on appeal for a range of reasons, not least the countryside location of the site and so its unsuitability for residential development.

Scope of the Assessment

With the building that is on site now having retrospective planning permission it is possible to consider this application for an extension and subdivision of it. The key issues that this proposal raises will be set out in this report and are:

- Principle of Development
- Visual Impact
- Nature of Use
- Access and Parking Implications
- Drainage Arrangements
- Ecological Matters
- Neighbour Amenities
- Scope of Planning conditions

Principle of Development

The starting point for an assessment of the acceptability of the principle of development is Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). This sets out the position that development is generally unacceptable in rural areas unless it meets one of a limited number of exceptions.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Whilst there is some support in that Policy for diversifying the rural economy and extensions that are essential to the continuation of an existing enterprise, neither would apply fully to this development which is a speculative proposal to extend a recently constructed employment unit. However, the intended allocation of the site for employment purposes and the existing lawful employment use of the building on site are material considerations that supports the acceptability of the principle of the development providing the scheme does not bring any adverse planning issues relating to highways, landscaping, neighbour amenity impacts, etc. as are to be assessed in the remainder of this report. It is also the case that there is the general support for rural economic development in the NPPF which lends support to the principle of using redundant agricultural sites such as this for employment generating purposes where there is no harm created

A combination of these factors is sufficient to allow an 'on balance' conclusion to be reached that the principle of extending the employment use of this site is an acceptable one subject to it not leading to any harm.

Visual Impact

The site is visible from West Moss Lane, and highly visible in closer views from Moss Hall Lane which is a public right of way and bridleway that connects through to the northern edge of Cypress Point which is around 1km to the south of the site. As such it is a prominent structure in long and short range views across the open and flat landscape and has a notable visual impact as a result.

The extension that is proposed here is located to the rear of the building when viewed from the access off Moss Hall Lane. In some respects, this will help reduce its visual and landscape impact, particularly when approaching from the north where the development on the adjacent site will offer a good measure of screening of the extension. In other respects, it will elongate the building when approaching from the Cypress Point direction and so will increase its impact in the rural landscape. This was initially compounded by the alterations that were proposed to the building as part of the earlier subdivision proposals, but the revised plans now under consideration simplify this to a blank elevation and so better reflects the agricultural origins and context of the site, with a further change to the building to retain the green cladding rather than the originally proposed grey.

There is a 2m close boarded fence around the building and its curtilage, including to the frontage to Moss Hall Lane. When the building was built this was an unattractive feature that was harmful to users of that route. However, a hawthorn hedge was planted and now offers a good degree of screening that allows this aspect to be visually acceptable. The fence is required to minimise the noise disturbance to surrounding wildlife and so needs to be retained and will be a similarly visually acceptable feature on other elevations subject to landscaping being implemented.

The scheme as first submitted also included a second access to Moss Hall Lane which is designed to facilitate a circulatory access arrangement. This brought a potential for unacceptable landscape harm through 'opening up' the frontage and so reducing the value of the length of hedge. As a result of this the plans have been revised to retain the existing single point of access.

Subject to the imposition of a suitable conditions as set out here the extended and revised building will have an acceptable visual impact and so comply with the requirements of Policy ENV1 relating to landscape impact and Policy GD7.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Nature of Use

The building initially approved under the conversion was restricted to a Class B1c use which ensured it was for light industrial purposes. This was an important element of the permission given the proximity to the neighbouring dwelling, the limitations of the highway network, and the ecological factors around the site. The permission for the replacement of that building follows the same approach, albeit it restricts the use to Class E (g) (iii) which is equivalent light industrial use that now applies following a restructuring of the Use Classes Order in 2020.

The application under consideration here was originally presented as being for general industrial use within Class B2, but this raised a risk of unacceptable levels of disturbance to the wildlife around the site and neighbour amenity, and for larger vehicles to visit the site. As such this was removed from the application and the use of the extended building is to remain within the use class that allows those forms of industrial development that are light in nature and unobtrusive in their emissions to a degree that they could be undertaken in a residential area. A restriction to this use for the new building remains a relevant requirement of any planning permission and can be secured through an appropriately worded condition.

It is also important to ensure that the capacity of the building is not enhanced through the installation of mezzanine floors as that would increase the scale of the use of the building and bring additional traffic generation, parking and amenity considerations. Also, the rural location of the site and the restricted access arrangements it is not appropriate to allow any office use at the site as this brings additional vehicle movements from the extra staff that would be associated with the use.

Whilst there is obvious benefit in maximising the capacity of employment developments within sites that are in that use, in this case the site has some restrictive locational, highway and ecological factors that ensure that is not feasible. Accordingly, conditions to require its use is for light industrial purposes only, and that there are to be no internal works that would create additional floor space through mezzanines is appropriate and necessary.

Highways Assessment

The previous approvals on the site included a requirement to undertake several elements of highway improvement works to facilitate an appropriate standard of access. These were the provision of passing places to West Moss Lane which is the adopted highway that leads to the site from Ballam Road, the surfacing of Moss Hall Lane which is a bridleway that connects the site itself to the termination of West Moss Lane, and the improvement of West Moss Lane to accommodate the vehicles that would use an employment use. These were secured through conditions to the original conversion application that were a little imprecise, and so when the planning permission for the existing building was determined in 2021 the opportunity was taken to clarify these based on the following work:

- Passing places on West Moss Lane – these have been undertaken and this was under the supervision of the s278 officer at LCC. As such LCC are satisfied that these are acceptable and will be maintainable by that authority in the future
- Width of Moss Hall Lane – LCC are seemingly satisfied over this and that no passing places are needed
- Surface of West Moss Lane – This is part of the adopted highway, and so whilst it is a poor construction they are satisfied that there is no need for the developer to be required to improve it
- Surface of Moss Hall Lane – This is a pot-holed gravel track and LCC have suggested it needs to be

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

improved with a more robust surface and drainage. The details of how this is to be undertaken were submitted to discharge the requirements of a condition to the original planning permission and so the implementation of this was imposed as a requirement of the permission for the existing building. At site visit undertaken in February 2023 these works are outstanding.

The comments of the local highway authority on the current application suggest further works would be appropriate, which are considered as follows:

- Footway across site frontage – This is requested to connect the site to an existing footway that is said to be formed across the frontage of the employment site to the north to facilitate connection to West Moss Lane and beyond. However in reality there is no requirement for a footway to be provided across the adjoining site, and even if there were it could only lead to West Moss Lane which does not have any footways so would be of limited value. Furthermore, the footway across the site frontage leading to the south would connect to a gravel track that leads to Cypress Point so would also serve no value. As such officers do not propose to take this suggestion forward in the conditions on this application.
- Access to site – They refer to the provision of this to the standards shown on the plan. This plan has since been changed to relate to the retention of the existing access which provides the appropriate width and design to accommodate the vehicles that would be visiting the site.
- Cycle parking – The revised plan indicates areas for cycle parking. This is a helpful change given that the location benefits from good cycle links to St Annes and Lytham along the various bridleway routes so is a matter that will be secured by condition.
- Parking spaces – These have been revised since the initial submission so will also be the subject of a condition to ensure that they are marked out at the appropriate size and remain available for parking at the units.

The standard of the access to the site on Moss Hall Lane and West Moss Lane is the subject of the concerns that are raised by Westby Parish Council. All planning permissions for employment development on this site have included conditions to require that the access from the buildings is to be provided to a standard that allows the commercial vehicles that will inevitably utilise the site to access the wider highway network via Moss Hall Lane to West Moss Lane and then to Ballam Road and beyond. The works to West Moss Lane were completed some years back, but those to Moss Hall Lane are outstanding and so will be the subject of a condition to this decision also.

With the improvements made these roads are suitable for the relatively modest levels of traffic, and the limited size of vehicles, that would be associated with a light industrial use. The improvements to the surrounding roads are needed on highway operation grounds, and also to minimise the potential for dust and noise to be generated from its use and so disturb the ecologically sensitive land around the building. As with earlier permissions, condition to require that these works be implemented prior to the construction of any extensions or alterations to the building as would be approved under this application is appropriate to provide an effective and enforceable trigger to the condition.

With these conditions in place to secure improvements the development would have an acceptable level of access for the likely traffic that would be associated with a light industrial use. As such the proposal accords with the requirements of Policy GD7 in terms of the suitability of its access,

Flood Risk and Drainage

The site is located in Flood Zone 2 and partly in Flood Zone 3. The minor scale development involved in this application is therefore of a form that should be supported with a site-specific Flood Risk Assessment.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The submitted assessment provides a thorough and site-specific assessment of the development and concludes that the drainage to the existing sewer system for surface water and foul water are the preferable arrangements, and that this can be discharged at a restricted rate of 2.5 litres/sec without causing any flooding concerns.

This is the approach that was taken with the development of the existing building. Whilst the Lead Local Flood Authority have not offered any comments on the application, the Environment Agency have raised no objection. The planning permission for the existing building includes a condition to require that the final details of this drainage arrangement are submitted for consideration. This is the subject of application 22/0362 on this agenda, which is presented with a recommendation to Committee to accept that the works that have been undertaken provide an appropriate drainage arrangement for the site based on the existing building, other than for the lack of detail about surface water attenuation. The proposal here is to extend the building, but only to an area that is existing hard surface and so will not alter that amount or rate of surface water run-off. There will be some change to the foul water flows that are generated from the more intensive use of the site, but these are minimal and will not impact on the overall drainage of the site.

Assuming that the Committee accept the officer recommendation on application 22/0362 and considering the lack of any objections to the current application from the drainage consultees, it would be appropriate to draft a condition to this decision that relates to the implementation and maintenance of the same drainage arrangements that serve the extended building and site as is to be incorporated into the decision on application 22/0362. As with that decision this approach will satisfy the requirements of Policy CL2 of the FLPPR.

Ecological Matters

The site itself features a newly constructed industrial building within a concrete surfaced yard, and as such has no ecological value itself. However, it is located in an area that is attractive to use by wintering birds which are found to use the adjacent fields for foraging which provides a functional link of these fields to the SSSI and Special Protection Areas on the Estuary. The application is supported with an ecological appraisal, and latterly a shadow HRA to assess whether the construction and operation of the building is likely to have any effects on this, and if so how any implications from the development could be mitigated.

The shadow HRA that has been provided is effectively an addendum to one that was provided for the adjacent site. This concludes that the habitat on site itself will not impact on the SPA birds, and that they are unlikely to use the land immediately around it due to the built-up nature of the site previously. This has been reviewed by Natural England who have confirmed that they are satisfied with its conclusions subject to the mitigation being secured. Given that the sites are immediately adjacent and of the same form of development it is considered that this is a reasonable approach to take and that the shadow HRA is equally applicable to this development.

The acceptance of the ecological implications on the neighbouring site is based on the includes of a series of mitigation steps within that development that are designed to reduce the possible disturbance to wintering birds from the construction and operation of those buildings. These that are relevant post-construction are set out as follows:

- Hedgerows planted around periphery will minimise light spill and noise emanating from the development site.
- The hedge will be backed with a stockproof fence which will prevent dogs straying from the site

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

to the fields.

- Tenant packs and signage will be provided to new occupants of the site to inform them of issues.
- Access improvement works will be carried out in the summer period.
- The road will be tarmac and passing places installed so that vehicles access the site using a smooth road and not generate excessive noise, vibration or dust. Vehicle movement will be predictable to birds.
- There will be no construction traffic along Moss Hall Lane from the south, and tenants will be encouraged not to travel that way.

A series of conditions will be imposed to ensure these are complied with on this site.

As the shadow HRA concludes there are no 'likely significant effects' arising from the development proposals, then the scheme is considered to have acceptable ecological implications, subject to appropriate controls and mitigation being imposed. These relate to the bulleted points above and the need to provide bat and barn owl nesting facilities. With these in place there will be no conflict with Policy ENV2 and the scheme is acceptable in that regard. An informative is to be added to the decision to confirm that the shadow HRA is to be adopted by Fylde Council in this decision and so will satisfy the requirements of the legislation that applies to this matter which places Fylde Council as the 'competent authority' for the purposes of assessing impacts on designated areas.

Neighbour Relationships

The site has a single residential neighbour, Coppice Farmhouse, which is the farmhouse that was previously associated with the application buildings when they were in an agricultural use. As that activity has ceased this property is now in an unrelated residential use. It stands at the junction of West Moss Lane and Moss Hall Lane and so all traffic associated with the site passes close by the dwelling. It is also possible that activity undertaken within the building would be audible in this dwelling.

With the separation of this dwelling from the application building and the light industrial nature of the use that is proposed it is considered that there will not be any undue impacts on the amenity available to its occupiers. Notwithstanding the quite rural environment around the site. As such the proposal accords with the requirements of Policy GD7 in this respect.

Conclusions

The application relates to the extension of a light industrial building that is in a rural location at Ballam and has yet to be occupied due to a Grampian condition that relates to the improvement of its access road. The extension can be accommodated on site without extending the developed site area from that currently in use, and previously approved when it was first granted consent as a conversion of the farm building. This will allow it serve as an extended facility for employment use in the borough that can be delivered with an acceptable impact on the visual impact of the area which is currently under some change due to the implementation of a further permission for a building to the immediate north.

Westby Parish Council have expressed concerns over the level of traffic movements that would be generated, and the capacity of the roads to accommodate them. However, those views are not shared by the local highway authority, and with the improvement works that are to be undertaken to the connection to the site itself and the planning history of the site it is not considered that this is a significant area of concern. A series of conditions are required though to ensure that this is implemented and that the other elements of the proposed development are carried out in an effective

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

manner

Subject to those conditions being imposed it is considered that the scheme will comply with the requirements of the Fylde Local Plan to 2032 (incorporating Partial Review) and so planning permission should be granted on resolution of several outstanding matters associated with some consultation, the adoption of a HRA and the drafting of a final series of planning conditions. Hence the officer recommendation is to delegate the decision to the Head of Planning to permit those matters to be resolved.

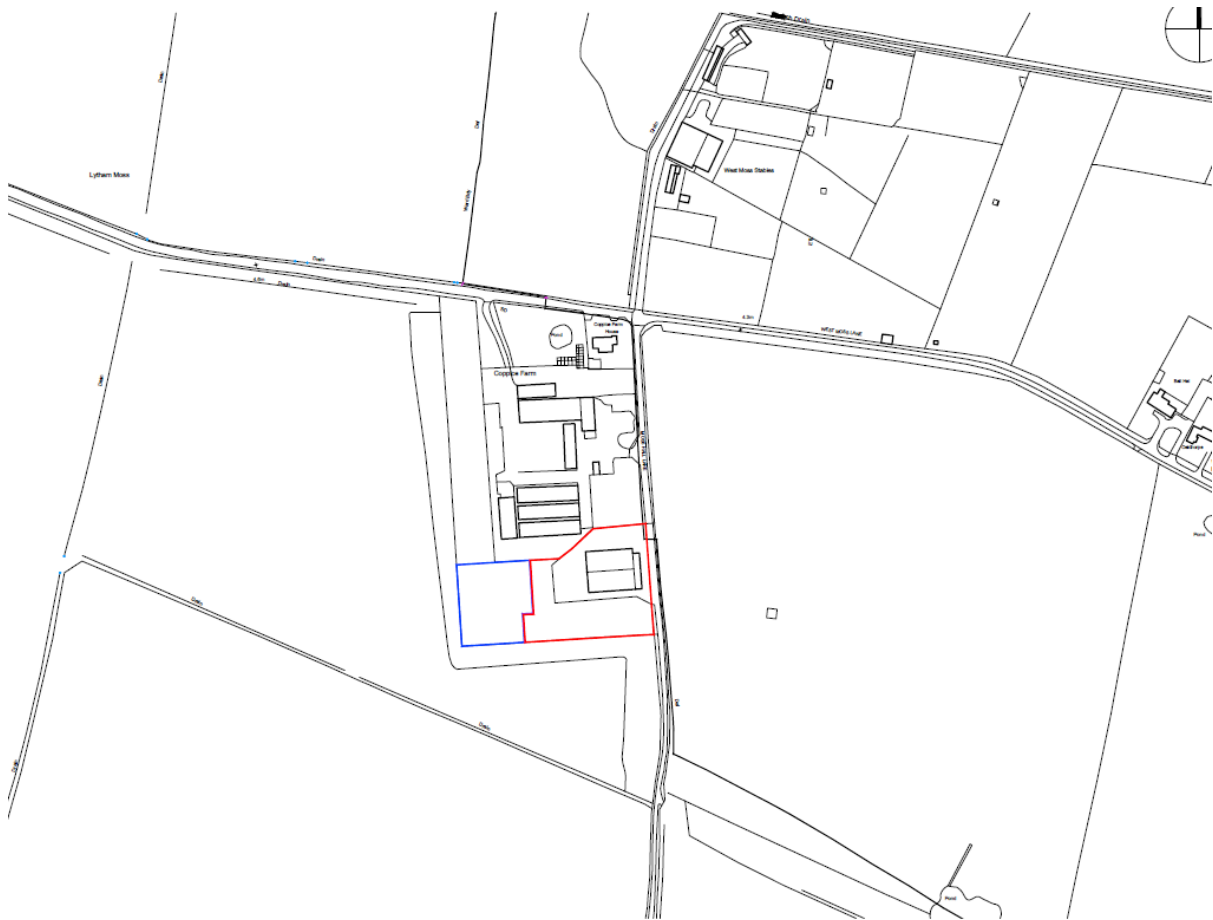
Recommendation

That the authority to GRANT planning permission be delegated to the Head of Planning, in consultation with the Chairman and Vice-Chairman of Committee. The decision is only to be made when he is satisfied that:

1. The decision on application 22/0362 has been made and resolves the uncertainty over the acceptability of the site drainage that existed at the time of the decision on application 20/0373 to retain the existing building.
2. The adoption of the shadow Habitat Regulations Assessment as fulfilling Fylde Council's obligation under that legislation as competent authority
3. The drafting of a series of planning conditions to secure the appropriate development and use of the site, including the implementation of the highway improvement works to Moss Hall Lane and other matters highlighted in this report. These conditions are expected to cover the following matters and any other elements that the Head of Planning considers are necessary.
 - Time limit for commencement of works
 - List of approved plans
 - Improvement of Moss Hall Lane
 - Provide drainage details and then implement and maintain them
 - Control use to light industrial
 - Clarify scope of subdivision / mezzanine works
 - Control hours of use
 - Maintain fence boundary with hedge planting
 - Provide ecological mitigation
 - Provide info packs for occupiers
 - Control over external storage
 - Provide parking spaces and keep free from storage

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 20/0384



AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 2

Application No:	22/0254	Case Officer:	Alan Pinder Area Team 1
Applicant:	Mr P Ratcliffe	Agent:	Mr P Ratcliffe
Location:	LONGVIEW BOARDING KENNELS WHITEHILL ROAD WESTBY WITH PLUMPTONS BLACKPOOL LANCASHIRE FY4 5LA		
Proposal:	CONSTRUCTION OF A SINGLE STOREY BUILDING TO PROVIDE 37 PEN BOARDING KENNELS, AND CONSTRUCTION OF A SINGLE STOREY BUILDING TO PROVIDE ANCILLARY RECEPTION AND OTHER SUPPORTING FACILITIES FOLLOWING DEMOLITION OF EXISTING KENNELS AND ANCILLARY OFFICE/ RECEPTION BUILDING. RETENTION OF EXISTING RESIDENTIAL STATIC CARAVAN TO SUPPORT OPERATION OF KENNELS, AND REVISIONS TO ACCESS AND PARKING AREAS.		
Ward:	Warton and Westby	Parish:	Westby with Plumptons
Statutory Expiry:	7 April 2023	Earliest Decision:	7 March 2023
Reason for any delay:	Awaiting amended or additional details from applicant/agent		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is an existing boarding kennel operation that lies between Whitehills Road and Lytham St Annes Way near to the Whitehills industrial Estate in Westby. The site has been disused for a couple of years and so fallen into disrepair as a result.

The proposal here is to re-establish that use through the erection of a new purpose built single storey kennel building providing 37 pens, a single storey building to provide an office, reception and grooming facility, and the re-siting of a static caravan on the site and its residential use to support the operation of the kennels.

The application is generated a level of neighbour objection, and an objection from Westby Parish Council. These are primarily based on concerns over the potential for the establishment to create noise levels that would provide armful to neighbouring amenity. This is a concern to officers also and a revision to the original submission was made to remove a proposal to include openable shutters along the kennel building in an effort to better contain the barking and other sounds within. Following receipt of the plans that omit these shutters further guidance was sought from the council's Environmental Protection team who visited the site to assess the situation and concluded that they could support the application subject to controls over the hours that any windows were open.

The site is located in the settlement under Policy GD1 where new development is generally supported, and as a consequence of the road networks that surround it there are higher than normal background noise and activity levels. These also make the site a suitable one to accommodate the inevitable traffic movements that would be associated with a kennel operation. The buildings are functional in their appearance, but are inoffensive and are of a scale where they do not detract from the 'urban fringe' character of the area which features a range of commercial and agricultural neighbouring land uses. Additional landscaping is to be introduced to assist with

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

this, and a second access to the site closed up to remove the potential for highways safety concerns from its use.

The proposal allows an underused kennel facility to be reinstated back to effective use and with the appropriate controls set out in the planning conditions to this report will do so without leading to an undue risk of harm to neighbouring amenity or the character of the area. Accordingly, it is considered that it satisfies the requirements of Policy GD1, GD7 and EC2 of the FLPPR and so is recommended for approval.

Reason for Decision Level

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

Site Description and Location

This application relates to the site of 'Afterglow Dog Boarding Kennels', located on Whitehill Road *circa* 80 metres from the roundabout junction with Lytham St Annes Way and Cropper Road. The site is within the extended Blackpool periphery settlement area introduced through the Fylde local Plan to 2032 (incorporating Partial Review).

Neighbouring directly to the northeast of the site are No's 1 & 2 Whitehill Cottages, with the Westfield Nurseries residential development beyond. The Moss Farm residential development off Cropper Road lies to the northwest of the site on the opposite side of Lytham St Annes Way. To the north is Whitehills Business Park and to the south, on the opposite side of Whitehill Road, is Cropper Farm which comprises of several large agricultural buildings. Beyond Cropper Farm is open countryside, intersected by the M55 link road that is currently under construction and will link Whitehill/Cropper Road roundabout with Heyhouses.

Afterglow Boarding Kennels provided accommodation for up to 30 dogs and a dog grooming business within a separate building to the main kennel building. At the time of the officer site visit the kennels were no longer in operation (having closed down in 2020) however the main kennel building and the ancillary admin/grooming building remain on site, together with a static caravan that was used as accommodation by the kennel manager.

Details of Proposal

Planning permission is sought for the demolition of the existing kennels and ancillary buildings, and the construction of the following:

- A single storey building to provide 37 No. dog kennel pens, with 36 of the pens being capable of housing two dogs and one pen reserved for the medical isolation of a single dog if required. The building would have a ground footprint measuring *circa* 30.3 metres by 24.8 metres, and a dual pitched roof with a *circa* 6.4 metre high ridge and 2.4 metre eaves. Solar panels would populate the whole of the west facing roof slope. The building's external materials would be sandstone colour finish rendered elevations atop a Lakeland stone plinth wall, and metal panel roof covering with an anthracite colour finish.
- A single storey building to provide an ancillary reception, offices and other facilities to support the operation of the kennels. This building's elevations would be feature 'Reseda Green'

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

(RAL6011) composite cladding and the roof covering would be metal panels with an anthracite colour finish (as per the main kennel building)

- Retention and re-siting of a static caravan to be used to provide 24 hour on-site accommodation for kennel staff

The new kennel building and reception office building would be sited in the same locations and orientations as the existing buildings that are to be demolished. The static caravan has been relocated within the site and is proposed to be retained against a shared 'return' boundary with the neighbouring property, No.2 Whitehill Cottage.

The application is accompanied by the following supporting documents:

- Acoustic Survey & Assessment (carried out by Martin Environmental Solutions)
- Bat Survey (carried out by Simply Ecology Limited)
- 3 No. Statutory declarations relating to the Static Caravan

Relevant Planning/Appeal History

Application No.	Development	Decision	Date
02/0589	RENEWAL OF TEMPORARY CONSENT FOR MOBILE HOME AND NEW PITCHED ROOF	Granted	11/09/2002
01/0182	RE-SUBMISSION OF 5/00/33 FOR RENEWAL OF TEMPORARY CONSENT TO SITE MOBILE HOME	Refused	15/08/2001
00/0033	RENEWAL OF PLANNING PERMISSION NO. 05/98/270 FOR SITING OF MOBILE HOME FOR TEMPORARY PERIOD	Refused	22/03/2000
98/0572	ERECTION OF KENNELS & COMPOUND, CREATION OF CAR PARK AND NEW ACCESS	Granted	02/12/1998
98/0270	SITING OF MOBILE HOME FOR TEMPORARY PERIOD – RETROSPECTIVE	Granted	17/06/1998
95/0364	SITING OF CARAVAN FOR MANAGERS PERMANENT ACCOMMODATION	Granted	19/07/1995
94/0355	SINGLE STOREY EXTENSION TO FORM KENNELS AND COMPOUND AREA	Granted	20/07/1994
89/0922	RECEPTION BLOCK FOR THE GROOMING & BATHING OF DOGS ASSOCIATED WITH THE EXISTING BOARDING KENNELS	Granted	03/01/1990
86/0761	RENEWAL OF CONSENT FOR BOARDING KENNELS	Granted	25/02/1987
82/0176	DETAILS OF PENS FOR BOARDING KENNELS AND IMPROVED VEHICULAR ACCESS	Granted	28/04/1982
81/0845	CHANGE OF USE OF LAND AND ERECTION OF PENS FOR BOARDING KENNELS	Granted	09/12/1981

Parish/Town Council Observations

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Parish/Town Council	Observations
Westby With Plumpton Parish Council	<p data-bbox="563 271 1034 300"><u>Comments received on 10 March 2023</u></p> <p data-bbox="563 304 1394 371"><i>It was resolved to OBJECT TO THE PROPOSAL. The nature of the neighbourhood has changed to a residential area primarily.</i></p> <p data-bbox="563 412 1394 479"><i>The parish council echoes comments issued to FBC by Cty Cllr J Singleton (below):</i></p> <p data-bbox="563 519 778 548"><u>General Concerns</u></p> <p data-bbox="563 553 1394 687"><i>Accepting the fact that a kennels facility has previously operated on the proposed site, that, in and of itself should not signal automatic approval. Indeed, it should be noted that the wider area has changed considerably since the Afterglow Boarding Kennels was in existence.</i></p> <p data-bbox="563 728 1394 795"><i>Not only has the Whitehills Business Park expanded, there has been an expansion in housing adjacent to the proposed development.</i></p> <p data-bbox="563 835 1394 947"><i>In addition to the additional road traffic associated with a residential development, there will undoubtedly be an increase in noise to which the proposed kennels will only intensify.</i></p> <p data-bbox="563 987 746 1016"><u>Noise Pollution</u></p> <p data-bbox="563 1021 1394 1088"><i>My main concern, however, is potential noise levels and the times of day the noise could be at an unacceptable level.</i></p> <p data-bbox="563 1128 1394 1330"><i>Noise pollution is recognised by the Chief Medical Officer in England to be second only to air pollution for damaging public health. Noise pollution is the pollutant that has the greatest impact on our quality of life. Reports show that it disturbs the sleep of 46% of people who are woken at least once a week by noise outside their home such as alarms going off, traffic or anti-social behaviour.</i></p> <p data-bbox="563 1370 1394 1617"><i>Noise needs to be considered when a new development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). The fact that residents (current and future) are reconciled with existing noise factors does not, automatically, indicate that any supplementary noise would be tolerable.</i></p> <p data-bbox="563 1657 1394 1758"><i>I refer you to the Government's Exposure of Noise Hierarchy which explains the effects of varying and increasing levels of noise and the associated effects on people, viz.</i></p> <ul data-bbox="563 1798 1394 2011" style="list-style-type: none"> <li data-bbox="563 1798 1394 2011">• <i>At the lowest extreme, when noise is not perceived to be present, there is by definition, no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic</i>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.</i></p> <ul style="list-style-type: none"><i>• As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).</i><i>• Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.</i><i>• At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.</i> <p><u><i>Health Concerns</i></u></p> <p><i>Numerous studies have linked noise pollution to increased anxiety, depression, high blood pressure, heart disease and stroke. Even small increases in unwanted ambient sound have significant effects.</i></p> <p><i>It may be the sounds we aren't even aware we're hearing that are affecting us the most, in particular, those we 'hear' when we're asleep, for example dogs barking in the night. The human ear never rests. So even when you sleep your ears are working, picking up and transmitting sounds that are filtered and interpreted by different parts of the brain. It's a permanently open auditory channel. So, although you may not be aware of it, background noises are processed and your body is reacting to them in different ways via the nerves that travel to all parts of the body and the hormones released by the brain.</i></p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>The most obvious is interrupted sleep, with its flow-on effects of tiredness, impaired memory and creativity, impaired judgement and weakened psychomotor skills.</i></p> <p><i>Even if you don't wake up, it appears that continual noise sets off the body's acute stress response, which raises blood pressure and heart rate, potentially mobilising a state of hyperarousal. It is this response that can lead to cardiovascular disease and other health issues.</i></p> <p><u><i>Prevention is better than cure</i></u> <i>Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law.</i></p> <p><i>The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any given situation.</i></p> <p><i>Referring to the Acoustic Survey (July 2022) created by Marton Environmental Solutions Ltd, I note noise level calculations are based on the boarding of 28 dogs facing neighbouring property and described as a "worse-case scenario".</i></p> <p><i>Given that a maximum of 72 dogs can be accommodated and that dogs (by their very nature) will not necessarily bark in a direction away from said neighbouring properties, I respectfully suggest that the assessment is somewhat biased and should be revised.</i></p> <p><i>In my opinion, it would be a failing of the Local Authority if planning consent were to be granted without greater consideration of the pernicious effect of noise on the very people the authority is there to serve and protect.</i></p>
--	--

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
United Utilities	They advise that they are unclear where the existing drainage ultimately connects to as according to our records there are no public sewers in the immediate vicinity. They therefore request that a condition be imposed to require that full drainage details are provided prior to the commencement of any development.
Greater Manchester Ecology Unit	<p><i>As you are aware the information submitted with the application includes a bat survey. This survey found the building to be demolished to have negligible bat roosting potential.</i></p> <p>However they highlight that bats are highly mobile creatures and so advise that an informative be attached to any permission, should it</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	be granted to highlight that a precautionary approach be taken and a licence would be required if bats are discovered during demolition.
Lancashire Fire & Rescue	Make their standard request that any scheme should satisfy the building regulations requirements relating to fire service access.
Electricity North West	<p><i>The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.</i></p> <p><i>If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.</i></p> <p>They then refer to the relevant safety documents that the applicant would need to comply with if they are to implement development on the site.</p>
Environmental Protection	<p><i>I have no objections would recommend the following conditions:</i></p> <ul style="list-style-type: none"> • <i>All kennel windows to be kept closed between 18:30 and 07:30 hours</i> • <i>No external exercising of dogs between 18:30 and 07:30 hours</i> • <i>Install sound barrier fencing on the North East elevation of the site.</i> <p><i>I feel that it would be unlikely that the residents to the North West direction of the site because there is a natural sound barrier in between the development and the properties. A bypass is also being built between the two points which will also distract from sound emanating from the kennels.</i></p>
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed construction of a 37 pen boarding kennels building and a detached building to provide ancillary reception and other supporting facilities following demolition of existing kennels and ancillary office/reception building. Extension of parking area. Relocation of existing residential static caravan and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>There is adequate parking for staff and customers to drop off and collect dogs. The use of the existing access is acceptable.</i></p> <p>They then request clarity over the operation of the ancillary facilities, particularly the vet building, to ensure that this will not attract other visitors to the site. Conditions are requested that relate to the provision of parking and turning movement space.</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	11 August 2022
Amended plans notified:	15 February 2023
Site Notice Date:	26 August 2022
Number of Responses	Total number of comments 27
Summary of Comments	<p>The comments received are all in opposition to the application and can be summarised as:</p> <ul style="list-style-type: none">• The previous kennels caused a noise nuisance to nearby residents. This proposal would increase the number of dogs being kennelled and have a resulting increase in noise nuisance• The submitted noise report was carried out with no dogs present and thus should be considered inadequate and inappropriate• Odour from the kennels would impact on nearby residents• The lack of parking could lead to vehicles being parked in the highway to the detriment of highway safety• Increase in vehicle traffic to the site would be detrimental to road safety• The previous kennels used to walk dogs through the local residential areas creating a feeling of being unsafe for residents. Dogs from the new kennels would also likely be walked around the local area with potential impacts for the safety of children in nearby parks• Inappropriate use close to a residential area• Could result in increase in 'dog dirt' on footpaths

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries
GD7 - Achieving Good Design in Development
EC2 - Employment Opportunities
DLF1 - Development Locations for Fylde
S1 - The Proposed Settlement Hierarchy
INF1 - Service Accessibility and Infrastructure

NPPF – National Planning Policy Framework (July 2021)

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Relevant Planning History

The application site has an extensive planning history of use as a dog boarding kennels, commencing in 1981 when the site formed part of the curtilage of the adjacent No.1 Whitehill Cottage and planning permission ref. 81/0845 was granted for the change of use of the land and construction a 25 No. pen dog boarding kennel. In 1989 a further permission was granted for the construction of an additional building to provide a reception block for the grooming of dogs associated with the kennels.

In 1994 planning permission, ref. 94/0355, was granted to replace the existing 25 No. pen kennels building with a new 30 No. pen kennels building and an open compound area for the exercising of dogs. In 1998 a further permission was granted (ref. 98/0572) for the reconfiguration of the kennels site and replacement of the existing kennels building with a new 30 No. pen kennels building. However the developer decided not to implement this permission and constructed the development approved under the previous permission, 94/0355.

Between 1994 and 2002 temporary permissions were granted for the siting of a static caravan on the site to provide 24 hour accommodation for the manager of the kennels. The last temporary permission expired on 11 September 2007 and has not been renewed.

The Principle of the Development

The application site is located within an extended Blackpool periphery settlement area that was introduced through the Fylde Local Plan to 2032 in 2018 having been within the countryside area under earlier plans. That settlement extension was likely a consequence of the change in the area with the development of the Hollywood Nurseries and Westfield Nurseries housing developments and the allocation of land off Cropper Road in that plan for further housing development. This Plan also saw extension to the Whitehills Employment Area and led to this area forming a logical extension to the new settlement area that is created as Blackpool Periphery.

In such areas Policy GD1 of the FLPPR supports development proposals subject to compliance with other relevant local plan policies. In this instance the main relevant policy is GD7 which considers how proposed development relates to, and impacts on, the surrounding locale with respect its appearance, the impacts of its operation and the adequacy of its access. These are examined further below.

Design & Appearance of Buildings

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

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

The proposed buildings would be screened in views from Lytham St Annes Way by the tall tree line that populates the eastern side of that highway and are within the boundary of the highway itself. The buildings would however be readily visible in views from Whitehill Road and the nearby Cropper Road roundabout.

Whilst the buildings have large ground footprints their low height relative to the backdrop of two storey built development to the northeast and tree line to the north, together with the proposed green colour finish, would help subdue their visual presence. To the south of the site, on the opposite side of Whitehill Road, are three agricultural buildings of Cropper Farm, which are of similar or larger scale than the proposed kennel buildings and would help screen the development in views from across the open countryside to the south.

Taken together the design and scale of the built development is considered to be acceptable in the local context as set out above and so accords with the requirements of criteria d), h) and i) of Policy GD7.

Residential Amenity

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

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

Paragraph 185 of the NPPF states that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”

Paragraph 187 informs that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

A number of the residents of the Westfield Nurseries residential development to the northeast, and of the Cropper Road residential development to the northwest have objected to the application, primarily on the grounds of disturbance from the noise of barking dogs. Several objectors have referred to the noise nuisance caused by barking dogs from the 'Afterglow Boarding Kennels' prior to its closure in *circa* 2020 and assert that the proposed new kennels would have an even greater noise impact due to the increase in dog numbers.

The Afterglow kennels building contained 30 No. pens to allow up to 30 dogs to be boarded at any one time. The council's Environmental Protection records indicate that no noise complaints were recorded against the premises during its in excess of 20 year period of operation, although the facility included external dog runs as part of the kennelling arrangement.

The proposed replacement kennel building would increase the number of dog pens (excluding the isolation kennel) by 6, however each pen is designed to be able to accommodate 2 dogs. The actual occupancy level depends on the size/weight and nature of the dogs. Whilst it is possible for a single pen to accommodate 2 dogs these would need to be both a small breed and be comfortable spending time with the other dog. Hence, in theory up to 72 dogs could be boarded at any one time, although it is highly unlikely that this would ever be the case. Unlike the previous kennels the new kennel building does not include any external pens or dog runs and apart from when being walked all dogs would be kept within the confines of the new building's walls.

A noise assessment submitted with the application has concluded that even in the event of a 'worst-case' scenario, i.e. 72 dogs boarded at once, the development would not result in any significant adverse impact on neighbouring properties, with anticipated sound levels being below the prevailing background level given the influence of vehicle traffic in the area. Furthermore the submitted assessment was based on the original design for the kennels, which included roller shutter doors along each side elevation. The design has since been revised and the roller shutters replaced by windows to provide improved sound insulating qualities.

The council's environmental protection team have been consulted on the proposal and considered the submitted noise assessment following a site visit. They have no objection to the proposal but recommend conditions relating to restrictive timings for the exercising of dogs and the opening of windows in the main kennel building, and the installation of sound barrier fencing along the north east boundary of the site which is directed at the closest properties. An additional control to prevent the use of the site for a 'dog field' or other such use where unrestricted activity could be undertaken is also appropriate.

With regard to other potential residential amenity impacts the spatial relationship of the proposed buildings relative to all neighbouring dwellings is sufficient to ensure they would have no unacceptable impacts by way of overshadowing, overbearing appearance and overlooking

Clearly the establishment of a facility of this nature and scale creates a potential for noise generation, and so the concerns of residents and the Parish Council in this respect are understood. However, having considered the lawful nature of a kennel use on the site, and the design and controls that can be imposed over the operation of the building hereby proposed officers are satisfied that, on balance, the proposal will criteria c) and h) of Policy GD7 and so have an acceptable relationship with its neighbours.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Parking and Access Arrangements

The site has its access from Whitehills Road which is subject to the national speed limit and has limited lighting and drainage, and is not served by a public footpath that allows access to the site. Whilst it is within the settlement area these facts compromise the suitability of the access for use. However the kennel use is authorised and has clearly operated for some years without there being any particular highway safety concerns raised given the lack of objection to this application by the local highway authority to this slightly larger kennel facility. They opine that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. As such the principle of the use of this access for the application is considered to be acceptable.

The local highway authority do request that a series of conditions are imposed relating to the provision of parking and turning on-site, and these are appropriate given the importance of ensuring all use of this access is undertaken safely. They also advise that the vet facility within the ancillary building should be for use only by dogs that are boarding in the kennels and not be open to general members of the public. A condition to this effect would be attached to the permission, if granted, and widened to ensure that no other ancillary uses such as dog grooming or dog field activities are undertaken by non-boarded dogs.

Overall the proposed development is considered to comply with criteria j) and q) (relating to access and highway safety) of Policy GD7.

Other Matters

Ecology

The proposal involves the demolition and removal of the existing buildings from the site. As such a bat survey was carried out to establish if the buildings provided a habitat for bats and the results submitted with the application. The survey has been considered by the council's retained ecologists (the Greater Manchester Ecology Unit) who agree with the findings of the survey which concluded that the buildings have negligible bat roosting potential. They do however advise that a precautionary informative be attached to any permission in the event of any evidence of bats is later found during the demolition. This is an appropriate way to address this matter.

Static Caravan

The proposal includes the retention and re-siting within the site of a static caravan that was previously used, and is intended to be further used, as staff accommodation to provide 24 hour cover for the kennels.

This caravan has been the subject of several temporary permissions over the years with the last one expiring in September 2007. The developer asserts that the caravan has been present on the site and occupied as staff accommodation for a period in excess of 10 years and thus its siting and use within the site are now lawful. In support of this assertion the developer has submitted three statutory declarations confirming the presence and use of the caravan. However these declarations demonstrate at best that the caravan has been occupied as staff accommodation until 18 December 2020 (when Afterglow kennels ceased to operate), with no evidence submitted to indicate that its occupation has continued past that date and up to the present day.

This notwithstanding the earlier temporary permissions demonstrate that the council accepted there was a need for a 24 hour staff presence on the site to ensure the safety and welfare of boarding dogs. This proposal would see the continuation of dog boarding kennels at the site and, as previously accepted, there will remain a need for a 24 hour staff presence. Given that there is no permanent

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

dwelling within the site boundary that might otherwise serve this function it is considered that the retention of the existing static caravan, and its use as staff residential accommodation, is acceptable in principle and necessary to ensure that potential amenity issues from the kennel use (e.g. barking dogs) can be attended to and controlled if necessary.

The caravan has been re-sited from its original position to a location adjacent to a 'return' in the shared boundary with No.2 Whitehill Cottage. This boundary is populated by a 2 metre high fully boarded timber fence. The scale of the caravan is such that it has a limited projection above this fence line. Accordingly it would have no impact on the amenity of No.2 Whitehill Cottage by way of overshadowing, overbearing appearance or overlooking.

Landscaping

Land within the red edge of the application site and to the southwest of the proposed buildings has been resurfaced at some point with road planings and used to store crushed stone. Furthermore a former field gate access has been widened and set back from the highway to apparently allow large vehicles to enter the site. This re-surfacing of the land and the alteration of the access have been carried out without the benefit of the requisite planning permission and thus are unlawful.

This area is an important one in setting the visual context for the site as it fronts to the Cropper Road Roundabout which is a key gateway to the area and will be even more so when the Heyhouses link road is open later in 2023. The scale of this entrance will also cause a potential confusion to visitors to the facility as they are likely to mistake it for the actual entrance as a result of its scale. To address this a condition is proposed to ensure that the unauthorised works described in the preceding paragraph are removed in a timely manner. Alternatively, they would be the subject of formal enforcement action to secure their removal as they are clearly incompatible with the wider character of the area.

Conclusions

This application seeks planning permission for the demolition of the old existing kennel buildings and the construction of new, larger kennel buildings at the site of a long established dog boarding kennels located within an extended Blackpool periphery settlement area. The principle of the development is acceptable within this area of extended settlement and subject to the imposition of appropriate conditions the development would not result in unacceptable harm to the amenity of nearby residents by way of noise nuisance. The buildings would be sufficiently distant from nearby dwellings as to have no impact in terms of overshadowing, overbearing appearance or overlooking. LCC Highways have raised no objection to the proposed scheme and landscaping of the site, as required by condition, will improve the sites contribution to the visual amenity of the area. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

2. This permission relates to the following plans:

- Location Plan - Drawing no. White/001a
- Proposed Site Plan - Drawing no. White/004
- Proposed Elevations - Drawing no. White/002b

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 2 of this permission, on the submitted application form, and in the email from 'KG Planning', dated 15 March 2023.

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

4. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no above ground works of development shall take place until a soft landscaping scheme for the whole of the area tinted green on the approved site plan listed in condition 2 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

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

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

5. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no above ground works of development shall commence until a scheme for the construction of all hard surfaced areas of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the layout, design and construction of all hard surfaced area, and the facilities that are to be located in those areas including a cycle storage facility, a refuse storage facility and any other equipment store that is to be utilised to support the kennel facility hereby approved.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The hard surfaced areas and all associated facilities shall thereafter be laid out and made available for use in accordance with the duly approved scheme prior to the first use of any of the kennel building hereby approved.

Reason: To ensure satisfactory treatment of hard surfaced areas and an appropriate standard of engineering works in the interests of visual amenity and the amenity of future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

6. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with Building Research Establishment 365 (BRE365);
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework

7. The development hereby approved shall not be brought into use until a scheme for the layout, design and construction (including surface treatment) of the vehicle parking, servicing and manoeuvring areas shown on drawing no. White/004 has been submitted to and approved in writing by the Local Planning Authority. The vehicle parking, servicing and manoeuvring areas shall be laid out and made available for use in accordance with the duly approved scheme before any part of the development is first brought into use, and shall be retained as such thereafter.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Reason: To ensure that adequate provision is made for vehicle parking, servicing and manoeuvring, to achieve an appropriate surface treatment and an adequate standard of engineering works to hardstanding areas in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

8. No above ground works of development shall take place until full details (location, height, materials, colour, density of construction material) of an acoustic barrier to be erected along the shared (northeast) boundary of the site with No.2 Whitehill Cottage, has been submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier is to be installed prior to the first occupation of the approved kennel building and thereafter retained and maintained for the lifetime of the approved development.

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

9. The static caravan hereby approved shall be of a scale and nature that satisfies the definition of a static caravan as set out in s29 (1) of the Caravan Sites and Control of Development Act and s13(1) of the Caravan Sites Act 1968 (as amended). It shall be located as shown on the site plan listed in condition 2 prior to the first use of the kennels hereby approved, and shall remain in place and available for occupation at all times that the kennel use is undertaken from the site.

This caravan shall only be used to provide overnight accommodation only for those involved in providing for the security, care and general animal welfare needs of the site, and shall not be let, sold or otherwise occupied as permanent residential accommodation or for any other purpose.

Reason: The availability of a suitable form of overnight accommodation is essential to satisfy the animal welfare needs of a facility of this scale and nature, and so the conditions is required to ensure its provision, to confirm its scale and location, and to control the nature of its accommodation. These requirements are to ensure compliance with Policy GD1 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

10. The kennel facility hereby approved shall be used as a dog boarding kennels only, with the ancillary facilities hereby approved (veterinary room, grooming room, and external areas of the site) all used solely by, or for the care of, animals that are being boarded within the kennels. Additionally, there shall be no 'communal doggy day care', dog training, or 'dog exercise field' uses undertaken at the site.

Reason: in order to provide an appropriate control over the number of vehicle movements that are attracted to the site, and to restrict the potential for external dog exercise which could compromise highway safety and residential amenity respectively. These restrictions are required to ensure compliance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

11. The dog boarding kennels hereby approved shall only be open for handling dog arrival or departures between the hours of 0730 and 1830 on any day. There shall be no dog arrival or departures outside of those hours.

Reason: To limit the potential for noise generation from the activity at the site in order to safeguard the amenity of the occupiers of surrounding residential properties and so ensure compliance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

12. All external windows and any other openings to the kennel building hereby approved shall be kept closed between the hours of 1830 and 0730 on any day.

Reason: To limit the potential for noise generation from the activity at the site in order to safeguard the amenity of the occupiers of surrounding residential properties and so ensure compliance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

13. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, the kennel use of the building shall not commence until details of the siting, height, design, materials and finish of all fencing or other means of enclosure within and around the perimeter of the site have been submitted to and approved in writing by the Local Planning Authority. Only the approved means of enclosure shall be constructed at the site, and these shall be in full accordance with the duly approved details.

Reason: To achieve clear demarcation of the site boundary and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 (incorporating Partial Review) and the National Planning Policy Framework.

14. Prior to the first operation of the kennel facility hereby approved a scheme for the restoration of the western access point to the site from Whitehills Road to its lawful state as a field gate only shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the reduced width of the access, the extent and nature of any solid surface treatments that are to be retained or implemented, the design and materials of any gate or other means of enclosure, the extent and species of any hedge planting used in the restoration of this access, and the phasing for the implementation of these works.

The approved works shall be undertaken in accordance with the approved scheme within the agreed timescale, and shall then be retained and maintained at all times thereafter.

Reason: In order to minimise the number of operational vehicular access points to the site that are associated with the use hereby approved in the interests of highway safety and to restore the rural character of the area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7, and the National Planning Policy Framework.

Informative(s)

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Bat Precautionary Informative

Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed as a protected species license may be required.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 22/0254



AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 3

Application No:	22/0362	Case Officer:	Andrew Stell Area Team 1
Applicant:	MR SIMON TURPIE	Agent:	Rebecca Booth
Location:	COPPICE FARM LAND WEST MOSS LANE WESTBY WITH PLUMPTONS LANCASHIRE		
Proposal:	VARIATION OF PLANNING PERMISSION 20/0737 FOR ERECTION OF A BUILDING TO BE USED FOR LIGHT INDUSTRIAL PURPOSES BY REMOVAL OF CONDITION 3 OF THAT PERMISSION RELATING TO PROVISION OF DETAILS OF FOUL AND SURFACE WATER DRAINAGE		
Ward:	Warton and Westby	Parish:	Westby with Plumpton
Statutory Expiry:	3 March 2023	Earliest Decision:	24 May 2022
Reason for any delay:	Awaiting amended or additional details from applicant/agent		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is a rectangular area of land that is located alongside Moss Hall Lane which is a bridleway that runs from Cypress Point in the south to West Moss Lane at Ballam in the north, with the site being close to West Moss Lane. The site previously contained an agricultural storage building that was one of a number associated with Coppice Farm, but now contains a newly constructed industrial building which is designed to have the appearance of a modern agricultural building and has a lawful use for Class E (g) (iii) which is light industrial use.

There are other industrial buildings under construction to the immediate north of the site on the remainder of the former Coppice Farm, with their use similarly restricted to light industrial activity. Other surrounding land is in uses for a mixture of equestrian and agricultural purposes with a cluster of dwellings around the junction of West Moss Lane and Ballam Road, and the farmhouse formerly associated with Coppice Farm nearest to the site. There is another application on this agenda which relates to a proposal to extend the building under reference 20/0384.

The application under consideration here is to vary one of the conditions that applies to the building and was imposed in 2021 through the planning permission that authorised its construction (20/0737 refers), and relates to the details of the drainage of the site. Rather than attempting to discharge the details of that condition the applicant's agent has sought to have the wording of the condition varied to relate to the existing drainage arrangements that were put in place at the time of the construction of the building.

The information initially provided to confirm this was limited, and was inadequate to allow the application to be progressed. However additional information was subsequently received from a drainage consultant who has surveyed the site has confirmed that there is a surface and foul water drainage system in place, and that this is of an appropriate design and capacity for the development. Officers have assessed this and are satisfied that this is an appropriate solution with regards the information that is provided. Whilst the application requests that the condition be removed, it is preferable that this be reworded to require that the implemented scheme remains operational throughout the lifetime of the development.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

This application also provides the opportunity to reassess other conditions on that were imposed when the planning permission was first granted . Whilst almost all are to be reimposed as with the previous decision, a revision is to be made to the boundary treatment condition as it is considered that the existing fence with a hedge around provides a better solution to providing a boundary to the site as it will minimise the likely disturbance created by activity on site to neighbouring land. This is a key consideration given the ecological value of that land.

Whilst the site is not in that parish, Westby Parish Council have been consulted as the access route to the site is only through that Parish. They have raised objection to the application on the basis of the impact on highway safety from the use of the access track that serves the building. This application does not alter this element of the development and so as this is already approved it is not a relevant consideration in the assessment of this application. This has been highlighted to the Parish Council but they have restated their objection, hence the need for this application to be presented to Committee.

Notwithstanding the Parish Council's position regarding access, the key matter in this application is whether the existing drainage arrangements for the site are suitable as the scheme is no different to one that has planning permission under reference 20/0737. The view is that these details are acceptable and so as this application is effectively limited in scope to that issue it is recommended that planning permission be granted.

Reason for Decision Level

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

Site Description and Location

Coppice Farm is located to west of Moss Hall Lane, to the south of West Moss Lane, which in turn is to the west of Ballam Road at the boundary of Westby Parish with St Annes. The site has formerly consisted of a farmhouse with associated farm buildings but is now in three separate parcels: the farmhouse which is located at the junction of West Moss Lane and Moss Hall Lane, a series of farm buildings that were located immediately to the south of the farmhouse with planning permission for commercial use but which are currently under construction, and then the site that previously contained further farm buildings located to the south of those. This application relates to this latter site which had planning permission for the conversion of the buildings to a commercial use which were demolished and a new building erected in their place.

Surrounding land uses are generally rural in character. There are open agricultural fields to the south west and east of the Coppice Farm site with these used for crop growing. Land to the north is a woodland with an area of extensive equestrian use alongside that with a series of stable buildings and horse paddocks.

The access to Coppice Farm is along West Moss Lane which is two-lane rural road for the initial section from Ballam Road where there are a number of dwellings, but reduces in width and quality beyond that for the final 350m before the junction with Moss Hall Lane and the access to the Coppice Farm site.

The application site, other commercial land at Coppice Farm and surrounding land is all allocated

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

within the Countryside under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review). The site is in Flood Zone 2 / 3 and within the Lytham Moss Biological Heritage Site.

Details of Proposal

The existing building on site now has planning permission under reference 20/0737 which permits its use for employment purposes within Class E (g) (iii) and is a single unit, although it is understood that the building is currently vacant and has never been occupied.

This application seeks to vary that planning permission, specifically to remove condition 3 which relates to the provision of details of the drainage arrangements and then the implementation of that scheme. The application is presented on the basis that this condition is unnecessary due to the retrospective nature of the permission as the drainage connections are already in place. Since the submission of the application additional details have been provided with a site plan and photographic survey to provide details of the site drainage, with a specialist contractor engaged to assist with that evidence.

Full details of the requirements of the condition and the information provided in an effort to confirm it is no longer needed are contained in the comment section of this report.

Relevant Planning/Appeal History

Application	Development	Decision	Date	Appeal
20/0384	EXTENSION AND SUBDIVISION OF BUILDING AND SUBSEQUENT USE FOR LIGHT INDUSTRIAL PURPOSES IN CLASS E (g) (iii)	Undetermined	but on this agenda	
20/0737	RETROSPECTIVE APPLICATION FOR ERECTION OF BUILDING TO BE USED FOR LIGHT INDUSTRIAL PURPOSES IN CLASS E (g) (iii) - (RECONSTRUCTION OF AGRICULTURAL BUILDING APPROVED FOR CONVERSION TO LIGHT INDUSTRIAL USE UNDER PLANNING PERMISSION 19/0782)	Granted	29/03/2021	
19/0544	ERECTION OF 6 BUILDINGS PROVIDING 3130m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) WITH FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Granted	10/09/2021	
19/0782	REPLACEMENT ROOF TO JOIN EXISTING 2 NO LIGHT INDUSTRIAL BUILDINGS FOLLOWING REMOVAL OF THE STANCHIONS.	Granted	19/11/2019	
18/0418	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 15/0151 FOR THE APPEARANCE, LANDSCAPING AND LAYOUT OF ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS	Granted	03/08/2018	
17/0507	REMOVAL OF CONDITION 4 ON PLANNING PERMISSION 14/0545 WHICH APPROVES THE CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	10/08/2017	
17/0501	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 14/0545 - CONDITIONS 2 (MATERIALS), 7 (PARKING), 8	Advice Issued	05/09/2017	

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	(LANDSCAPING), 10 (DRAINAGE) ,11 (ACCESS AND OFF SITE WORKS) AND 13 (BAT AND BIRD NESTING)		
15/0151	RE-SUBMISSION OF 14/0550 - OUTLINE APPLICATION FOR THE ERECTION OF 4 BUILDINGS PROVIDING 1,400m2 OF LIGHT INDUSTRIAL ACCOMMODATION (CLASS B1C) FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME BUILDINGS (ACCESS AND SCALE APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Granted	11/06/2015
14/0545	PROPOSED CHANGE OF USE OF TWO PORTAL FRAME AGRICULTURAL BUILDINGS TO B1c USE (LIGHT INDUSTRIAL USE)	Granted	21/11/2014
14/0547	PROPOSED CHANGE OF USE OF EIGHT TIMBER FRAME AGRICULTURAL BUILDINGS TO LIGHT INDUSTRIAL USE (CLASS B1c) WITH ANCILLARY STORAGE.	Granted	21/11/2014
14/0550	OUTLINE APPLICATION FOR THE ERECTION OF 8 BUILDINGS PROVIDING 2,800m2 OF OFFICE by ACCOMMODATION (CLASS B1a) WITH COMMUNAL GYM, DINING ROOM AND SHOWER FACILITIES FOLLOWING DEMOLITION OF EXISTING 8 TIMBER FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn	23/10/2014
14/0554	OUTLINE APPLICATION FOR THE ERECTION OF 1 No. TWO STOREY BUILDING PROVIDING 900M2 OF OFFICE by ACCOMMODATION (CLASS B1a) FOLLOWING DEMOLITION OF EXISTING STEEL PORTAL FRAME AGRICULTURAL BUILDINGS (ALL MATTERS RESERVED)	Withdrawn	23/10/2014
07/0794	PROPOSED CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO B1 AND B8 USE, TOGETHER WITH THE DEMOLITION OF FARM BUILDINGS AND THEIR OF REBUILDING FOR B1/B8 USE. NEW VEHICULAR ACCESS TO WEST MOSS LANE, & COMPREHENSIVE LANDSCAPING SCHEME	Finally Disposed	18/05/2011
04/0613	CHANGE OF USE OF FARM BUILDING TO CLASS B1 (C) LIGHT INDUSTRIAL USE	Refused	18/08/2004
04/0191	CHANGE OF USE OF FARM BUILDING TO LIGHT INDUSTRIAL	Refused	26/05/2004
03/0893	RE-SUBMISSION OF APP. NO. 03/543 FOR CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Refused	15/10/2003
03/0725	CHANGE OF USE TO B1 C LIGHT INDUSTRIAL	Refused	15/10/2003
03/0543	CHANGE OF USE TO LIGHT INDUSTRIAL B1c, STORAGE B8	Granted	10/05/2005
			Allowed 9/6/2005
			Allowed 10/5/2005
			Allowed 10/5/2005

Parish/Town Council Observations

The site is located in the unparished area of the borough but is close to St Annes to the west. The site boundary with Moss Hall Lane is the boundary with Westby Parish which means that the site access along West Moss Lane to Ballam Road is through Westby Parish and the nearest neighbouring dwellings are in that Parish, hence they have also been consulted.

Parish/Town Council	Observations
St Annes Town Council	<u>Comments received 17 May 2022</u> <i>No specific observations – condition 3 already being met</i>
Westby Parish Council	<u>Comments received on 18 May 2022</u>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>It was resolved to MAINTAIN THE PREVIOUS OBJECTIONS OF THE PC. Issues highlighted - Traffic movements, access, drainage and foul water issues.</i></p> <p>Following receipt of these comments' engagement was undertaken with the Clerk to ensure that the Parish Council were fully aware of the scope of the decision. The following comments were provided in response</p> <p><u>Comments received on 17 August 2022</u></p> <p><i>It was resolved to maintain the same objections highlighting traffic, access and egress as an issue</i></p>
--	---

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

Neighbour Observations

Neighbours notified: 3 May 2022
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD7 - Achieving Good Design in Development

GD4 - Countryside

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

Other Policy Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

The policies map of the Fylde Local Plan to 2032 (incorporating Partial Review) indicates that the employment land at Coppice Farm is designated as an 'Existing Employment Site' under Policy EC1. However, the policy wording in the Plan document lists a series of sites across the borough to which that designation applies, but omits Coppice Farm. Where such issues arise the accepted position in case law is that the wording of the document, rather than the shading on the policies map, is definitive. As such the Coppice Farm site is not allocated under Policy EC1 and by default will be designated as Countryside given that this allocation surrounds the Coppice Farm site and so logically would wash over it also.

Accordingly, this application is to be determined on the basis that the site is in the Countryside under Policy GD4. This is generally restrictive of new development but it does offer support for development that helps diversify the rural economy and that which relates to an existing enterprise but does not harm the character of the surrounding countryside.

The requirements of Policy GD7 need to be assessed to consider the implications for the general design and other 'development management' implications of the proposal, along with Policy CL1 and CL2 as they relate to surface water drainage as these are key to the assessment of this application.

Planning History

The planning history listed in this report confirms that there is a complex history at the site. The unfortunate demolition of the previous agricultural building has added to that complexity but the grant of the retrospective planning permission 20/0737 resolves that issue and so the current building is now lawful. This is subject to the conditions that are attached to that permission which restrict its use to a light industrial one and provide other standard controls over the development, including condition 3 relating to drainage which is the subject of this application.

There is a further current application on the site which is reference 20/0384. This proposes an extension to the rear of the current building. That application was not determined at the time of its submission in 2020 as it then came to light that the building on site was a new construction and so application 20/0737 was submitted to regularise that. It has not been determined since as the site ownership changed and the current owner is considering rental options for the building so has asked the council to hold it in abeyance. That situation has recently changed and so that application is now presented for a decision on this Committee agenda. It is logical that that application be determined after this one so that its conditions can be drafted to reflect the decision on this application.

Members should also be aware that there is employment development underway on a parcel of land that is immediately to the north of this site. This has a similarly complex site history which has recently been clarified with the grant of planning permission 19/0544 in September 2021.

Scope of the Assessment

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

With the building that is on site now having retrospective planning permission the matters to consider in this application are relatively limited as below:

- Principle of Development
- Adequacy of Drainage Arrangements in Place
- Any other alterations to Planning conditions

Principle of Development

The existing building has the benefit of planning permission 20/0737 which confirms its construction and use for employment purposes within class E g) (iii), i.e. for light industrial purposes. This application does not propose any alterations to that use or to the building itself and so it is the case that the development is acceptable in principle.

Drainage Arrangements

Background to Site Drainage

This is the key assessment in this application as it is submitted with the intention of removing condition 3 of planning permission 20/0737. That condition states:

The building hereby approved shall not be first brought into any use until all the following matters have been satisfied:

- 1) Full details of the methods by which the surface water drainage of the building and site are to be designed have been submitted to and approved in writing by the local planning authority. These details must confirm how surface water run-off is to be attenuated to a rate that is not greater than 2.5 l/s as set out in the submitted Flood Risk Assessment.*
- 2) That the attenuation methods and surface water drainage scheme approved under item 1 of this condition have been fully implemented in accordance with that detail, and a verification report has been presented to the local planning authority to confirm that.*
- 3) Full details of the method of foul water drainage of the site sufficient for the anticipated future use of the site have been submitted to and approved in writing by the Local Planning Authority*
- 4) That the approved foul drainage arrangements have been fully implemented in accordance with the approved detail and a verification report has been presented to the local planning authority to confirm that.*
- 5) That details of the on-going management and maintenance arrangements of the approved surface water and foul water drainage arrangements have been submitted to and approved in writing by the local planning authority*

The approved surface and foul water drainage arrangements shall be managed and maintained in an operational state in accordance with the approved scheme at all times thereafter.

Reason: To ensure that appropriate details of the surface and foul water drainage of the site are secured and implemented so that the development will not lead to unacceptable risk of surface water flooding, will not compound any surface water flooding in the vicinity, and will not lead to potential contamination of surface water in accordance with Policy CL2 of the Fylde Local Plan to 2032.

This is a standard form of condition that is based on consultation responses from the Lead Local Flood Authority (LLFA) and other drainage consultees. It seeks to ensure that appropriate drainage arrangements are in place for the site, and that these will be maintained following the implementation

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

of the development.

Summary of Submission

In their original submission the applicant's agent argues that this is '*unduly onerous and does not pay sufficient regard to the provisions of the previous works undertaken on site*'. Whilst they do not initially provide any details of those works they provide a supporting letter from a drainage consultant that explains that as the level of impermeable areas on site have not increased then there should be no need for additional drainage works. They also refer to a previous approval of a drainage design for the site relating to planning permission 14/0545 (which relates to the conversion of the previous building on this site to employment use) and confirmed the continued use of the existing drainage details.

Subsequent to the original submission the applicant has provided additional information in the form of a Technical Note that describes the drainage arrangements that are in place on site, and a maintenance plan that sets out proposals for the on-going maintenance of these drainage arrangements.

The drainage arrangements on site have been assessed using a CCTV survey and a visual inspection of the above ground elements. This confirms that the drainage arrangements that are in place are essentially those that were to be installed as part of the original planning permission for the employment building and so subject to approval at that time under reference 17/0501, albeit there are some minor differences in drainage connections routeings and chamber positions.

The drainage system takes surface water from the roof of the building and from the yard areas around it through gullies before leaving site in a pipe in a northerly direction (towards Coppice Farmhouse) where it passes the house, crosses West Moss Lane, and is discharged into a ditch at that point. The foul water from the site is sent into a Klargester treatment plant where the water is treated before also leaving the site through the same discharge route.

The maintenance plan refers to bi-annual visits to check the system visually for blockages to gullies, signs of poor water quality (Such as algae development), check for sediment build up and to identify any locations where leaks may be evidenced. A series of jetting arrangements and other sediment clearing operations are also set out in the event that they are observed as being needed.

Assessment of Submission

It is standard practice for the council to impose a condition of this nature when granting planning permission. This is normally imposed to ensure that the details of this important element of new development are secured so that the site is properly drained. In this case the site is partly within Flood Zone 3 where the risk of surface water flooding is highest, and is also in an area where the surrounding land has a range of ecological designations based around its wildlife habitat. This means that it is particularly important that details are available of the surface water drainage and that this is undertaken in a manner that will not lead to surface water flooding or potential contamination of the water environment around the site.

This is necessary to ensure compliance with the requirements of Policy CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) which refer to the need to ensure that "*All new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations*".

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

At the time of the grant of planning permission for the building it had been constructed and completed, and so the condition is triggered by a requirement for these details to be provided prior to the first use of the building to ensure that the council had the appropriate opportunity to evaluate the drainage arrangements at a suitably early and enforceable time.

The survey work now provided confirms that the drainage connections and arrangements that were designed to deal with the converted building's requirements were effectively installed at that time. These have subsequently been adjusted as part of the replacement of that building, but are now in place and operational to handle the surface and foul water arising from that building. Given the similarity in the scale of the building and the level of hardstanding around it being no greater, and perhaps slightly less than that previously approved under the conversion scheme, it is accepted that these drainage arrangements are acceptable.

The condition makes reference to surface water being attenuated to a rate that does not exceed 2.5l/sec. This is based on the details provided in the Flood Risk Assessment provided with the original application, and is the rate that the consultees involved in the assessment of that application advised the local planning authority should be imposed to avoid flood risk. No details of the attenuation measures or the rate achieved were initially provided and so it was not possible to conclude that the drainage arrangements will not lead to unacceptable risks of surface water flooding from the development. The absence of this information is unfortunate, and it has been highlighted to the agent on a number of occasions in an attempt to secure the information at this stage. However, it has not been provided and so there is no certainty over this aspect.

This is the same position as at the time of the determination of f20/0737 which regularised the erection of the building, and as a condition to require the drainage details were supplied was appropriate at that point, then the imposition of a condition to require the submission of this outstanding part of those drainage details remains appropriate. The 'trigger' for this will be the same as with that previous decision which will require the submission of the information prior to the building being first used. This is set out as condition 3 at the foot of this report.

Rather than remove the condition it is therefore appropriate to vary its wording to require this attenuation rate information, and to require the implementation of the maintenance arrangements for the remainder of the drainage system in accordance with the supplied drainage arrangements. On that basis it is accepted that the development will satisfy the requirements of Policy CL1 and CL2 of the FLLPR.

Other Conditions

The effect of the approval of an application of this type, which is submitted under s73 of the Town and Country Planning Act 1990, is to create a second planning permission for the development that sits alongside that which has already been granted. This allows all the planning conditions that are imposed on the original permission to be revisited as part of the assessment of that application.

In this case there is a revised proposal regarding the fencing of the site which has arisen through discussions between officers and the applicant's agent. The existing planning permission requires that the fence that is in place is removed and replaced by one that is more open in its construction to avoid the stark appearance of a solid fence being established in the countryside setting of the site. In the time that has passed since that fence was erected the existing fence has weathered and has been screened by the native species landscaping and other self-seeded vegetation to the point where the fence is no longer a prominent or even harmful feature. This form of close boarded fence is a helpful

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

acoustic barrier in this location where the background noise levels are limited, and the surrounding land has ecological value. As such officers are now supportive of the retention of this fence and condition 7 is to be revised to enable its retention.

There are no further changes proposed by the applicant or officers, and as the building was approved retrospectively it is considered that all the other conditions that were relevant and necessary at the time of that decision in March 2021 are relevant now. Accordingly the recommendation here is to reimpose all the conditions that were previously imposed, subject to the revision to condition 3 described above, and revisions to other policies to reflect the partial review of the local plan.

Conclusions

The application is submitted under s73 of the Town and Country Planning Act 1990 and proposes the removal of condition 3 of planning permission 20/0737 relating to the need to submit details of the drainage for a light industrial building located in the countryside between Westby and St Annes. Their argument being that the existing site drainage arrangements were adequate and so there was no need for the condition to be imposed.

The initial submission did not provide sufficient clarity to provide this point, but subsequently to that further information has been made available which it is considered provides an appropriate drainage arrangement for a building of this size, nature and location.

Given that confirmation it is proposed that the condition be varied, rather than removed, to require that the existing drainage arrangement is maintained to ensure that the site drainage arrangements remain effective into the future.

The application also enables a revision to be made to another condition relating to the site boundary, to ensure that this is effective for site security purposes provides a visually acceptable finish to the site, and provide a measure of acoustic screening. All other conditions are repeated from the 2020 planning permission. These will provide an appropriate level of control over the use of the building, require that improvements to the access road are implemented and secure ecological enhancements. These conditions ensure compliance with the Fylde Local Plan to 2032 (incorporating Partial Review) policies that are relevant and so the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location / Site Plan - Graham Lea Drawing GL347 F
- Side Elevations - Graham Lea Drawing GL347A/71
- Front / Rear Elevations - Graham Lea Drawing GL347A/72
- Floor Plans - Graham Lea Drawing GL347A/61
- Proposed Fence Plan - Graham Lea Drawing GL454 01 Rev A

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

2. The building hereby approved shall not be first brought into any use until all the following matters have been satisfied:

a) All works indicated for the improvement of the full length of Moss Hall Lane between the access to the application site and the junction of that road with West Moss Lane that are shown on DPTC drawing 'J830 Mitigation fig 2 Rev X' have been undertaken in full accordance with the details shown on that plan, with those works only undertaken during the months of April - October inclusive to avoid the construction works causing disturbance to the use of surrounding lands by Pink Footed Geese, Whooper Swans and other internationally important bird populations.

b) That a verification report to confirm the completion of these works, and the period in which they were undertaken, has been presented to the local planning authority and approved in writing.

This length of highway shall be maintained to the standard shown on the drawing referred to here at all times that the building remains operational.

Reason: To ensure that an appropriate standard of access to connect the site to the wider highway network is constructed prior to the building being brought into use in the interests of highway safety as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

3. Prior to the first use of the building hereby approved details of the measures to be introduced, or which have already been introduced, to limit the rate of surface water discharge from the site to 2.5 l/sec as specified in the Flood Risk Assessment by Elluc Projects (reference ELLUC-LP-20028-090620 Revision F4 dated 21.07.20) which formed part of the submission under reference 20/0737 shall be submitted to and approved in writing by the local planning authority. Any additional works that are required as part of that details shall be fully undertaken prior to the first use of the building.

Thereafter the surface and foul water drainage of the site shall be maintained in accordance with the requirements of the 'Coppice Farm – Drainage Management Plan' supplied in December 2022 with the bi-annual checks and associated repairs and maintenance tasks undertaken in accordance with the arrangements set out in that document at all times.

Reason: To ensure that the surface and foul water drainage of the site are secured, implemented and maintained to ensure they continue to operate effectively to avoid an unacceptable risk of surface water flooding in the vicinity, and that the site will not lead to potential contamination of surface water in accordance with Policy CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, the building hereby approved shall only be used for uses falling within Class E(g)(iii) which is for light industrial purposes, and for no other purpose

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

(including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenities of the occupiers of the adjacent dwelling, and to minimise the opportunities for disturbance of the bird species utilising the surrounding land, and to reflect the capacity of the surrounding highway network. These are to ensure compliance with Policy GD7 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

5. The building hereby approved shall be utilised as a single undertaking only and shall not be sub-divided into two or more individual undertakings, nor shall a mezzanine floor level be introduced to any part of the approved building other than the ancillary office element shown on the approved floor plans listed in condition 1 of this planning permission.

Reason: As any sub-division or intensification of the use of the site has the potential to generate additional vehicle movements, create additional amenity implications, and impact on the ecological and other assessments undertaken as part of the consideration of this application. As such a further application will need to be assessed should these intensifications occur so as compliance with Policy GD4, GD7 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) can be undertaken.

6. No machinery shall be operated, no process shall be carried out, and no deliveries taken at or dispatched from the site outside of 07.00 to 18.00 Mondays to Fridays inclusive and 08.00 to 13.00 on Saturdays, with no activity undertaken at any time on Sundays, Bank or other Public Holidays.

Reason: To safeguard the amenities of the occupiers of the adjacent dwelling, and to minimise the opportunities for disturbance of the bird species utilising the surrounding land to ensure compliance with Policy GD7 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

7. The existing close-boarded timber fence that has been erected between the building and Moss Hall Lane, and to the southern and western boundaries of the site shall be retained in the existing positions as shown on the fencing plans as approved under condition 1 of this planning permission at all times. The area of land on the outside of these fences for a separation of 750mm all around the boundaries listed here shall be planted with a native species hedge and shall be retained as such for a period of not less than 5 years from the date that the building is first operational for the use hereby approved.

Reason: To ensure that an appropriate standard of site boundary is provided in the interest of the visual impact of the development on the surrounding countryside, to provide a visual and acoustic screen to surrounding wildlife habitat to minimise disturbance from activity on the site, and to provide biodiversity enhancement and mitigation to accord with the requirements of Policy GD4, ENV1 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

8. The building hereby approved shall not be first brought into any use until all the following matters have been satisfied:

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- The provision of no less than four separate standard bat boxes in an appropriate location within the site
- The provision of no less than two standard barn owl boxes in an appropriate location within the site
- To verify that these works have been fully implemented details of their location and date of installation shall be presented to the local planning authority to confirm the ecological habitat facilities are in place.

The duly installed biodiversity enhancement measures shall be retained as such thereafter.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review). policy ENV2 and the National Planning Policy Framework.

9. The building hereby approved shall not be first brought into any use until a scheme for the distribution of information packs and the erection of information boards at the site to inform staff and visitors of the importance of surrounding designated nature conservation sites has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- A copy of the information pack and details of when, how and to whom these will be distributed (including provisions for future staff/visitors).
 - Details of the number, location, size, materials and design of information boards to be displayed within the site and the text/images to be displayed on them.

The information packs and information boards shall be distributed and erected in accordance with the duly approved scheme, and shall be maintained as such thereafter.

Reason: To ensure all staff and visitors to the development are made aware of the importance of and their potential to affect the integrity of nearby designated nature conservation sites – particularly the Ribble and Alt Estuaries Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar site and land which is functionally linked to the SPA – and to ensure appropriate measures are introduced are taken to mitigate the development's potential effects on designated nature conservation sites in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

10. Any external storage associated with the operation of the building shall only be located to the north and west of the building and shall not exceed 2m in height above ground level.

Reason: To ensure that any external storage does not have a harmful impact on the rural character of the area or creates a potential source of disturbance to the bird species utilising the surrounding land to ensure compliance with Policy GD7, ENV1 and ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

11. The building hereby approved shall not be first brought into any use until the parking spaces indicated on the approved site plan listed in condition 1 of this planning permission have been appropriately drained and marked out. These areas shall remain available for parking at all times that the building is in operational use.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Reason: To ensure the provision and retention of an appropriate level and location of staff and visitor parking on the site to remove the potential for off-site parking which would be harmful to highway safety and the character of the area as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Informative(s)

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

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 22/0362



AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 4

Application No:	22/0537	Case Officer:	Beth Winstanley Area Team 1
Applicant:	MR SHAF KHAN	Agent:	DR KANADI JAGAFA
Location:	64 LYTHAM ROAD FRECKLETON PRESTON LANCASHIRE PR4 1XA		
Proposal:	EXTENSION AND ALTERATION OF THE BUILDING: 1) FIRST FLOOR EXTENSION TO FORM 4 NO. OFFICES AND 3 NO. STORAGE AREAS, 2) RELOCATION OF EXTERNAL PLANT AND EQUIPMENT TO GROUND FLOOR OF REAR ELEVATION, 3) DOOR INSERTION TO GROUND FLOOR REAR ELEVATION.		
Ward:	Freckleton West	Parish:	Freckleton
Statutory Expiry:	20 September 2022	Earliest Decision:	7 February 2023
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is an existing retail premises located on Lytham Road in Freckleton which is the main road through the village. The immediate area features a cluster of commercial premises set mainly at ground floor level, with sections extending into first floor development, with residential development surrounding these properties on all sides. These mainly comprise of two storey terrace properties to the front and semi detached dwellings to the side and rear. Despite this commercial nature the area is not designated as any form of local centre in the Local Plan with the village centre being located around 200m to the east. The site is located within the settlement of Freckleton as defined under Policy GD1 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

The property currently has some first floor accommodation and this proposal is to extend that so that it is over the entire ground floor of the premises and will provide a self-contained office to operate independent of the retail uses at ground floor. The extension will be designed with two gabled projections to match the existing appearance of the first floor at typical two storey scale.

The principle of intensifying commercial uses in a settlement location is supported by Policy EC2 and GD1 subject to normal planning criteria being satisfied. In this case the site is well located to public transport, and whilst there are clear pressures on parking as highlighted by the Parish Council and local residents, the local highway authority do not raise any objection to the application. They recognise the accessibility of the site and the availability of alternative transport measures in addition to the available parking areas.

The proposed extension works have been redesigned since first submission to provide for an appropriate gabled appearance to the streetscene rather than the original flat roof approach, and so can now be accommodated on the building without detracting from its appearance or the surrounding area. The use of matching materials and design will assist with assimilating the extension onto the building.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

There are residential dwellings around the building and it is appropriate that the windows to the front and rear elevations are obscurely glazed to a level that will prevent views out of them into those neighbours. With this safeguard secured by condition there is an acceptable relationship to those properties, and at the distance involved and design proposed it is considered the proposal would not have detrimental impacts in regards to loss of light or overshadowing to surrounding occupants.

The proposal will involve an intensification of the use of a site where it is officer knowledge that there are parking pressures in the area. However, the site is in a highly sustainable location with parking available to the rear and so the provision of additional commercial accommodation in such circumstances should be supported to help provide opportunities for economic growth in the borough. Accordingly, it is the balanced officer view that the proposal satisfies the requirements of the Fylde Local Plan to 2032 (incorporating Partial Review) and is recommended for approval subject to conditions.

Reason for Decision Level

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

Site Description and Location

The application relates to the first floor above an existing shop along Lytham Road set within a cluster of commercial premises set mainly at ground floor level, with sections extending into first floor development. The wider area around the site is residential with these mainly comprising of two storey terrace properties to the front and semidetached dwellings of that scale to the rear.

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

Details of Proposal

The application proposes an extension to the first floor of the building. At present there is a partial first floor to the building, which occupies around half of its width and is set back from the front of the retail element at ground floor. The proposal is to continue this first-floor extension across the full width of the building. The extension is to provide a separate office accommodation which would be accessed from the rear corner of the building via an internal stairwell.

The extension will be designed with two gabled projections to match the existing appearance of the first floor. The eaves of the extension will measure approx. 5.5m and the ridge of the roof will measure approx. 7.6m. The existing carpark to the rear of the property will be utilised to provide off-street parking for the office space.

An amended plan has been received during the course of the application following initial comments regarding the design and appearance of the extension and concerns over perceived overlooking to surrounding occupants. These plans change the roof design from the original flat roof scheme to a gabled approach to reflect the surrounding area, as well as providing obscure glazing to the front and side elevations to reduce potential overlooking into residential windows.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Relevant Planning/Appeal History

There is no relevant planning history to report.

Parish/Town Council Observations

Parish/Town Council	Observations
Freckleton Parish Council	<p><u>Original Comments received on 5/9/22</u></p> <p><i>Freckleton Parish Council are against this application.</i></p> <p><i>As there is restrictive parking additional parking for Office staff would exasperate the problem. The offices would overlook the properties on the opposite side of the road.</i></p> <p><u>Reconsultation Comments received on 13/3/23</u></p> <p><i>Freckleton Parish Council are against this application for the reasons listed below.</i></p> <ul style="list-style-type: none"> • <i>The proposal is over intensified and will negatively impact on local residents with extra</i> • <i>traffic and problem parking.</i> • <i>It will overlook residents' properties.</i> • <i>Noise pollution from the air-conditioning units.</i> • <i>Restricted access for emergency service vehicles.</i>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
BAE Systems	<i>BAE Systems has no objection.</i>
Local Highway Authority	<p><i>LCC Highways does not have any objections regarding the proposed extension and alteration of the building: 1) first floor extension to form 4 no. offices and 3 no. storage areas, 2) relocation of external plant and equipment to ground floor of rear elevation, 3) door insertion to ground floor rear elevation and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The site is within the retail centre of Freckleton with a controlled pedestrian crossing fronting the site. The site has a small car park which is expected for a local store. The car parking for offices will be shared with the retail unit.</i></p> <p><i>With the waiting restrictions fronting the site and the bus stop within close vicinity it is expected that the users of the offices will not necessarily use a car and use sustainable transport.</i></p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Environmental Protection (Pollution)	<p>They highlight concerns over the potential for the fans to the rear to lead to noise nuisance to nearby residential dwellings, and suggest that an assessment of these be made prior to installation to ensure that measures are introduced to mitigate any potential nuisance in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.</p> <p>They also ask for details of any external lighting that is proposed to the rear of the proposed development (fire escape lighting, anti theft lighting, health and safety lighting etc) to be provided along with any mitigation measures to ensure it is not harmful to amenity.</p>
Cllr Noreen Griffiths	<p>She refers to concerns that she has received relating to the parking facilities available at the premises. She questions how the parking to the site will be managed given the scale of the office that is proposed, the number of staff it could employ and the implications that this could have for the parking for the convenience store.</p> <p>She highlights the importance of that store to the village community and expresses concern should it be lost due to a lack of available customer parking spaces.</p>

Neighbour Observations

Neighbours notified:	28 July 2022
Amended plans notified:	24 January 2023
Site Notice Date:	2 August 2022
Number of Responses	Total number of comments 16
Summary of Comments	<p>The comments received are all in opposition to the application and can be summarised as:</p> <ul style="list-style-type: none"> • Privacy Concerns – front windows of office building face onto residential dwellings with potential views. Rear windows also facing onto residential dwellings. • Reduces views from front of residential dwellings along Lytham Road. • Concerns over property value • No fire exit shown • Highway safety concerns over additional cars • Parking concerns for users of office reducing space for shop users therefore providing further parking issues (already an issue) • Use – Who will be using the offices, opening hours • Shop deliveries create unsafe parking • Construction impacts – times of work and parking of vans • Concerns over offices changed to flats in future

Relevant Planning Policy & Government Guidance

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries Freckleton/Warton)

GD7 - Achieving Good Design in Development

EC2 - Employment Opportunities

EC5 - Vibrant Town, District & Local Centres

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The site is located in the settlement of Freckleton, and in a part of that settlement where there are other commercial properties in close proximity. Whilst the specific area it is not designated as a local centre, it has many of the characteristics of one as a result of the existing uses, not least the convenience store located in the ground floor of the application building. Freckleton itself is a ‘local service centre’ in the borough’s settlement hierarchy in Policy S1 which places it high up on that hierarchy and a location where new development should be directed.

Policy EC2 provides support for the sustainable growth and expansion of business where that complies with the other policies of the FLPPR. The site is not in a designated centre and so would not be supported by Policy EC5 which directs new ‘main town centre’ uses to those locations, but is also well below the threshold where sequential tests and impact assessments are required.

The proposed development here is small in scale, with office space indicated for 16 people along with supporting meeting space, welfare facilities, etc. This ensures it is a relatively modest scale of proposal that can be accommodated in the area without undue impact. The location of the development is in close proximity to public transport links including bus stops and pedestrian crossings, and will bring additional footfall to the area to support the trading of the existing businesses.

There is therefore policy support for the expansion of employment opportunities in this location providing that satisfies the other planning policy and material considerations that are appropriate to a proposal of this nature.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Design and Appearance in Streetscene

The application relates to an existing commercial premises positioned within a streetscene of both residential two storey dwellings and commercial premises which have a mixture of ground and first floor accommodation.

The proposal is to extend the first floor so that it projects across the full depth and width of the ground floor shop to provide office space at first floor level. The front elevation of the premises faces on to Lytham Road and as such will be visible within that streetscene which is the main route through the village.

The formation of a second gabled roof projections to the front elevation of the building reflects the existing first floor design of the property which is currently located across only part of the building. This is an appropriate approach to the design of the first floor. The eaves height of the building will sit in line with the flat roof first floor of the neighbouring commercial building, and will sit below the eaves height of the neighbouring residential dwelling, therefore providing an appropriate step within the streetscene between buildings. The full length windows at first floor will sit centrally within the gable and will match the existing design of the first floor roof space. This use of a matching design and appearance of the first floor is a welcome approach that allows the proposal to have an appropriate appearance within the streetscene.

The extension will be completed in render to the front elevation, with the rear and sides completed in matching brick to the existing building. The surrounding streetscene comprises of both brick and render to dwellings and commercial premises, therefore the proposed materials will sit comfortably within the design of the existing streetscene.

As such, it is considered the proposal complies with the appropriate criteria of Policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Implications for Neighbour Amenity

The application site is detached, however residential dwellings are located to the front (south) eastern side elevation and to the rear (north).

While the proposal relates to an extension to provide business use at first floor, officers have used the assessment guidelines provided within the residential design SPD for assessing set off distances to first floor windows against residential neighbours. Design note 1D iii) of that document advises that *“Windows to habitable rooms at first floor level should be a minimum of 21 metres from any facing habitable room windows in neighbouring properties. A relaxation of this distance may be considered where the relationship between the extension and the window(s) is oblique.”*

Looking at the various neighbours:

Lytham Road

Opposite the application site is a row of two storey residential terrace dwellings. There is a set off distance of approx. 17.9m between the front elevation of the application site and the front elevation of the dwellings. Due to the position and distance away from these dwellings, it is considered the additional first floor extension would not create any direct loss of light or overshadowing to the occupants of the dwellings facing on to the application site.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Since first submission amendments have been secured to ensure that the first floor windows to the front elevation will be obscurely glazed up to a height of 1.7m from the floor level in order to allow privacy to be protected to the surrounding occupants. With the obscure glazing this relationship would be considered appropriate for a residential relationship, therefore it is considered that the proposal would not create any additional privacy impacts to the occupants facing the development site.

The neighbouring property to the east (no. 60 Lytham Road) is residential and has two windows within the ground floor side elevation facing the development site. The scale of the proposal will not change along this boundary, with the first floor already present across the full depth of the building, therefore allowing no further loss of light or overshadowing from the proposal.

The proposed works do include additional windows within the side elevation which will serve store rooms and toilets. The nature of these rooms ensures that it is appropriate that they are fully obscurely glazed to avoid causing any amenity issues. As such will allow an acceptable degree of privacy to the occupants of no. 60 Lytham Road.

Lodge Close

To the rear of the site sits a carpark which is used for parking for both the surrounding shops and the proposed office. Sharing a boundary with this carpark are a number of dwellings which face on to Lodge Close, with their rear elevations facing on to the application site. There is a distance of approx. 22.8m between the first floor rear of the application site and the first floor rear of the neighbouring properties, this measurement sits over the 21m afforded within the SPD, therefore it is considered that privacy will not be unduly impacted and there is no requirement for obscure glazing. This relationship is assisted with the rooms facing this direction being a reception area, stairwell and storage room. Views into the rear garden areas of the properties can already be seen by neighbouring residents, therefore privacy is not being reduced by the addition of this first floor. The proposed building is of height and distance away from the surrounding dwellings to not create any additional impacts in regards to loss of light and overshadowing.

As such, it is considered the proposal will have an acceptable relationship to all surrounding occupants and will comply with the relevant criteria of Policy GD7 of the Fylde Local Plan to 2032.

Parking

It is noted that the Parish Council, local residents and the ward councillor all highlight their concerns over the development with respect to the pressure on parking facilities in the area, both in respect of this premises and the adjacent terrace of retail units. In both cases there are parking areas to the rear that are accessible via a in/out circulatory route, with some informal forecourt parking available at the application property. The parking to the rear of the building provides 9 spaces with an additional mobility space. The application proposes that these are rationalised to provide 0 spaces and 2 mobility spaces, although it is unclear how these will be shared between the existing convenience store and the new offices.

The Structure Plan Parking Standards that have been adopted by Fylde Council for development management purposes indicate that an office development of this nature should provide a space for every 35m² of floorspace. The total space of this office is 290m² meaning that 8 spaces would be required for this development. The 10 spaces shown on the plan are therefore in excess of that level, but these are also seeming to be shared with the existing convenience store which has a higher parking level and would nominally need an additional 18 spaces to satisfy the level set out in the Parking

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Standards. It is therefore the case that the parking provided is below that which the parking standards suggest as appropriate.

Set against that is the highly accessible location of the site, and the nature of the businesses. The site is located at the heart of the village where it is readily walkable by local residents with a signalised crossing point outside and is on a bus route to connect the location to neighbouring settlements. The nature of the retail operation being a convenience store means that many of the customers will be those from the local area who are less likely to visit it by vehicle. Taken together officers have concluded that there is likely to be a lesser demand for parking spaces than the standards set out above indicate.

The statutory consultee on this point is Lancashire County Council in their role as local highway authority. They have concluded that the proposal is not one that will lead to an adverse impact on highway safety or amenity, and so have not objected to it as a result.

Whilst officers can appreciate the concerns raised over the parking arrangements, in the circumstances described here it is considered that on balance there isn't a sufficient level of harm created to justify a reason for the refusal of the application on this basis. It is therefore accepted that the proposal satisfies the requirement of Policy T5 and GD7 of the FLPPR in that respect, with conditions necessary to ensure that the parking areas are provided and retained as available for parking.

Noise/Light Pollution

The scheme involves the relocation of some of the plant required to operate the convenience store from the upper floor of the rear elevation to the ground floor. The environmental protection officers have highlighted that this could generate a noise nuisance, and also that a light nuisance could be created by any additional lighting of the building impacting on the dwellings to the rear.

As these fans are simple relocations the impact would be no different to the present, other than their lower level positioning should ensure that the rear boundary fence provides better acoustic protection. The agent has confirmed that no additional external lighting is being proposed although a precautionary condition is appropriate to control that eventuality.

With these safeguards it is considered that the potential for amenity harms of this nature will be adequately protected and so the development complies with Policy GD7 and the NPPF guidance in that respect.

Other Neighbour objections

Neighbouring occupants have raised concerns over a number of issues, many of which have already been covered within this report. Additional impacts have been raised which relate to property values, construction impacts, type of business and opening times.

The type of business would need to sit within the parameters of office work, and therefore is not considered to create excess noise/deliveries/unsociable hours which may be the case if the site was in use as industrial. A condition will be placed on the proposal to limit working hours so as not to create a conflict of use between the site and surrounding residential neighbours.

It is recognised that the proposed development has the potential to cause noise disturbance and other nuisances associated with visits by commercial vehicles and building works during the construction

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

period. However, a degree of such disruption is an inevitable consequence of any development project carried out in an existing residential area. In turn, it would be unreasonable to refuse planning permission on these grounds. Similarly, there would be no justification for imposing a condition to limit hours of construction on a project of this scale. If excessive noise were to be generated during the construction period such that it constitutes a statutory nuisance then this would be subject to separate investigation by the Council's Environmental Protection Service and dealt with through other legislation that sits outside the remit of the planning system.

Additionally, concerns over loss of property values as part of the development have not been considered within this report due to the fact it is not considered as a material planning consideration and therefore weight is unable to be given to it when assessing the proposal. This is clarified in paragraph 008 of the 'determining a planning application' chapter to the NPPG which states that "the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

Conclusions

The application relates to a first floor extension of an existing building to provide office space for an independent business. The proposal complies with policy EC2, EC5 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) as such the proposal is recommended for approval.

The principle of intensifying commercial uses in a settlement location is supported by Policy EC2 and GD1 subject to normal planning criteria being satisfied. In this case the site is well located to public transport, and whilst there are clear pressures on parking as highlighted by the Parish Council and local residents, the local highway authority do not raise any objection to the application. They recognise the accessibility of the site and the availability of alternative transport measures in addition to the available parking areas.

The proposed extension works have been redesigned since first submission to provide for an appropriate gabled appearance to the streetscene rather than the original flat roof approach, and so can now be accommodated on the building without detracting from its appearance or the surrounding area. The use of matching materials and design will assist with assimilating the extension onto the building.

The proposal will involve an intensification of the use of a site where it is officer knowledge that there are parking pressures in the area. However, the site is in a highly sustainable location with parking available to the rear and so the provision of additional commercial accommodation in such circumstances should be supported to help provide opportunities for economic growth in the borough. Accordingly it is the balanced officer view that the proposal satisfies the requirements of the Fylde Local Plan to 2032 (incorporating Partial Review) and is recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

2. This permission relates to the following plans:

- Location Plan Scale 1:1250
- Proposed Site Plan Scale 1:500
- Proposed Ground Floor Plan Scale 1:100 Dated 4/1/2023
- Proposed First Floor Plan Scale 1:100 Dated 4/1/2023
- Proposed Side Elevations Scale 1:100 Dated 23/01/2023
- Proposed Front and Rear Elevations Scale 1:100 Dated 23/01/2023
- Proposed Streetscene View Scale 1:100 Dated 19/01/2023

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

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

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

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

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

Reason: To ensure that the future use of the first floor area hereby approved is limited in use to an office and so will remain compatible with and does not have any adverse amenity impacts upon the occupiers of nearby dwellings, and to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety in accordance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 (incorporating Partial Review), and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), there shall be no sub-division of the office accommodation hereby approved which shall be occupied as a single unit only.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Reason: To prevent the future subdivision of the space as that could lead to an increase in the demand for parking spaces associated with its operation. Given the limited availability of such spaces within the site this could lead to an unacceptable impact on highway safety and amenity in the area hence the condition is required to ensure compliance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

6. The vehicle parking, servicing and manoeuvring areas shall be laid out and made available for use in accordance with the layout shown on the approved site plan listed in condition 2 of this planning permission before the office accommodation is first brought into use, and shall be retained available for those purposes at all times thereafter.

Reason: To ensure that adequate provision is made for vehicle parking, servicing and manoeuvring, to achieve an appropriate surface treatment and an adequate standard of engineering works to hardstanding areas in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

7. The office use hereby approved shall only be open for trade or business between the hours of 08:00 and 18:00 Monday to Friday.

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

8. Prior to the first use of the office accommodation hereby approved a scheme for the provision of bicycle parking for the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- the number of bicycle parking spaces to be provided;
- the siting, size, design and materials to be used in the construction of any bicycle store(s); and
- a timetable for the provision of the bicycle parking spaces and store(s).

The bicycle parking spaces and store(s) shall be constructed and made available for use in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

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

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

10. Before the first floor office hereby approved is first occupied, the first floor windows within the front (south) and side (east) elevations shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) up to at least 1.7m from floor level. The duly installed windows shall be retained as such thereafter.

Reason: To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of adjoining occupiers in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

11. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:

- a) hours and days of work for site preparation, delivery of materials and construction;
- b) areas designated for the loading, unloading and storage of plant and materials;
- c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
- d) arrangements for the parking of vehicles for site operatives and visitors;
- e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- h) measures to control the emission of dust and dirt during the construction period;
- i) measures to monitor and control noise and vibration during the construction period, including the management of complaints;
- j) the siting, luminance and design of any external lighting to be used during the construction period;
- k) the erection and maintenance of security hoarding;
- l) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

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

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

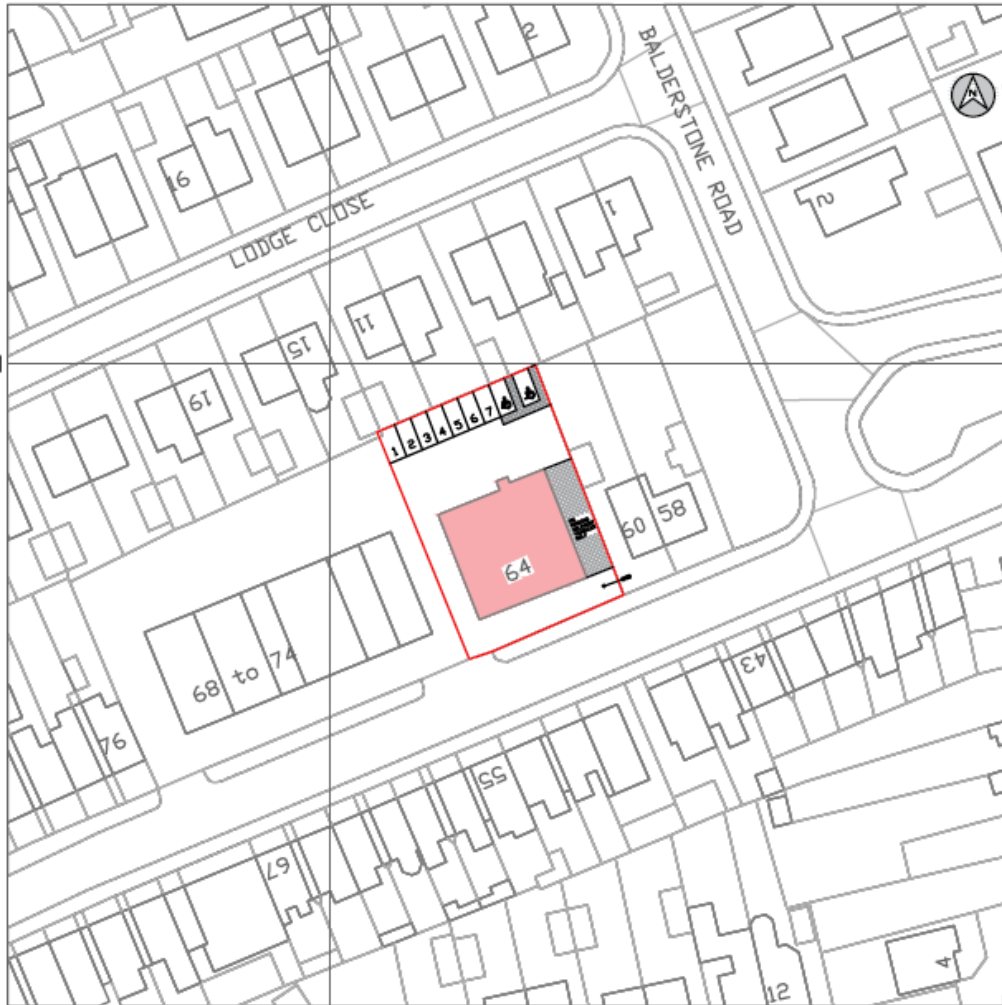
Informative(s)

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

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 22/0537



AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 5

Application No:	22/0593	Case Officer:	Rob Buffham Area Team 1
Applicant:	ALDI STORES LIMITED	Agent:	MS HELEN MANSLEY
Location:	STANWAYS OF LYTHAM PRESTON ROAD LYTHAM ST ANNES LANCASHIRE FY8 5BG		
Proposal:	DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING: 1) A USE CLASS E FOODSTORE (1804SQM GROSS INTERNAL AREA) WITH ASSOCIATED VEHICULAR ACCESS, CAR PARKING, SERVICING AREA, ELECTRICAL SUB-STATION, AND HARD AND SOFT LANDSCAPING, AND, 2) 80 NO. USE CLASS B8 SMALL STORAGE / WAREHOUSE UNITS WITH VEHICULAR ACCESS, CAR PARKING AND LANDSCAPING ARRANGEMENTS.		
Ward:	St Johns	Parish:	
Statutory Expiry:	7 April 2023	Earliest Decision:	1 February 2023
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is 1.39 hectares in size, broadly rectangular in shape and located to the eastern margins of Lytham, some 1.5km south west of the Town Centre. It is immediately north of the junction of Preston Road and Boundary Road and represents a key gateway location into the town. The western portion of the site is currently occupied by a car showroom, and vehicle related businesses including repairs, MOT station and body shop. The eastern half of the site is occupied by the hardstanding of a former building on the site, and self seeded trees, presently used as an informal parking area by one of the neighbouring businesses. An area of housing adjoins the site to the west, with other employment premises to the north, south and east.

Full planning permission is sought for the demolition of all buildings on the site and construction of a mixed use development consisting of an Aldi foodstore (1881sqm, 1315sqm sales area) located to the south of the site, including 105 parking spaces (4 electric charging with infrastructure for up to 18) and landscaping, and, 80 small scale storage/ warehouse units with average floor area size of 26.75sqm, located to the north. Vehicular access to both elements will be via Boundary Road. Revision has been received throughout the assessment in light of initial comments raised by the local highway authority, that make provision for a localised widening of the junction to Preston Road/ Boundary Road and a right hand turn lane to the McDonalds drive thru site adjacent.

The application site is located within the settlement boundary of Lytham. Policy GD1 generally encourages development toward sites located within settlement boundaries subject to conformity with all other relevant policies of the development plan. In this respect, the site is identified as an Employment Allocation as per the Fylde Local Plan to 2032 (Incorporating Partial Review) (FLPPR) Policies Map. Policy EC1 is of relevance to the allocation and supports in principle B1 (a, b and c), B2 and B8 land uses. The retail element of the proposal seeks to develop a portion of that allocation and is therefore contrary to Policy EC1. However the scheme also makes provision for storage/ warehouse uses in compensation to the northern plot of the site, effectively replacing the

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Employment allocation. Furthermore, the proposal will remove the constraints of the employment allocation by delivering a viable access solution and providing for a more uniform rectangular plot accessed from Boundary Road, whilst ensuring that more unsightly employment buildings are located to the north and away from visibility of Preston Road. The proposal also retains continued employment use of the site in accordance with Policy EC2.

The planning application is accompanied by a Retail Sequential Test and Retail Impact Test as required by Policy EC5. The reports demonstrate that there are no sequentially preferable alternative sites within or on the edge of Centres located within the catchment of the site (defined as a 5 minute drive time, which includes include Lytham Town centre and Warton), and that the development would not have a significant adverse impact on the vitality and viability of existing Centres (Lytham or St Annes), and is unlikely to have a significant adverse impact on any existing, committed or planned investment in accordance with Policy EC5 and paragraph 91 of the NPPF21.

The development is considered to be of appropriate appearance and in-keeping with the character of the area, providing significant regeneration benefit through the delivery of employment development, whilst regenerating a prominent and unsightly land parcel. The development will encourage job creation during the construction phase and up to 50 jobs once operational, in accordance with the FLPPR strategic objective 4 to grow the local economy.

The development makes appropriate provision for car parking, and has been revised to enhance the junction arrangement of Preston Road/ Boundary Road, as well as improvement to Boundary Road through the provision of a dedicated right hand turn lane for the McDonalds drive thru access. The Highway Authority have not objected to the development which is therefore considered to safeguard the safe, efficient or convenient movement of all highway users. There are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

The principle of out of centre retail in this location is considered acceptable, the inherent benefits resultant from the proposal, including the regeneration of an unsightly gateway site, delivery of an employment allocation that has stood vacant for a prolonged period, job creation, off site highway improvements and provision of free to customer electric vehicle charging bays, are considered sufficient to outweigh any potential impact that may arise. The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21 and is therefore recommended for approval to Members of the Planning Committee.

Reason for Decision Level

The application is for 'Major development' and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

The application site is 1.39 hectares in size, broadly rectangular in shape and located to the eastern margins of Lytham, some 1.5km south west of the Town Centre. It is immediately north of the junction of Preston Road and Boundary Road and represents a key gateway location into the Town.

The western portion of the site is occupied by building premises in the form of a car dealership that is situated toward the front of the plot adjacent to Preston Road. Beyond the car dealership to the north

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

there are related businesses which include a repair/ MOT garage and vehicle body shop, along with associated hardstanding for vehicle parking and external storage. All businesses within this western land parcel are accessed via Preston Road. The eastern half of the site is occupied by the hardstanding of a former building on the site, and self seeded trees. The hardstanding is used as an overflow car park by other businesses within the area. There are 3 vehicular access points into this area of the site from Boundary Road, two of which are obstructed by secure fencing of the application site and the third serving as means of access to the informal parking area.

The application site is bound by a public footpath to the west that links to the residential area beyond on Preston Road/ Mornington Road, as well as Mornington Meadows Park located behind housing on Mornington Road and sharing a portion of the application sites western boundary. Rows of housing extend in a westerly linear fashion away from the application site in a traditional pattern of back to back development. The closest houses consist of three pairs of semi detached dwellings, located immediately adjacent to the footpath with the side elevations of houses, along with front and rear garden spaces, exposed to this boundary of the application site. The park comprises an equipped play area to the west, with an open green space located adjacent to the boundary with the application site, tree planting and mesh fence complete this boundary which is exposed to the external car storage and repair garages on the site.

The site is bound by Lindum Park Industrial Estate to the north and east, which is accessed via Boundary Road and comprises of a number of larger scaled steel portal framed buildings of varying uses, and a comparably modern drive thru McDonalds restaurant. The Industrial Estate forms the eastern edge of the settlement, with a watercourse (Main Drain) and agricultural land beyond.

To the south on the opposing side of Preston Road, there is another industrial site occupied by Dudley Industries, forming part of a larger commercial area that extends in a westerly fashion and includes a fuel station, Lidl supermarket, Majestic Wine, carpet store and other adhoc businesses.

The application site is located within the settlement boundary of Lytham, the eastern vacant portion being allocated as an Employment Site and the remainder that is occupied by existing buildings unallocated, as per Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

Planning permission is sought for the demolition of all buildings on the site and construction of a mixed use development consisting of a 'discount' format foodstore and a storage/ warehouse park (Aldi and Storage 24 are named as end users in the submission documents), including separate vehicular access for both elements from Boundary Road, car parking and servicing arrangements, hard and soft landscaping and an electrical substation.

The food store will occupy the frontage of the site adjacent to Preston Road, with the storage element of the scheme located to the north.

The food store building is located adjacent to the western boundary of the application site, aligning with the front building line of housing. The building is sited clear of existing trees on this boundary that are retained within the development. It has a rectangular footprint of 1881sqm (1315sqm net sales area), measuring approximately 31.5m in width by 62m in length. It has a lean to roof with its lowest eaves being set along the western boundary adjacent to existing housing measuring 5.2m, increasing to 6.4m. Proposed land levels fall in a northerly direction resulting in the building being approximately 1m taller to the northern elevation. The foodstore is to constructed of red brick, glazing and grey cladding to those elevations exposed to Preston Road, with a red brick and render finish to

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

the elevation adjacent to houses. The building is set back behind a landscaped frontage that includes pedestrian linkages between the front door of the store to the footpath on Preston Road. The building incorporates a service area within its footprint through the provision of a dock levelling system. Bin storage is also contained within the building. 105 parking spaces (including 7 disabled, 10 parent/ child spaces, 4 EV bays – infrastructure for an additional 14 to be provided in the future), 4 motorcycle spaces and 12 cycle spaces are indicated.

The storage proposals provide for 80 individual small scale units, occupying a total floor area of 2140sqm – average unit size of 26.75sqm. The buildings measure approximately 5m to ridge, 3.75m to eaves, constructed of silver grey and anthracite grey cladding, with grey roller shutter style access doors with 2 in each block coloured orange. The units are split between 6 blocks and separated by internal access roads, with one of those blocks located to the western boundary adjacent to the open spaced area, 2 to the northern boundary, and remaining 3 blocks occupying the remainder of the site. Landscaped areas are provided to the west and eastern boundaries.

The site boundaries to the food store will be formed through retention of existing palisade fencing to the western boundary, low level timber knee rail to Preston Road and Boundary Road. The storage site will retain the mesh fence boundary to the north and west, and a new 2.4m paladin fence is proposed to the south and eastern boundaries for security reasons.

Revision has been received in light of initial assessment by officers and the local highway authority comments. These revisions have incorporated additional glazing to the elevations of the foodstore fronting Preston Road and Boundary Road, and have altered construction materials to incorporate additional brick work and render elements so as to soften the original industrial appearance of the building. In addition, the amount of landscaping has increased where adjacent to Preston Road and the junction of Preston Road/ Boundary Road. The access arrangement at the junction of Preston Road/ Lytham Road has been widened to improve access for larger vehicles, and Boundary Road has been widened into the application site so as to accommodate a right hand turn lane on Boundary Road into the McDonalds drive thru restaurant site.

Relevant Planning/Appeal History

Application	Development	Decision
19/0006	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF CLASS A1 RETAIL FOODSTORE	Resolved to approved by 04/09/2019 Planning Committee, but S106 has never been signed.
16/0718	INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS.	Withdrawn by applicant 13/10/2016
16/0552	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT FOR INSTALLATION AND OPERATION OF GAS POWERED ELECTRICITY GENERATORS (INSIDE BUILDING), SUBSTATION, GAS KIOSK, RADIATORS, VENTILATION STACKS AND EXHAUST STACKS.	Withdrawn by applicant 19/09/2016
11/0685	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF 34 PROPERTIES COMPRISING 16	Refused 15/08/2012

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	MEWS HOUSES AND 18 APARTMENTS. (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	
09/0020	REDEVELOPMENT OF SITE FOR 17 ONE-BEDROOMED APARTMENTS AND 38 TWO-BEDROOMED APARTMENTS, AND ASSOCIATED PARKING AND LANDSCAPING (RESUBMISSION)	Withdrawn
08/0353	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 5 APARTMENTS (17 X 1 BED, 38 X 2 BED) IN TWO BLOCKS (1 X 3 STOREY, 1 X 4 STOREY) WITH ASSOCIATED CAR PARKING, LANDSCAPING AND PUBLIC AMENITY SPACE.	Appeal against non determination – dismissed on 02/07/2009
06/0049	RE-SUBMISSION OF 05/555 – ALTERATIONS AND NEW BUILD EXTENSION TO AN EXISTING CAR SHOWROOM AND SERVICE CENTRE.	Granted 16/06/2006
05/0555	DEMOLITION, ALTERATIONS AND NEW BUILD TO AN EXISTING CAR SHOWROOM AND SERVICE CENTRE	Withdrawn
05/0505	NEW PRIMARY CARE CENTRE WITH ASSOCIATED RETAIL PHARMACY AND DENTAL CLINIC	Refused 24/08/2005. Upheld on appeal 11/01/2006.
97/0120	EXTENSION TO EXISTING CAR SHOWROOM AND OFFICES AND NEW CAR PARK LAYOUT TO SITE FRONTAGE.	Approved 26/03/1997
95/0134	O/L APP. TO ERECT REPLACEMENT CAR SHOWROOM, FOOD SUPER- MARKET WITH PETROL FILLING STATION & 4 IND. UNITS TO INC. STORAGE/BODY SHOP & SERVICING OF MOTOR VEHICLES	Refused 16/08/1995
92/0194	ENCLOSURE OF EXISTING OPEN SALES AREA TO FORM NEW SALES AREA AND VALETING WORKSHOP.	Approved 22/04/1992
85/0463	Reserved Matters for petrol filling station	Approved 14/08/1995
83/0944	Outline for petrol filling station	Approved 14/07/1984
79/0013	EXTENSION TO PROVIDE M.O.T. FACILITIES.	Approved 14/02/1979

Parish/Town Council Observations

Parish/Town Council	Observations
Warton Parish Council	<p><u>Comments received on 28/09/2022</u></p> <p><i>The Parish Council do not object but make the following comments on the application.</i></p> <p><i>Although appreciated that the site has generated a moderate amount of visiting traffic throughout its history as a repair garage and vehicle showroom, concerns are raised concerning the additional impact of the proposed use of the site through vehicular entry and egress on to Preston Road which at particular parts of the day can be</i></p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>heavily congested. Given the immediate proximity of a popular takeaway restaurant, access to the small business unit estate and the highway speed limit increase coming out of Lytham it is felt the potential additional traffic generated increase the risk of serious vehicular collision posing a greater safety risk. Concerns were also expressed about the potential retail impact on the neighbouring village of Warton and any subsequent loss of employment resulting from the proposed food store.</i></p>
--	---

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Alyn Nicholls Retail Consultant (Second Comments)	<p>Matters outstanding from the initial assessment made by the Councils Retail Consultant required additional information concerning the applicants Retail Sequential Test:</p> <ul style="list-style-type: none"> • provide information about the site search, specifically to identify the method and resources utilised; • Extend the site search to identify whether there are any out of centre sites with better connectivity to Lytham Town Centre. <p>In response the applicant confirmed:</p> <p>Methodology for the Search for Potential Alternative Sites:</p> <ol style="list-style-type: none"> a) Review of sites assessed as part of sequential test for the previous foodstore application on the Stanways site in 2019 (LPA ref. 19/0006). b) Online search for vacant shop/commercial units and sites available to let or for sale within the area of search. c) Review of development sites identified within the area of search in the Fylde Local Plan and Policies Map. d) Review of vacant units identified as part of health check of Lytham town centre. e) Desk based visual inspection of satellite mapping / Google Street View for potentially underused/vacant sites within the identified search area. <p>Assessment of other Out of Centre Sites:</p> <p>The site search was extended to include potential alternative out-of-centre sites within a 5-minute drivetime catchment of the proposed foodstore. including Lytham and Warton, including the Enterprise Zone at BAE Warton. Sites were identified, but largely related to housing allocations and discounted for availability reasons or for conflict with Planning Policy. It was concluded that there are no potential alternative sites within the search area capable of accommodating at least the foodstore element of the proposed scheme. Therefore, the application site represents the most sequentially preferable site available for the proposed foodstore and the proposed development.</p> <p><i>Consultant Comment:</i></p> <p>The information provided by Avison Young ("AY") demonstrates that a methodical and, in my opinion, thorough search has been undertaken to identify potential alternative sites. The search has considered sites within and adjoining</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>existing centres and sites in out of centre locations. The additional clarification demonstrates there is no suitable site available in a sequentially preferable location. The exercise also demonstrates there are no alternative out of centre sites. The question of whether alternative out of centre locations should be preferred because of their better connectivity to an existing centre does not arise.</p> <p>The applicant has addressed the matters raised in my initial assessment. My view is that the sequential test is satisfied.</p> <p>The purpose of a condition is to ensure that the character of the development does not change to something which has not been tested and justified in the context of national and local policy. Obviously, the application is for a supermarket and a condition should reflect what has been applied for. I suggest the following:</p> <p><i>“Within Unit A which is the foodstore element of the scheme identified on drawing 2978BOL-105 Rev.G, the net sales area shall not exceed 1,315 square metres in floorarea. The area for the sale of non-food goods shall not exceed 20% of the net sales area (263 square metres). The small unit storage/ warehouse element of the scheme identified on drawing 2978BOL-105 Rev.G shall not be used for the sale of goods direct to the public.”</i></p> <p>Reason for the condition:</p> <p>The development is located outside a designated town centre. National and development plan policy requires the impact of development on existing centres to be assessed. The restrictions on the size of the net sales area and the area used for the sale of non-food</p> <p>The no-poaching clause specifically arose in the context of the previous application because of the realistic prospect of M&S relocating from their existing St Annes store. As a business M&S is in a process of consolidation. That is different to Aldi who are expanding. Further, Aldi is a named operator for this application. The previous application was speculative against the background of knowing that M&S were searching for a relocation site. Having given this further thought, I don't think a no-poaching clause is justified in this case.</p>
Alyn Nicholls Retail Consultant (First Comments)	<p>The site is located outside a town centre and is not in accordance with an up-to-date Development Plan. The scale of the proposal is above the local impact threshold set by Policy EC5 of the Local Plan. In these circumstances, the issues raised by the Development Plan and the National Planning Policy Framework (“the NPPF”) are:</p> <ul style="list-style-type: none"> • whether the proposal satisfies the sequential approach to site selection; • the impact on investment within centres; and • the impact on town centre vitality and viability. <p><u>Sequential Test</u></p> <p>The sequential test requires applications for retail development to be within “town centres”. If development cannot be accommodated within a centre, edge of centre sites will be acceptable and only if there are no town or edge of centre sites, will out of centre sites be considered. It is important to bear in mind that</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>the sequential approach to site selection should have regard to the positive approach of the NPPF in supporting development. I particularly refer to NPPF paragraph 86 which refers to meeting in the need likely to arise for retail development. Consequently, the sequential test is designed to direct development to town centre locations where possible, but it does not aim to prevent development when there are no suitable in-centre or edge of centre sites available.</p> <p><i>Summary of applicants (Avison Young (AY)) Sequential Test:</i></p> <p>a) Confirms that the site is out of centre and a sequential assessment is required;</p> <p>b) Whilst it is asserted that the sequential assessment should consider the application proposal as a whole and it therefore should seek sites to accommodate a foodstore and the storage components of the proposal, the assessment disaggregates the foodstore and considers whether that component can be accommodated on a suitable site in a sequentially preferable location.</p> <p>c) Having regard to the approach taken for the 2019 application on the site and that taken in respect of the nearby Lidl when at the application stage, the only centre for which a search for sites is made in Lytham Town Centre. However, it is noted that the proposed Local Centre at Warton would be within the defined primary catchment area of the proposal.</p> <p>d) In order to reflect flexibility in scale and format, the site search is for land or premises of 0.75 hectares which is smaller than the application proposal.</p> <p>e) The AY search for sites within and at the edge of Lytham Town Centre and the proposed Warton Local Centre did not identify any potential sites for the proposed foodstore. No information is provided to indicate how the site search was undertaken.</p> <p>f) The AY Report identifies vacant units within Lytham Town Centre and states that that the largest unit is too small to accommodate the proposed foodstore.</p> <p>g) Reference is made to two development sites which are identified in the Local Plan. One has been developed for housing, the other is under construction.</p> <p>h) Regarding Warton and the proposed Local Centre, AY note that land is not available and without knowledge of the site, suitability cannot be assessed.</p> <p><i>Consultant Comment on AY Sequential Test:</i></p> <p><i>Disaggregation</i></p> <p>The AY Report argues that the sequential test should be applied to the application as a whole, This approach is justified by decisions on appeal and “call-in” that state there is no requirement for a developer to consider the disaggregation of the individual elements of a scheme. AY assert that the sequential test relates entirely to the application proposal as a whole; it is not a question of whether a materially reduced or otherwise different scheme can in theory be pursued on other sites. However, whilst AY argue there is no requirement to consider the foodstore and warehouse park elements of the scheme separately, the exercise they have undertaken acknowledges the scope for the two elements of the application to be delivered separately on different sites. In light of this, the sequential assessment has been undertaken focussing on the foodstore element only. I agree with this approach.</p>
--	--

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>Whilst the NPPF does not require an application to address the sequential approach on the basis of disaggregation when it is possible. Decisions at Kingsway Hull and Cribbs Causeway indicate that the question of whether a disaggregated approach is appropriate will be a matter of judgement having regard to the circumstances of the case. In this case there are two distinct elements to the application which have no functional relationship or interdependency.</p> <p><i>Flexibility</i></p> <p>The AY Report discusses the issue of flexibility. For the purpose of identifying potential sites it adopts a modest 5% reduction in the size of the development site in the site search. Whilst recognising that Aldi have an established trading format, in my opinion the degree of flexibility adopted is too limiting. However, no sites or premises are identified which are anywhere close to accommodating a foodstore remotely similar to the proposal. The fact that the degree of flexibility adopted by AY is modest, is not material in this instance. The question would need to be revisited if a suitable site was found to be available that was closer in size to the application.</p> <p><i>Centres for Assessment</i></p> <p>The centre assessed is Lytham Town Centre and consideration is given to Warton, bearing in mind the Local Plan promotes the development of a Local Centre there. Given the area from which the application is likely to draw trade, I consider this to be reasonable. It is also consistent with the assessment undertaken for the previous application on the site and indeed in the assessment undertaken to support the planning application for the nearby Lidl store.</p> <p><i>Approach to Identifying Potential Alternative Sites</i></p> <p>The AY Report provides no explanation of the method, approach or nature of the research undertaken to arrive at the conclusion that there are no potential sites within or at the edge of Lytham Town Centre, or at Warton. The discussion about flexibility within the AY Report explains the parameters for the development that any identified site would need to fulfil. However, there is no evidence of the search for sites. Whilst reference is made to land allocated for development in the Local Plan, no information is provided about what has been done to identify sites. Without that information a judgement cannot be made as to whether the search has been methodical and thorough.</p> <p><i>The Omission of Out of Centre Sites</i></p> <p>NPPF paragraph 87 sets out the sequential approach, setting out the circumstances when out of centre sites may be considered. Paragraph 88 goes on to say that when considering edge or out of centre sites, preference should be given to accessible sites which are well connected to the town centre. The reference to giving preference to well-connected sites requires consideration of whether there are other suitable out of centre sites that would perform better in terms of connectivity than the application site. The AY Report does not address this question.</p> <p><i>Conclusions of Sequential Test</i></p> <p>My criticisms of the sequential assessment undertaken within the AY Report are that in the first instance, no information is provided to demonstrate a</p>
--	--

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>methodical and thorough approach to identifying potential sites, and secondly, the possibility of another out of centre site being better connected to Lytham Town Centre and thereby sequentially preferable, has not been considered. The context of these criticisms is that it is for the applicant to demonstrate that the sequential approach is satisfied. I am also mindful of the guidance that a sequential assessment should be proportionate and appropriate for the given proposal.</p> <p>The sequential test has been addressed relatively recently in the context of the 2019 application on the site and also in relation to other applications for retail development in Fylde including the application for Lidl, a short distance to the west. In each case the conclusion of the exercise was that there was no suitable site or premises available in a sequentially preferable location. However, it cannot be assumed that circumstances have not changed.</p> <p>In light of the above, the Applicant should:</p> <ul style="list-style-type: none"> • provide information about the site search, specifically to identify the method and resources utilised; and • Extend the site search to identify whether there are any out of centre sites with better connectivity to Lytham Town Centre. <p><u>The Impact Assessment:</u></p> <p>I have referred to the two components of the impact test which are set out in NPPF paragraph 90. These are in summary: to consider the effect on the proposal on investment within a town centre and to address the impact on town centre vitality and viability. I have also referred to the PPG which states that the onus falls on the applicant to demonstrate that impact of a proposal is acceptable. The PPG also states that an assessment should be undertaken in a proportionate and locally appropriate way drawing on existing information where possible.</p> <p>I have also referred to the PPG providing guidance about how the impact test should be applied in decision making. There is a check list for applying the test²⁸ which can be summarised as: to establish baseline conditions; to consider how the baseline is likely to change having regard to population and expenditure changes; to consider the “no development” scenario, which may involve taking account of planning commitments that will come forward and before the proposal is developed; to assess turnover and trade draw of the proposal and to consider these factors in the context of the baseline; and to address plausible alternative scenarios.</p> <p><i>Summary of applicants (Avison Young (AY)) Impact Assessment:</i></p> <p>It acknowledges that the application exceeds the local impact threshold set by Local Plan Policy EC5 and that the assessment of the impact of the proposal is required.</p> <p>The impact assessment focusses on convenience shopping and the effect of the proposed store in that context. It explains that comparison floorspace is</p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>relatively small in area and ancillary to the convenience goods offer of the foodstore. It is noted that the nature of comparison shopping at discount foodstore format is one of 'special buy' products, which provide a limited, diverse and changing range of promotional items. It goes on to say that any comparison trade diversion associated with the proposed foodstore will be dispersed thinly across a wide range of stores, with no individual store or centre experiencing a material level of trade diversion.</p> <p>The assessment makes assumptions:</p> <ul style="list-style-type: none"> a) The impact assessment considers impact at 2027, five years from the current base date. b) Makes use of the Blackpool Retail, Leisure & Hotel Study (July 2018) since it provides household telephone survey data for shopping patterns in Fylde Borough. c) Total expenditure in convenience goods within the study area is projected to rise from £205.56m in 2022 to £211.74m in 2027: an increase of £6.18m. d) A sales density of £11,501 per square metre is applied to a convenience sales area of 1,052 square metres to estimate a convenience turnover at 2022 of £12.1m which is estimated to have grown to £12.3m at 2027. e) The estimated turnover of the store in comparison goods is £2.2m at 2022 rising to £2.5m in 2027. f) To determine patterns of convenience expenditure the estimates of total expenditure are applied to the market shares derived from the household telephone shopper survey from the Blackpool Study. g) The trade draws from existing destinations are based on apportioning the turnover of the development. For example, it is assumed that 25% of the turnover of the proposal is diverted from Aldi at Clifton Drive North, St Annes, and the same percentage from Lidl at Preston Road Lytham. The trade diversion from Aldi is £3.1m which represents an impact of -12.3%. In respect of Lidl, trade diversion is the same, resulting in an impact of -30.3%. Trade diversion from Lytham Town Centre is estimated at -5.7%, and from St Annes Town Centre, -7.9%. <p>The overall assessment of trade diversion from Lytham is that the Town Centre remains a vital and viable town centre, with a diverse offer, below-average vacancy rate and which is well used by the catchment population. AY assert that the impact arising from the application will not have any bearing on the vitality and viability of the centre. AY say that Lytham is successfully performing its role and function within the local retail hierarchy and, for the reasons they give, this will not change following the opening of Aldi on the application site.</p> <p>In respect of St Annes, AY say that given the strong trading performance of the existing Aldi in the Town Centre, and the overall vitality and viability of the centre, the application will have no implications for its future role and function or vitality and viability. AY note that the application is located over a 7km / 11-minute drivetime from St Annes Town Centre which has a large and varied retail, leisure and retail service offer. They state that the application will not be diminished by the proposed Aldi foodstore.</p> <p><i>Consultant Comment on AY Impact Assessment:</i></p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>Population Estimates</i></p> <p>My view is that the 2020 ONS population estimates used by the applicant are a reliable source which is more recent than the Experian derived population estimates used in the Blackpool Study.</p> <p><i>Areas from Which the Application Would Draw Trade</i></p> <p>The areas from which the application would draw trade and the assumed percentage of turnover drawn from each area will indirectly affect the level of trade diversion from existing shops and centres. AY use the Blackpool Retail Study zones 4 (south Blackpool) , 5 (parts of Fylde which adjoin Blackpool), 9 (Lytham & St Annes) and 10 (Warton, Freckleton, Kirkham, Wesham, Wrea Green).</p> <p>The % turnover of the development from households in each Zone is</p> <p>4 – 7%</p> <p>5 – 7.5%</p> <p>9 – 73%</p> <p>10 – 2.5%</p> <p>Elsewhere – 3%</p> <p>The information provided by the household telephone shopping survey underpinning the Blackpool Study enables an analysis of the trade draws of existing stores and centres across the zones within the survey area. The Lidl store located on Preston Road, approximately 170m from the application site is similar in character to foodstore within the application. The trade draw of Lidl, Preston Road from the relevant zones is as follows:</p> <p>4 – 0%</p> <p>5 – 0%</p> <p>9 – 85.5%</p> <p>10 – 11.5%</p> <p>Elsewhere – 3%</p> <p>It is significant that Lidl attracts no trade from survey zones 4 and 5 which are focussed on the Blackpool built-up area. Within that area there are Aldi stores located at Blackpool Retail Park, Parkinson Way Retail Park and at Park Road. There is also Morrisons at Squires Gate Lane, the large Tesco at Clifton Road and Asda stores at Cherry Tree Road and Welbeck Avenue. Given the opportunities for food shopping within Zones 4 and 5 and bearing in mind that there is an existing discount supermarket offer, it should not be surprising that Lidl attracts no trade from Zones 4 and 5. The AY assessment assumes the application would draw 15.5% of turnover from these zones. The evidence of existing shopping patterns does not support that assumption.</p> <p>Lidl, on the other hand draws 11.5% of turnover from Zone 10 whereas the AY impact assessment assumes a trade draw of 2.5%. Within this Zone there is Aldi a Mill Farm Sports Village at Wesham and Morrisons at Kirkham. There is also Lidl at Poulton le Fylde. However, geographically this Lidl is relatively removed from the application site. Having regard to my analysis of the survey data, I consider the trade draw from Zone 10 assumed by AY to be too low.</p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>AY assume that 10% of the turnover of the application is drawn from “elsewhere”. This is an allowance for passing trade, workplace related shopping trips or other instances where people living outside the study area shop at the development. For Lidl at Preston Road, some 3.0% of trade was from outside the four Zones identified. This suggests that 10% is too high in this case, bearing in mind the character of the proposal, the location, the availability of opportunities for food and grocery shopping elsewhere and the evidence of the survey.</p> <p>This analysis leads to a conclusion that the trade draw from Zone 9 should be higher than assumed by AY. AY assume that 73% of the turnover of the store being drawn from this zone. The evidence indicates that Lidl draws 85% of turnover from this zone. A consequence of a higher trade draw from this zone is that trade diversion has the potential to be more concentrated and focussed on shops and centres in the immediate locality.</p> <p><i>Trade Draw from Existing Shops and Centres</i></p> <p>The Impact Assessment assume trade draws from the following shops:</p> <p>Lidl, Preston Road – 25%</p> <p>Aldi, Clifton Drive North - 25%</p> <p>Booths, Haven Road – 8.5%</p> <p>Tesco Extra, Clifton Road – 6%</p> <p>The trade draw from other destinations not listed above is less than 5% of the turnover of the development. However the aggregate draw from Lytham Town Centre is estimated to be 13.5% (this includes Booths at Haven Road); and from St Annes Town Centre, the draw is 31.5% of the turnover of the application (this includes Aldi, Clifton Drive North).</p> <p>I have undertaken an exercise based on the shopper survey to critically review the trade draw assumptions of AY:</p> <p>Lidl, Preston Road – 24%</p> <p>Aldi, Clifton Drive North - 18%</p> <p>Morrisons Squires Gate – 9%</p> <p>Tesco Extra, Clifton Road – 9%</p> <p>Sainsburys St Annes – 8%</p> <p>Booths, Haven Road – 8.5%</p> <p>Booths, Heyhouses Lane – 6%</p> <p>The aggregate trade draw from Lytham Town Centre estimated to be 6.6% (this includes Booths at Haven Road), which about half that assumed by AY. For St Annes Town Centre, my estimate of the aggregate trade draw is 27.2% of the turnover of the application (this includes trade draws from Aldi, Clifton Drive North, Sainsbury’s and Marks and Spencer). The trade draw from St Annes is about 4% lower that assumed by AY.</p> <p>The significance of the conclusions arising from the exercise I have undertaken is that trade draw from centres is likely to be more diffuse and lower on the main stores affected, with the exception of Lidl at Preston Road. Trade diversions in monetary terms are likely to be lower on stores and centres, other than Lidl.</p> <p><i>Estimates of Trade Diversion</i></p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

I estimate trade diversions and impact on convenience shopping (at 2027) are as follows:

Estimates of Trade Diversion

Centre/Store	Turnover of Centre/store (£m)	Trade Diversion (£m)	Impact
Lytham Town Centre	£25.42	-£1.15	-4.5%
St Annes Town Centre	£42.70	-£3.35	-7.9%
Lidl, Preston Road	£8.85	-£2.94	-33.2%
Aldi, Blackpool Retail Park	£13.19	-£2.20	-16.7%
Aldi, Parkinson Way Retail Park	£14.01	-£0.75	-5.4%
Tesco Extra, Clifton Road	£67.14	-£1.08	-1.6%
Morrisons, Squires Gate	£41.93	-£0.33	-0.8%

My conclusion is that the AY assessment provides a fair quantitative assessment of the likely impact of the proposal on existing stores and centres.

The Potential Impact on Local Shopping

The household survey indicates that Freckleton and “local shops” attract a little over 3% of convenience expenditure arising within Zone 10. I estimate that trade diversion from Freckleton and “local shops” would be in the order of £0.05m. Of this total about £0.03m is likely to be diverted from shops at Freckleton, the balance from elsewhere. Local shops at Warton are a short distance to the east of the Application. In my view, a substantial part of the £0.02m diverted from “local shops” is likely to be derived from local shops in Warton because of their proximity to the Application.

Given the proximity of the Application to Warton there is bound to be some diversion of trade. However, as local shops do not cater for main shopping trips and the walk-in catchment will be different, in my judgement impact on local shopping at Warton is unlikely to be at a severe level such as to justify the refusal of planning permission.

Consideration of Impacts

The first of the impact considerations within NPPF paragraph 90 is the effect of the proposals on investment. AY state that there is no known proposal for new investment in Lytham or St Annes Town Centres which might be affected by the application. However, paragraph 90 refers to existing public and private investment in addition to committed and planned.

Investment in the public realm at St Annes and Lytham Town Centres and Warton and Freckleton are relevant in the context of the matters identified by paragraph 90. The attractive and high-quality public realm within St Annes and Lytham Town Centres is noted by the AY Report. The need for public realm enhancement in Warton is identified in the NP. The sensitivity of the public realm at Freckleton to impact by out of centre retail development was identified within the appeal decision for development promoted by BAe Systems at Mill Lane, Warton

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>The issue of the policy aspiration of Local Plan Policy EC5 for the development of a local centre at Warton was considered at length when the Council considered the previous application on this site in September 2019. My advice to the Council on the merits of that application was, as a matter of judgement, approving that application could prejudice the delivery of the local Centre at Warton. The Officer Report noted my view but came to a different conclusion on the merits of that application when weighing the benefits of the proposal, including the contribution to public realm to assist facilitating the delivery of a centre at Warton.</p> <p>It is important to bear in mind that the provision of a Local Centre at Warton is an objective of the Development Plan. If a development would be prejudicial to the delivery of a Local Centre it is a matter for the Council to consider the weight to attach to the potential harm. However, the Local Plan is ambiguous about the location, scale and delivery of a Local Centre. A supermarket is not an essential component of a Local Centre. Moreover, since the Local Plan was adopted convenience shopping in Warton has been improved through the redevelopment of the Shell petrol filling station and the incorporation of a Tesco Express convenience store.</p> <p>Turning to impact on vitality and viability, both Lytham and St Annes Town Centres are healthy and vibrant. The main foodstores within St Annes are trading well. The Aldi at St Annes is trading especially well. The levels of impact anticipated on these centres is moderate, but in either case it is not near to the level at which the harm to the vitality or viability of the Town Centre would be significant adverse such as to trigger an objection in the context of NPPF paragraph 91. It is significant that a material difference between this application and the 2019 proposal is that this proposal is to be occupied by Aldi. This being the case, there is no prospect of Marks and Spencer relocating from their premises in St Annes Town Centre as there was with the 2019 application. However, Aldi is also a key retailer in St Annes. A relocation to the Application, rather than the Application accommodating an additional Aldi, would result in a severe adverse impact on the Town Centre. A “no-poaching” condition was proposed for the 2019 application. Similar would be justified for this application.</p> <p>The impact assessment has been based on the specific circumstances of the Application. A change in the character of retailing on the site could have different impacts. A condition is necessary to control the character of retail activity on the site, specifically by limiting the amount of floorspace from which comparison goods may be sold.</p>
Environmental Protection	<p>No objection subject to conditions relating to hours of operation of the premises and to control potentially noise generating activities, as follows:</p> <ol style="list-style-type: none"> 1. The food store shall not be open outside the hours of 08.00 to 23.00 Monday to Saturday and 10.00 to 17.00 hours Sunday. 2. No loading or unloading of vehicles and no deliveries shall be taken at or dispatched from the food store (including waste collections) outside the hours of 06.00 to 23.00 Monday to Saturday and 08.00 to 18.00 hours Sunday.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>3. The engine or any diesel-powered freezer/refrigeration on delivery vehicles shall be turned off while the vehicle is stationary.</p> <p>4. Any reversing alarms or indicators on delivery or waste collection should not be heard above background noise at the boundary of any nearby dwellings/residents.</p> <p>5. The rating level of noise from mixed plant on the food store shall not exceed 45db Lar,1h Between 07.00 and 23.00 hours on any day and 31db Lar,15m, Between 23.00 and 07.00 hours on days as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014.</p>
LCC Highways	<p>Initial Comment:</p> <p>There are no highway objections to the principle of the development, however, revised plans (junction of Preston Road/ Boundary Road) are required before planning conditions can be suggested.</p> <p>Prior to submitting the application, the developer held pre-applications with LCC so as to gauge the scope of the Transport Assessments and ascertain if there were any highway concerns.</p> <p><u>Transport Assessment.</u></p> <p>The developer has produced a Transport Assessment (TA) in support of the proposal to set out the transportation matters pertaining to the development proposal.</p> <p>In general, the TA is acceptable, however, there are several matters that are not agreed. Nonetheless, I do not consider it necessary for the developer to provide revisions should they accept my conclusions.</p> <p>1. Traffic Count.</p> <p>The developer undertook traffic surveys in April 2022 to ascertain the baseline traffic levels. LCC are of the opinion that counts at that time would still be influenced by the Covid pandemic and as such caution needs to be exercised if these were to be used in junction capacity assessments.</p> <p>2. Accident Analysis.</p> <p>The TA identifies 1 injury accident in the last 5 years at the junction of Preston Road and Boundary Road. This accident involved a turning vehicle and resulted in a serious injury.</p> <p>There are no other injury accidents within 200m of the junction, however, just beyond this distance there is an injury accident to the east and 3 to the west, all resulting in slight injuries.</p> <p>3. Trip Rates.</p> <p>To determine the level of traffic generated by the development the developer has used data obtained from similar type developments rather than the standard methodology of trip rates based on an interrogation of the TRICS database. However, an interrogation of the TRICS database reveals that the trip rates used by the developer for the foodstore are higher and as such are acceptable. The trip rate from the TRICS database for self-storage shows that</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>there would be minimal traffic movements in the peak hours. Table 5-3 in the TA is therefore agreed as being representative for the traffic generation of the development.</p> <p>4. Trip Distribution. The developer has indicated that within their assessment they have use 10% of trips as being new trips, the 30% transferred trips being treated as new trips and 60% of trips being diverted (pass by). The assignment of trips is based on existing turning proportions on the network. For this type of development at this location the assumptions made by the developer in the TA are acceptable.</p> <p>5. Junction Capacity. Given the likely impact of the development proposal on the highway network it was agreed the junction capacity analysis would only be required at the site access to Boundary Road and the junction of Preston Road and Boundary Road.</p> <p>The developer has added TEMPRO growth to the 2022 base to establish the 2027 base for the assessment. The analysis undertaken by the developer shows, based on their traffic data, that both the site access and the junction of Preston Road and Boundary Road will operate well within capacity.</p> <p>As pointed out earlier traffic data obtained in April 2022 is still influenced by Covid and caution needs to be applied. Traffic levels in April 2022 were around 90-95% of pre-Covid levels and if this was factored into the analysis undertaken by the developer the results would be that the junctions would still operate with spare capacity. As such I do not consider it necessary for further junction analysis to be carried out.</p> <p><u>Preston Road / Boundary Road.</u> The developer is not proposing to alter the geometry of the existing Preston Road / Boundary Road junction, however the existing geometry does not allow for HGV's to access or egress the junction without crossing onto the "wrong side" of the road.</p> <p>The junction currently serves as access to the drive through restaurant and mixed-use business park/ industrial estate with a relatively good road safety record of 1 recorded injury accident in the last 5 years, however, the development will lead to an increase in vehicle movements at the junction and consequently there will be a higher risk of collisions unless mitigation is provided.</p> <p>Given the extent of the adopted highway here and the land which is within the developers control I am satisfied that suitable mitigation can be provided. I consider it appropriate that in principle scheme of mitigation be agreed prior to the application being determined.</p> <p><u>Site Access.</u> The development proposal will result in the closure of the existing access onto Preston Road with foodstore and the storage being accessed separately off Boundary Road.</p>
--	--

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>Vehicle access to the foodstore will be via a simple priority junction onto Boundary Road and a new 2m wide footway is to be provided along the Boundary Road frontage of the site ensuring the adequate visibility at the site access is guaranteed. Vehicle tracking has been provided which demonstrates that large HGV's can service the development, although they would cross onto the wrong side of the road. Given that adequate visibility is available and HGV movements can be controlled by the store to "quiet times" the access arrangement is acceptable.</p> <p>Pedestrian access to the foodstore is from Preston Road.</p> <p>Access to the storage units is via a simple priority junction, again large vehicles would cross onto the wrong side of the road. As this would be occasional movements and adequate visibility is available the access arrangement is acceptable.</p> <p><u>Parking / Internal Layout / Servicing.</u></p> <p>The developer is proposing a total of 109 car parking spaces, including mobility spaces, parent & child spaces and Electric Vehicle charging spaces. A car parking accumulation assessment has been undertaken to show that under normal peak conditions there would be spare capacity. Car parks where there is a frequent turn over of parking that operate at or close to capacity have a tendency to lead to vehicles spilling back onto the highway and thus can create issues for other road users.</p> <p>The level of car parking proposed and its layout are acceptable.</p> <p>Servicing for the foodstore is all within the site.</p> <p><u>Sustainable Travel.</u></p> <p>To encourage sustainable travel to the site the developer has proposed the following;</p> <ol style="list-style-type: none">1. Walking. New footway to the Boundary Road frontage of the site and new controlled crossing on Preston Road2. Cycling. Amendments to the on-carriageway and off-carriageway cycle lanes as a result of the highway changes. Cycle facilities within the controlled crossing.3. Public Transport. Upgrades to existing bus stops <p>These improvements are supported.</p> <p>No improvements to bus services are considered necessary to make this development proposal acceptable.</p> <p><u>Construction.</u></p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>The developer will be required to submit a Construction Environmental Management Plan (CEMP) either at reserved matters stage or through a discharge of conditions application.</p> <p><u>Travel Plan.</u> The developer has produced a Travel Plan document which meets the minimum standards for a Framework Travel Plan, however, this will need to evolve into a full Travel Plan when the development is built out.</p> <p><u>Highway Improvements.</u> The following highway improvements should be delivered through a s278 agreement. New controlled crossing on Preston Road. Bus stop upgrades including shelters. Alterations to the Preston Road / Boundary Road junction including turning lanes and cycle lanes. Closure of existing accesses to Preston Road and reinstatement of footways.</p> <p>The closure of existing accesses to Boundary Road, creation of new footways and access to be constructed to LCC specifications but will not be accepted for adoption under a s38.</p> <p>The developer should provide a programme and timescale for the carrying out of the highway works.</p> <p><u>Section 106 contribution.</u> For a development of this scale LCC would expect a developer contribution of £6,000 for travel planning support to assist the developer move from a Framework Travel Plan, evaluation and monitoring over a 5 year period.</p> <p>No other contributions are sought.</p> <p><u>Comments to submitted revision which includes widening of junction and provision of right hand turn to McDonalds drive thru restaurant.</u></p> <p>The right turn lane provide some stacking into McDonalds which then allows other traffic to get past and thus minimise the hazards of backing up to Preston Road. I'm satisfied that this is an acceptable solution to the existing problem and should be sufficient to prevent Lidl traffic from exacerbating the situation.</p> <p>No objection subject to conditions requiring:</p> <ol style="list-style-type: none"> a) Construction method statement. b) Travel Plan. c) Access and off site highway works design which include <ul style="list-style-type: none"> • New controlled crossing on Preston Road. • Bus stop upgrades including shelters. • Alterations to the Preston Road / Boundary Road junction including turning lanes and cycle lanes. • Closure of existing accesses to Preston Road and reinstatement of footway. • Provision of footway on Boundary Road (to remain privately maintained).
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>d) Provision of approved access & off site highway works prior to first use.</p> <p>e) provision of parking and manoeuvring areas prior to first use.</p>
United Utilities	<p>No objection subject to conditions relating to:</p> <p>a) Foul and surface water details.</p> <p>b) Management and maintenance of sustainable drainage systems.</p> <p>c) Asset protection during construction and operation of development.</p> <p>A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way.</p> <p>Following our review of the proposed site layout, it appears that our required access to the water main is provided. This is based purely on the information contained within plan '<i>Drawing Number 2978BOL-105 Rev M – Site as Proposed</i>'. The acceptability of any proposal is dependent upon the applicant knowing the exact location (line and depth) of the asset in question. The applicant should ensure this is confirmed through site specific investigations as this could be material to the detail of the design including the proposed crossings, including services.</p> <p>A rising main (a public sewer operating at high pressure) is close to this site and it must not be built over. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The applicant should determine the precise location, depth and condition of the pipeline as this can influence the required stand-off distance from any structure. Further advice is available from our Developer Services team. See 'Contacts' section below.</p>
NATS Safeguarding	No safeguarding objection to the proposal.
Lancashire Fire & Rescue	No objection, reference made to Building regulation requirements.
Environment Agency	<p>No objection.</p> <p>The application site lies within Flood Zone 3 (high probability of flooding) on the Environment Agency Flood Map for Planning (rivers and sea) and the proposal is for development which is classed as 'less vulnerable' in Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework.</p> <p>The planning application is accompanied by a Flood Risk Assessment (FRA), referenced 5009/FRDA/Final/v2.0/2022-07-06 (dated 6 July 2022), prepared by Weetwood. We have reviewed the FRA insofar as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.</p> <p>The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><u>Flood Risk Sequential Test:</u></p> <p>The LPA has a requirement to undertake a flood risk sequential test. In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.</p> <p><u>Flood warning and emergency response:</u></p> <p>We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.</p> <p>The national Planning Practice Guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the National Planning Policy Framework and the guiding principles of the PPG.</p> <p><u>Flood resistance and resilience:</u></p> <p>We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.</p> <p><u>Contaminated Land:</u></p> <p>The previous use of the proposed development site as a vehicle service/repair garage and former rail depot presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary Aquifer B and close to a surface watercourse (Main Drain, approximately 40 metres away).</p> <p>We have concerns that the investigations have been undertaken prior to the demolition of the buildings on site, and so leave considerable areas of developable land that has not been investigated and may be subject to contamination. Further detailed information will therefore be required before built development is undertaken. The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.</p>
--	--

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>General advice to applicant provided concerning waste on site and waste to be taken off site.</p> <p><u>Development near existing regulated sites:</u> The proposed development is within 250 metres of a waste site regulated by the Environment Agency through the Environmental Permitting Regulations. Future occupants of the proposed development could be exposed to emissions associated with the regulated activity (odour, dust, noise, bioaerosols, pests).</p> <p>If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and the proposed development will co-exist, with the potential for some residual impacts.</p> <p><u>Sustainable drainage systems (SuDS):</u> We would advocate the use of SuDS as they can help absorb diffuse pollutants and improve water quality.</p>
Lead Local Flood Authority	<p>No objection, subject to condition requiring:</p> <ul style="list-style-type: none"> a) development to accord with the submitted flood risk assessment. b) Surface water drainage design. c) construction surface water design. d) Sustainable drainage management and maintenance details. e) verification of constructed drainage system.
Tree Officer	<p>No objection.</p> <p>There will be a requirement to fell and clear a significant amount of tree species. I would like to see an enhanced tree planting plan to mitigate the removal of trees.</p>
British Aerospace Warton	No objection.
Natural England	<p>The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.</p>
Ecology Consultant (GMEU)	<p>A Preliminary Ecological Assessment (BWB, June 2022) and an Ecological Impact Assessment (BWB, August 2022) have been undertaken and submitted as part of the application.</p> <p><u>Protected Sites:</u> The site does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to Marton Mere (SSSI). The application is located in close proximity to the SSSI Lytham Coastal Changes, a geological designation. No direct negative impacts on the SSSI are anticipated, and I note that Natural England have responded to state they have no objection to the scheme.</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>The standard pollution control measures (section 5.3 of the PEA) proposed in the ecology report should be secured as a matter of best practice.</p> <p><u>Bats:</u></p> <p>One building on the site was assessed as having low potential to support roosting bats and one tree on site as having low potential. Therefore further bat activity surveys were undertaken. No evidence of bats was found in the building, and no bats were recorded emerging from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for demolition.</p> <p>However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.</p> <ul style="list-style-type: none">· Removal of the tree identified as having low potential to support roosting bats should be felled under a method statement (section 4.2.1 of the EcIA).· Any new lighting must be designed to avoid any negative impacts on nocturnal mammals, including roosting bats (section 4.2.2 of the EcIA). <p><u>Nesting Birds:</u></p> <p>Buildings, trees and other vegetation have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).</p> <ul style="list-style-type: none">· Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.· A bird nest box scheme should be secured via a condition to compensate for the loss of bird nesting opportunities (see BEMP suggestion below). <p><u>Other Protected Species:</u></p> <p>No other protected species were identified on the site, but there is potential for species such as hedgehogs, amphibians and reptiles to be present on the site, both of which are priority species (NERC Act, 2006).</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none">· No development shall take place until Reasonable Avoidance Measures for species including mammals, reptiles and amphibians has been submitted to and approved in writing by the LPA.· Updated pre-commencement surveys should be secured through the use of a condition.· Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species. <p><u>Landscaping and Enhancements:</u></p>
--	---

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<ul style="list-style-type: none">· Trees and semi-natural vegetation should be retained and adequately protected from any adverse impact where possible. Adequate replacement planting for the loss of any trees on the site should be sought.· Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d). As per section 5 of the EclA a Biodiversity Enhancement and Mitigation Plan (BEMP) should be secured as part of any planning permission which is granted, and could include the removal of the invasive horsetail from the site.
--	---

Neighbour Observations

Neighbours notified: 24 August 2022

Amended plans notified:

Site Notice Date: 5 September 2022

Press Notice Date: 8 September 2022

Number of Responses Total number of comments 2

Summary of Comments The comments received can be summarised as:

- There is queuing on Boundary Road at the access to McDonalds which occasionally block the road. Adding another large business at the top entrance without any changes will cause many issues including health and safety for customers who use the road to access the estate seeing as there is no pavement.
- The proposal will bring a visual benefit to the area through developing this prominent and vacant site
- The development of this site will make the estate more attractive and bring customers onto the estate who may then visit the other businesses

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

S1 - The Proposed Settlement Hierarchy

SL1 - Lytham and St Annes Strategic Locations for Development

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

GD8 – Demonstrating Viability.

EC1 - Overall Provision of Employment Land and Existing Employment Sites

EC2 – Employment Opportunities

EC5 - Vibrant Town, District & Local Centres

INF2 - Developer Contribution

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

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

- Principle of land uses proposed in this location, including retail sequential testing and impact assessment.
- Design.
- Highway Safety.
- Residential Amenity.
- Other matters – Ecology, Flood Risk and Drainage.

Taking each matter in turn:

Principle of land uses proposed in this location

The site is located within the settlement boundary of Lytham, the eastern portion is allocated as an Employment Site, as designated by the FLPPR Policies Map. FLPPR policy GD1 generally encourages development toward sites located within settlement boundaries subject to conformity with all other relevant policies of the development plan. In this regard compliance with underlying policies relevant to the sites partial Employment Land allocation and retail are of particular importance.

Employment Land Allocation

The Employment Allocation maintains approximately 50% of the application site being located to the eastern portion of the site adjacent to Boundary Road. Policy EC1 of the FLPPR is of relevance and supports the development of B1 a, b and c (light industry, now Class E), B2 (General Industry) and B8 (Storage and Warehousing) land uses in principle. Policy EC1 confirms that alternative uses will be resisted on the allocation, unless it is demonstrated that there is no reasonable prospect of the site being used for the specified purposes.

Policy EC1 also requires assessment of alternative uses against Policy GD8 (Demonstrating Viability), which requires one of 3 tests to be passed:

- a) the continued use of the site / premises for its existing use is no longer viable in terms of the building age and format and that it is not commercially viable to redevelop the land or refurbish*

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use development for the existing use and a compatible use; or

- b) the land / premises is / are no longer suitable for the existing use when taking into account access / highway issues (including public transport), site location, business practices, infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or*
- c) marketing of the land / property indicates that there is no demand for the land / property in its existing use.*

The retail element of the proposal occupies approximately 50% of the employment allocation, and is therefore contrary to that allocation since it does not provide for land uses supported by Policy EC1 (B1, B2 or B8).

The applicant's Planning Statement confirms that the Employment Allocation land parcel has been vacant for more than a decade, the site has been regularly marketed by the landowner throughout this period and that there has been no genuine interest in its redevelopment for employment purposes. The applicant is of the opinion that the irregular and linear form of the allocation hinders the on site manoeuvrability of HGVs and is one of the reasons why the site has failed to attract interest. The applicant contends that the allocation is not therefore commercially viable and that this position allows for the consideration of a mixed use development by virtue of criteria a) of EC1, as per the development proposed.

Officers are aware that the site has been vacant for a considerable length of time and has also been marketed throughout that time, although the nature and extent of that marketing has not been confirmed in the submission. Notwithstanding, the planning application provides for a mixed use development, with retail element located to the south of the plot and storage/ warehouse facility to the north. The storage/ warehouse use is categorised as a B8 land use, and one that importantly is supported by Policy EC1. This element of the scheme will effectively replace the Employment allocation, albeit the land take of the storage facility is slightly smaller (4964sqm) than that of the allocation (6580sqm). Moreover, the proposal will remove the constraints of the employment allocation, providing for a more uniform rectangular plot accessed from Boundary Road, whilst ensuring that more unsightly employment buildings are located to the north and away from visibility of Preston Road. There are therefore inherent advantages that weigh in favour of the proposal.

On this basis it is considered that there are unique circumstances that support both the reduction in size and relocation of the Employment allocation as a consequence of the development proposed. Inclusion of the storage/ warehouse development within the application is influential in this assessment, enabling an alternative use that would be contrary to the allocation. If approval is recommended it is necessary to impose sufficient safeguards that will ensure delivery of this element of the scheme. To that end a condition is advised requiring substantial completion of the storage/ warehouse element prior to any trading from the foodstore. The restriction is not considered to be onerous or unreasonable constraint on the development bearing in mind the partial Employment Allocation on the site and justification provided by the applicant. Indeed the applicant has no objection to the suggested condition and it is noted that the application confirms end users for both elements (Aldi and Storage24).

The loss of the existing employment uses from the site is also necessary. Policy EC2 is relevant, referring to the availability of land for employment opportunity within the Borough being limited and therefore seeks to retain continued employment use on current employment sites – the policy refers

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

to the general retention of any type of employment including agriculture, not just those restricted to B1 (now use Class E), B2 or B8.

Assessment of a similar proposal for a food store on the car showroom/ car businesses plot considered that matter, dismissing the issue on grounds that the predominant land uses are considered to be sui generis (a use of their own) and the protection afforded to B1, B2 or B8 land uses by Policy EC2 is not on that basis relevant to the assessment. The nature of land uses present on the site have not altered, and the position formed by the Officer at that time is still relevant to this current proposal.

Moreover, supporting text of Policy EC2 refers to employment opportunities being a finite resource and once lost to non-employment use, particularly residential use, they are unlikely to return to employment use. The proposal will result in the loss of existing businesses on the site, including a car showroom, car repairs/ MOT and vehicle body shop. Nevertheless, the policy intimates a general presumption against the loss of employment opportunity, as opposed to the loss of a particular employment use from a site. On that basis alternative uses may be considered on the basis that they safeguard the employment opportunity of the site. In that regard, the land uses proposed retain employment use of the site also, indeed the submission confirms that Aldi could generate up to 50 jobs, which would be in far greater excess than that presently generated by the existing businesses. Notwithstanding the assessment made to 19/0006, the proposal will retain continued employment use of the site in accordance with Policy EC2.

Principle of Retail Use

Annex A of the NPPF defines a main town centre use to include 'retail development' and so the retail policies of the FLPPR are therefore of relevance.

FLPPR Policy EC5 introduces a hierarchy of Centres, namely Town Centres, District Centres and Local Centres within the Borough that Town centre uses, such as retail, should be directed towards. The intention of this policy is to protect the health and vibrancy of our existing Centres from development elsewhere that could act to undermine those Centres, including the take up of vacant units within a Centre or trade diversion away from a Centre. It is clear that the application site is not located within any Town, District or Local Centres; the nearest being Lytham Town Centre located some 1.7km to the south west. Nor can the site be considered to be located on the edge of any such Centre due to that distance, as per definition within Annex 2 of the NPPF21 '*a location that is well connected to and up to 300m from the primary shopping area*'.

The site is therefore considered to be out-of-centre and in this circumstance Policy EC5 requires proposals for retail to be considered in line with NPPF21.

In that regard, paragraph 87 of NPPF21 requires planning authorities to apply a sequential test to planning applications for main town centre uses which are not in an existing centre or in accordance with an up-to-date plan. In the first instance, main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. Paragraph 88 states that preference should be given to accessible sites that are well connected to the town centre when considering edge of centre or out of centre proposals. Paragraph 91 confirms that '*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90 (impact on public or private investment, town centre vitality/ viability), it should be refused.*'

It is noted that FLPPR policy EC5 requires retail impact assessment for town centre uses in out of centre locations above a locally set threshold of 750sqm. The current proposal seeks consent for

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

1881sqm of retail floor space (1315sqm sales area), which is above the threshold required for impact assessment to be undertaken. On this basis, matters of principle relate to the retail sequential test and retail impact requirements of Policy EC5 and NPPF21. Both matters are considered in more detail below.

Retail Sequential Test

The planning application is accompanied by a Planning and Retail Statement that incorporates a Retail Sequential Test (RST). The RST seeks to identify any sequentially preferable alternative sites that are within a 5 minute drivetime catchment of the application site (includes Lytham Town Centre and Warton). It is stated that a 5 minute drivetime has been used since a discount foodstore's limited size and offer provides a strong indication that its catchment area will not be particularly extensive. It is also noted that the same catchment was accepted during the Council's assessment of the previous foodstore application on the site (ref: 19/0006) as well as that for the Lidl foodstore, Preston Road adjacent (ref: 10/0485).

The RST focusses on the availability of alternative sites for the food store only, but does make reference to the fact that the development as whole (foodstore and storage/ warehouse) would not individually be viable or deliverable on the site, it should not therefore be disaggregated and that this is supported by various appeal statements on this matter. The site search is based upon the scheme proposed, namely 1881sqm foodstore, 109 parking spaces, service area and soft/ hard landscaping.

Paragraph 88 of the NPPF requires applicants and Local Planning Authorities to demonstrate 'flexibility' on issues such as format and scale when considering sites in, or on the edge, of existing centres as part of applying the sequential test. The applicant has referred to numerous appeal and Court decisions in their RST that demonstrate there is no requirement to disaggregate or explore changes that would materially alter the application proposal such that it no longer met commercial requirements. With regards to 'flexibility', Aldi consider that there are a number of key areas where it is not possible to alter the core design of the store, importantly:

- a 1300sqm retail floor area is required to provide approximately 2000 products, with the sqm determined by the need to provide adequate display space.
- A rectangular retail area to enable efficient transfer of products.
- Compromise can be made on service/ storage areas, but the site must be serviceable by HGV with access/ egress of vehicles in forward gear.
- Must have immediately adjacent surface carparking facilities due to bulk shopping of customers.

The proposed site plan indicates an overall plot size of 0.8 hectares for the foodstore, this is stated to be Aldi's minimum store requirement and whilst the 105 car parking spaces proposed could be reduced to 100 spaces this change is unlikely to enable a material reduction in the overall required plot area required. The RST considers that the development demonstrates 'flexibility' by:

- Proposing the minimum plot size and near minimum parking level required by Aldi, maximising the remaining plot size for employment development.
- There is no inefficient use of space with the foodstore proposal.
- Delivery of a mixed use development represents a non standard approach for Aldi, highlighting a flexible approach by the business.

In addition, the RST considers sites that are 5% per cent smaller (0.75ha) than the proposed foodstore plot (0.80ha). This is in acknowledgement of the fact that the car parking could be reduced slightly and that ample perimeter landscaping is included within the foodstore plot.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The main findings of the applicants RST are summarised below:

- Based on 5 minute drivetime, search for alternative sites limited to Lytham Town Centre and proposed Warton Local Centre – as per 2019 food store application on the site.
- In -Centre, Edge of Centre and better connected Out of Centre sites are considered, of a size which could accommodate the foodstore proposed.

Lytham Town Centre:

- No sites available within the Town Centre, or Edge of Centre.
- Variety of vacant units within the Town Centre for sale and rent, but all were discounted as the site size was too small.
- Two edge of centre sites were identified but discounted as under construction or occupied- AXA, Wharf Street (housing allocation that is under construction) and the junction of Ballam Road/ South Park (housing allocation that is now occupied).

Proposed Warton Local Centre:

- Location is indicatively identified on the FLPPR Policies Map (adjacent to junction of Lytham Road/ Church Road).
- Proposed Local Centre is not considered to be available within a timescale comparable to the application site. No site specifically identified and site presumably in use as part of existing BAE operation.
- Impossible to assess suitability of the site for the proposed foodstore given that a specific site for the local centre is yet to be identified and the precise mix of uses envisaged for the centre is also not yet identified.
- Unlikely that the proposed foodstore would be in keeping with the scale and function of the new local centre, with the role of local centres typically focused on meeting the day-to-day retail and service needs of residents.
- The proposed new local centre in Warton is therefore neither 'available' or 'suitable' for the proposed foodstore and cannot be considered a sequentially preferable alternative to the application site.
- There are no 'suitable' and 'available' more centrally located sites for the scale and form of development proposed and compliance can therefore be demonstrated with the sequential approach to site selection as set out in Paragraph 87 of the NPPF.
- These findings remain the same as for the sequential assessment completed for the previous foodstore on the application site (ref. 19/0006), with no significant changes in relation to potential sites. In considering this 2019 sequential assessment, the Officer and Retail Consultant agreed that there were no sequentially preferable sites in Lytham. With regards to Warton, the PO concluded contrary to the Retail Consultant that *'Warton cannot form part of the sequential assessment as there is no centre in Warton and therefore no sequentially preferable sites within the settlement as there must be an existing centre that the site is located within'*. The officer concluded that *'clearly there are no existing sites available in Warton or Lytham and as such the application passes the sequential test'*.

Due to the complexity of retail planning policy, the views of a Retail Planning Consultant have been sought to inform the Retail Sequential assessment of the proposal, and are summarised below:

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- The applicants RST asserts that the sequential test relates entirely to the application proposal as a whole; it is not a question of whether a materially reduced or otherwise different scheme can in theory be pursued on other sites. Whilst the applicants RST argues there is no requirement to consider the foodstore and warehouse park elements of the scheme separately, the exercise they have undertaken acknowledges the scope for the two elements of the application to be delivered separately on different sites. In light of this, the sequential assessment has been undertaken focussing on the foodstore element only. I agree with this approach. (emphasis added).
- The RST adopts a modest 5% reduction in the site of the development site in the site search. Whilst recognising that Aldi have an established trading format, in my opinion the degree of flexibility adopted is too limiting. However, no sites or premises are identified which are anywhere close to accommodating a foodstore remotely similar to the proposal. The fact that the degree of flexibility adopted by AY is modest, is not material in this instance. (emphasis added). The question would need to be revisited if a suitable site was found to be available that was closer in size to the application.
- The Centre assessed is Lytham Town Centre and consideration is given to Warton, bearing in mind the Local Plan promotes the development of a Local Centre there. Given the area from which the application is likely to draw trade, I consider this to be reasonable. (emphasis added). It is also consistent with the assessment undertaken for the previous application on the site and indeed in the assessment undertaken to support the planning application for the nearby Lidl store.
- The RST Report provides no explanation of the method, approach or nature of the research undertaken to arrive at the conclusion that there are no potential sites within or at the edge of Lytham Town Centre, or at Warton. (emphasis added).
- The RST does not approach whether there are other suitable out of centre sites that would perform better in terms of connectivity than the application site. (emphasis added).
- The applicant should provide information about the site search, specifically to identify the method and resources utilised, and, extend the site search to identify whether there are any out of centre sites with better connectivity to Lytham Town Centre.

In light of the initial feedback from the Council's Retail Consultant the applicant provided additional information with regards to the 2 final bullet points above.

This information confirmed the methodology for the search of sites including a review of sites assessed as part of the sequential test submitted for the previous foodstore application (ref: 19/0006), on line search of vacant properties/ sites for let and sale, review of development sites allocated in the Fylde Local Plan to 2032, desk based visual inspection using satellite mapping/ Google Street. The applicant also gave reasoning as to why out of centre sites were not sought initially, but at the same time also widened the search area to include potential alternative out-of-centre sites within a 5-minute drivetime catchment of the proposed foodstore and concluded *'there are no potential alternative out-of-centre sites within the search area capable of accommodating at least the foodstore element of the proposed scheme.'*

With regards to this additional information the Council's Retail Consultant comments that *'a methodical and, in my opinion, thorough search has been undertaken to identify potential alternative sites. The search has considered sites within and adjoining existing centres and sites in out of centre locations. The additional clarification demonstrates there is no suitable site available in a sequentially preferable location. The exercise also demonstrates there are no alternative out of centre sites. The question of whether alternative out of centre locations should be preferred because of their better connectivity to an existing centre does not arise.'* 'In summary, AV (Planning Agent) have addressed the matters raised in my initial assessment. My view is that the sequential test is satisfied'. (emphasis added).

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Retail Impact Test

Policy EC5 requires Retail Impact Testing for out of centre retail proposals that are greater than 750sqm in footprint. Planning consent sought for a food store that measures 1881sqm and on that basis, the planning application is accompanied by a Planning and Retail Statement that incorporates a Retail Impact Test (RIT).

Paragraph 90 of the NPPF21 outlines the scope that RIT must undertake, requiring a) impact of the proposal on public and private investment in Centre(s) (existing, committed or planned investment) in the catchment area, and, b) impact on town centre vitality and viability.

The RIT confirms that the relevant catchment area to be assessed is the same 5 minute drivetime as used for the RST and that the Blackpool Retail, Leisure and Hotel Study (June 2018) has been used to inform the RIT.

The main findings of the applicants RIT are summarised below:

- The estimated turnover for the Aldi foodstore would be £14.3m in 2022, increasing to £14.8m in 2027.
- The range of non-food goods in an Aldi store is purely ancillary to the food offer, any impact of such will be small and spread thinly across a diverse range of comparison goods operators. The potential for an Aldi foodstore to compete with existing town centre comparison goods retailers, which are typically focused on providing a traditional 'high-street' retail offer is therefore extremely limited.
- It is highly unlikely that the amount of comparison retail floorspace would result in a significant adverse impact on the vitality and viability of any centre.
- As the application proposals are centred around a 'main' food shopping destination (a discount foodstore), it stands to reason that the scheme will divert the vast majority of its trade from equivalent 'main' food shopping destinations.
- The highest diversion of trade will be from both the Lidl on Preston Road (£3.1 million or -30.1%) and the existing Aldi foodstore in St Annes town centre (£3.1 million or -12.3%).
- The Lidl store will experience a relatively high level of trade diversion but this store is out-of-centre and therefore does not benefit from policy protection.
- The analysis suggests that the existing Aldi in St Annes town centre is currently performing well, validated by Aldi, and is a core reason for a second store in Lytham St Annes as a settlement. Evidence suggests that St Annes Aldi it will continue to trade well above company average levels even after the introduction of a second Aldi store at Boundary Road. There is therefore no prospect of the impact of the proposed new Aldi foodstore bringing about its closure.
- Trade loss will also be felt from other foodstores in Lytham (Booths £1million, Sainsburys Local £0.4million, Tesco Express £0.1 million), St Annes (Booths £0.4million, M&S £0.2million, Sainsburys £0.6 million) and further afield including Kirkham Mill Farm Aldi (£0.3 million), Blackpool Retail Park Aldi (£0.3 million), Morrisons Blackpool (£0.6 million) and Asda Blackpool (£0.2 million). A lot of these stores are out of Centre and therefore do not have the benefit of policy protection, although the losses are not reported to be at a level to undermine the viability of these stores.
- The introduction of a 'main' food shopping alternative locally will have a positive effect on the number of people that need to travel further afield for their 'main' food shopping. It is anticipated that £1.8m will be clawed back to Lytham St Annes from foodstores in Blackpool based on existing identified leakage.
- Lytham Town centre - Impacts on smaller shops will be low (-3.9% or less) reflecting that these facilities predominantly cater for 'top-up' food shopping, rather than 'main' food shopping needs. The convenience trade impact on Lytham town centre as a whole is expected to amount to -5.7%, which is not considered to result in a 'significant adverse' impact on trading performance.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- St Annes Town centre – the Aldi store will remain viable and will continue to successfully perform its role in the Town Centre. Trade impact to other foodstores in St Annes Town Centre are not expected to be high, limited to M&S and Sainsburys, with no measurable impact to smaller shops that cater for top up shopping. The convenience trade impact on St Anne's town centre (-7.9%) does not represent a 'significant adverse' trade impact on the centre.
- It is clear that the trading effects of the Aldi foodstore proposals will give rise to relatively minor convenience retail impacts across the majority of surrounding foodstores and centres.
- Aldi business model - helps ensure that a store in this location won't result in a significant adverse impact – Aldi stock their own branded items that won't compete with mainstream branded goods found in foodstores such as Booths. Aldi does not include cafe, butchers, deli, fishmonger, greengrocers counters, post office, pharmacy etc that may be found in traditional supermarkets thus Aldi shoppers would still be reliant on Town Centre shops/ services. Non food sales is continuously rotated with no single dominant product, impact is therefore limited with non-food goods which may cross over with a local trader's offer on sale for only a very limited period, rather than all year-round.

The RIT has also considered the health of existing Centres in light of paragraph 18 Planning Practice Guidance Town Centres & Retail, which refers to assessment of likely adverse impacts with regards to local circumstance. The example given by PPG refers to areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. Lytham and St Annes Town Centres are considered:

Lytham Town Centre – as of January 2022:

- 204 units (27,000sqm of retail, leisure and commercial floorspace).
- The convenience goods offer is below the national average of 9.3%, at 7.4%.
- Comparison goods have the highest proportion of Units (36.3%) within the Centre, above a national average of 27%.
- Service uses (leisure, retail, finance and business) combine to account for 50.6%, above the national average of 49.6%.
- 5.9% vacancy compared to a national average of 13.8% spread out through the Centre and not readily noticeable – this is a strong indicator that it is a healthy, well used and popular town centre.
- The Centre was observed to have a constant level of pedestrian activity, is accessible to main roads and public transport and good parking provision.
- Environmentally, the centre is judged to have an attractive and pleasant Centre.
- The health check analysis of Lytham has confirmed that the centre remains a vital and viable town centre, with a diverse offer, below-average vacancy rate and which is well used by the catchment population.

St Annes Town Centre– as of January 2022:

- 266 units (43,000sqm of retail, leisure and commercial floorspace).
- Number of convenience goods equate to 6% of all units, below the average of 9.3%.
- Comparison goods have the highest proportion of Units (31.6%) within the Centre, above a national average of 27%.
- Retail services (health and beauty salons, opticians, travel agents etc...) account for 19.6% of Units compared to a national average of 15.7%.
- Leisure services unit numbers are below the national average of 25%, at 21.1%.
- 12% vacancy compared to a national average of 13.8%.
- Pedestrian activity was observed to be strong and the centre was busy. The Centre is accessible to main roads and public transport with good parking provision.
- Environmentally, the centre is an attractive and high quality public realm, with wide pavements and substantial landscaping.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- The health check analysis that St Annes is busy, vital and viable town centre, with representation from several of the major national multiple comparisons goods retailer alongside a diverse independent offer, a strong convenience goods and service offer and below average vacancy rate.

The RIT confirms that the applicant is not aware of any existing, committed or planned investment that could be threatened by the proposal. Reference is made to JR Taylors conversion scheme, however it is reported that the *'foodstore will have no impact on this investment.'*

The RIT concludes the proposed foodstore will not give rise to any *'significant adverse impacts upon the vitality and viability of any surrounding centre. Whilst the proposed scheme will inevitably divert some retail trade from stores within Lytham and St Annes town centre, both of these centres are healthy centres and the impact of the application scheme is not at a level that will materially affect the viability of any individual stores in surrounding centres, or the vitality or viability of any centre as a whole.'*

The views of a Retail Planning Consultant have been sought to inform the Council's assessment of the RIT, which are summarised below:

- The impact assessment focusses on the shopping patterns for convenience goods, with estimated turnover to 2027 (the study period) to be £12.3 million. The RIT assumes majority of trade would be drawn from households within Zone 9 (Lytham and St Annes), it assumes the application would have a material draw from Zones 4/5 (south Blackpool including South Shore and Marton) and 10 (Warton, Freckleton, Kirkham, Wesham and Wrea Green). Evidence of the trade draw of the Lytham is that it does not attract trade from households in Zones 4/ 5. My view is that the trade draw of the application is likely to be more concentrated from Zones 9 and 10. A potential consequence is that trade diversion from those stores and centres used by households in Zones 9 and 10 would be higher.
- The consultant undertook an alternative assessment of trade diversion to test the trade diversion findings of the RIT, confirming *'overall the levels of trade diversions arising from my analysis are broadly similar to those estimated...'*. And concluding that *'assessment provides a fair quantitative assessment of the likely impact of the proposal on existing stores and centres.'*
- The levels of impact on convenience shopping at Lytham Town Centre is in the order of -4.5% of trade in convenience goods and -7.9% in respect of St Annes. These levels of impact are not immaterial. However, in each case the evidence available indicates that the main foodstores within these centres are trading strongly. Elsewhere, trade diversion from Lidl at Preston Road is likely to be -33.7% of convenience trade. Lidl is located outside a defined centre. There is no planning policy protection for this store. It is well established that it is not the purpose of the planning system to protect individual commercial interests.
- Given the proximity of the application site to Warton there is bound to be some diversion of trade. However, as local shops do not cater for main shopping trips and the walk-in catchment will be different, in my judgement impact on local shopping at Warton is unlikely to be at a severe level such as to justify the refusal of planning permission.
- Regarding impact on investment, the RIT asserts there are no planned investments in existing centres that might be affected by the proposal. However, the provision of a Local Centre at Warton is a Development Plan aspiration. Due to proximity, the application has the potential to impact adversely on the prospects of delivering a local centre within the Local Plan period. However, there is uncertainty about the location, character and delivery of a Local Centre and convenience shopping has improved in Warton (Tesco Express, Subway, and redevelopment of the fuel station) since the Development Plan policy was introduced.
- Turning to impact on vitality and viability, both Lytham and St Annes Town Centres are healthy and vibrant. The main foodstores within St Annes are trading well. The levels of impact anticipated on

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

these centres is moderate, but in either case it is not near to the level at which the harm to the vitality or viability of the Town Centre would be significant adverse such as to trigger an objection in the context of NPPF paragraph 91 (emphasis added).

Conclusion – Retail Sequential Test and Retail Impact Test

In order to safeguard the vitality and viability of existing Centres (Town, District and Local Centres identified by the FLPPR), paragraph 87 of the NPPF21 requires that local planning authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing Centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Further, paragraph 90 of the NPPF21 requires additional testing to ascertain impact of proposals to, a), investment (existing, committed and planned public or private sector) and, b), impact on Town Centre vitality and viability.

Paragraph 91 of the NPPF21 confirms that applications should be refused that fail to satisfy the sequential test or are likely to have 'significant adverse' impact in light of paragraph 90 of the NPPF21.

To demonstrate appropriateness of the site's location for the proposed foodstore, the application is accompanied by a Planning and Retail Statement that includes Retail Sequential and Impact Testing, as discussed above.

Due to the complex nature of retail planning, expert professional advice has been sought from a retail consultant in order to inform the retail assessment of the proposal. The conclusions drawn from that advice confirm that the submitted sequential and impact tests, as well as additional information provided by the applicant, are appropriate for the development proposed, that there are no suitable sites available in more sequentially preferable locations, and whilst trade diversion from existing stores and harm to existing Centres is reported, that harm is not considered to be 'significant adverse' so as to warrant refusal in light of paragraph 91 of the NPPF21. On that basis the application is considered to have passed the retail sequential and impact tests.

The retail Consultant advice does however state *'If a development would be prejudicial to the delivery of a Local Centre it is a matter for the Council to consider the weight to attach to the potential harm.'* Members should note that assessment of the previous foodstore on the Stanways portion of the application site (ref: 19/0006), considered in detail the retail planning issues concerning whether that foodstore would jeopardise the delivery of a proposed Local Centre in Warton, as advocated by Policy EC5 of the FLPPR. The Officer and approving Planning Committee at that time overruled the retail Consultant whom advised that *'approving the application could prejudice the delivery of the Local Centre In Warton'* (reasons referred to include trade diversion away from Warton and the ability to attract retail businesses), as per below commentary from the Committee Report:

'With regard to whether or not the allocation in the plan constitutes an existing, committed and planned public investment it is officer's view that clearly a Local Centre is planned as it is in the Local Plan to 2032 but the wording of the Framework is such that what needs to be considered is 'committed and planned investment'. It is for the reasons outlined above considered that a Local Centre in the form proposed by this application is not a 'committed investment'. Therefore as it stands Warton is not a Local Centre and there is no committed public investment against which the proposal can be considered against. It is acknowledged that the development of this store in this location will inevitably lead to trade being drawn from Warton, and its presence could have repercussions for the ability to attract retail businesses to a new centre in Warton. However it is officer's view that as the form of the

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Local Centre is not prescribed that an alternative form of retail development could form the character of Warton Local Centre. Therefore whilst the proposal could harm the prospects of a store such as the one proposed here from being delivered in a new local centre, that is not to say that a different form of retail development could not come forward

Furthermore the benefits of the proposed scheme detailed above are acknowledged, as is the applicant's commitment to a financial contribution to enhancing Warton's public realm in order to assist the facilitation of the Local Centre. It is therefore considered that with these benefits and with regard to the issues discussed above that on balance the retail impact of the proposed development and therefore the principle of the development is acceptable.'

There is no reason to question the Officers judgement at that time, and that assessment is still pertinent to this current proposal confirming the principle of development to be acceptable. Indeed, circumstances with regards to the proposed Local centre have not altered, no site has been earmarked for development or planning consent(s) granted.

To mitigate the potential impact of the development for the delivery of the new Warton Local Centre, the applicant of 19/0006 proposed a financial contribution of £30,000 to assist in bringing forward operations or investment to secure the Centre, as per wording of Committee report a '*contribution of £30,000 was proposed by the applicant*'. Members of the Planning Committee resolved to approve the application on that basis, albeit determination was never made since the required Legal Agreement was never completed.

Given this precedence, a similar contribution request was made to the current applicant (Aldi). However, whilst Aldi have not objected to the obligation, they did raise concerns as to the validity of the request and resultant risk for Legal Challenge of any approval made by the Council. The concerns were made on grounds that there is little justification for a financial contribution to enhance the Warton Village Centre or the proposed Warton local Centre. This claim is based upon the applicant's retail reports submitted with the application which are quoted to '*not identify a material impact on Warton village centre*' and '*there are currently no firm proposals for Warton Local Centre that would enable the impact on the centre to be assessed.*'

Paragraph 57 of the NPPF21 confirms that planning obligations can only be sought where they meet all of 3 tests, namely a) necessary to make the development acceptable, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

It is considered that the Local Plan requirement for a new Local Centre in Warton is ambiguous since it does not allocate a specific site, it does not confirm the nature of services within the Centre, nor does it outline how the Centre will be delivered. In this respect, that are several convenience stores within Warton, including Tesco Express, Co-Op and the Shell filling station that reduce the need for convenience floor space and could therefore influence the nature of land uses within any new Centre. It is implicit within the wording of Policy EC5 that services within the Local Centre should provide for local needs only, and it is questionable as to whether the Aldi proposal would meet that criteria given the extent of its catchment (5 minute drivetime) confirmed in this submission. This stance is supported by the Retail Consultant whom states '*a supermarket is not an essential component of a Local Centre*'. Further, as per Officer assessment of 19/0006 referred to above '*It is Officers view that as the form of the Local Centre is not prescribed that an alternative form of retail development could form the character of Warton Local Centre.*' Thus it cannot be assured that a supermarket, such as the Aldi proposed, would form part of the Local Centre in any event.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

This ambiguity makes it impossible to judge precisely what, if any, impact the Aldi development will have upon the delivery of the Warton Local Centre, whether that impact would be sufficient to warrant refusal of the planning application, or whether planning obligations may be used to make the development acceptable. This would fail the tests of paragraph 57 of the NPPF21 since it is not established whether the contribution is 'a) necessary to make the development acceptable, b) directly related to the development or c) fairly and reasonably related in scale and kind to the development'. On that basis it is considered that the previous request for financial contribution is unreasonable in this instance.

The retail elements of the scheme would not affect delivery of the proposed local centre to the extent that refusal would be recommended. On that basis the development is unlikely to have a significant adverse impact on any existing, committed or planned investment in accordance with Policy EC5 and paragraph 91 of the NPPF21. The principle of out of centre retail in this location is considered acceptable in all other respects, the inherent benefits resultant from the proposal, including the regeneration of an unsightly gateway site, delivery of an employment allocation that has stood vacant for a prolonged period, job creation, off site highway improvements and provision of free to customer electric vehicle charging bays, are considered sufficient to outweigh unfounded impact for delivery of the proposed Local Centre in Warton in any event. On balance principle of retail development is considered acceptable.

Design

FLPPR Policy GD7 requires development to be of a high standard of design, providing a number of criteria for planning applications to be determined against. The following criteria of GD7 are considered relevant to the development:

- a) Development will be expected to deliver strong street frontages,
- b) Development should wherever possible enhance the local character of the surrounding area.
- d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- e) Taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- i) make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, and para 134 requires development that is not well designed to be refused.

The site is located immediately north of Preston Road which is one of the main thoroughfares that links Lytham to Preston and Blackpool. It is a heavily trafficked route with public rights of way adjacent, and therefore appears prominent within views from public vantage points. Moreover, the application site is located adjacent to the settlement edge, and curvature of Preston Road directs views toward the site frontage when entering Lytham in a westerly direction from Warton. The site is therefore considered to be in a highly prominent position within the streetscene, acting as a key gateway site into the settlement.

The application site is situated within a mixed use area, bound by housing and a park to the west and the main residential area of Lytham beyond. Dwellings within the vicinity are of 2 storey scale, constructed of red brick and render, set beneath a slate roof. Development to the north and east is

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

more commercial in nature, with larger scale industrial buildings located behind a commercial frontage to Lytham Road formed by a McDonalds drive thru restaurant. Similarly low scale industrial buildings and a boat dock yard are located to the opposing side of Preston Road, set behind a mature tree line.

The site itself is commercial in nature, being occupied by a car showroom business that is located to the frontage adjacent to Preston Road, with associated vehicle businesses (car repair, MOT, body shops) set to the rear. The sales building is box like in appearance and constructed of silver cladding, set behind a hardstanding area of parked cars. The remainder of the application site is vacant, with remnants of former buildings evidenced only by hardstanding that are partially obscured by self seeded trees. A temporary Heras fence and secure 1.8m high mesh fence flank the boundaries of Preston Road and Boundary Road. Existing buildings on the site are dated, showing signs of deterioration and combined with the presence of sales vehicles, as well as the overgrown appearance of the vacant plot, the application site overall is considered to have a negative impact toward the visual appearance of the street. This visual impact being exacerbated by the prominence of the site on what is a key gateway site on an arterial route into Lytham. Redevelopment will therefore greatly improve and enhance the visual quality of the site and locality, subject to an acceptable design solution.

The proposal seeks to clear the site of all buildings, trees and foliage though it should be noted that mature trees located to the western boundary, adjacent to houses, and north east adjacent to Boundary Road, are retained within the scheme. The foodstore element of the development will occupy the site frontage adjacent to Preston Road, with the storage units located to the north. This is an appropriate slicing of the site which ensures that the industrial elements of the proposal are set to less prominent locations away from the main street scene of Preston Road.

The foodstore building is located to the western boundary of the site, set back from the main road behind a landscaped buffer and in alignment with the building line of existing dwellings that front Preston Road. The structure maintains a rectangular footprint, with its length positioned to the western edge and end elevation, that is also the front elevation, opposing Preston Road. The car parking area occupies remainder of the frontage, which is also set behind peripheral landscaping to Preston Road and Boundary Road. Landscaping includes tree, shrub and hedgerow planting. The layout has been revised due to concerns that proposed landscaping would not soften the appearance of parked cars, especially to the south eastern corner (junction of Preston Road/ Boundary Road), which appears prominent in views when entering Lytham. The depth of landscaping to main site elevations has been increased and provision of a hedge line to the back of perimeter parking bays will reduce the visibility of parked cars when viewed from external vantage points.

The structure itself is single storey, albeit the scale of the building is comparable to the height of 2 storey dwellings adjacent. It will have a lean to roof, with its lowest point fashioned along the length of the western boundary. The applicant has revised the building elevations due to concerns raised by your Officer with regards to industrial appearance of the original submission and prominence that this would have within main street scenes. In addition, the rear elevation of the structure will also appear in views along the residential street of Mornington Road that is located to the west of the application site. There is a predominance of red brick/ render within this street scene, thus the presence of grey cladding as originally sought would look alien to that environment. The scheme now incorporates increased glazing to the prominent front and side elevations of the building, and a reduction of grey cladding that is replaced by red brick. Grey cladding to the rear elevation has been replaced by an increased proportion of render to reflect the character of construction materials prevalent on Mornington Road.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The 6 storage buildings occupy the majority of this part of the site, being separated by internal access roads and set off from the west and eastern boundaries by landscaped areas. Buildings proposed are identical in appearance and scale, being constructed of grey cladding and having pitched roofs to an overall height of 5m to ridge (3.75m to eaves). Their appearance reflects the industrial nature of existing buildings adjacent, although scale is smaller. The distance from Preston Road ensures that street scene views of this element of the scheme will not appear prominent, although it is acknowledged that views will be obtained from the park located to the west. Such views will be into the rear of a building that is massed adjacent to this boundary, softened by tree planting within the park, as well as proposed landscaping that intervenes. Moreover, it must also be considered that such views will be improved when compared to those of the existing premises and the external storage of damaged vehicles that are presently available from the park.

The scale of proposed buildings is reflective of that in the locality, and the modern form is appropriate for the mixed character of the area. Construction materials have been revised and are now more sympathetic to the context of the site and individual street scenes the development will be viewed within.

There are a large number of self seeded trees located on the vacant area of the application site, In addition, there is also a line of mature trees to the western boundary which follow the path of the footpath connection to Mornington Road, and a further group of trees to the to the north eastern boundary close to Boundary Road. The submitted Arboricultural Impact Assessment (Bowland, BTC2480, May 2022) confirms retention of all trees to the western boundary, a reduction to the group on Boundary Road and removal of all self seeded trees. The AIA identifies those trees to be removed as 'low quality' or 'required for removal for sound management reasons regardless of plans', higher quality trees are to be retained. Trees to be felled are of little amenity value and are not covered by a Tree Preservation Order. In addition, the AIA requires specialist construction methods and fencing to safeguard retained trees during the construction process. The Councils Tree Officer has no objection to tree removal or proposed works adjacent to retained trees, subject to replacement planting and construction to accord with measures outlined within the AIA.

Overall, the development is considered to make a significant and positive contribution to this gateway site into Lytham, taking into consideration the character and traits of the locality. Importantly it will remove unsightly buildings and rejuvenate a plot of land that presently detracts from the visual appearance of the street scene. Design of the development is therefore considered acceptable, in accordance with the development plan and NPPF.

Highway Safety

FLP policy GD7 supports good design that (p), would not prejudice highway or pedestrian safety, and the efficient and convenient movement of all highway users (q), and, encourages alternative modes of transport including walking and cycling (r). Similarly, Policy T4 encourages walking and cycling to improve quality of life, and provision of ultra low carbon/ electric vehicles to enhance sustainable travel and reduce the Boroughs carbon footprint.

Policy T5 relates to parking provision and indicates that provision should be on site wherever possible to ensure there is no detrimental effect on highway safety and enables a flexible approach to the level of car parking provision, dependent on the location of the development. Paragraph 11.61 of the FLP indicates that the Council will prepare a Supplementary Planning Document (SPD) on parking standards. The SPD has not yet been adopted and standards contained in the Joint Lancashire Structure Plan (JLSP) are therefore still applicable. In this circumstance based on the high accessibility

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

of the site the relevant standard ranges between 1 car space for every 16 to 22 sqm of floor area (retail), and 1 space for every 235 to 308 sqm, and 1 cycle space per 10 parking spaces.

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Two representations have been received from two separate businesses whom occupy premises within the industrial park located adjacent to the application site, accessed from Boundary Way. Whilst general support is offered for the proposals, concerns relate to existing problems formed by vehicles queuing from the McDonalds drive thru and out on to Boundary Road and Preston Road, and a lack of footpath access to Boundary Road.

Vehicular access into both the foodstore and storage uses will be via the junction of Preston Road/ Boundary Road and segregated 2 way entrance arrangements from Boundary Road. The scheme seeks to close the existing access points into the site from Preston Road that serve the car sales and related businesses, as well as 2 other entrance arrangements on Boundary Road.

The existing footpath that flanks the southern boundary along Preston Road will be continued into the development providing safe pedestrian access to the entrance of the foodstore, and along Boundary Road to the storage facility. In response to initial comments raised by the Highway Authority, the applicant has widened the junction radii of Preston Road/ Boundary Road to improve the passage of larger vehicles through this junction, in addition, Boundary Road will be widened into the application so that a right hand turn lane can be accommodated on Boundary Road to serve the McDonalds drive thru.

105 parking spaces (including 7 disabled, 10 parent/ child spaces, 4 EV bays – infrastructure for 18 to be provided in the future), 4 motorcycle spaces and 12 cycle spaces are indicated for the foodstore. Parking for the storage facility will be provided informally to the front of each unit. Servicing, including deliveries and refuse collection, will be contained within the building through use of a dock levelling system located to the northern end elevation, sufficient space is demonstrated to ensure that vehicles can reverse into the service area without compromising use of parking bays. The proposal also makes provision for off site highway works in the form of a toucan crossing point to Preston Road, in the approximate location of the existing vehicular access to the car showroom, relocation of a bus stop if considered necessary by the Highway Authority and rationalisation of a lay by, adjacent to the junction of Preston Road/ Boundary Road, to a footway.

The planning application was accompanied by a Transport Assessment (Cameron Rose, 655-01/TA0, 27/06/2022), the key findings of which are summarised below:

- The site is within walking distance of existing public transport connections and is well served by high standard local walking/ cycling connections.
- The site benefits from a number of bus stops accessible within 400 metres of the site – westbound and east bound on Preston Road.
- These features would provide opportunities to encourage staff and visitors to the site to consider alternative sustainable transport modes to the private car.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- Overcome previous access concerns to 19/0006 by relocation of the access arrangement to Boundary Road. Pre-application discussion Lancashire County Council have confirmed that this is the preferred location for access to the site.
- Designated pedestrian routes within the application site will provide safe routes for pedestrians to move through the car park. Pedestrian crossings are provided within the car park on key desire lines.
- Parking accumulation exercises have demonstrated that the proposed 109 car parking spaces is sufficient to accommodate anticipated demand, without displacement of parking onto the local highway network. There is also sufficient parking to accommodate seasonal variations.
- The site layout has been designed in a cycle friendly way; ensuring permeability for pedestrians and cyclists.
- Approximately four 16.5 metre articulated service vehicles would access the site per day, in association with the proposed discount food store. In addition to a daily milk delivery and bin collection via rigid vehicle. Swept path drawings of these vehicles demonstrates access to the service ramp is satisfactory.
- Accident data confirms one serious personal injury in the last 5 years. This demonstrates that there is no particular trend or pattern of road accidents in the vicinity of the site resulting from any deficiencies in the local road network, or the operation of the site.
- Trip rates for Aldi based upon an existing Aldi store (Burnley). Anticipated rates are 147 (85 arrivals, 62 departures) two-way trips in the Weekday AM peak hour (8am-9am), 295 (147 arrivals, 148 departures) two-way trips in the Weekday PM peak hour (5pm-6pm) and 355 (176 arrivals, 179 departures) in the Saturday peak hour (12-1pm).
- Not all trips will be new on the network, trips will be transferred from existing stores, as the opening of a new food store does not encourage customers to purchase more food but instead to alter their shopping habits.
- Trip rates for the storage use based upon a similar facility (M60 Storage, 30 self storage units), estimated that 82 units could attract up to 4 two way trips per day.
- Junction capacity assessment demonstrate that the Aldi site access is sufficient to accommodate development traffic.
- Junction capacity assessment demonstrate that the Preston Road/ Boundary junction can accommodate development traffic.
- The impact of the development proposals would therefore not have a severe impact on the operational performance of the local or strategic highway network, as per paragraph 111 of NPPF which states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The Highway Authority have been consulted on both the original submission, as well as the revised proposals. Importantly, the improved junction arrangement to Preston Road/ Boundary Road and provision of a right hand turn lane to the McDonalds drive thru has allowed the HA to remove previous concerns relative to larger vehicles crossing to the opposite side of the road when entering Boundary Road. This revision will also ease the pressure on Boundary Road resultant from queuing vehicles being displaced from the McDonalds drive thru as reported by objectors, allowing for a dedicated turning lane approximately 30m in length.

In their initial comments, the HA accepted the trip rates, trip distribution and junction capacity assessments provided within the applicants TA, and raised no objection to the site access points from Boundary Road, the amount and layout of parking, or servicing arrangements proposed. Furthermore, support was given to the applicant's commitment toward the provision of footways along Boundary Road, the controlled crossing point on Preston Road, revision to cycle lanes as a result of highway

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

alterations and introduction of cycle facilities within the controlled crossing, and the upgrade of bus stops.

In the absence of any objection from the Highway Authority, accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies and the NPPF.

The application site is located within a highly accessible location with good linkages to and improvements proposed that encourage access by sustainable modes of transport. The revised development provides for an acceptable means of vehicular access and appropriate levels of parking, including the provision of electric charging points, and servicing arrangements. On this basis the proposal will not prejudice the safe, efficient or convenient movement of all highway users, and forms a strong commitment toward sustainable travel. Accordingly, the proposal is in compliance with the policy objectives of FLPPR Policies GD7, T4, T5 and the NPPF21.

Residential Amenity.

FLPPR Policy GD7 requires high design standards and supports new development that would be sympathetic to surrounding land uses, existing residents that live adjacent and prospective occupants of the development. This amenity impact includes privacy, dominance, loss of light, over shadowing resultant from the proximity of buildings to neighbours, or disturbance, including noise, from operation of the intended use.

Existing neighbours that could be affected by the proposal are largely limited to occupants that live to the west of the application site on Preston Road and Mornington Road. In particular, the side elevations of 203 Preston Road, 44 and 51 Mornington Road and their rear gardens are located immediately adjacent to the western boundary of the development proposed – rear elevation of the food store, external compound area that houses plant/ equipment, car parking area and rear of storage buildings. The following assessment focusses on these properties given their close relationship to the proposal.

Siting of the proposed foodstore building results in a separation distance between the development and these neighbours at its closest point of approximately 11m, 9m to garden ground. It is noted that neighbours have a side on relationship to the application site, resulting in no direct overlooking of the development proposed. There are first floor windows within the gable of housing which appear to serve stairwells or bathrooms only. The development has been designed so as to minimise impact to these neighbours, indeed the lower eaves line of the food store building (5m) is located adjacent to these houses and a landscape buffer is provided along the western boundary of the proposal. This buffer includes the retention of mature trees as well as new tree planting which will provide a green screen when in leaf that will act to soften the presence of built form to these neighbours, as well as those that may observe the development from further afield. The storage buildings proposed are located 24m+ from the nearest property (51 Mornington Road).

The separation distance to closest neighbours, as well as the layout and building design proposed ensures that the amenity of these neighbours would not be undermined by the presence of the buildings proposed by virtue of privacy, dominance, loss of light or over shadowing.

The applicant has confirmed that the likely Sunday opening times for the Aldi store will be 10am until 4pm, however opening until 5pm has been requested to allow some flexibility to tailor opening to local circumstance (Trading laws restrict opening for up to six hours on a Sunday). The applicant has requested opening between 8am and 11pm Monday to Saturday. Members of the public will not be

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

allowed to access the store after 10pm, however 11pm closure is requested to allow the public to complete their shopping.

Delivery hours have been confirmed to be 6am to 11pm Monday to Saturday, 8am to 6pm Sunday. The submitted Planning Statement confirms that the food store will receive an average of 4 HGV deliveries per day and that deliveries will be required for every day that the store is open. 24 hour opening of the storage use is requested.

Early morning and late-night activity on the site has the potential to give rise to noise disturbance to neighbours. Such disturbance could include vehicle noise, the slamming of car doors, talking, as well as that associated to the movement of goods to/ from service vehicles including reversing alarms and shutter noise. In addition, the food store proposal will require plant and equipment for the operation of refrigeration units, air conditioning etc... In this regard, the proposals include a fenced compound area located to the north elevation of the building that will house all associated plant and equipment. Waste is stored within the building and collected via the service area, removing the need for any external bin storage.

The planning application is accompanied by a Noise Impact Assessment (ref: NSL, 90622 revision 03, 30/11/2022) which considered existing noise levels, as well as that associated to the food store and storage elements of the development. A baseline noise survey was undertaken to determine existing noise levels at the nearest receptors to the store and storage uses. Noise measurements of delivery activity at a similar operating Aldi store were used in the assessment. The results of the survey were used to undertake an assessment of the likely noise impact from deliveries at the store. The report concludes that the development and hours of use/ deliveries sought, will have a satisfactory relationship to its neighbours:

- That deliveries would be significantly below the level at which even a “low impact” is expected.
- The noise impact from proposed external plant, when screened for the nearest houses, is also predicted to be acceptable.
- Noise from the storage units is expected to not result in an adverse noise impact.
- Noise mitigation in the form of a 3m high acoustic fence (6m in length) is proposed to one of the internal access roads within the storage facility.

The overall site layout as well as the internal layout of the food store assists the relationship of the development with neighbours. The food store building intervenes between the main car parking area and houses, acting as a noise buffer to dwellings located west of the application site. The service bay of the food store is located to the eastern elevation of the building and faces away from dwellings, thus any noise escape from servicing will be pushed to the east and away from the direction of housing. The layout of buildings within the storage unit area, including the siting of unit to the western boundary, will afford noise protection to houses.

Ambient noise levels are high in the locality, borne from the number of vehicles using Preston Road and associated road noise. The existing acoustic environment, reported separation to neighbours, as well as the layout of the site and buildings proposed will ensure that the development is sympathetic to existing neighbours of the application site. Environmental Protection have not objected to the proposal, but do require certain restrictions to minimise disturbance, including restriction to the hours of use and deliveries to the food store, all delivery vehicles to be turned off whilst stationary, maximum noise levels for external plant/ equipment, and for reversing alarms not to be heard above background levels at dwellings.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Members should also note that the existing businesses on the site are more industrial in nature, including car repairs, servicing and MOT. They are considered to be much noisier uses than that proposed, albeit may not operate for the hours of use sought. Notwithstanding, it is considered that with the conditions required by the Environmental Protection team, the existing noise environment will improve when compared to that presently witnessed from the site.

The planning application is not accompanied by external lighting details. In order to control the possibility of light pollution to neighbours resultant from parking areas, or that which may be required for security purposes, a condition is suggested for this detail to be provided and its impact assessed prior to provision of external lighting.

It is inevitable that there will be some disruption for neighbours during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions will be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, noise/ dust/ vibration controls.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing residents that neighbour the site, in accordance with Policy GD7.

Ecology.

FLPPR Policy ENV2 states that the Council is committed to the protection and enhancement of the borough's biodiversity and geological assets. Importantly the strongest protection will be given to sites of international importance (predominantly the Ribble and Alt Estuaries Special Protection Area and Ramsar site), development affecting sites of local importance will be provided where it is necessary to meet an overriding local public need or where in relation to nature conservation purposes. Policy ENV2 requires development within or affecting nature conservation or ecological networks to adhere to set criteria. Those relevant to the development include proposals that enhance or conserve biodiversity will be supported, and, provision of mitigation measures where development is considered necessary. Planning permission will be refused in circumstances where significant harm cannot be avoided. Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ.

The above policies are considered to reflect guidance within the NPPF21.

The planning application is supported by a Preliminary Ecological Appraisal (ref: BWB, 220741_PEA, revision P01, June 2021) and Ecological Impact Assessment (ref: BWB, 220741_EIA revision P01).

The reports confirm that with the mitigation recommended the development will have no significant impacts to the biodiversity of geological interest of the site. Key findings are reported below:

- Six designated sites are located within 5km of the site including two internationally designated sites, two statutory designated sites and two non-statutory designated sites. Due to the lack of habitats present within the site suitable to support species the designated sites are selected for and the urban nature of the Site, impacts to any of the designated sites from the development proposals were considered unlikely.
- The Site was considered suitable to support or offer opportunities for a range of common and widespread species including common amphibians, badgers, bats, birds, reptiles, hedgehogs, invertebrates and other mammals including foxes. Horsetail, which is an invasive and destructive species was also identified.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- Bat surveys identified no roosting bats present at the Site. The bat activity surveys also identified a very low level of bat activity across the site during the surveys. Only two species were recorded during the surveys, with a limited number of passes also recorded during the monitoring surveys.
- A range of mitigation measures during the site clearance, construction and operational phases of the development will be required to protect species potentially within the Site. Mitigation measures include best practice methods during construction, timings of clearance works, soft felling of the tree with bat roosting potential, wildlife friendly planting, installation of bird and bat boxes.
- The proposal will result in the loss of nesting habitats. The development proposals cannot mitigate for the loss of trees or vegetation in bird boxes due to the type of development proposals and available space for this mitigation.

The Council's ecological consultant does not object to the report findings and have suggested conditions to require implementation of various recommendations contained within the Ecological Impact Assessment, and conditions including the provision of bat and bird habitat, sensitive external lighting design, as well an informative concerning unexpected presence of protected species during construction.

Natural England have also raised no objection to the development and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

The application site is of limited ecological value, and it has been demonstrated that the development will have no Likely Significant Effect to any statutory sites of nature conservation interest. Biodiversity measures can be incorporated into the final scheme through retention/ new provision of landscaping, bat habitat and bird nesting opportunities in lieu of any ecological value that will be lost. Subject to the imposition of suggested conditions, the development will protect the boroughs biodiversity assets in accordance with Policy ENV2.

Flood Risk and Drainage.

Criteria z) of Policy GD7 states that inappropriate development in Flood Risk Zones 2 and 3 will not be permitted.

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

The application site falls entirely within Flood Zone 3, as defined by the Environment Agency's Flood Map, albeit is also within an area that benefits from flood defences. Members should note that the FZ3 area is not just restricted to the application site and covers an extensive area of Lytham which includes the commercial uses to the north, south and east of the site, as well as substantial areas of housing to the north, west and more centrally around Mythop Road. Other residential areas of Lytham are covered by Flood Zone 2.

The submitted Flood Risk Assessment (ref: Weetwood, v2.1, October 2022) (FRA) acknowledges that the application site is located within Flood Zone 3 and in an area benefitting from flood defences - with flood defences present along all watercourses in the locality. The FRA confirms that the site is

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

not within functional flood plan (Zone 3b) and within Zone 3a (high probability of flood) – this classification does not consider the presence of sea defences. The FRA confirms:

- That the site and access arrangement are not assessed to be at risk during defended/overtopping scenarios in up to a 1 in 200 plus climate change (2071), however, flooding may be expected during a breach scenario.
- The site is not assessed to be at fluvial (rising of water levels in rivers) flood risk during free-flowing scenarios in up to the 1 in 100 AEP event +36% climate change and a present day 1 in 1,000 AEP event. The anticipated worst-case scenario flood risk to the site is likely to be from tidal breach scenarios.
- The majority of the site is at a very Low risk of surface water flooding.
- The site is not at risk of flooding from reservoirs, canals or other artificial sources.
- There may be a significant susceptibility to groundwater flooding at the site.
- The proposal is not expected to impact flood risk elsewhere.
- Mitigation – finished floor levels set to minimum levels.

The FRA also provides an indicative drainage strategy which states that infiltration is unlikely as means of surface water drainage due to the nature of soils beneath the site. It recommends that infiltration tests are undertaken to ascertain the possibility of infiltration drainage and that all surface water run off will be directed to the Main Drain watercourse via the existing surface water connections on site. Surface water from generated from roofs and hardstanding will be attenuated on site through underground tanks. Use of permeable paving, tree pits and filter drains are also referred to.

The Lead Local Flood Authority and United utilities have not raised objection to the sites location within Flood Zone 3 or the drainage strategy proposed, subject to condition relating to construction being in accordance with the FRA, submission of drainage strategy, construction phase surface water management plan and operation, maintenance and verification report of the constructed drainage system.

Moreover, the Environment Agency have not raised objection to the development either stating *‘that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.’*, subject to the development progressing in strict accordance with the FRA and implementation of mitigation measures identified therein.

The EA consultation response also make reference to the LPA’s requirement to undertake Flood Risk Sequential Testing.

Flood Risk Sequential Test

Paragraph 23 of the Planning Practice Guidance note for ‘Flood Risk and Coastal Change’ (PPG) confirms that the sequential approach is designed to ensure that *‘areas at little or no risk of flooding are developed in preference to areas at higher risk...’*. This sequential approach *‘places the least reliance on measures like flood defences, flood warnings and property level resilience features’*.

In this regard, the Governments ‘learn more about this areas flood risk’ website categorises the application site as being at ‘Very Low’ flood risk from rivers or the sea, and ‘very low’ risk of flooding from surface water, presumably as a consequence of the flood defences in situ.

The applicant has undertaken a Flood Risk Sequential Test (FST) in order to demonstrate that there are no other reasonably available alternative sites located within a lower flood risk area that are suitable for the development proposed. The PPG provides guidance to applicants and LPA’s with

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

regards to scope of FST. Importantly, paragraph 28 confirms the definition of 'Reasonably available sites' to be those in a suitable location for the type of development, with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. Additionally, paragraph 27 clarifies that the search area will be defined by local circumstances relating to the catchment area for the type of development proposed. In this respect the applicant has sought to identify more suitable sites within areas that a retail use might be acceptable in principle and has used identical principles as those for their Retail Sequential Test. The area of search for the Flood Risk Sequential Test is therefore based upon sites within or on the edge of Town or Local Centres which in within a 5 minute drivetime of the application site. A 5 minute drivetime is considered by the applicant to be the primary catchment area for those that may frequent the proposed food store and includes Lytham and Warton areas. The LPA has no objection to this area of search since it would be pointless to look at alternative areas in locations that did not support the development – such as green belt land that exists immediately beyond the boundary of Lytham to the east.

The Flood Sequential Test (FST) confirms that the proposed scheme requires the assembly and reconfiguration of two separate parcels of land, and the proposed investment by Aldi will enable this mixed retail/employment use development to come forward. Neither the proposed foodstore or the small unit warehouse element of the application scheme would therefore separately be viable or deliverable on the application site. The site search is therefore based upon alternative sites that could potentially accommodate the proposed development as a whole, or either one of the two elements of the scheme separately. The FST clarifies that the sequential test would be satisfied if no suitable and available sequentially preferable alternative site or sites are found for both elements of the proposed scheme given that neither the proposed foodstore or the small unit warehouse park can be delivered on the application site individually.

The findings of the Retail Sequential test were taken as the starting point for the search for potential alternative sites. This search did not identify any alternative sequentially preferable sites either within or on the edge of any Centres within the 5 minute drive time (Lytham and Warton). The area of search was extended to include alternative sites outside of these Centres that were within the 5 minute catchment area, but again did not identify any available reasonable alternative sites for the proposed foodstore. Those that were found to be of sufficient size were housing or employment allocations, as well as the Enterprise Zone in Warton, that had either been developed or discounted for planning policy reasons – inconsistency with the allocation requirements.

The LPA have no reason to object to the assessment findings or the methodology used in that assessment. On that basis it is considered that the applicant has demonstrated that there are no available sequentially preferable sites with lower flood risk and the Flood Risk Sequential Test is therefore passed. Paragraph 29 of the PPG confirms '*Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.*' In this regard, the LLFA and UU have not raised any flood risk objection, and the EA comment '*we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.*'

In the absence of any objection from statutory consultees it is considered that the development poses no unacceptable risk in terms of flooding and that a satisfactory drainage solution is feasible for the development that accords with the drainage hierarchy, in accordance with the development plan and NPPF.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Conclusions

The application site is located within the settlement boundary of Lytham. Policy GD1 generally encourages development toward sites located within settlement boundaries subject to conformity with all other relevant policies of the development plan.

The site is part allocated as an Employment Site as per the FLPPR Policies Map. Policy EC1 is of relevance to the allocation and supports in principle B1 (a, b and c), B2 and B8 land uses. The retail element of the proposal seeks to develop a portion of that allocation and is therefore contrary to Policy EC1, however, the scheme also makes provision for storage/ warehouse uses in compensation to the northern plot of the site, which will effectively replace the Employment allocation. Furthermore, the proposal will remove the constraints of the employment allocation, providing for a more uniform rectangular plot accessed from Boundary Way, whilst ensuring that more unsightly employment buildings are located to the north and away from visibility of Preston Road.

The proposal also retains continued employment use of the site in accordance with Policy EC2.

The planning application was accompanied by Retail Sequential and Impact Tests which demonstrate that there are no sequentially preferable alternative sites within the catchment of the site (5 minute drive time to include Lytham Town centre and Warton) and that the development would not have a significant adverse impact on the vitality and viability of existing Centres (Lytham and St Annes) in accordance with Policy EC5 and paragraph 91 of NPPF21.

It is acknowledged that the proposed scheme could impact on the delivery of a proposed Local Centre in Warton required by policy EC5. However, Policy EC5 does not allocate a specific site nor are there any relevant planning consents for a Local Centre in Warton, in addition the Policy does not specify the intended uses or services of the Local Centre and these factors make it difficult to quantify what impact the proposal will have on this policy aspiration. 2019/0006 sought consent for a foodstore on the Stanways garage portion of the current application site, that assessment considered impact to delivery of the Warton Local Centre concluding *'whilst Officers agree that the Local Centre is planned, it is our view that there is no committed investment against which this application could prejudice. Therefore whilst the proposal could impact on the delivery of a store similar to that proposed here that is not to say an alternate form of retail development could not be delivered.'* Circumstances with regards to the proposed Local Centre have not altered, no site has been earmarked for development or planning consent(s) granted, thus this assessment is still relevant to the current proposal, in support of the scheme.

The Officer at that time considered financial contribution (£30,000) offered by the applicant, determining, when balancing the benefits of the scheme, that the principle of retail development was acceptable. The applicant of this current scheme has questioned validity of that contribution since they consider it has been demonstrated that the proposal would not have a material impact on Warton village centre and there are currently no firm proposals for Warton Local Centre that would enable the impact on the centre to be assessed. Your Officer concurs with this position and for the aforementioned reasons it is not considered that the retail elements of the scheme would affect delivery of the proposed local centre to the extent that refusal would be recommended. On that basis the development is unlikely to have a significant adverse impact on any existing, committed or planned investment in accordance with Policy EC5 and paragraph 91 of the NPPF21.

The development will encourage job creation during the construction phase and up to 50 jobs once operational, in accordance with the FLPPR strategic objective 4 to grow the local economy.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The development is considered to be of appropriate appearance and in-keeping with the character of the area, providing significant regeneration benefit through the redevelopment of a prominent unsightly land parcel. The development would not compromise the safe, efficient or convenient movement of all highway users, there are no drainage or ecological issues of note and the development provides for a satisfactory relationship to neighbours.

On balance, whilst there is potential for the development to prejudice delivery of the proposed Warton Local Centre, it must also be acknowledged that it is difficult to quantify what, if any impact approval of the development will have. The retail elements of the scheme would not affect delivery of the proposed local centre to the extent that refusal would be recommended. On that basis the development is unlikely to have a significant adverse impact on any existing, committed or planned investment in accordance with Policy EC5 and paragraph 91 of the NPPF21. The principle of out of centre retail in this location is considered acceptable in all other respects, and the inherent benefits resultant from the proposal, including the regeneration of an unsightly gateway site, delivery of an employment allocation that has stood vacant for a prolonged period, job creation, off site highway improvements and provision of free to customer electric vehicle charging bays, are considered sufficient to outweigh the potential impact for delivery of the proposed Local Centre in Warton in any event.

The proposal therefore accords with the development plan and consequently can be considered sustainable development for the purposes of paragraph 11 c) of the NPPF21. In accordance with paragraph 11 c) development must be approved without delay and the proposal is therefore recommended for approval to Members of the Planning Committee.

Recommendation

To GRANT Planning Permission subject to a schedule of appropriate conditions.

The suggested Planning Conditions and Reasons are as follows, but are to be subject to final consideration and agreement by the Head of Planning as set out above:

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

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

2. This permission relates to the following plans:

- Site Location Plan - Drawing no. 2978BOL-097 rev A
- Proposed Demolition Plan - Drawing no. 2978BOL-099 rev B
- Site Plan as Proposed - Drawing no. 2978BOL-105 rev M
- Proposed Boundary Treatment Plan - Drawing no. 2978BOL-109 rev L

- Proposed GA Plan (ALDI building) - Drawing no. 2978BOL-106 rev A
- Proposed Elevations (ALDI building) - Drawing no. 2978BOL-107 rev F
- Proposed Roof Plan (ALDI building) - Drawing no. 2978BOL-110

- Proposed Plans_Elevations Building A_B (Storage units) - Drawing no. 1679-S24-ZZ-XX-DR-A_101 revision A

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- Proposed Plans_Elevations Building C (Storage units) - Drawing no. 1679-S24-ZZ-XX-DR-A_102 revision A
- Proposed Plans_Elevations Building D (Storage units) - Drawing no. 1679-S24-ZZ-XX-DR-A_103 revision A
- Proposed Plans_Elevations Building E_F (Storage units) - Drawing no. 1679-S24-ZZ-XX-DR-A_104 revision A

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

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

3. The development consisting of the Use Class B8 (small storage/ warehouse units) hereby approved, to the northern parcel of land, shall be substantially completed prior to the first trading of the food store unit (Use Class E). For the avoidance of doubt this shall include, as a minimum, the completion of all of the external walls and roof of all elements of those buildings, the surfacing and layout of the approved internal access roads, and the provision of service connections to the buildings.

Reason: In order to ensure the delivery of a mixed use development in accordance with the objectives of policies EC1 and GD8 of the adopted Fylde Local Plan to 2032 (Incorporating Partial Review), as the development of the retail food store alone, on part of a site allocated for employment purposes would be contrary to the provisions of policy EC1 of the development plan.

4. The net sales area of the foodstore hereby approved shall not exceed 1,315 square metres in floorarea, as per drawing no's. 2978BOL-105 rev M and 2978BOL-106 rev A, and the area for the sale of non-food goods within the foodstore shall not exceed 20% of the net sales area (263 square metres).

Note - The net sales area shall be defined as the area of the foodstore to which the public has access.

Reason: The development is located outside a designated town centre and the national and development plan policy require the impact of development on existing centres to be assessed. The restrictions on the size of the net sales area and the area used for the sale of non-food goods reflect the proposal as assessed and any alteration of such could impinge upon the vitality and viability of existing Centres. It is therefore considered reasonable to restrict the floor space to that applied for so as to ensure that the character of the development does not alter, in accordance with Policy EC5 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

5. No construction, site clearance or demolition shall commence until a scheme to protect the United Utilities wastewater assets that are present within the site boundary from damage resultant from construction of, or operation of the development has been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the wastewater assets within the site boundary and identify mitigation measures to protect and

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

prevent any damage to the assets both during construction and post completion of the development.

Construction of the development shall progress in complete accordance with the approved mitigation measures.

Reason: In the interest of public health and safety and to ensure protection of essential services, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and INF1 and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved (excluding demolition and site clearance), details of the finished floor levels for the buildings and the ground levels for the external areas of the site, above ordnance datum, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

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

7. Prior to commencement of the development hereby approved, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

8. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination;

- b) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and archaeological sites and ancient monuments.

- c) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with policy GD9 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

9. The development hereby approved shall be constructed in complete accordance with the principles set out within the submitted Flood Risk Assessment (Ref: Weetwood, v2.1, October 2022). The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies GD7, CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

10. Prior to commencement of the development hereby approved (excluding any demolition, site clearance), a final surface water sustainable drainage strategy for the site shall be submitted to and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creepCalculations must be provided for the whole site, including all existing and proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

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

11. Prior to commencement of the development hereby approved, a scheme for the management of surface water and pollution prevention during the construction period shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.
- b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

12. Prior to the first occupation of any part of the development hereby approved, a Surface Water Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition 6 (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

Reason: To ensure that agreed surface water design is implemented so that the development is not at risk of flooding and does not increase flood risk elsewhere, in accordance with the requirements of Fylde Local Plan to 2032 (Incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

13. Prior to the first occupation of any part of the development hereby approved, a site-specific Operation and Maintenance Manual for the lifetime of the development scheme, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained in accordance policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

14. Tree felling on the site shall be undertaken in complete accordance with the Bat Mitigation Measures identified in paragraph 4.21 of the Ecological Impact Assessment (ref: BWB, 220741_EIA, revision P1, 17/08/2022).

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

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

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

16. No development shall take place until a method statement detailing the reasonable avoidance measures to be put in place to avoid and/or minimise any impacts on mammals, reptiles and amphibians during the construction period has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in full accordance with the reasonable avoidance measures identified in the duly approved method statement.

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

17. If the demolition hereby approved does not commence before 30th April 2024, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

18. Prior to commencement of earthworks a survey of the site and within 30m where feasible for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

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

19. The development hereby approved shall not be brought into use until a Biodiversity Enhancement Plan (BEP) for the development has been submitted to and approved in writing by the Local Planning Authority. The BEP shall be based upon the enhancement measures identified in Section 5 of the Ecological Impact Assessment (ref: BWB, 220741_EIA revision P01, 17/08/2022) and include the incorporation of the following biodiversity enhancement measures, including details of their number, location and specification, into the development and a timetable for their provision:

- a) The installation of bat boxes.
- b) The installation of bird boxes.
- c) The introduction of native tree planting as part of the soft landscaping scheme required by condition 22 of this permission.
- d) Opportunities for invertebrates.
- e) Hedgehog friendly development.

The duly approved BEP shall thereafter be implemented in full accordance with the details and timetable contained therein.

Reason: To ensure that the development delivers appropriate biodiversity enhancements in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2 and the National Planning Policy Framework.

20. No external lighting shall be installed on the site until a scheme for the installation of any exterior lighting on the buildings and the external areas of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with best industrial practice contained in the Institution of Lighting Professionals and Bat Conservation Trust publication - Guidance Note 08/18: Bats and artificial lighting in the UK, and shall include details of the lighting's:

- i) position and height on the building and/or site;
- ii) spillage, luminance and angle of installation, which shall be designed to avoid light spillage towards those areas/features on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

iii) any hoods to be fixed to the lights.

All exterior lighting shall thereafter be installed in accordance with the duly approved scheme.

Reason: To ensure that any exterior lighting to be installed at the site does not cause a nuisance to surrounding occupiers or undermine the value and use of retained and enhanced habitats within the site for protected species (specifically bats) as a result of light pollution in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and ENV2, and the National Planning Policy Framework.

21. No development shall take place until a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:2012) has been formed around the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained and/ or newly planted.

The construction exclusion zone shall be present on site for the period of construction works.

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

22. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the development is first brought into use, a soft landscaping scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

23. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the buildings hereby approved shall be occupied until a scheme for the construction of all hard surfaced areas of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the layout, design and construction (including sub layers and surfacing materials) of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be laid out and made available for use in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure satisfactory treatment of hard surfaced areas and an appropriate standard of engineering works in the interests of visual amenity and the amenity of future occupiers of the

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

24. No development shall take place (including site clearance, demolition, siting of site compound/welfare facilities and preloading of the site) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
- a) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
 - b) areas designated for the loading, unloading and storage of plant and materials;
 - c) arrangements for the parking of vehicles for site operatives and visitors;
 - d) Construction vehicle routing to and from the site;
 - e) arrangements for turning of vehicles within the site;
 - f) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
 - g) measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
 - h) measures to control the emission of dust and dirt during the construction period;
 - i) measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
 - j) measures to monitor and control noise and vibration during the construction period, including the management of complaints;

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

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

25. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments including the provision of acoustic fencing, to the site shall be erected in accordance with the details (including their siting, height, materials, finish and design) shown on drawing no. Proposed Boundary Treatment Plan - Drawing no. 2978BOL-109 rev L before the development hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure clear demarcation of public and private areas, to achieve adequate levels of privacy between neighbouring dwellings and to ensure that the design of boundary treatments is sympathetic to the character and appearance of the area in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

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

08:00 - 18:00 Monday to Friday.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

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

27. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development, as well as a mechanism for Travel Planning support and monitoring to enable the development to transition from a framework Travel Plan to a full Travel Plan.

Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

Reason: To promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

28. Prior to commencement of any above ground construction of the development hereby approved (excluding any demolition, site clearance or groundworks), a scheme for the construction of the site access points and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The site accesses and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The site access and off site highway works to be covered by this condition includes:

- (i) New controlled crossing on Preston Road;
- (ii) Improvement to the eastbound bus stop on Preston Road (immediately south of the application site);
- (iii) Alterations to the Preston Road / Boundary Road junction including turning lanes, cycle lanes;
- (iv) Closure of existing accesses to Preston Road and reinstatement of footway;
- (v) Rationalisation of layby to a footway;
- (vi) Provision of footway on Boundary Road (to remain privately maintained);
- (vii) 2 separate access points from Boundary Road to the food store and storage units.

The approved site access and off site highway works shall be constructed in accordance with the details approved and implemented prior to the first use of any part of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

29. The car parking, including electric vehicle charging bays, and manoeuvring areas shall be marked out and surfaced in accordance with the approved plan (Site Plan as Proposed - Drawing no. 2978BOL-105 rev M) before any use of the development hereby approved becomes operational, and permanently maintained as such thereafter.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that adequate off road parking is provided to serve the development in the interests of highway safety, in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T4, and the National Planning Policy Framework.

30. The foodstore hereby approved shall only be open to members of the public between the hours of:

08:00 to 23:00 Monday to Saturday.

10:00 to 17:00 Sunday.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

31. There shall be no loading or unloading of vehicles or deliveries at or dispatched from the food store (including waste collections) outside the hours of:

06.00 to 23.00 Monday to Saturday.

08.00 to 18.00 on Sunday.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

32. The engine or any diesel-powered freezer/refrigeration on delivery vehicles on the site shall be turned off while the vehicle is stationary.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

33. Any reversing alarms or indicators on delivery or waste collection vehicles on the site should not be heard above background noise at the boundary of any nearby dwellings/residents.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

34. The rating level of noise from fixed plant on the food store shall not exceed 45db Lar,1h Between 07.00 and 23.00 hours on any day and 31db Lar,15m, Between 23.00 and 07.00 hours on any day as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014.

Reason: To limit the potential for noise generation and nuisance arising in order to safeguard the amenity of the occupiers of surrounding properties in accordance with policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

Informative(s)

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

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. Lead Local Flood Authority informatives:

The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at:
<https://www.gov.uk/topic/environmental-management/environmental-permits>

If the intention is to discharge to the highway drainage then the applicant will need to engage with the local highway authority with regards the potential for that to be possible, and the details of how it could be achieved. The lead local flood authority has not made any assessment regarding the potential to discharge to the highway drainage network, directly or indirectly.

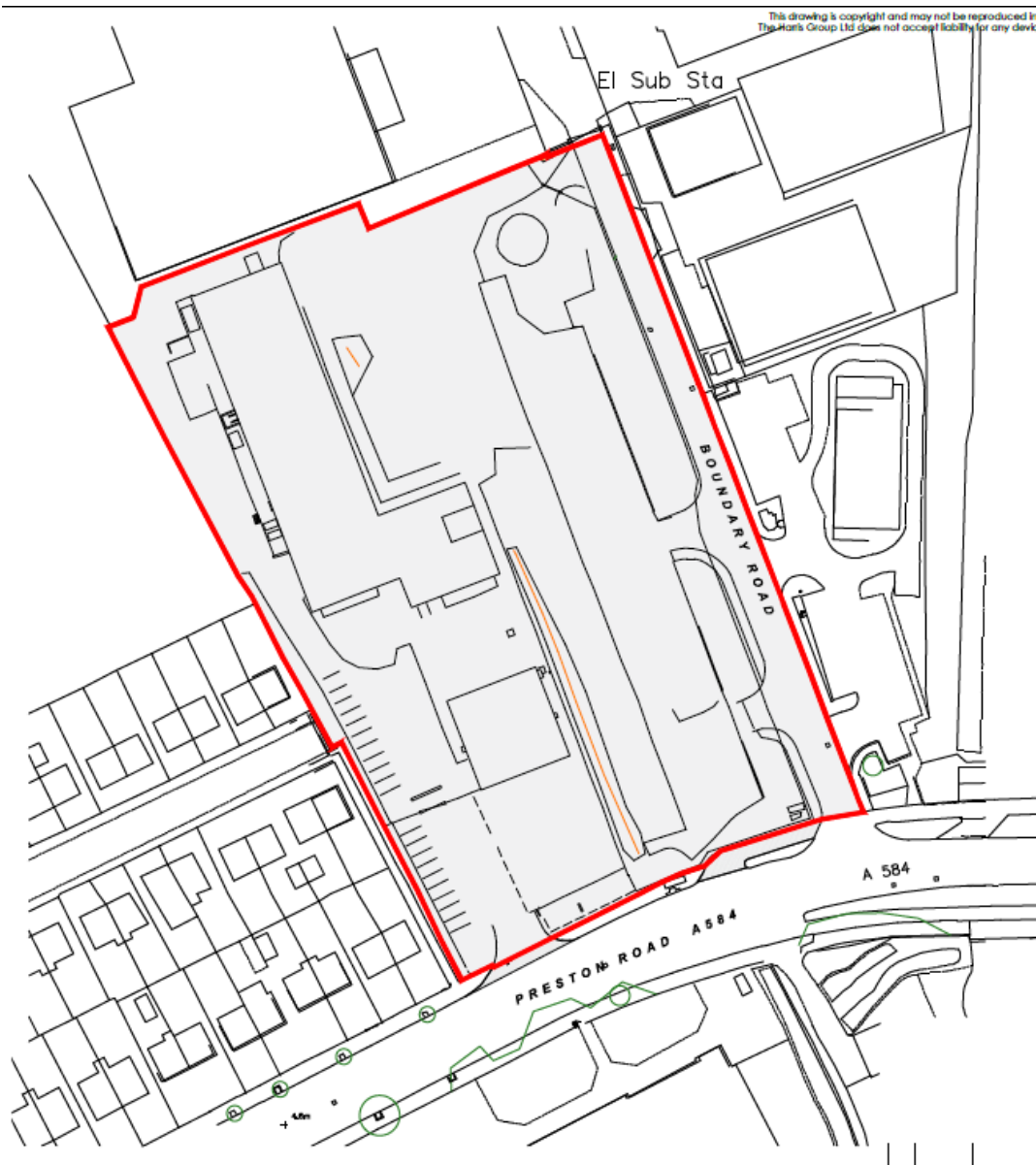
The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

4. Bat Precautionary Informative

Whilst the development has been assessed as low risk for protected species (including bats, great crested newts and nesting birds), the applicant is reminded that these species benefit from legal protection under the Habitat Regulations and the Wildlife and Countryside Act 1981 (as amended) and that it is an offence to disturb, harm or kill any protected species that may be encountered while carrying out the development. If any protected species are found during the development all work should cease immediately and a suitably licensed ecologist employed to assess how best to safeguard the protected species in question. Natural England should also be informed as a protected species license may be required.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 22/0593



AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Item 6

Application No:	22/0601	Case Officer:	Beth Winstanley Area Team 1
Applicant:	MR HANLEY	Agent:	MR JAKE SALISBURY
Location:	PRIMROSE BANK CARAVAN PARK SINGLETON ROAD WEETON WITH PREESE PRESTON PR4 3JJ		
Proposal:	CHANGE OF USE OF LAND FOR THE SITING OF 16 STATIC HOLIDAY CARAVANS, INCLUDING 1) CONSTRUCTION OF 16 CONCRETE BASES TO SITE EACH CARAVAN, 2) INTERNAL ACCESS ROAD, 3) PROVISION OF 2 PARKING SPACES FOR EACH CARAVAN, 4) LANDSCAPING.		
Ward:	Staining and Weeton	Parish:	Weeton with Preese
Statutory Expiry:	7 April 2023	Earliest Decision:	14 March 2023
Reason for any delay:	Officers negotiating design improvements		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application relates to the expansion of an existing holiday caravan site located between Weeton and Singleton near Weeton Camp onto land that is adjacent to it. That land currently has a lawful use as gypsy pitches and grazing land associated with those pitches, and is to be replaced with an additional 16 static caravan pitches along with associated access roads and landscaping.

The application is presented to Committee as Singleton Parish Council have objected to the proposal due to concerns over the perceived adverse impact on local services within the area, concerns over highway safety from the access, issues relating to the policy context of this proposal as well as the visual appearance of the site from the roadside.

In policy terms the site is in the Countryside, where Fylde Local Plan to 2032 (incorporating Partial Review) policy GD4 applies. One of the exceptions to the restrictive approach it applies to development in Countryside areas is that which is *"a) needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development."* As such, this allows for tourism holiday uses to be established but these need to be assessed against the other relevant policies of the Plan.

This scheme involves an extension of the existing Primrose Bank holiday static site and so would be a tourism use. Part of the land that is to be extended into has a permission for siting caravans as a gypsy site, and whilst part is for grazing purposes under that permission, in reality this makes a very limited contribution to the rural character of the countryside given the influence of the gypsy pitches. The proposal here provides an opportunity to replace these with a coherently planned extension of the existing Primrose Bank site with a landscaping belt to the roadside and the removal of the existing fencing and access point from that site. These will bring visual and highway safety benefits to build on the economic benefit to the rural economy that a holiday site delivers.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

There is a negative factor in the loss of the lawful gypsy pitches, but given that the latest information available confirms that the council has satisfied its need for that form of accommodation then there is limited weight to be attributed to their loss.

Whilst it is noted that the Parish Council raise concerns over the access, the proposal is to remove that which currently serves the site and instead rely on the well-established access to Primrose Bank. This has good visibility in both directions, a lack of any accident history and causes no concerns to the local highway authority. Whilst it is the case that visitors to the site may from time to time require local medical services, the visits need to be balanced against those which would arise from the 6 gypsy pitches that are lawful on the site. In this context any additional visits are highly unlikely to create an undue impact on the services to the point that they are 'over-stretched'.

Having reviewed the application carefully officers are satisfied that the visual and highway safety benefits of the scheme are such that they address any planning policy tensions with it involving an extension of the site. As such the proposal is considered to comply with Policies GD4, GD7 and other relevant policies of the Fylde Local Plan to 2032 (incorporating Partial review). As such the application is recommended for approval subject to a series of conditions to ensure that it operates as a holiday site and to secure the proper implementation of the scheme.

Reason for Decision Level

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

Site Description and Location

The application relates to a plot of land positioned to the immediate north of Primrose Bank Caravan Park site. It has previously been lawfully developed as Willow Park Stables which is a private gypsy site that was approved in 2019 and consisted of two parcels of land: that nearest the Primrose Bank site being used as grazing land, and the other being used to site the 6 pitches authorised under planning permission 19/0182).

Around 18 months ago works commenced without planning permission to introduce hard standing and pitches to the area of grazing land but this work was ceased following the serving of a Temporary Stop Notice by Fylde Council. The land remains in that condition though and so is unavailable for grazing use at present.

The site is mid-way between Weeton and Singleton located on the east side of Singleton Road with Weeton Army Camp to the west, with open fields to the north, south and east of the site. The Primrose Bank caravan park itself is long established which consists mainly of static caravan pitches with some lodges and holiday cottages.

The site is washed over by the Countryside allocation of Policy GD4 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Details of Proposal

The application proposes the extension of the Primrose Bank Holiday Park into this site with this providing an additional 16 pitches for that site. These would each be provided with associated areas of hard standing and carparking.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

The proposal has been amended since the original submission and now includes additional planting, a reduced number of caravans on the site and a landscaped buffer between the road and the site in order to reduce its impacts on the streetscene following officer feedback.

Relevant Planning/Appeal History

There is an extensive planning history associated with the Primrose Bank site which began as a touring site in 1975 and was extended through the 1980s before static caravans and timber chalets were introduced in the 1990s and 2000s. Decisions issued in 2013 and 2015 rationalised the layout of the site and permitted its use for holiday use at all times of the year. It provides for a total of 59 holiday pitches with these primarily static caravans with a small number of lodges.

The planning history for the actual application site is limited. Most recently is planning permission 19/0182 which provides for 6 gypsy pitches, with each having a maximum of 2 caravans and a storage building along with 2 communal day buildings and an area of land to be used for grazing. This planning permission provides for an access direct from Singleton Road for that use. Before that planning permission 17/1004 was granted for domestic stables, but was never implemented.

Parish/Town Council Observations

The site is located within Weeton with Preese Parish, but is circa 300m from Singleton Parish and so both have been consulted with their comments as follows.

Parish/Town Council	Observations
Weeton With Preese Parish Council	<p><u>Comments received on 23 October 2022 for original proposal:</u></p> <p><i>It was resolved to offer NO OBJECTIONS</i></p> <p><u>Comments received on 10 March 2023 for amended application:</u></p> <p><i>Weeton with Preese PC maintain original stance of NO OBJECTIONS - already submitted</i></p>
Singleton Parish Council	<p><u>Comments received on 10 October 2022 for original application:</u></p> <p><i>As this land is on the border of Singleton, the Parish Council objects to this proposal on the following grounds:-</i></p> <ol style="list-style-type: none"> <i>1. It is in contravention to the Fylde BC's planning rules regarding insertion next to existing sites in the rural countryside.</i> <i>2. The proximity of the site to the road causes visual disturbance.</i> <i>3. As the Parish Council has raised with the Planning Department many times in the recent past, it is concerned with the number of these sites, whether residential or holiday, in the rural countryside creating further strain on the infrastructure, in particular doctors and dentists in the area.</i> <i>4. The entrance is on a corner and as such will cause problems on the highway with comings and goings.</i>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>The Parish Council would like this to be considered by the Planning Committee.</i></p> <p><u>Comments received on 5 March 2023 for amended application:</u></p> <p><i>The Parish Council sticks by its previous objection. Although the Parish Council appreciates the aesthetic changes proposed for this development, they would still object because of the increased strain that this development would have on existing services, particularly medical, which are terribly stretched at the moment.</i></p>
--	--

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environmental Protection (licensing)	<p>They highlight the need for a caravan site licence s Caravan Sites and Control of Development Act 1960 should the development proceed.</p> <p>They also highlight that the model conditions to that legislation refer to parking being provided by way of single space for each pitch, and then communal visitor parking elsewhere on site. The submitted site layout appears to offer 2 spaces per pitch and no communal parking and so may need to be revised to satisfy the licensing requirements.</p>
Local Highway Authority	<p><i>LCC Highways does not have any objections regarding the proposed change of use of land for the siting of 23 static holiday caravans, including 1) Construction of 23 concrete bases each to site each caravan, 2) Internal access road, 3) Provision of 2 parking spaces for each caravan, 4) Landscaping and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on 13 October 2022. The data indicates there has not been any reported incidents near (within 300m) to the existing access for the proposed development. Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.</i></p> <p><i>The proposed units are for holiday use which are in the majority outside of the peak times and with occupancy around 70% the impact on the highway is not significant.</i></p> <p><i>It is requested that a suitable condition is placed to ensure the units are for holiday use only.</i></p> <p><i>The site layout and two car parking spaces for each unit is acceptable. The site has an existing field gate access which his requested to be reinstated. The reinstated access will need to be constructed under</i></p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p><i>an appropriate legal agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".</i></p>
GMEU (Greater Manchester Ecology Unit)	<p>Comments received regarding original scheme:</p> <p>I would not consider that an HRA is required for this development. The site is more than 3km from the nearest designated site, and there is no direct connectivity between the application site and the designated areas. There will be no impacts from changes to hydrology, from potential pollution, or from noise or visual impacts.</p> <p>The site does not support habitat which could be of use to wading and waterbirds associated with the designated sites (it is not functionally linked to the designated sites)</p> <p>Given the distance between the site and the designated areas, and the limited scale of the development, any potential indirect impacts which could arise from increased recreational use of the coastline would be too small and too diffuse to be measurable (i.e. recreational disturbance effects would be <i>de minimis</i> or nugatory).</p> <p>The development will therefore have no likely significant effects on any designated sites and can be screened out from the need for further assessment.</p> <p>In terms of other ecological concerns, the site appears to have been partly cleared relatively recently, having previously supported agricultural grassland. The most important ecological features on the site are the boundary trees and hedgerows, which are capable of being retained as part of the proposals. These features should be protected during the course of any approved development, and to this end a Tree / Hedgerow protection plan should be required to be implemented. I also note that some further tree planting is planned as part of the site layout; this is welcome, but somewhat limited in scope.</p> <p>There is additional scope for introducing other features which would benefit biodiversity into the scheme, including bird nesting and bat roosting boxes.</p> <p>In spite of recent clearances, the site retains some potential to support amphibians. I would advise that a Method Statement should be prepared giving details of the measures to be taken during any</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<p>site works to prevent any harm to amphibians. Once agreed, this Method Statement must be implemented in full.</p>
Natural England	<p>They have been consulted as a consequence of the proximity of the site to the Morecambe Bay and River Ribble estuaries and their high level ecological designations which are primarily related to the wintering wildlife that visit them, and also land such as this site would could therefore be 'functionally linked' to those designated sites.</p> <p>Their initial comments raise objection to the development on the basis that there is a need for a Habitat Regulations Assessment to be undertaken as part of the consideration for the application, and none was provided.</p> <p>They were then re-consulted following the submission of a shadow Habitat Regulations Assessment prepared by ecological consultants on behalf of the applicant. Their revised views are to raise no objection to the development subject to appropriate mitigation being secured by condition.</p> <p>This mitigation is needed to avoid the development having an adverse effect on the integrity of Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Ribble & Alt Estuaries SPA, Liverpool Bay SPA, Morecambe Bay Ramsar, and Ribble & Alt Estuaries Ramsar; and to minimise the risk of damage to the interest features for which Wyre Estuary Site of Special Scientific Interest (SSSI) and Ribble Estuary SSSI has been notified.</p> <p>The mitigation they suggest is:</p> <ul style="list-style-type: none"> • Provision and implementation of a Construction Environmental Management Plan (CEMP) • Retention of the existing boundary features during the construction and operational phases of the development • Provision of public open space (POS) within the scheme • Provision of Advisory Leaflets and Information Boards <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p>
United Utilities	<p>They initially raised objection to the development due concerns that the original layout was likely to impact on a water main that crosses the site.</p> <p>Following those comments, the agent provided some further information regarding the location of the main, including a site survey. They also revised the site layout to reflect that survey and other comments made by officers. The final comments of UU on this are:</p>

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

	<i>Therefore, we can confirm that sufficient information has been provided and United Utilities are happy to withdraw our previous objection to the above application.</i>
--	--

Neighbour Observations

Neighbours notified: 4 October 2022
Site Notice Date: 11 October 2022
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Countryside
GD7 - Achieving Good Design in Development
EC6 - Leisure, Cultural and Tourism Development
EC7 - Tourism Accommodation
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

The site is located in the countryside under policy GD4 of the Fylde Local Plan to 2032 (Incorporating Partial Review). Policy GD4 is restrictive of development other than that which is appropriate for a rural area, and 6 exceptions are provided to set out the nature of development that can be accepted.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Of these exceptions criteria a) allows for development that is *“needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development.”*

As such, this allows for tourism holiday uses to be established but these need to be assessed against the other relevant policies of the plan. Policy EC7 is key to that and has two elements relating to holiday caravan and camping pitches. The first resists the loss of existing pitches to non-holiday uses, with the second stating: *“A limited increase in static and touring caravan and camping pitches will be permitted within existing site boundaries in order to enable environmental improvements.”*

Whilst the site itself is positioned outside of the existing boundary for Primrose Bank, it is within the Willow Park Stables site which has had a previous approval for a private gypsy site with caravans and hardstanding. As such, it is considered that the proposal is acceptable in regards to the principle of the development on that part of the Willow Park Stables site that has a lawful use for the caravans.

There is a section of the Willow Park Stables site that was authorised for grazing use only, with that being the element that is between the existing Primrose Bank site and the Willow Park Stables gypsy pitches. The intention of this arrangement was to provide that land as a visual and distance buffer between land uses that may not be the most complementary. Given the proposed amalgamation of the neighbouring sites, the value of this buffer to the overall rural character of the area would be limited, and so the inclusion of it within this caravan site, as a matter of principle, is not of overriding concern. The landscape implications are discussed further in a later section of this report.

Notwithstanding the above, there are other planning considerations for the overall balance, with the key ones being the landscape implications of the development, the drainage arrangements, the access arrangements, and the implications for the economic prosperity of the rural areas and borough as a whole. These are covered by other plan policies which are referred to in the following sections of this report.

Visual Impacts

The proposed site is positioned so that its western boundary sits along the edge of Singleton Road. As such it allows the potential for views across the site by those using that road, and so the development of it will impact on the experience of those travelling along that road.

The initial scheme placed a series of static pitches in close proximity to the roadside. Officers felt that these would be unacceptably prominent given the nature of the development being one that is not particularly complementary to a rural aspect.

As a result an amended plan was sought which provides a 10m landscape buffer between the existing boundary hedge and the boundary of the caravan site, with a number of trees and shrubs located along the boundary. This landscaping has been further strengthened by the northern boundary also being improved with a re-enforced hedging along the boundary and additional trees.

The proposed site is positioned to the north of the main caravan site and so when approaching the site from the north (i.e. from Singleton) the existing tree lined boundary can be seen behind the proposed area and will act as a visual buffer. In this context the additional planting and development involved in this application will not be seen as an alien feature within a completely open and undeveloped setting.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

It is considered that the revised layout presents a number of positive factors allow the proposal to not create any overly dominant or visually obtrusive views both from Singleton Road and from the open countryside. The layout and landscaping are to be secured by condition to ensure they are implemented and maintained, but with that the scheme will accord with policies ENV1 and GD7 regarding landscape impacts.

Access

The Willow Park Stables gypsy site has an access point to Singleton Road that is located centrally on the site frontage to that road. The proposal is to remove this access point and serve the proposed development from an extension of the existing internal access road that serves the Primrose Bank site. The removed access point would be reinstated with a verge added with a hedge behind and then additional structural planting behind. This would turn the boundary back in to its original form prior to the Willow Park Stables development which brings a visual benefit. It also brings a highway safety improvement by removing the access point and associated turning manoeuvres from the highway.

Primrose Bank Caravan Park is served by a main access point to Singleton Road that is located to the south of the proposed development site which provides appropriate vehicle access to the existing caravans on the site. The proposal looks to extend the internal vehicle access into the extended area to provide appropriate access to the caravans proposed within this application. This is an appropriate solution that allows that well development and high standard of access to be used to serve the additional 16 pitches which are a 25% increase over the existing number on site.

The number of movements associated with this expansion of the site will not have any material impact on the surrounding highway network, with the reported comments from the local highway authority highlighting the absence of safety issues with the existing arrangement when they make no objection to the application. They request a condition to ensure that the existing access point is properly reinstated, and that would be an appropriate solution to that aspect. With this condition in place the development will satisfy the requirements of Policy GD7 in all respects.

Neighbour Amenity

The development site is located to the north of the main Primrose Bank Caravan Park. To the north and east of the site is surrounded by open countryside, therefore the site does not neighbour any residential dwellings. Those properties within Weeton Camp are well separated by distance and the intervening military buildings. There are several residential properties positioned next to the main vehicle access entering Primrose Bank Caravan Park some distance to the south.

Given these locational factors and the proposed holiday use of the single store scaled caravans there is no risk of a detrimental impact on the amenity to these neighbouring occupiers. The proposal therefore accords with Policy GD7 in that regard.

Drainage Implications

The site is situated within Flood Zone 1. Drainage information has been submitted with the application which advises that foul sewerage is to be dealt with via a package treatment plant and surface water through soakaways.

United Utilities have commented on the application and have not objected to the scheme subject to compliance with sustainable drainage principles. Following additional drainage information submitted by the applicants UU have commented that drainage conditions are not necessary.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Accordingly, the proposal is in compliance with Policies CL1 and CL2 and the aims of the National Planning Policy Framework.

Ecological Matters

The application site is located close to the Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar, Wyre Estuary SSSI, Liverpool Bay SPA, Ribble and Alt Estuary SPA, Ribble Estuary and Alt Estuaries Ramsar and Ribble Estuary SSSI.

As part of the assessment Natural England initially requested a Habitat Regulations Assessment (HRA) to show the site would not have a negative impact on the above sites. This was not a view taken by GMEU who reviewed the ecological impacts of the development of the council. Notwithstanding that, shadow HRA was prepared by the developer's ecological consultants and passed to Natural England for comment. They concluded that it was satisfactory to meet their needs and so advise that Fylde Council, as competent authority on such matters, could adopt it as part of their decision on this application providing the mitigation measures suggested by Natural England were incorporated into the decision. These measures can be secured by planning conditions to ensure an appropriate impact on the surrounding natural environment, compliance with Policy ENV2, and the provision of enhanced wildlife opportunities.

Management Arrangements

No details of the proposed management of the caravans has been submitted with this application. The site will be an extension to an existing caravan site which has been open and running for some time, therefore it is understood the site will be managed and maintained appropriately, however a condition will be required in this instance to ensure that management of the existing site is extended to this area. This will also ensure that the site operates as a holiday site only with the standard safeguards against long-term residential occupation of the caravans introduced.

Economic Benefits

It is clearly the case that tourism represents one of the main economic sectors in the borough, and the further expansion of that will obviously be welcomed in terms of the jobs it provides directly and those which are supported indirectly through the sending of visitors in local shops and attractions. The proposal is for an extension to an existing site which is well established and so indicates that it has proved economically successful and this proposal will support its further growth and is a positive factor in the planning balance.

Loss of Gypsy Site

As with general housing delivery, the council has a duty to provide sufficient pitches to meet identified gypsy needs. This is addressed in Policy H5 which identified a need for 3 pitches through the duration of the Local Plan as identified in the most recent information available at the time the preparation of the Plan which was from 2016. That number of pitches have been provided, and exceeded in number, by various planning permissions across the borough, including the one on Willow Park Stables in 2019. The redevelopment here will reduce the number of gypsy pitches that are available, but will not reduce it below the figure required by Policy H5.

The council has recently commissioned consultants to work on an update of the survey data regarding gypsy and traveller need, and that assessment work is on going and will be used to feed into future policy documents when available. However, the current information is that the borough will still be in a position of 'surplus' against its gypsy pitch needs if the current proposal is approved and so the

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Willow Park Stables pitches lost. Therefore, the loss of these pitches does not provide a quantitative reason for refusal.

It is also the case that the Willow Park Stables site is one of the more poorly located gypsy sites in the borough as it is physically detached and remote from settlements meaning that its residents would have a limited connection to the services available in those settlements, and the communities that they provide. This provides a qualitative reason for permitting the loss of this site from those that are available for gypsy use.

Impact on Local Services

This is an issue raised by Singleton Parish Council in their correspondence, although there is limited information over the services that they are concerned over.

The proposal is to extend the existing holiday caravan park and add an additional 16 static caravans to the site. The caravans will be for holiday use only, with the park being closed for around 2 weeks a year. Therefore the visitors and owners of the caravans will not be new residential occupants to the area and will have homes elsewhere where they can access their existing services. Given this holiday nature of the accommodation provided, and the relatively modest number of pitches involved it is not considered that any perceived impact on the available local services could reasonably sustain a reason for the refusal of the application.

Conclusions

The application relates to the expansion of a holiday caravan site in the countryside between Singleton and Weeton by increasing its extent to incorporate a section of land to the north of the existing site, and placing 16 static caravans within the plot.

The merits of the application have been assessed and it is considered that the impacts of the scheme are minimal and as such are considered to be acceptable.

Accordingly the proposal is considered to comply with Policies GD4, GD7, EC6, EC7, ENV1 and ENV2 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework subject to the adoption of the shadow HRA and the imposition of conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan- Drawing no. GA3443-LP-01A
- Proposed Site Plan - Drawing no. GA3443-PSP-01B
- Proposed Landscape Plan - Drawing no. GA3443-LNDSCP-01A
- Proposed Static Caravan Elevations type A - Drawing no. GA3443-PPE-01A

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

- Proposed Static Caravan Elevations type B - Drawing no. GA3443-PPE-01B

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

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

3. That any static caravans, motorhomes and any other form of accommodation within the area edged red on the approved plan shall be occupied for holiday purposes only and not as a persons permanent, sole or main place of residence.

Reason: To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and in accordance with Policies GD4 and EC7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

4. The extended caravan site hereby approved shall have no more than 16 caravans on site and shall be laid out in full accordance with that indicated on drawing no. GA3443-PSP-O1B as listed in condition no. 2 of this decision.

Reason: To define the permission and layout of the site in the interests of clarity and the character and visual amenity of the area. In accordance with Policies GD4, GD7, ENV1 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

5. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the site is not occupied by owners as their permanent residential home as the permission is for holiday use only, having regard to the location of the site within the countryside and in accordance with Policies GD4 and EC7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

6. Prior to the first use of any of the pitches hereby approved for the siting of a caravan for holiday purposes a 'Management Plan' for the management of site shall be submitted to the Local Planning Authority and agreed in writing. The management plan shall set out details of how and from where the site will be managed, the time periods the 'manager' is available, security arrangements for the site, locations for the display on site and availability of contact details out of hours for the Manager, procedures to be followed in the event of an emergency on site, etc. Thereafter the agreed plan shall be implemented throughout the operation of the site for the holiday purposes hereby approved.

Reason: To ensure adequate supervision and security arrangements are available for the safe and secure operation of the site in accordance with Policies GD7 and EC7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

7. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing GA3443-LNDSCP-01A] shall be carried out no later than during the first planting season that occurs following the first occupation of any pitch within the extended site area hereby approved.

The areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with a maintenance scheme which has been submitted to and approved in writing by the local planning authority before any of the pitches are first occupied. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development assimilates sympathetically into its surroundings, to provide an appropriate landscape buffer with surrounding land uses, to enhance the character of the rural area and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

8. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the caravans hereby approved shall be occupied until a scheme for the construction of all hard surfaced areas of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the layout, design and construction (including sub layers and surfacing materials) of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be laid out and made available for use in accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure satisfactory treatment of hard surfaced areas and an appropriate standard of engineering works in the interests of visual amenity and the amenity of future occupiers of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

9. Prior to the first use of any of the pitches hereby approved the existing access point leading directly from the site to Singleton Road shall be physically and permanently closed with the existing verge and kerbing of the vehicular crossing reinstated. This access shall thereafter remain closed so that the only means of access to the extended site is through the existing access point that serves the Primrose Bank site.

Reasons: To limit the number of access points to the highway and to maintain the proper construction of the highway in the interests of highway safety and the visual amenity of the area in accordance with the requirements of Policy ENV1 and Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

10. Prior to the first occupation of any pitch hereby approved a scheme for the number, layout, design and construction (including surface treatment) of its associated parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. The parking and manoeuvring areas shall be constructed in accordance with the duly approved scheme before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

11. No development, ground works or vegetation clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) Appropriate noise control measures during the construction phase
- b) Details of lighting to be used during the construction phase
- c) Details of how lighting will be designed to limit light pollution on the nearby functionally-linked land

The duly approved CEMP shall be adhered to throughout the construction period in strict accordance with the details contained therein.

Reason: To ensure that appropriate measures are put in place during the construction period to mitigate the development's potential effects on nearby internationally and nationally designated sites as required by Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review)

12. Prior to the first use of any of the pitches hereby approved for the siting of a static caravan a schedule of Ecological Enhancement Measures shall be submitted to and agreed in writing by the local planning authority. These works shall include the following and a phasing scheme for their implementation:

- a) The use of native species appropriate to the local area to enhance and replace where required the boundary planting to the site
- b) The enhancement of connective habitats through planting of new hedgerow and/ or treelines along the site boundary and appropriate locations between pitches
- c) The establishment of nectar and pollen rich plants and fruit and nut producing species within formal planting schemes,
- d) The location and design of features to support the roosting bats and nesting birds on retained trees around the site,
- e) The creation of log/ brash piles and compost heaps along the site boundary to provide opportunities for amphibians and invertebrates.

The approved details shall be established in accordance with those details and the approved phasing.

Reasons: To ensure that the development brings forward an enhancement of the biodiversity opportunities on the site in accordance with the requirements of Policy ENV2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

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

14. Before any of the pitches at the extended area hereby approved are first occupied, details of the siting, size, height, materials and design of any of the following structures that may be required to support the proper operation of the extended site area shall be submitted to and approved in writing by the Local Planning Authority:

- a) cycle shelter / store
- b) waste/bin storage area
- c) general store facilities for any pitch
- d) storage compound

The structures and enclosures shall thereafter be constructed and made available for use in accordance with the duly approved details before the pitches are first occupied, and shall be retained as such thereafter.

Reason: For the avoidance of doubt and as no such details have been submitted as part of the application, to ensure the provision of appropriate facilities for future occupiers of the development and to ensure an appropriate appearance for ancillary structures to be erected as part of the development in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

15. Prior to the first use of any of the pitches hereby approved for the siting of a static caravan details for the management of surface water and the disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority with these confirming that foul and surface water is to be drained on separate systems. The drainage information shall include:
- a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - c) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution to the nearby Morecambe Bay & Duddon Estuary Special Protection Area (SPA), Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI) and in accordance with Policies CL1 and CL2 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the aims of the National Planning Policy Framework.

16. None of the static caravans hereby approved shall be used for holiday accommodation until a scheme for the distribution of information packs to inform visitors of the following has been submitted to and approved in writing by the Local Planning Authority.

The leaflets should comprise, but are not limited to;

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

The submitted scheme shall include a copy of the information pack and details of when, how and to whom these will be distributed (including provisions for future visitors). The information packs shall be distributed in accordance with the duly approved scheme, and shall thereafter be made available for all future visitors to the development.

Reason: To ensure that future visitors of the development are made aware of the importance and their potential to affect the integrity of nearby designated nature conservation sites – specifically the Morecambe Bay and Duddon Estuary Special Protection Area and the Ribble and Alt Estuaries Special Protection Area – through added recreational disturbance and to ensure appropriate measures are introduced to educate future visitors as to how to avoid disturbance to bird species for which those nature conservation sites have been designated in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy ENV2, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).

Informative(s)

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

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

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

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

2. Habitat Regulation Assessment Adoption Note

In issuing this decision the local planning authority has had regard to the document titled "Habitat Regulations Assessment" prepared by 'ERAP Consultant Ecologists' (document reference '2022-361') and the comments from Natural England in their letter dated 28.02.23 confirming that they are in agreement with the conclusions in the Habitat Regulations Assessment that, with appropriate mitigation in place (as secured by conditions 3 and 4 of this permission) the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Ribble and Alt Estuaries Ramsar site, Special Protection Area and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment by 'Envirotech Ecological Consultants' as part of its decision.

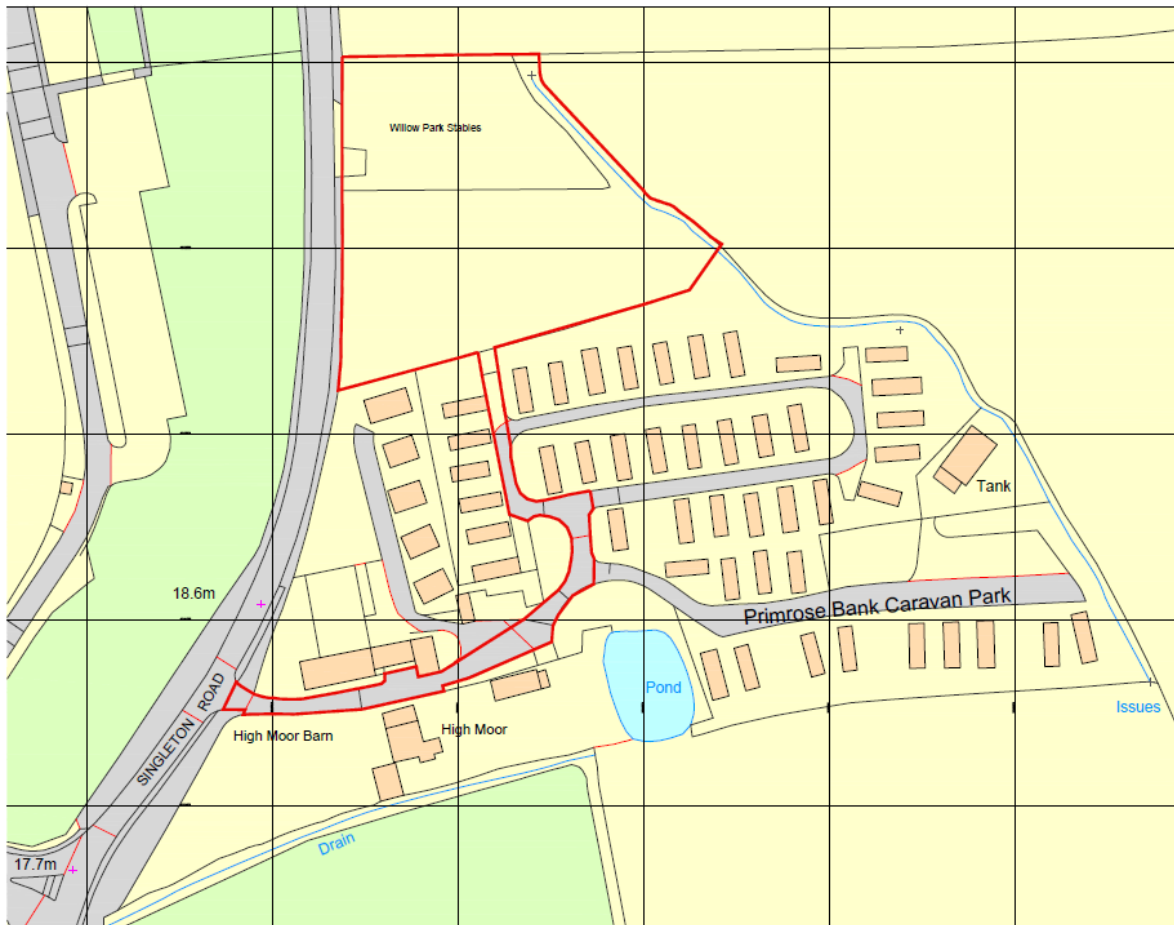
3. Caravan Site Licence Informative

The site owner or agent is to make application to the Licensing Department of Fylde Borough Council to either vary the current site licence to reflect the increase in the number of pitches onsite as per the Caravan Sites and Control of Development Act 1960 and to confirm details of the proposed occupants of the new plots. Information on how to make an application can be found via the council's website.

The applicant is advised that the grant of this planning permission does not override any standards for any site license conditions such as 'The model standards 1989 for Holiday Caravan sites'. The applicant is advised to check that the implementation of the development would not contravene any such standards before any works take place.

AGENDA FOR 5 APRIL 2023 PLANNING COMMITTEE

Location Plan for 22/0601



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	5 APRIL 2023	5
USE OF PREMISES AS CHILDREN'S CARE HOMES			

PUBLIC ITEM

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

SUMMARY

Each year the council receives several applications for certificates of lawful use seeking to establish whether planning permission is required to change the use of an existing dwelling to a children's care home, typically (but not exclusively) to accommodate 2 children with 24 hour care provided by non-resident staff working on a rota basis. This report seeks to clarify the process for the determination of such applications and the other legislation available to address concerns often expressed by the local community when such proposals are submitted.

RECOMMENDATIONS

1. That the committee notes the content of the report regarding the process and the issues that may be taken into consideration in the determination of a certificate of lawfulness for a proposed use or development.
2. That officers be requested to draft an advice note to explain the certificate of lawfulness process to neighbours and other interested parties and the regulations that are exercised by other public bodies in the control and operation of children's homes.

SUMMARY OF PREVIOUS DECISIONS

The council has previously issued a number of certificates of lawful use and planning permissions for the use of properties as children's care homes at various properties across the borough.

CORPORATE PRIORITIES

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

REPORT

CERTIFICATES OF LAWFUL USE

1. Recent years have seen an increase in the number of applications submitted to Fylde Council for certificates of lawful use, particularly those proposing to use an existing dwelling as a small-scale care home for children. These are not applications for planning permission. Instead, they seek to establish whether a proposed use may be lawfully commenced without planning permission. Accordingly, the decision whether to issue a certificate does not involve any discretion and the individual planning merits of a proposal cannot be taken into consideration in reaching that decision. Essentially, the question that needs to be answered by the local planning authority (LPA) is: "does the proposal need planning permission?" rather than "should the proposal be granted planning permission?". If the LPA is satisfied that the use in the application can lawfully commence without a grant of planning permission, the Authority must issue the certificate.
2. There is no provision within legislation requiring residents to be notified when a certificate of lawfulness application is received. The issue of a certificate involves technical consideration of whether the proposed use falls within certain parameters, rather than a consideration of its planning merits¹. Seeking the views of third parties could raise the expectation that comments received might influence the determination of an application. However, the lack of neighbour notification often leads to confusion and concern amongst neighbours if they become aware of an application about which they have received no official notification. This report seeks to provide clarification of the considerations involved in determining applications for certificates of lawfulness for proposed uses².

WHY APPLY FOR A CERTIFICATE?

3. It should be noted that, in circumstances where planning permission is not required prior to commencing an alternative use, there is no requirement in planning law to obtain a certificate of lawfulness prior to commencing that use. Putting it another way, a certificate acknowledges that the use is lawful, but does not of itself confer the lawfulness: if a use is lawful, it is lawful whether there is a certificate or not. So why do intending operators of small-scale children's' homes apply for certificates of lawful use?
4. Care for children, including children's homes, is regulated by Ofsted. As part of the process for registering children's homes, Ofsted require the operator of the home to confirm the planning status of the property. As a result, even where a children's home could operate lawfully in planning terms without a certificate of lawful use, an intending operator will normally apply for one.

WHEN PLANNING PERMISSION IS AND ISN'T NEEDED

5. Planning permission is required (subject to exceptions set out in the planning legislation) for 'development'. 'Development' includes "*the making of any **material** change in the use of any buildings or other land*" (emphasis added)³. But any change of use within the same use class as set out in the Town and Country Planning (Use Classes) Order 1987 ("UCO") is not regarded as development⁴ and so planning permission is not required to change between the uses. This means that for any application for a certificate of lawful use for a proposed change of use, the LPA needs to decide (i) whether the new use is in a different use class to the existing use and (ii) whether the change is material. Planning permission would only be needed if the new use is in a different use class **and** the change would be material. If planning permission isn't needed, the LPA is required to issue a certificate.

ARE CHILDREN'S HOMES IN THE SAME USE CLASS AS A DWELLINGHOUSE?

6. Children's homes almost always fall in a different use class to dwellinghouses, for the reasons explained below.

¹ Because of the narrow, technical issues involved and the lack of discretion available to the LPA, decisions on LDCs are delegated to the Head of Planning.

² It should be noted that separate provisions relating to certificates of lawfulness for existing uses are not addressed in this report.

³ See sections 55 and 57 of the Town and Country Planning Act 1990.

⁴ Sn 55(2)(f) Town and Country Planning Act 1990

7. Dwellinghouses fall within use class C3, which includes: *"Use as a dwellinghouse (whether or not as a sole or main residence) by—*
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4)."
8. Residential Institutions such as care homes, fall within use class C2, which provides for: *"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)), use as a hospital or nursing home, or use as a residential school, college or training centre"*.
9. For the purposes of the UCO, 'care' means *"personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment"*.
10. Whilst the UCO sets out that certain types of care home fall within class C3, as children rely on adults for their day-to-day needs, they are not generally considered able to form a single household on their own and so it is an established position that children's homes fall within class C2 irrespective of how many children live at the property. The only exception to this would be if the carers are living on site full time and form part of a single household⁵. The majority of applications for certificates of lawfulness received by Fylde Council over recent years relating to use as a children's home have proposed care to be provided on a rota basis by non-resident staff and so this exception is not generally relevant to the cases in point.

IS A CHANGE FROM A DWELLINGHOUSE TO A CHILDREN'S HOME MATERIAL?

11. If a change of use involves moving from one class to another, planning permission is only required if that change is 'material'. As 'material' is not defined in the legislation, each case must be considered as a matter of fact and degree, but essentially the test is whether the proposed use would be any different in character to the existing permitted use⁶.
12. As class C3 includes uses other than a single-family dwelling, for example small care homes providing other forms of care and other types of community living, the starting point for any assessment will not simply be related to the character of the dwelling as it is currently used, but how it might be used within class C3. As many of the uses within class C3 are very similar to a small-scale children's care home, the change of use may not be a material one. It is also the case that, the lower the number of children proposed to be residing at a particular home (and, in turn, the lower the staffing numbers required to care for them), the more similar that use will be to a family type of environment especially, for example, those households with grown up children still living in the family home or where a family member is in receipt of care in the home.
13. As each application must be considered on its merits having regard to the fact and degree of the proposed change, it would not be appropriate to introduce a blanket policy or prescribed set of circumstances that predetermines that all changes of use from class C3 to C2 will represent a material change of use requiring planning permission.
14. If a certificate is issued, the authorised use will be as set out within the certificate. Any intensification of use, for example the use of a premises to care for more children than stated in the certificate, would need to be subject to further consideration.

⁵ As established in the High Court ruling: *North Devon DC v FSS* [2003] EWHC 157 (Admin)

⁶ *Sage v Secretary of State for Housing, Local Government and Communities* [2021] EWHC 2885 (Admin)

CONTROLS OUTSIDE PLANNING

15. Many issues raised by neighbours and other stakeholders cannot be taken into consideration in the determination of an application for a certificate of lawfulness or, in circumstances where planning permission is required, will not be regarded as material planning considerations. In a response to a parliamentary question raised by the hon. Member for Stockport (Ann Coffey) in 2013⁷, the Parliamentary Under-Secretary of State for Communities and Local Government (Mr Don Foster) advised "*planning is not intended to deal with problems such as antisocial behaviour by occupants or the location of a home in respect of other children's homes*". Rather than moving children's homes to a separate use class allowing the planning implications to be considered before granting planning permission, the Government of the day chose instead to introduce tighter regulation through Ofsted to "*allow new homes to be opened only in safe areas where they are run by competent providers.*"
16. Accordingly, in addition to ensuring the necessary planning permissions are in place, a person, partnership, or organisation that wishes to provide a social care establishment must register with Ofsted. This registration process assesses the fitness of a person or company to provide social care services and involves regular inspections following an initial registration.
17. Ofsted register providers and managers of children's social care establishments to:
 - protect children, young people, and adult service users
 - assess that providers and managers meet the requirements of the relevant legislation
 - evaluate whether they can deliver good services for children and young people
 - report on the quality of an individual establishment to the public, including children and young people
18. Each establishment must have a manager who will take full time day to day control of the establishment and who is also required to be registered with Ofsted.
19. For children's homes, Ofsted require a location assessment to be carried out. This will address safeguarding concerns for the resident children and the accessibility of local services. The assessment must consider the needs of the children who are expected to live at the premises and will include, for example, whether the proposal:
 - puts children at risk of exploitation due to local criminal activity
 - is close to other children's homes
 - is close to local criminal 'hot spots'
 - is close to environmental hazards such as reservoirs, busy roads, or railway lines
 - is in a neighbourhood where children can flourish
 - has accessible, available, and suitable local education, leisure, faith, cultural and healthcare services
20. It is considered that Ofsted's registration process is more able to fully address the suitability of a premises and its operator because they can take account of a wider range of issues, many of which are not regarded as material planning considerations.

CONCLUSIONS

21. The courts have held that whether a change of use is material or not is a matter of fact and degree for the local planning authority to determine, having considered the individual facts of the case. The matters for consideration will be different in each case and so will need to be determined on a case-by-case basis. Whilst planning permission will not always be required to change the use of a family dwelling to a small-scale children's home, Ofsted's registration scheme is able to exercise control to ensure the premises are suitable and continue to be operated in a satisfactory manner.

⁷ Hansard Volume 566: debated on Thursday 11 July 2013

22. It is appreciated that local residents in particular may have concerns if it is proposed that a children's care home is to be established in their local community. It is recommended, therefore, that a guidance note be prepared that seeks to clarify the relevant legislation and provides reassurance to local communities about the legislation that is in place to regulate the establishment of such premises.

IMPLICATIONS	
Finance	None arising from the report
Legal	The Legal implications are outlined in the report
Community Safety	None arising from the report
Human Rights and Equalities	None arising from the report
Sustainability and Environmental Impact	None arising from the report
Health & Safety and Risk Management	None arising from the report

LEAD AUTHOR	CONTACT DETAILS	DATE
Mark Evans	mark.evans@fylde.gov.uk & Tel 01253 658460	March 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	5 APRIL 2023	6
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 17 February and 17 March 2023.

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

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform the Committee on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Index of Appeal Decisions

Appeal decisions received between 17 February 2023 and 17 March 2023.

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

App. No.	21/0489	FBC Decision:	Refusal	Level:	Delegated
Location:	5 SEAFIELD ROAD, LYTHAM ST ANNES, FY8 5PY				
Description:	ERECTION OF DETACHED OUTBUILDING TO REAR PROVIDING GARAGE WITH FIRST FLOOR ANCILLARY ACCOMMODATION TO REPLACE EXISTING GARAGE				
PINS Decision	Allowed	Date:	6 March 2023	Costs:	N/A