



FYLDE BOROUGH COUNCIL



Meeting Agenda

Development Control Committee
Town Hall, St Annes
Wednesday 23 September 2009, 10:00a.m.

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

Membership

Development Control Committee

CHAIRMAN - John Bennett
VICE-CHAIRMAN - Janine Owen

Councillors	Ben Aitken	Councillors	George Caldwell
	Christine Akeroyd		Barbara Douglas
	Michael Cornah		Albert Pounder
	Richard Fulford-Brown		Trevor Fiddler
	Kevin Eastham		Howard Henshaw
	Peter Hardy		Linda Nulty
	Maxine Chew		Heather Speak

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email:
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Our Vision

To establish Fylde Borough Council as a high performing local authority

Our Corporate Objectives

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement of the natural built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

We will achieve this by:

Focusing on customer requirements
Clear community and organisational leadership
Delivering high quality, cost-effective services
Partnership working



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Development Control Committee meeting held on 26 August 2009 (previously circulated).</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. DEVELOPMENT CONTROL MATTERS	AS NUMBERED

Personal interests

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

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

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

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

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

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

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

Disclosure of personal interests

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

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

Prejudicial interest generally

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

Prejudicial interests arising in relation to overview and scrutiny committees

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

Effect of prejudicial interests on participation

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

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Development Control Committee Schedule

23 September 2009

Item Number: 1 Committee Date:

Application Reference: 09/0391		Type of Application: Full Planning Permission	
Applicant:	Mr Kurt Wood	Agent :	Mr Joe Monks
Location:	2 THE BARNs, BACK LANE, WEETON, PRESTON, PR4 3HS		
Proposal:	ERECTION OF SINGLE STOREY REAR EXTENSION		
Parish:	Weeton with Preese	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Mr A Pinder
Reason for Delay:	Awaiting amended plans		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposed extension is in keeping with the character of the existing building and accords with the design guidance contained in the Council's Supplementary Planning Document, "Extending your Home". It is considered to accord with the relevant policies of the Fylde Borough Local Plan and therefore the officer recommendation is one of approval.

Reason for Reporting to Committee

The Parish Council's recommendation for refusal is in opposition to the Officer's recommendation for approval.

Site Description and Location

The application property is one of five dwellings resulting from the conversion of a redundant farm building located to the rear of Hollybush Farm and Kinton Lodge on Back Lane. The site is located within countryside as designated in the Fylde Borough Local Plan

Details of Proposal

This application seeks planning permission for a single storey rear extension. The extension would project 2.25 metres from the rear of the property and have a width of 6.6 metres. It would have a mono-pitched roof with an eaves height of 2.25 metres and maximum height of 3.375 metres. There would be three rooflights fitted in the roof slope. The proposed finished materials of construction are reclaimed brickwork to match existing, slate roof to match existing and upvc window and door frames of colour and style as existing.

Relevant Planning History

Application No.	Development	Decision	Date
05/0424	LOFT CONVERSION WITH VELUX ROOF LIGHTS	Granted	13/06/2005

Relevant Planning Appeals History

None.

Parish Council Observations

Weeton with Preese Parish Council notified on 03 July 2009

Summary of Response

The Parish Council object to the proposal for the following reasons:

- Scale of the proposed development would be detrimental to the neighbouring property causing lack of natural light.
- Plans not clear with height size (only approximate).
- Out of character with the surrounding development, which should retain its rural status.
- Could set a precedent for further extensions.

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 03 July 2009

No. Of Responses Received: One

Nature of comments made:

- the proposed extension would be out of character with the existing building and surrounding area.
- the submitted plans are inaccurate as they show the neighbour's rear doors being further away from the proposed extension than is actually the case.
- the proposed extension would result in loss of light and overshadowing of the neighbouring property's dining room.
- the submitted plans refer to approximate heights.
- the plans indicate a brick wall is to be built along the boundary with the neighbour.
- the plans show three rooflights in the roof slope of the proposed extension. These would be out of character with the existing development
- the objector would not permit access onto his/her land for the purposes of building and maintaining the proposed extension.

Relevant Planning Policy

Regional Spatial Strategy:

DP02 - Promote Sustainable Communities

Fylde Borough Local Plan:

SP02 - Development Countryside Areas
HL04 - Enlargement of Rural Dwellings
HL05 - House Extensions

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The issues to consider in the determination of this application are the criteria contained in policies SP2, HL4 and HL5 of the Fylde Borough Local Plan. The guidance contained in the Council's Supplementary Planning Document, "Extending your Home", and Supplementary Planning Guidance, "Conversion of Fylde's Traditional Farm Buildings", is also material in considering this application.

Policy SP2 permits minor extensions to existing residential properties and in this respect the proposed development is considered to accord with this policy. Policy HL4 permits modest extensions to rural residential properties and the extension is in keeping with the rural character of the area or existing building. The Council's Supplementary Planning Guidance on the conversion of traditional farm buildings provides additional guidance in this regard.

The application property forms one of five dwellings created by the conversion of a redundant farm building. The Council's Supplementary Planning Guidance on traditional farm buildings presumes against the provision of extensions to converted redundant farm buildings unless it is essential and in character with the building as converted. In this instance the proposed extension is of a simple 'lean-to' design typical of the type that may have been added to the farm building prior to its conversion to residential usage. Hence, in terms of its design the proposed extension is considered to be acceptable.

In terms of policy HL5, as discussed above, the proposed extension is considered to be in keeping with the converted farm building and hence accords with criterion 1 of HL5. With regard to the impact on the amenity of neighbouring properties, the occupiers of No.1 The Barns have raised the concern that the extension will block sunlight to their dining room. As a result the applicant has amended the original design and reduced the width of the extension to reduce any impact on this neighbouring property. Given that the site is north facing and the proposed extension complies with the projection limits contained in the Supplementary Planning Document on house extensions, irrespective of the position of the neighbouring properties rear doors, it is not considered that a refusal of planning permission could reasonably be sustained on the grounds of impact on daylight alone to the adjoining property. With regard to the remaining criteria of HL5 sufficient garden area would remain to serve the needs of the occupiers, and the proposal would be no impact on off-street parking or safe vehicle access to the site.

Conclusions

The proposed extension is considered to accord with the criteria of the relevant policies of the Fylde Borough Local Plan and as such Members are recommended to approve the proposal.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

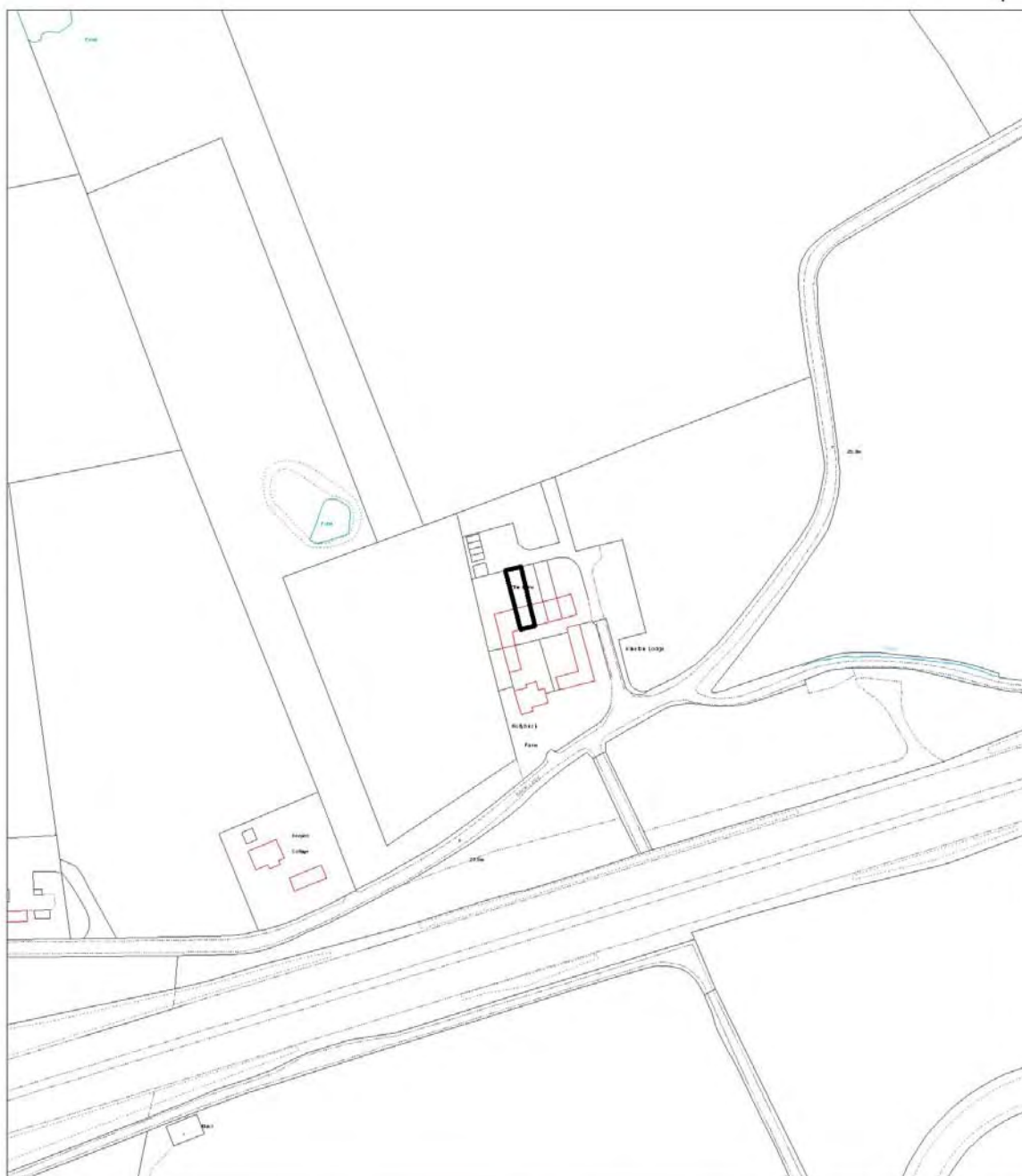
This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. This consent relates to the revised plan[s] received by the Local Planning Authority on the 24 August 2009.

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



Strategic Development Services Fylde Borough Council		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084. 2009. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		
Application No. 5/09/0391	Address 2 The Barns Back Lane, Weeton	Grid Ref. E.3394 : N.4347	Scale N.T.S.	Item No.

Item Number: 2 Committee Date:

Application Reference: 09/0439		Type of Application: Variation of Condition	
Applicant:	Miss Walker	Agent :	J C Planning
Location:	LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM, PRESTON, PR4 2RE		
Proposal:	VARIATION OF CONDITION 11 ON PLANNING PERMISSION 05/0878 RELATING TO CLOSURE OF SITE ACCESS TO HIGHWAY IN CONNECTION WITH PLANNING PERMISSION FOR TOURING CARAVAN SITE, MANAGERS ACCOMMODATION AND ANCILLARY STORAGE BUILDING		
Parish:	Kirkham	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Mrs C Kitching
Reason for Delay:	Delays in consultation replies		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

Planning permission exists for the development of a touring caravan site at Little Tarnbrick Farm. This application seeks authority for that site to be developed without compliance with a condition imposed at the time of original approval relating to highway safety matters. The application also proposes that traffic islands be constructed at the developers expense to improve highway safety near to the site entrance.

The main issues for consideration in this application are contained within Policy TR1 of the Fylde Borough Local Plan. The County Highway Authority does not object to this amendment to the access arrangements and it is considered that the proposal will not prejudice highway safety and will provide appropriate facilities to assist pedestrian access to and from the site and the nearby bus stop.

Members are recommended to grant planning permission subject to the applicant entering into a section 278 agreement to secure completion of these highway works.

Reason for Reporting to Committee

At the request of Cllr Oades and as the Parish Council have recommended refusal which is contrary to the officer's recommendation.

Site Description and Location

The application site is to the north of Blackpool Road, A583 and abutting the railway line and Little Tarnbrick Farm, Kirkham to the west. The site is within designated countryside on the Fylde Borough Local Plan, as altered (October 2005). The site is well screened with mature trees and hedging.

Details of Proposal

Planning permission 05/0878 was allowed on appeal and grants consent for a touring caravan park with managers accommodation and ancillary storage. Condition 11 of that permission states:

Before the buildings or touring caravan pitches are occupied and concurrently with the construction of the new access, the existing access to Little Tarnbrick Farm shall be permanently closed in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

This condition was imposed to address highway safety concerns that the caravan site development created by reducing the number of access points to Blackpool Road.

The current application seeks consent for an alternative solution to addressing these highway concerns by retaining the two access points, but providing traffic islands and pedestrian crossing points across Blackpool Road in the vicinity of the site. If Committee resolve to grant planning permission the applicant should be obligated by legal agreement to contribute financially to the provision of this highway infrastructure.

Relevant Planning History

The site history relating to the applicant's intentions regarding a touring caravan site is lengthy and the following is a summary:

A planning application for touring caravan site was refused in 2005 but allowed at appeal subject to a condition that the western most access to Blackpool Road was closed so that only one site access remains.

The applicant made an application to modify the condition regarding highway safety in 2008 to retain two accesses but contribute financially to the highways authority's scheme to alter the carriage way to create two islands / pedestrian crossing refuge items to slow vehicle speeds, deter overtaking etc. No legal agreement to secure this was completed and the application was refused and dismissed at appeal.

The applicant has taken up the issue again now and has submitted the current application with a draft legal Unilateral Agreement which undertakes to pay the sum required by Lancashire County Council in ordered for the highway safety alterations to be carried out.

Application No.	Development	Decision	Date
08/0357	APPLICATION FOR TOURING CARAVAN PARK, MANAGER'S ACCOMMODATION & ANCILLARY STORAGE WITHOUT COMPLIANCE WITH CONDITION NO. 11 OF APPLICATION NO. 05/0878.	Refused	06/08/2008
06/0859	CONVERSION OF EXISTING GARAGE INTO GRANNY FLAT	Granted	01/11/2006
05/0878	TOURING CARAVAN PARK, MANAGERS ACCOMMODATION AND ANCILLARY STORAGE	Refused	07/11/2005
05/0317	PROPOSED TOURING CARAVAN PARK, MANAGERS ACCOMMODATION AND ANCILLARY STORAGE	Refused	14/07/2005
01/0520	DETACHED GARAGE AND STABLES TO SIDE OF DWELLING	Granted	05/09/2001

Relevant Planning Appeals History

05/0878	TOURING CARAVAN PARK, MANAGERS ACCOMMODATION AND ANCILLARY STORAGE	Allowed	16/03/2006
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05/0317	PROPOSED TOURING CARAVAN PARK, MANAGERS ACCOMMODATION AND ANCILLARY STORAGE	Dismissed 26/05/2009
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Parish Council Observations

Kirkham Town Council notified on 09 July 2009

Summary of Response

We uphold the decision made by Town Planning Inspectors at appeal that this condition is not removed. We further add planning permission should not be bought.

Statutory Consultees

County Highway Authority

Although a 106 agreement was not in place at the time of the Inspector's appeal decision this application confirms the applicant's commitment to provide the necessary funding to fulfill this obligation. However, given that this work will be undertaken within the limits of a highway the applicant should enter into a s278 agreement to secure delivery of the work.

The Highway authority has no highway objections subject to the proposed highway works being implemented.

Observations of Other Interested Parties

None received.

Neighbour Observations

Neighbours notified: 09 July 2009

No. of responses received: three

one from the owner of the adjacent property: Little Tarnbrick Farm

Nature of comments made: object

- Average speeds of vehicles along Blackpool Road are higher than the speed limit and the existence of pedestrian refuges will worsen safety for pedestrians and cyclists.
- The entrance to Little Tarnbrick Farm is less than 100 metres from the entrance to the proposed caravan park and this would have a grave effect upon my visibility during busy holiday periods, thus limiting my view when turning west onto the main road.
- The applicant has used the entrance to prepare for the provision of a road and this invalidates the original application and the surface should now be reinstated.
- The road is single carriage way at his part and vehicles constantly overtake at speed thereby creating a potentially serious situation for a slow moving vehicle particularly when turning right.

One letter of objection from Glenmor objection to use of access

- The road is single carriage way at his part and vehicles constantly overtake at speed thereby creating a potentially serious even fatal situation for a slow moving vehicle particularly when turning right. We trust the planning office will be mindful of the duty of care that should be afforded to residents who use this road on a daily basis.

One letter of objection from 17 Blackpool Road:

- Appalled that this application for another caravan park appears to be being granted. The long-standing residents will be greatly affected by this unwarranted intrusion.

- I cannot stress enough how dangerous Blackpool Road has become since it became single carriageway. The presence of traffic islands will not remove the danger on this section of the road. I have witnessed many rear collisions through overtaking on this section - the presence of the islands will only exacerbate the hazardous nature of this part of Blackpool Road.

Relevant Planning Policy

Regional Spatial Strategy:

RT4	Management of the Highway Network
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Fylde Borough Local Plan:

SP02	Development within countryside area
TR1	Pedestrians

Other Relevant Policy:

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The principle of the use of the land for a touring caravan site has been established by the planning permission that was allowed on appeal in 2005, which has been lawfully implemented by the discharge of conditions and commencement of groundworks. The only issue for consideration in this application is the removal of condition 11 to that permission and so the alternative method of dealing with highway safety aspects of the development.

The proposed solution to the retention of the existing access point to the property as well as the increased use of the site access involves the formation of two traffic refuge 'islands' in Blackpool Road. These are intended to slow traffic speeds and provide a facility to help the caravan site users cross more safely from the caravan site to the bus stop. County Highways advise that this solution is acceptable subject to the necessary legal agreement for these works to be undertaken entirely at the applicant's cost to the necessary standard for such works in the highway. The applicant has demonstrated commitment to providing the highway alterations by submitting a draft, signed section 106 obligation that undertakes to pay £12,000 which the Highways Officer has previously advised is the approximate cost of these works.

In dismissing the previous planning appeal which sought to vary this planning condition, the Inspector was of the opinion that the proposal was acceptable, but dismissed the appeal as the appellant failed to submit a Section 106 agreement that would have secured the implementation of the traffic islands. As this omission has now been addressed, it is considered that this is an acceptable solution to the highway safety concerns and it would form an appropriate alternative to the approved scheme, allowing condition 11 of the planning permission that requires the access point to be closed to be removed. This decision should only be issued on completion of the s278 agreement to secure these works under the highway legislation.

Conclusions

The proposed legal agreement provides a satisfactory alternative to the highway safety concerns raised by the touring caravan site proposal. The condition can therefore be removed on satisfactory completion of the s278 agreement. As this decision would become the planning permission for the caravan site, it is appropriate for all the conditions to the original approval which remain relevant to be reimposed. Members will note that the visibility splay has been reduced from 2.4m x 215m to 2.4m x 120m which is a change that has been agreed by the highway authority as a consequence of works that have been undertaken to that part of Blackpool Road since the original appeal was allowed.

Recommendation

That, Subject to the completion of a Section 278 agreement in order to secure:

- a scheme of highway alteration including the provision of a pedestrian refuge system

Planning permission be granted subject to the following conditions:

(Where the agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Head of Planning (Development Control) to refuse the application as being contrary to highway safety)

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

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

2. The touring caravan site shall be closed for business, and, other than in the two caravan storage units, there shall be no caravans stored on the site from 1st January to 14th February in any year.

To enable the Local Planning Authority to retain control over the occupation of the site and to ensure non-permanent residential use on the site is secured.

3. The occupation of the dwelling identified as site manager's accommodation shall be limited to a person solely or mainly employed in the management and operation of the touring caravan site.

On site residential accommodation is only permitted by reason of the special locational need dictated by the application development and its occupancy shall be strictly adhered to.

4. No development shall take place until a scheme of landscaping has been submitted to and approved by the Local Planning Authority before any development is commenced. The scheme shall identify existing trees and hedging to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme to be approved in writing by the Local planning Authority, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation

To enhance the quality of the development in the interests of the amenities of the locality.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the new and refurbished buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of visual amenity and to contribute to the overall quality of the development.

6. No development shall take place until details of the materials to be used on all the hardsurfaced areas of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

7. No development shall take place until a scheme of external lighting has been submitted to and approved in writing by the local planning authority. The lighting in the scheme shall be of a low level bollard design and the development shall be carried out in accordance with the approved details.

High level lighting in this countryside location would be extremely obtrusive and out of character.

8. No development shall take place until a scheme of means of enclosure has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and no other means of enclosure shall be erected.

In the interests of visual amenity in this countryside location.

9. No development shall take place until details of bin stores have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and no other bin stores shall be erected.

In the interests of visual amenity in this countryside location.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall not at any time in connection with the development hereby permitted, be erected or planted or allowed to remain on the land hereinafter defined as visibility splay any building, wall, fence, hedge, tree, shrub or other such device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway (not the front edge of the cycle lane) of Blackpool Road to points measured 120m in each direction along the nearer edge of the carriageway of Blackpool Road from the centre line of the access, and shall be constructed and maintained at footway / verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

To ensure adequate visibility at the site entrance.

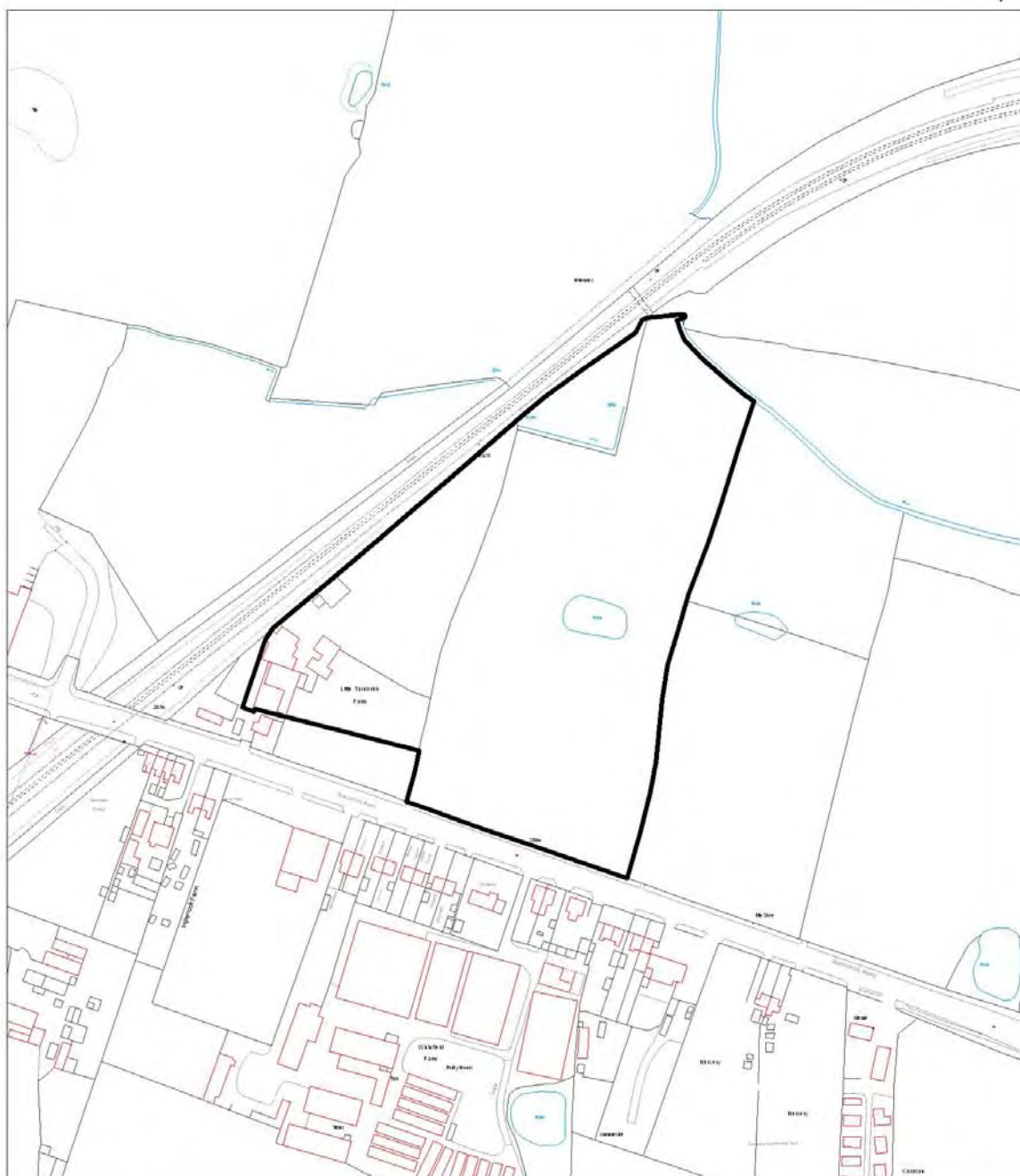
11. Prior to the commencement of the construction of any roadway, a scheme of highway works for Blackpool Road in the vicinity of the site access shall be submitted to and approved in writing, by the Local Planning Authority. This scheme shall then be

implemented in full to the reasonable satisfaction of the Local Planning Authority before the buildings or touring caravan pitches hereby approved are first occupied.

In order to ensure an adequate highway safety arrangement at the site entrance in the interests of the safety of pedestrians and other road users.

12. There shall be no retail sales of caravans from the site.

To avoid a retail outlet aspect of development in what is a countryside area wherein such uses are deemed inappropriate.



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Application No. 5/09/0439	Address Little Tarnbrick Farm Blackpool Road, Kirkham	Grid Ref. E.3406 : N.4325	Scale N.T.S.	Item No.

Item Number: 3 Committee Date:

Application Reference: 09/0453		Type of Application: Full Planning Permission	
Applicant:	Rushcliffe Healthcare Limited	Agent :	Croft Goode Architects
Location:	BOOTH DISPENSERS EUROPE LTD, DURHAM AVENUE, LYTHAM ST ANNES, FY8 2BE		
Proposal:	PROPOSED CHANGE OF USE FROM WASTEGROUND TO CAR PARK		
Parish:	Ashton	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Mr A Gavan
Reason for Delay:	To seek amended plans an re consultation		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This application seeks consent for the construction of a car park to be used in conjunction with the St Annes Primary Care Centre, currently under construction on an adjacent site. The proposal is considered to be acceptable and will also bring an derelict area of land back into use.

Reason for Reporting to Committee

Due to the nature of the application and having regard to the comments raised by the Town Council.

Site Description and Location

St Annes Primary Care Centre (currently under construction) is located immediately to the north east of St Annes town centre and is bounded by the Preston/Blackpool rail line to the west, St Davids Road North to the east and Stephen Street and Durham Avenue to the north and south respectively and from which vehicular access is provided.

The land to which the application for Change of Use refers is a strip of land approximately 12m wide by 184m long located alongside the Preston Blackpool rail line and south of the Primary Care Centre. The land was formerly occupied by the southbound platform of St Annes railway station and the platform edge still remains.

Access to the site is via Durham Avenue to the north and St Annes Road East to the south. A flight of steps from the end of St Annes Road East rise up to The Crescent which in turn leads to St Annes town centre a few hundred metres away.

On the eastern boundary a high brick wall separates the site from the side gables of the existing terraced houses on Durham Avenue, Glen Eldon Road and St Annes Road East.

Details of Proposal

The application is for 51 new car parking spaces including 7 disabled spaces utilising the unused east platform of St Annes railway station and the access road between Durham Avenue and St Annes Road East.

Works proposed to the new car park include:

- removal of the existing station platform and reduction of the site levels to match those of the adjacent access roads
- partial demolition of the existing brick boundary wall to form new access points
- reduction of the height of the retained sections of wall to 1200mm high above the level of the car park, repairs to the walls and installation of artstone cappings
- hardsurfacing to the car park
- erection of a 1.2m high timber fencing to match existing (reduced from 2.4m)
- new landscaping

Surfacing to the car park will include black tarmac to vehicular areas with white lining to parking bays and yellow hatching to disabled parking bays.

Pedestrian areas will be textured paving flags with crossing points at the entrances to the site demarked in contrasting surface material. Dropped kerbs will be provided to level parking spaces.

The proposal is intended to provide additional parking facilities required in connection with the creation of additional offices in the roofspace of the proposed Primary Care Centre.

Relevant Planning History

Application No.	Development	Decision	Date
07/1212	ERECTION OF PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES. RE-SUBMISSION of 07/0057.	Approved with 106 Agreement	21/07/2008
07/0057	NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1), ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES	Withdrawn by Applicant	30/09/2008
05/0592	RESUBMISSION OF APPLICATION 04/834 FOR 77 NO. APARTMENTS AND ASSOCIATED WORKS.	Withdrawn by Applicant	30/09/2008
04/0834	ERECTION OF 73 FLATS AND 12 TOWN HOUSES INCORPORATING AN ELEMENT OF AFFORDABLE HOUSING.	Withdrawn by Applicant	13/12/2004
03/0866	OUTLINE APPLICATION FOR DEVELOPMENT OF 101 APARTMENTS	Refused	07/01/2004
01/0598	EXTENSION OF EXISTING FACTORY AND REBUILDING OF EXISTING INDUSTRIAL UNIT	Granted	03/10/2001
01/0309	PITCHED ROOF TO OFFICES	Granted	18/07/2001
98/0413	EXTENSION TO EXISTING	Granted	04/09/1998

76/0636	WORKSHOP FACTORY EXTENSION.	Granted	29/09/1976
76/0997	FACTORY EXTENSION.	Granted	22/12/1976
79/1160	PROPOSED EXTENSIONS TO WORKSHOP AND OFFICES.	Granted	12/12/1979

Relevant Planning Appeals History

None.

Parish Council Observations

St Anne's on the Sea Town Council notified on 13 July 2009

Summary of Response

The Council wish to make the following observations:

1. Would wish to see platform edge retained with platform reduced and fencing behind.
2. Would wish to see parking in herringbone pattern with one way system of access (ie. one entrance, two exits)
3. Concern that public pay parking will increase on street parking to detriment of amenities of adjoining residents.

Statutory Consultees

County Highway Authority

No objections

Network Rail (use for all consultations)

None received at time of writing report.

Observations of Other Interested Parties

Blackpool and Fylde Rail Users Association

Request that every effort is made to retain the platform edge in situ if possible, in case of future reinstatement of the second rail line.

Neighbour Observations

Neighbours notified: 13 July 2009
Amended plans notified: 09 September 2009
No. Of Responses Received: None

Relevant Planning Policy

Regional Spatial Strategy:

DP01 Spatial Principles
DP04 Make the best use of existing resources and infrastructure

Fylde Borough Local Plan:

SP01 Development within settlements
TR01 Improving pedestrian facilities
TR03 Increasing provision for cyclists
TR09 Car parking within new developments
TR10 Car park design

EP01	Environmental Improvement Schemes
CF01	Provision of community facilities

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Environmental Impact Assessment

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

Comment and Analysis

An application to use the upper floor of the Primary Care Centre (09/0454) is also on this agenda for consideration

The County Highways Authority have no objections to the proposal following a review of a Traffic Assessment that has been submitted as part of the application.

A key element of the proposed office use will be the success of measures to manage the parking and to encourage staff and visitors to the site to use non car means of travel. The success of the Travel Plan will therefore be very important. This is something the PCT are very committed to, looking at the wider health benefits of alternative travel means such as cycling and walking.

The car park layout includes provision for mobility parking as well as cycle and motor cycle parking and these elements are considered acceptable.

With regard to the highway issues, the Highway Authority raise no objections in terms of traffic generation. Planning obligations will be required for the proposal in order to secure contributions towards the improvement of public transport. The applicant is aware that subject to an approval this will be agreed as part of a Section 106.

Given the location and prominence of the site your officers considered that the initial plans did not take due consideration as to the impact the proposal would have on the character of the area. Amendments were requested to reduce the height and materials of the fence alongside the railway line, additional landscaping and amendments to the layout of the car park to incorporate this. The reuse of existing block work at the site for landscape purposes was also requested. The applicant has made all the amendments requested.

The amended plans received were sent out for re consultation on 9 Sept 2009 and at the time of writing the report no further responses had been received. Subject to there being no objection to the changes from the statutory consultees the Committee are requested to delegated powers to grant planning permission to the Head of planning (Development Control) provided no additional comments are received before the expiry of the consultation period for the revised plans.

Conclusions

Taking all matters into consideration, it is your Officers recommendation that the proposal be approved subject to appropriate conditions and a Section 106 agreement to cover financial contributions towards improving public transport facilities and services to the site.

Recommendation

That powers to GRANT Planning Permission are delegated to the Head of Planning (Development Control) subject to receiving no additional objections during the remaining consultation period,

subject to the completion of a Section 106 agreement to secure a contribution towards improving public transport facilities and subject to the following conditions:

(Where the Section 106 agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Head of Planning (Development Control) to refuse the application.

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

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

2. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

3. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

4. This consent relates to the revised elevation and site plans received by the Local Planning Authority on the 9th September 2009.

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

5. Before any development commences on the site, full details of the materials proposed for all surfaced areas, including any associated street furniture and directional signage, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and thereafter maintained in accordance with such approval unless otherwise agreed in writing with the local planning authority. Any subsequent repairs to surfaces shall be carried out using corresponding materials to those originally approved.

To ensure a satisfactory external appearance for the completed development.

6. Details of all screen walls, fences or railings to be erected within the site and on the site boundaries shall be submitted to and approved in writing by the local planning authority before any such development is carried out. The development shall be implemented and thereafter maintained in accordance with such approval unless otherwise agreed in writing with the local planning authority.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

7. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the Primary Care Centre and shall thereafter be retained at all times.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

8. Before any development commences on site, details of the means of surface water drainage there from, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approval and thereafter retained as such.

To ensure the provision of a satisfactory drainage scheme.

9. Before the development commences, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with a timescale set out in the approved plan and will be audited and updated at intervals as approved.

To ensure the preparation and implementation of a Travel Plan in order to encourage access to the site by means other than the car.



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Application No. 09/0453	Address	Grid Ref.	Scale	Item No.

Item Number: 4 Committee Date:

Application Reference: 09/0454		Type of Application:	Modification of Condition
Applicant:	Rushcliffe Healthcare Limited/North Lancashire Teaching Primary Care Trust	Agent :	Croft Goode Architects
Location:	BOOTH DISPENSERS EUROPE LTD, DURHAM AVENUE, LYTHAM ST ANNES, FY8 2BE		
Proposal:	MODIFICATION OF CONDITION 13 ON PLANNING APPLICATION 07/1212 TO CHANGE THE USE OF THE SECOND FLOOR FORM ANCILLARY STORAGE SPACE TO OFFICE USE		
Parish:	Ashton	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Mr A Gavan
Reason for Delay:	Awaiting revisions to associated application		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The removal of condition 13 is considered acceptable. The use of the second floor accords with development plan policies for development in urban areas and for the provision of community facilities in accordance with Policy CF1. The layout and additional roof windows will have no undue impact on neighbouring residential properties in terms of loss of light or privacy.

Reason for Reporting to Committee

Due to the nature of the application.

Site Description and Location

The site, approximately 0.77 hectares, was previously occupied by the factory buildings of Booths Dispensers, a company which manufactured vending machines. The buildings have now been demolished and the site cleared. The site occupies a relatively large area extending between Durham Avenue and Stephen Street and abutting the railway line. There is existing residential accommodation to the north and east of the site and opposite the site on the other side of the railway line lies Sainsbury's supermarket and associated car park.

Details of Proposal

This application seeks the removal of condition no. 13 of planning application 07/0212.

The condition reads as follows:

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development

Order) 1995 (as amended) [or any subsequent legislation that replaces or supersedes that Order], the 2nd floor of the development hereby approved shall be used solely as ancillary storage and the accommodation of plant room equipment and shall not be used as office or ancillary staff accommodation of any kind.

In order to control the operational floorspace of the building having regard to the restricted car parking available on the site.

The external appearance of the building as approved under application 07/0057 is unaffected by the proposal in respect of scale and massing however it is proposed to install fourteen rooflights into the existing roof pitches.

The applicants were restricted to using the second floor as storage as part of the previous application due to the lack of available car parking spaces on site. The applicant now wishes to apply for removal of this condition to allow the use of the 2nd floor as office and ancillary staff accommodation on the basis that additional car parking is to be made on land adjacent to the site. This application is submitted in conjunction with app: 09/0453 which proposes to change the use of east platform of St Annes Railway Station to provide additional car parking.

Relevant Planning History

Application No.	Development	Decision	Date
07/1212	ERECTION OF PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES. RE-SUBMISSION of 07/0057.	Approved with 106 Agreement	21/07/2008
07/0057	NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1), ASSOCIATED COVERED CYCLE/SCOOTER STORES, CAR PARKING AND BIN STORES	Withdrawn by Applicant	30/09/2008
05/0592	RESUBMISSION OF APPLICATION 04/834 FOR 77 NO. APARTMENTS AND ASSOCIATED WORKS.	Withdrawn by Applicant	30/09/2008
04/0834	ERECTION OF 73 FLATS AND 12 TOWN HOUSES INCORPORATING AN ELEMENT OF AFFORDABLE HOUSING.	Withdrawn by Applicant	13/12/2004
03/0866	OUTLINE APPLICATION FOR DEVELOPMENT OF 101 APARTMENTS	Refused	07/01/2004
01/0598	EXTENSION OF EXISTING FACTORY AND REBUILDING OF EXISTING INDUSTRIAL UNIT	Granted	03/10/2001
01/0309	PITCHED ROOF TO OFFICES	Granted	18/07/2001
98/0413	EXTENSION TO EXISTING WORKSHOP	Granted	04/09/1998
06/0480	OUTLINE APPLICATION FOR NEW PRIMARY CARE CENTRE WITH ASSOCIATED PHARMACY (A1) AND CAFE/NEWSAGENT (A3) AND	Withdrawn - Invalid	24/01/2007

	ASSOCIATED CYCLE STORE, CAR PARKING AND BIN STORE		
76/0636	FACTORY EXTENSION.	Granted	29/09/1976
76/0997	FACTORY EXTENSION.	Granted	22/12/1976
79/1160	PROPOSED EXTENSIONS TO WORKSHOP AND OFFICES.	Granted	12/12/1979

Relevant Planning Appeals History

None.

Parish Council Observations

St Anne's on the Sea Town Council notified on 13 July 2009

Summary of Response

No specific observations

Statutory Consultees

County Highway Authority

No objections subject to secure travel plan commitments.

Consumer Wellbeing and Protection

No objections

Environment Directorate L C C

No comments

United Utilities

No objections

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 13 July 2009

Amended plans notified: N/A

No. Of Responses Received: 1

Nature of comments made:

Observation made that an increase in the workforce at the PCT will result in further congestion and possible overlooking from second floor windows.

Relevant Planning Policy

Regional Spatial Strategy:

DP01	Spatial Principles
DP04	Make the best use of existing resources and infrastructure

Fylde Borough Local Plan:

SP01:	Development within settlements
TR01:	Pedestrians

TR03:	Cyclists
TR09:	Car parking within new developments
TR10:	Car park design
EP01:	Built Environment
CF01:	Provision of community facilities

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Environmental Impact Assessment

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

Comment and Analysis

Planning permission is being sought for the removal of Condition 13 of the previously approved application 07/0057. This was for the erection of a two storey building to provide a new Primary Care Centre with associated pharmacy on land between Durham Avenue and Stephen Street. The condition restricted the use of the second floor to ancillary storage and the accommodation of plant room equipment.

Policy CF1 of the Fylde Borough Local Plan concerns the provision of community facilities. This policy has 5 criteria which are required to be met. These include:

- desired location within a settlement
- relationship to surrounding land uses and prejudice to residential amenity
- siting, design, landscaping and prejudice to visual amenities/character of the area
- access, parking, loading and manoeuvring facilities; and
- foul and surface water drainage facilities

The principle of the use of the land has already been established. The site is located in the urban area of St Annes just outside the boundary of the Town Centre and the Conservation Area.

Consideration must be given to the existing relationship of the buildings and to surrounding land uses and residential amenity and any potential impacts that a change of use of the second floor may have. The site has existing residential properties on all boundaries apart from the railway line frontage. The building has been centrally sited to ensure adequate separation distances with adjoining land uses in order to maintain privacy and minimize overlooking.

The proposed layout of the second floor will consist of open plan offices with associated call centres and given that the roof lights will primarily be on the roof pitches, the substantial existing landscaping on the boundaries and the separation distances to the nearest residential properties there would be no unreasonable impact on neighbouring amenities in terms of loss of privacy or overlooking.

Condition 13 was applied in order to control the operational floor space of the building having regard to the restricted car parking available on the site.

The applicant has had an opportunity to acquire an area of land immediately south of the original site which form part of the existing platform at St Annes Railway Station, the acceptability of that proposal is considered under application 09/0453 however taking all matters into consideration, it is your Officers recommendation that the proposal be approved subject to appropriate conditions and Section 106 agreement to cover financial contributions in conjunction with the application for additional car parking spaces.

Conclusions

The removal of condition 13 is considered acceptable. The use of the second floor accords with development plan policies for development in urban areas and for the provision of community facilities in accordance with Policy CF1. The layout and additional roof windows will have no undue impact on neighbouring residential properties in terms of loss of light or privacy.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The offices hereby approved shall be used only in conjunction with and ancillary to the approved use of the building.

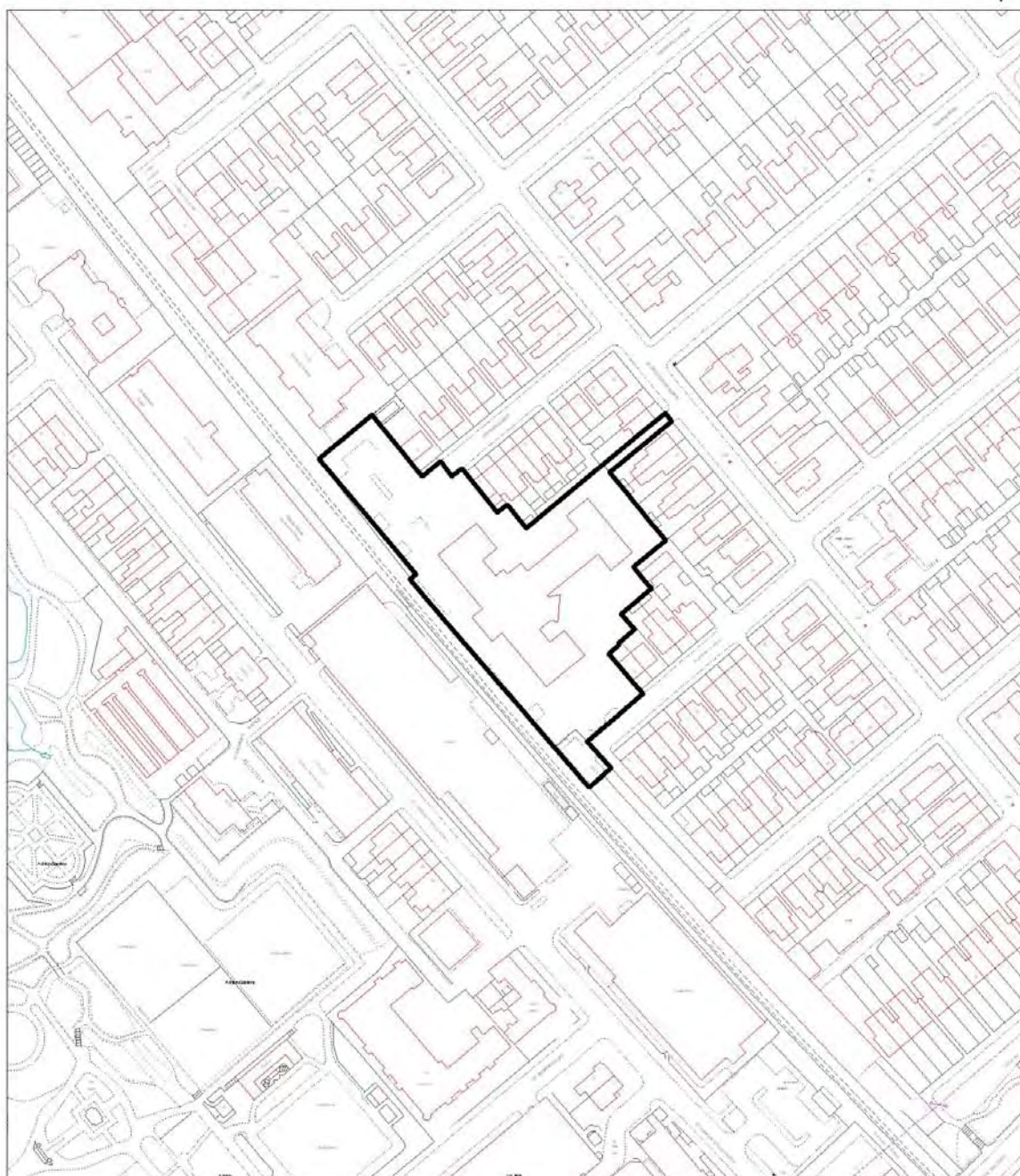
To ensure that no separate use commences without prior approval of the Local Planning Authority.

3. Prior to the office use hereby approved first coming into use, the car parking provision as indicated in application number 09/0453 shall be constructed and made available for use. The parking areas shall, thereafter, be made available for use by staff and visitors to the facility at all times the premises are open.

To ensure adequate off street parking is provided.

4. The development hereby approved shall be carried out in full compliance with the conditions stated above and all conditions attached to planning permission 07/1212.

In order to ensure that the development is completed in a satisfactory manner having regard to all conditions attached to the original planning permission.



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Application No. 5/09/0454	Address Booths Dispensers Ltd Durham Avenue, St Annes	Grid Ref. E.3321 : N.4291	Scale N.T.S.	Item No.

Item Number: 5 Committee Date:

Application Reference: 09/0466		Type of Application: Variation of Condition	
Applicant:	Kirkland Developments Ltd	Agent :	
Location:	LAND AT, HALLAM WAY, WESTBY WITH PLUMPTONS		
Proposal:	VARIATION OF CONDITION 7 ON APPLICATION 07/1171, TO CHANGE OPENING TIMES TO 06.00 TO 22.00 ON ANY DAY		
Parish:	Westby with Plumptons	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Mr A Pinder
Reason for Delay:	N/A		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposed amended operating hours are considered appropriate for the existing business and industrial area where the application site is located. The site is sufficiently distant from the nearest residential property to have no impact on the amenity of that property or immediate area.

Reason for Reporting to Committee

The Officer recommendation is contrary to the anticipated views of the Parish Council. The Parish Council do not meet until after the Development Control Committee but have expressed reservations through the Clerk about the proposal.

Site Description and Location

The application site falls within the Whitehills Business Park. It forms Site 2 which is located to the north of Lytham St Annes Way and to the south of Hallam Way. The site has planning permission for the erection of storage and distribution (Use Class B8) trade park units and associated parking for 57 cars but work on this has not yet started and the site is currently vacant. The application site extends to 0.955ha (2.36 acres). The adjoining plot of land to the east is occupied by the Holiday Inn with the land to the west with planning permission for a health club.

Details of Proposal

Planning permission was granted in 2007 for the erection of storage and distribution (Use Class B8) trade park units and associated parking for 57 cars (permission ref. 07/1171 refers). Condition 7 of that permission restricted the operating hours to between 0730 hours and 1700 hours Monday to Friday, 0800 hours to 1200 hours on Saturdays, and no operating on Sundays and Bank Holidays. The stated reason for this condition was to safeguard the amenity of the locality. The applicant now wishes to amend this condition to allow operation of the site between 0600 hours to 2200 hours seven days a week.

Relevant Planning History

Application No.	Development	Decision	Date
05/1171	Erection of storage and distribution (B8) trade park units with ass. parking for 57 cars and landscaping scheme	Granted	29/04/2009

Relevant Planning Appeals History

None.

Parish Council Observations

Westby with Plumpton Parish Council notified on 29 July 2009

Summary of Response

No written response likely to be received within 8 week determination time as Parish Council will not be meeting again until 08 October 2009. However, verbal response from the Clerk to the Council indicated that an objection would be likely on the grounds that extending the hours would be harmful to the amenity of the area.

Statutory Consultees

Consumer Wellbeing and Protection

No objections

Observations of Other Interested Parties

None to report

Neighbour Observations

Neighbours notified: 29 July 2009

No. Of Responses Received: None

Relevant Planning Policy

Regional Spatial Strategy:

DP02 - Promote Sustainable Economic Development

Fylde Borough Local Plan:

EMP2 Existing business & industrial uses

Other Relevant Policy:

PPS1: Delivering Sustainable Development

Site Constraints

Within settlement boundary

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning

(Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

The main issue to consider in the determination of this application is whether the proposed extended operating hours are appropriate given the location of the site. The site is located within an existing business and industrial area with close access link to the M55 motorway, and is surrounded by similar business and industrial use premises. Policy EMP2 of the Fylde Borough Local Plan identifies this area as being primarily for business and industrial uses to support employment opportunities within the Fylde borough and as such the proposed amended operating hours are compatible with achieving this aim. The nearest residential property, Peel Hill Farm, is located approximately 300 metres to the east of Peel Hill roundabout on the A583. There is a hotel located within the same industrial area and which adjoins the application site, however it is considered that the proposed operating times are compatible with the use of this hotel.

Conclusions

Given the site's location within an existing industrial use area and the distance to the nearest residential property it is not considered that the proposed amended operating hours would have any undue impact on the amenity of the immediate area. Members are therefore recommended to approve the application subject to the original and revised condition as listed below.

Recommendation

That Planning Permission be GRANTED.

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

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

2. Notwithstanding any denotation on the approved plans samples of the facing brickwork, roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development and maintain the visual amenity of the locality.

3. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with

proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

4. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

5. The car parking, servicing and manoeuvring areas as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first use of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

To provide satisfactory off-street parking and turning facilities in accordance with the Council's adopted standards.

6. There shall be no outside storage of any plant or materials on the circulation road or the parking areas within the site at any time and no parking of delivery vehicles or unloading of goods shall take place on Hallam Way at any time.

To ensure on site car parking and turning space is available at all times and the adjacent highways are kept clear of vehicles..

7. The premises shall only be open to customers between the hours of 0600 and 2200 hours on any day.

To safeguard the amenity of the locality.

8. External storage of goods and materials shall not exceed a height of 4.5 metres.

In order to safeguard the visual amenity of the locality.

9. This consent relates to the revised site plan received by the Local Planning Authority on the 12 December 2007.

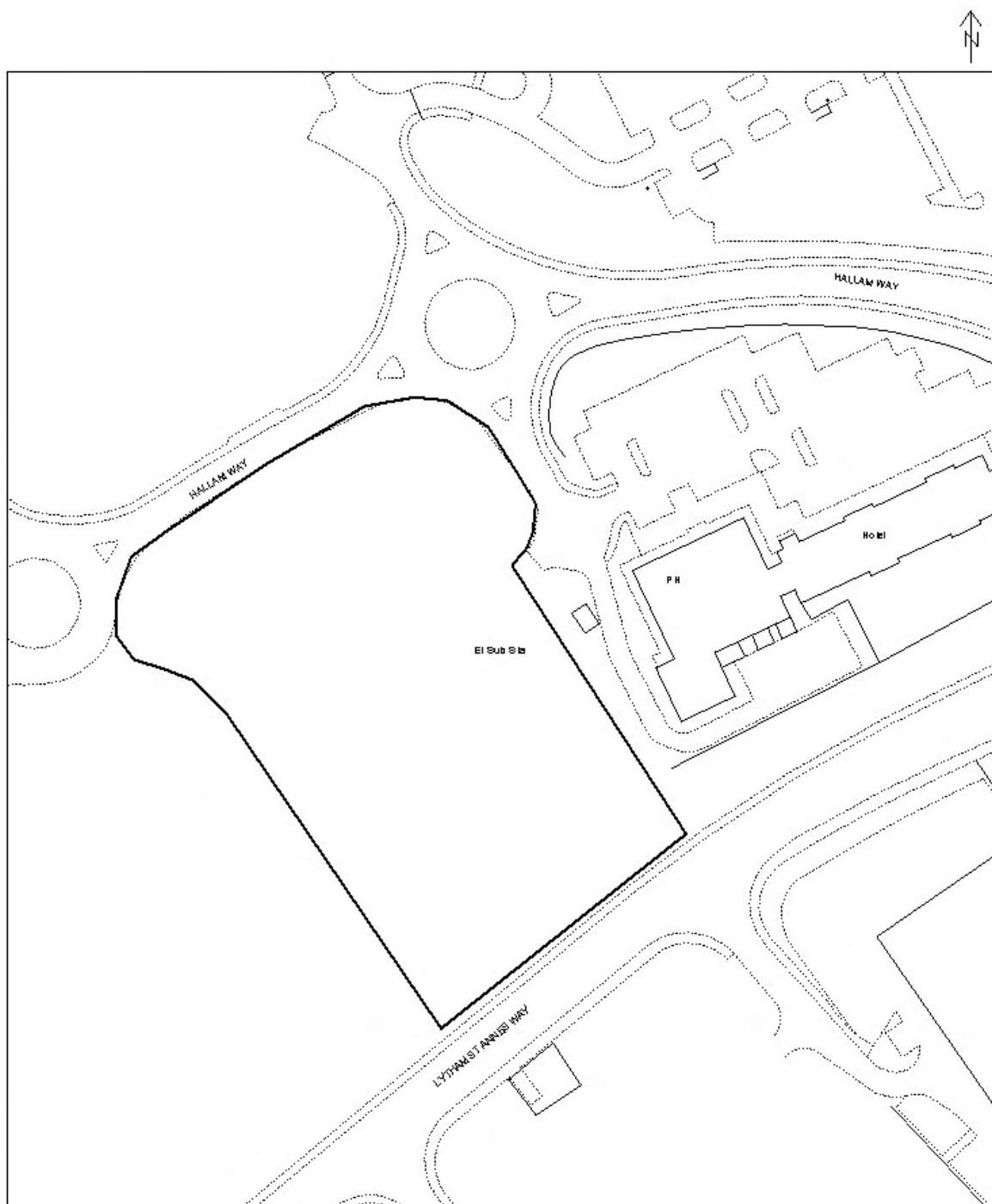
For the avoidance of doubt and as agreed with the applicant / agent.

10. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) Order 1995 [as amended] or any other legislation that amends or re-enacts those Orders, the premises hereby approved shall be used only as a B8 storage and distribution centre. Any retail sales shall be limited to a level that is ancillary to the main use of the premises for wholesale distribution and under no circumstances shall exceed 15% of the floor area of each unit.

For the avoidance of doubt and in order to avoid the establishment of a retail operation in this out of centre location.

11. No development approved by this permission shall be commenced until a walk over survey has been carried out for Great Crested Newts to the satisfaction of the Local Planning Authority. If Great Crested Newts are found, a scheme for the conservation of the species must be agreed with the Local Planning Authority.

To ensure a satisfactory form of development by ensuring full consideration of the newt and its terrestrial habitat.



Strategic Development Services Fylde Borough Council		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084, 2009. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		
Application No. 09/0466	Address	Grid Ref.	Scale NTS	Item No.

Item Number: 6 Committee Date:

Application Reference: 09/0470		Type of Application:	
Applicant:	Mrs Man	Agent :	Homeplan Designs
Location:	CHARLTON HOUSE, 146 MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB		
Proposal:	REAR SINGLE STOREY EXTENSION		
Parish:	Singleton	Area Team:	Area Team 2
Weeks on Hand:	8	Case Officer:	Mr M Atherton
Reason for Delay:	N/A		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal complies with the relevant criteria of policies SP2, HL4 and HL5 of the Fylde Borough Local Plan, as altered (October 2005) and the Joint House Extensions document, as it would have no detrimental impact on the character of the rural area, the street scene or residential amenity.

Reason for Reporting to Committee

The officer recommendation is contrary to that of the Parish Council.

Site Description and Location

This detached dwelling is currently in the process of being extended following the grant of a previous planning permission (ref 08/0663) and is situated in a row of individually designed dwellings on the north side of Mains Lane. The site lies within a Countryside Area according to the Fylde Borough Local Plan.

Details of Proposal

The proposal is to erect a single storey extension to the rear of the recently constructed 2 storey side extension, projecting out 3m from the main rear wall of the house, 3.7m wide x 2.9m high with a flat roof with a balcony over. The screen to the side of the balcony would be 1.5m high. This would be in a similar position and would replace the cantilevered balcony approved by way of application number 08/0663. The extension would be constructed of brick to match the existing dwelling.

Relevant Planning History

Application No.	Development	Decision	Date
08/0663	TWO STOREY SIDE EXTENSION,	Granted	04/09/2008

06/0856	BALCONY TO REAR AND PORTICO TO FRONT ELEVATION TWO STOREY SIDE AND REAR AND SINGLE STOREY REAR EXTENSION	Refused	17/11/2006
79/1171	NEW VEHICULAR ACCESS.	Granted	06/02/1980

Relevant Planning Appeals History

None.

Parish Council Observations

Singleton Parish Council notified on 21 July 2009

Summary of Response: The plans do not meet policy HL4 due to the fact that the extension plan is above the 25 - 33% limitation. The design of the rear balcony must respect the neighbour's privacy & landscaping is required to keep within the rural setting.

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 21 July 2009 & site notice displayed
No. Of Responses Received: None

Relevant Planning Policy

Regional Spatial Strategy:
DP01 - Spatial Principles

Fylde Borough Local Plan:
SP2 - Countryside Areas
HL4 - Enlargement Of Rural Dwellings
HL5 - House Extensions

Other Relevant Guidance:
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development In Rural Areas

Environmental Impact Assessment

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

Comment and Analysis

The proposal would have a volume of 32 cubic metres, this represents a minor increase in the volume of the original dwelling, which has been extended by way of application number 08/0663.

In considering the proposal with regard to policies SP2 and HL4, the extension approved by application 08/0663 increased the volume of the original dwelling by 44%. Whilst this figure is in excess of the preamble guidelines to policy HL4, the size of the resultant building is not the only determining factor and the appearance of the dwelling and the impact of the development on the character and appearance of the area also needs to be taken into consideration.

The aim of policy HL4 is to maintain the established character of countryside areas by the avoidance of over-large dwellings and extensions which substantially overwhelm the original dwelling. This property is situated along Mains Lane, where the character is predominantly of large dwellings and several have benefited from extensions or replacement dwellings which have substantially increased their size.

As this proposed extension would be single storey, representing a minor volume increase and would be situated at the rear of the house, it is not considered that this addition would result in an overly large dwelling that would be out of character with this part of the countryside.

The design of the rear extension with a balcony and side screening is satisfactory and the balcony is of a similar design to that approved by application number 08/0663. It is not considered that the proposal would result in a detriment to the overall visual amenity.

In considering the proposal with regard to its impact upon the amenity of neighbours the extension is situated close to the boundary with the neighbours at no. 144 Mains Lane, this property has benefited from a two storey rear extension bringing the two properties in line at the rear. Currently no boundary treatment exists between the two properties, there are no windows proposed in the side elevation of the extension, although a glazed screen is proposed to the balcony this is to a height of 1.5 metres, this area allows access to the main balcony area which is sited sufficient distance from the neighbours and will therefore not result in any detriment by way of loss of privacy for the occupiers of no. 144 above that which already exists. Given its siting the extension will not impinge on neighbour amenity by way of loss of light. There are no neighbours to the rear. The fact that the rear balcony approved by way of application number 08/0663 is in a very similar position to this proposal and is capable of implementation is a material consideration.

The property has large rear garden areas and sufficient will remain following the development to serve the needs of the occupiers of the dwelling.

Car parking and highway safety are not affected and remain as existing.

Conclusions

The proposal complies with the relevant criteria of policies SP2, HL4 and HL5 of the Fylde Borough Local Plan, as altered (October 2005) and the adopted House Extensions Supplementary Planning Document.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

This standard time limit is required to be imposed pursuant to Section 51 of the Planning

and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. Notwithstanding any denotation on the approved plans, details of the obscure glazed side screening to the balcony shown in green on the approved plan, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the dwelling, the screening shall thereafter be retained in its approved form unless otherwise agreed in writing with the Local Planning Authority.

To safeguard the amenities of the occupants of adjoining residential premises.



Strategic Development Services Fylde Borough Council		This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown copyright Licence No. 100006084, 2009. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		
Application No. 09/0470	Address	Grid Ref.	Scale NTS	Item No.

Item Number: 7 Committee Date:

Application Reference: 09/0477		Type of Application:	Full Planning Permission
Applicant:	Mr & Mrs Hesketh	Agent :	Wood Associates
Location:	PEEL HILL FARM, PEEL ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5JX		
Proposal:	ERECTION OF REPLACEMENT DWELLING, WITH INDOOR RIDING ARENA AND NEW ACCESS AND ACCESS ROAD.		
Parish:	Westby with Plumptons	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Mr M Atherton
Reason for Delay:	N/A		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Although the proposed replacement is larger than the existing dwelling and the proposed riding arena is of a greater scale than the building, it would replace, it is not considered that the proposal would have a significantly detrimental impact on the character of the rural area as the combined development would enhance the appearance of the site. Since the previous refusal, the increase in the volume of the dwelling has been reduced from 35% to 33%. The proposal would be of benefit to highway safety and there would be minimal impact on the local ecology. As such members are recommended to grant planning permission subject to suitable conditions.

Reason for Reporting to Committee

This is a major application and falls outside the scheme of delegation. The previous application at this site was also reported to the Committee.

Site Description and Location

The application property is a red brick, detached farmhouse and barn with a large number of agricultural outbuildings situated on the west side of Peel Road, within a land parcel of approximately 24 hectares. Opposite the site is a pair of semi-detached dwellings, known as Ridgeway Cottages. To the south of the site is a further small group of residential dwellings. The area to the north and west is typified by gently rolling agricultural land. According to the Fylde Borough Local Plan, the site is within the allocated Countryside Area.

Details of Proposal

The development includes 2 principal elements, the formation of a commercial riding school with associated buildings and the erection of a replacement dwelling.

The proposal includes the conversion of the farmhouse and attached former barn to 4 no. stables, a

cleaning room and a tack store.

An existing single storey brick outbuilding situated opposite the existing farmhouse will be converted to 3 no. further stables, a double garage for the dwelling, a garage for visitors to the stables and storage areas to the stables. At the end of these buildings, it is proposed to situate an external turn out area with a 0.9m high post and rail fence and gate. The 2 buildings will be separated by the traditional farmyard, where it is proposed to demolish 2 no. domestic outbuildings.

At the other end of the farmyard, a traditional brick building will remain in situ and will be used as a storage facility for the proposed equestrian use.

Beyond this will be the proposed new build, indoor riding arena, which will encompass and extend beyond the footprint of an existing barn, it will be of reduced height but of a greater overall scale than the existing, 45.6m long x 27m wide x 6m high to the ridge. The materials of construction will be a brick plinth wall, with iron cladding above and to the roof. It is proposed to landscape the building with tree and shrub planting, with mounding introduced in the field to the south of the site. Hedgerow and tree planting is also proposed along the Peel Road frontage and the new internal access road.

The dwelling itself will be part single storey/part 2 storey and part 3 storey when the proposed basement is taken into consideration. It will have a linear central section with 2 no. wings, one situated at each end of the building, based on an abbreviated H shaped plan form. It will be situated on the footprint of existing agricultural outbuildings which are to be demolished. The principle ridge height would be 7m, although there would be sections of the building with heights of 9m. It would be constructed of brick, white render & timber cladding, with a natural slate roof. Since the previous refusal by the Planning Committee, the dwelling has been reduced in volume by shortening the 2 wings of the proposed structure.

In addition, the existing vehicular access will be closed off and a 2.7m high brick wall erected at the front of the site, for a length of 13 metres between existing buildings, the purpose being to enclose the traditional farmyard. A new pedestrian access will be facilitated with a single gate.

A new access road will be formed from an existing field access, due north of the proposed riding arena. Timber gates and a 1.8m fence will be set back 24 m from the back of the carriageway, in order to let horse boxes pull in. Between the road and the gate, the access will be surfaced in tarmac, beyond the gate and up to the house, the road will be finished in decorative gravel. There will be a splayed hedgerow and further landscaping at the vehicular entrance.

Relevant Planning History

Application No.	Development	Decision	Date
08/0885	ERECTION OF REPLACEMENT DWELLING HOUSE & INDOOR RIDING ARENA, CONVERSION OF EXISTING DWELLING/BARN TO STABLES & TACK ROOM AND FORMATION OF NEW ACCESS ROAD.	Refused	11/08/2009

Relevant Planning Appeals History

None.

Parish Council Observations

Westby with Plumpton Parish Council notified on 23 July 2009

Summary of Response: No objections

Statutory Consultees

Local Plans - Tree Officer

Supports the proposed landscaping scheme.

County Ecology Officer

Providing planning conditions are attached to any permission, it seems likely that the development will comply with biodiversity policies and guidance.

County Highway Authority

No objection subject to conditions.

Environment Agency

No objection subject to the implementation of the recommendations contained within the Great Crested Newt Survey report.

United Utilities

No objection

Observations of Other Interested Parties

Council For The Protection Of Rural England:

OBJECT because of the large increase in volume we consider this proposed development inappropriate and we object to it.

Neighbour Observations

Neighbours notified: 23 July 2009 & site notice displayed

No. Of Responses Received: None

Relevant Planning Policy

Regional Spatial Strategy:

DP01 - Spatial Principles

Fylde Borough Local Plan:

SP2 - Countryside Areas

SP5 - Conversion Of Buildings Outside Settlements

SP13 - Commercial Stables

HL4 - Replacement Dwellings

EP11 - Building Design & Landscape Character

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS7: Sustainable Development In Rural Areas

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning

(Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Comment and Analysis

As the site is located within an area identified as Countryside on the proposal map, this application must be considered against the provisions of Policy HL4 which requires that:

“PROPOSALSTO REPLACE AN EXISTING DWELLING WITH ANOTHER SUBSTANTIALLY LARGER DWELLING WILL NOT BE PERMITTED IN COUNTRYSIDE AREAS WHERE THE RESULTING DEVELOPMENT, BY VIRTUE OF ITS SCALE, DESIGN OR MATERIALS WOULD BE OUT OF KEEPING WITH THE RURAL CHARACTER OF THE AREA OR OTHER TRADITIONAL DWELLINGS IN THE LOCATION.

A previous application relating to a similar proposal was refused by this Committee, contrary to Officer recommendation in August of this year for the following reason:

"The proposed replacement dwelling would be of a scale, massing and design that would be out of keeping with the character of this rural location, contrary to the provisions of Policy HL4 of the Fylde Borough Local Plan, as altered October 2004. "

The current application proposes a replacement dwelling of a traditional design, with red brick, a slate roof, gables and a pitched roof. It has several different rooflines and forms and it was the Architect's intention to design a dwelling which gives the appearance of being built up incrementally over a period of years. Overall, the development retains the appearance of a farmstead, with the dwelling situated to the rear of the group of buildings, some metres from the existing dwelling, which it is proposed to convert to stables. The proposed dwelling would be well screened by the existing and proposed buildings and although it is an undeniably large house, it is considered that it would sit within the landscaped setting rather than dominating it.

There is also provision for additional tree & hedge planting which, once mature, will help further integrate the development into the landscape. The landscaping and orientation of the house has been designed in order to maintain views from the proposal across the open countryside whilst screening the dwelling from Peel Road. This in turn has influenced the siting of the proposed dwelling away from the noise and dangers of Peel Road. The current dwelling fronts onto the highway and it is considered that there is a benefit to the amenity of the future occupiers by moving the position of the dwelling further back into the site. According to policy HL4, there is no restriction that a replacement dwelling should be on the same footprint as the existing. This siting will also create a distinction between the proposed dwelling and the proposed equestrian facility, resulting in benefits in terms of amenity and on site safety.

The volume of the proposed dwelling is 2543m³ and the existing dwelling including the domestic outbuildings has a total volume of 1913m³. The volume increase is 630 cubic metres, which as a percentage represents a 33% increase over the former. The volume of the dwelling on the previously refused application was 2578m³, which as a percentage represented a 35% increase over the former. The current application proposal is within the 33% tolerance, which is provided as a guideline in policy HL4. However, the main issue as explained by the policy, is the impact of the proposal on the character and appearance of the rural area. In this instance it is not considered that the increase in the volume of the dwelling outweighs the impact on the rural character. On the contrary, this well designed dwelling would enhance the character and appearance of the countryside. Accordingly it is considered that the proposal meets the criteria set out in Policy HL4. The application for a replacement dwelling is considered appropriate for this rural location in terms of size, design, siting, & landscaping and would not have a detrimental impact on the character and appearance of the rural area.

There has been some debate and a neighbour objection was raised on the previous application as to which outbuildings should be included in the volume calculation for the existing residential unit. It should be noted that the former barn which adjoins the dwelling has been in domestic use and benefits from two garage doors. Whilst externally, this building retains some elements of a traditional barn (which was its original purpose), an internal inspection of this building revealed that it has been used for garaging and domestic storage, in association with the dwelling.

Residential amenity:

Due to the distance from the nearest dwelling, which is 45 metres to the south, it is not considered the replacement house would be visually intrusive, nor would it lead to a loss of privacy arising from overlooking. The principal orientation of windows would be towards the open fields, to the west of the site. There would be no harmful impact on residential amenity arising from the proposed dwelling.

Re-use of rural buildings:

The proposal conversion of the existing dwelling and outbuildings to stabling enables a group of long standing and structurally sound buildings to be re-utilised for the needs of the present without the need for demolition and re-construction elsewhere. Therefore, the development complies with policy SP5 of the FBLP.

Equestrian use and the proposed Riding Arena:

The function of the proposed equestrian use would be a commercial use in terms of instruction, training and education, with stabling for seven horses, the Applicant's aspirations being towards a centre of excellence. The proposed building would be large in scale and would have a significant visual impact on the rural area and the houses opposite. It would replace a large barn and although it would have a lower ridge height than the existing, it would have a greater footprint. Due to concerns regarding its scale, negotiations took place during the course of the last application and amended plans were received showing the building being re-orientated through 90 degrees and the setting down of the finished floor level, in order to reduce the visual impact. This means the building will no longer be side on to Peel Road, with the end elevation (27 metres wide) now facing the road. The side elevation of building would also be prominent when travelling in a southerly direction along Peel Road. For this reason, landscaping and mounding is proposed along this road frontage and in the field, which is under the Applicant's ownership, due north of this building. There have been no objections received from the occupiers of the dwellings opposite the site, Ridgeway Cottages, either to this application or the initial submission.

In conclusion, the riding arena, is a large building, however, it will replace another large structure which is of limited aesthetic merit and reasonable attempts have been made to limit the visual impact of the new building. On balance, the proposal is considered acceptable, as it would have a limited visual impact on the rural area.

Vehicular Access, Parking & Highway Safety:

There is currently an access to the site which opens onto the former farmyard. Visibility is extremely restricted when egressing the site due to the position of existing buildings and a hedgerow, in close proximity to the carriageway of Peel Road. The proposal is to close this access and build a new boundary wall with a pedestrian gate in its place. The vehicular access would be moved to an existing field gate, approximately 100 metres to the north. This gate is already set back from the road but the gate would be moved further back to allow horse boxes to pull in safely. Beyond the gate, the new access road would lead to both the house and the equestrian facility. The new access would be splayed and would open onto a straight stretch of road with improved sightlines over the existing, therefore, there would be a benefit in terms of highway safety.

The proposal includes seven car parking spaces for visitors, in line with the County Surveyor's request and it is considered that there is adequate manoeuvring space between the existing group of buildings

for horse boxes and associated vehicles.

Ecology:

The surveys carried out on behalf of the applicant did not find any evidence of Great Crested Newts, therefore, no further action is necessary in relation to this species. However, a precautionary approach to works, for the protection of other amphibian species present in the wider area, is recommended and implementation of these, should form the basis of a planning condition.

There is some bat roost potential within the existing buildings and a precautionary approach to works has been recommended, to be secured by a condition. Prior to the commencement of works, the Applicant should submit mitigation/compensation proposals for the impacts on barn owls, also to be achieved by a condition. Protection of breeding birds, as well as a pre-construction survey for badgers have also been requested by the County Ecologist.

Conclusions

Although the proposed replacement dwelling is larger than the existing property and the proposed riding arena is of a greater scale than the building, it would replace, it is not considered that the proposal would have a detrimental impact on the character of the rural area as the combined development would enhance the appearance of the site. The proposal would be of benefit to highway safety and there would be minimal impact on the local ecology. As such members are recommended to grant planning permission subject to suitable conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. Notwithstanding any denotation on the approved plans, samples of the materials of construction to be used on the external elevations and roof shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

To ensure a consistency in the use of materials in the interest of visual amenity.

3. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

4. The building[s] shall not be occupied until a means of vehicle access has been constructed in accordance with the approved plans and the existing access has been closed.

To secure a satisfactory standard of development.

5. The drive and accompanying turning area shall be laid out in accordance with the approved plans prior to the new access first being brought into use.

To ensure that vehicles enter and leave the site in forward gear.

6. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

7. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

8. The proposed mounding works shall be undertaken in accordance with previously submitted approved plans and sectional details subject to specific on-site variation of the actual works as required by the Local Planning Authority. The applicant shall give prior notice of 7 working days [excluding weekends] of the commencement of the said works to

ensure supervision of the works is applicable.

In the interests of securing a satisfactory landscaping detail in character with the local surrounding.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping for both the site and that part of the road frontage adjoining it, which shall include indication of all existing trees and shrubs on the land, and details of any to be retained, together with measures for their protection in the course of development. The proposal shall also incorporate any screen walling and fencing as to be agreed with the Local Planning Authority.

In the interests of visual amenity in the locality.

10. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.

11. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A - F of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

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

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

12. Notwithstanding the provision of Class(es) A - C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s]

and the surrounding area.

13. Prior to commencement of development, details of provisions for the nesting of bats or barn owls within or upon the structure shall be agreed with and subsequently implemented to the satisfaction of the Local Planning Authority.

In order not to disturb or deter the occupation by bats or the nesting or roosting of Barn Owls, as both species are protected by the Wildlife and Countryside Act 1981.

14. A full drainage scheme incorporating details of foul and surface water connections are to be submitted to the Local Planning Authority for approval prior to the commencement of development and subsequently only those works shall be implemented.

To ensure the provision of a satisfactory drainage scheme.

15. This permission allows management of the commercial equestrian operation by the occupiers of the replacement dwelling only and cannot be transferred with the land or used by any other person or persons obtaining an interest in it.

In order to prevent the proliferation of dwellings in the countryside.

16. Prior to the first occupation of any of the converted buildings at Peel Hill Farm, all buildings which are not to be converted shall be demolished and removed from the site.

In the interests of the visual amenity of the locality.

17. Within two calendar months of the first occupation of the replacement dwelling hereby approved, the existing dwelling shall cease to be used as a residential property and the works to convert the property to a stable building shall be completed to the satisfaction of the local planning authority.

To prevent the establishment of an additional residential property in this countryside area.

18. No demolition works or works to convert the buildings at Peel Hill Farm shall commence or be undertaken between the months of March and July.

In order to prevent disturbance to nesting birds

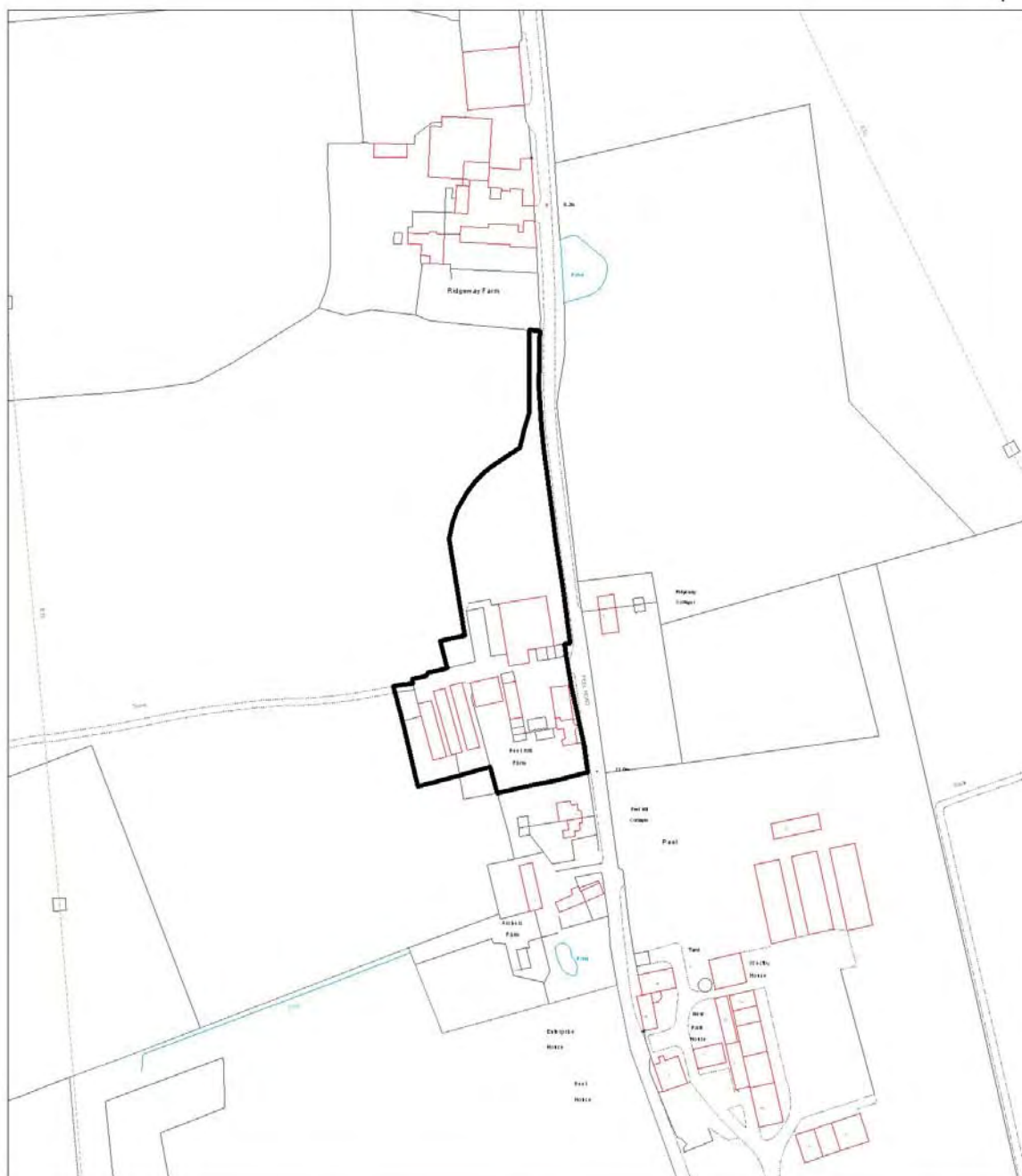
19. Prior to the commencement of the development, a landscape/habitat creation and management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the plan. It shall include a precautionary approach to works, for the protection of amphibian species present in the wider area, as well as bats, barn owls & breeding birds. In addition it shall include the submission of a pre-construction survey for badgers.

In order to protect ecological interests.

20. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in

accordance with the details so approved.

To ensure that the development is satisfactorily sited and designed in relation to the surrounding locality



Strategic Development Services
Fylde Borough Council

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Application No. 5/09/0477	Address Peel Hill Farm Peel Road, Westby	Grid Ref. E.3357 : N.4315	Scale N.T.S.	Item No.
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Item Number: 8 Committee Date:

Application Reference: 09/0484		Type of Application: Change of Use	
Applicant:	Park View 4U	Agent :	Mr Paul Swarbrick
Location:	PAVILION AND PLAYING FIELD, PARK VIEW ROAD, LYTHAM ST ANNES		
Proposal:	CHANGE OF USE FROM PAVILION TO CAFE, COMMUNITY ROOM, PARK OFFICE AND TOILETS.		
Parish:	Clifton	Area Team:	Area Team 1
Weeks on Hand:	8	Case Officer:	Andrew Stell
Reason for Delay:	N/A		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the conversion of the former changing rooms at the site into a cafe / community room / park office. The scheme enables a long vacant building to be brought back to a productive use and enhances the range of facilities available for visitors on this site. The proposal does not conflict with Policy TREC 14 of the Fylde Borough Local Plan or other material planning considerations and so is recommended for approval.

Reason for Reporting to Committee

The application involves development on council owned land.

Site Description and Location

The application site is the former changing rooms at Park View Playing Fields. This is a rectangular building measuring 13m x 8m with a ridged roof to 5.5m and a single storey flat roofed extension to the rear measuring 10m x 4m. The building is located in the south east corner of the playing fields between the childrens' play area and Liggard Brook. The main building has a steel framed construction with concrete sectional walls and a corrugated steel roof, with the rear extension in brick. The building is in a dilapidated condition and has not been used as changing rooms for around 10 years.

Surrounding land uses other than the Park are mainly residential with part of the Aegon building across Liggard Brook to the rear. The site is outside of Lytham town centre.

Details of Proposal

The proposal relates to the conversion of the building to a café, community room and park office and has been submitted by ParkView4U which is a group that have been responsible for securing significant levels of investment in the facilities available at the playing fields in recent years.

No extension to the building is proposed, but the building is to be re-clad and re-roofed with new door and window openings formed. The cafe element will use half the main building with the single storey element to the rear providing kitchen and toilet facilities. An outdoor seating area is to be formed to the front of the building. The community room element and park office will be located in the other half of the main building. The building also provides a number of toilets that can be accessed externally to serve general park users.

The building currently has no surfaced access so it is proposed to provide a 2m wide track from the existing pedestrian / cycle route across the Park to the building. No car parking is proposed as part of the scheme with deliveries, refuse and other servicing to be taken through the car park off Ballam Road that is shared between park use (evenings and weekends) and Aegon (daytime weekdays).

Relevant Planning History

None to report.

Relevant Planning Appeals History

None.

Parish Council Observations

N/A

Statutory Consultees

County Highway Authority

No objection is raised to the proposed café and toilet element on the basis that this is unlikely to attract additional trips to the park. They consider that the community room element may attract new visitors to the park and so consider it appropriate that 2 parking spaces are identified in a suitable location associated with this use.

They have highlighted the lack of any surfaced access to the building as all visitors must walk across the grass to the site which will inevitably result in it being damaged.

Building Control

They have expressed strong reservations about the ability of the building to be converted to a standard that would allow it to comply with the requirements of the Building Regulations. Particular reservations include:

- The building's lightweight structure is substandard. The walls are concrete panels, there is no proper flooring and the adequacy of the roof structure is unknown
- The energy efficiency of the building is unsuited for compliance with Building Regulations concerning the thermal properties of the windows, roof, walls, floor and heat/light systems to comply with modern requirements.
- Damp penetration is likely to have occurred during the time that the building has been unoccupied. The nature of the walls will make it difficult to address this concern.
- The submitted information is substandard in terms of the size and accessibility of toilets and provides no details about ramps etc that may be required to deal with changes in floor levels required to address the earlier problems.

Environmental Protection

They do not raise objection to the proposal in principle subject to further details being provided of the kitchen ventilation system, the refuse storage and removal arrangements,

drainage details and the filtration of grease.

United Utilities

No objection is raised subject to a water supply and drainage connection being made at the developers expense.

Environment Agency

Whilst the site is in Flood Zone 3 where there is a high probability of flooding, the Environment Agency do not raise objection given the nature of the use and the building being an existing structure. They make various recommendations to flood proof the building in the conversion which have been passed to the applicant.

Observations of Other Interested Parties

None.

Neighbour Observations

Neighbours notified: 24 July 2009

No. Of Responses Received: 11

Nature of comments made:

All letters are from near neighbours of the site and all raise objections with the following reasons quoted:

- The combination of traffic associated with the Park, schools and Axa means that park View Road and surrounding areas are congested with vehicles throughout the day
- Parking associated with the Park, schools and Axa causes significant highway safety dangers and makes it impossible for residents to park near their homes during the day and difficult at evenings and weekends
- The parking levels on Park View Road means that visibility is very restricted when leaving driveways and so puts the many children and others in the area in danger
- Residents only parking is required in the area at present and would be essential if this facility was to go ahead
- The community centre element would be better located in an existing church hall or similar that has better existing facilities and accessibility
- The café element would have an adverse impact on the similar facilities which trade in Lytham town centre so could be used by park users visiting Lytham for the park
- The facility will increase the likelihood of litter being spread in the area
- Is the council tax payer to fund the conversion and maintenance of the building?

Relevant Planning Policy

Regional Spatial Strategy:

DP01	Spatial Principles
DP04	Make the best use of existing resources and infrastructure
DP02	Promote Sustainable Communities
CLCR01	Central Lancashire city region priorities

Fylde Borough Local Plan:

TREC14	Safeguarding of playing fields & recreational facilities
EP2	Open Space within Towns and Villages
SH16	Restaurants & hot food shops

Other Relevant Policy:

Environmental Impact Assessment

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

Comment and Analysis**Local Plan Allocation**

The application site is an area of public open space and so Policy EP2 applies. It is also allocated as formal public open space where Policy TREC 14 is relevant and protects playing fields and the associated facilities from development. Policy SH16 is also relevant as it relates to cafe development. The material issues raised by these policies are discussed below.

Physical Works

In their consultation response, the council's building control staff have raised significant doubts over the ability of the building to be converted as submitted. These issues have been raised with the applicant who is confident that he is able to accommodate their requirements as part of the conversion. The requirement to satisfy building regulations is not a matter to be assessed as part of the determination of a planning application. Any proposal to construct a replacement building, rather than convert the existing structure would need a further planning permission.

The finished appearance of the building is a relevant issue. At present the building is clearly unused and has an unattractive appearance that detracts from the amenity of users of the Park and the character of the area in general. The alterations proposed will bring significant improvements to its physical appearance and are undeniably a benefit from the proposal given the current state of the building.

Access

The building is in the corner of the Park and is remote from any surfaced access point. Vehicular access for grounds maintenance, litter picking, etc is available via a bridge over Liggard Brook from the car park off Ballam Road. The application proposes that this is used to service the new facility for construction, deliveries, refuse, etc. The route to the building from this point is along the main cycle / pedestrian route through the park and a new 2m wide surfaced extension of this that leads to the building. To minimise potential conflict between Park users and vehicles associated with the development it is intended to limit the vehicular access to the first 120m of the path from the bridge. This means that vehicles will not use the area that is adjacent the play facilities that are heavily used by children and is an important safety consideration. A condition is appropriate to ensure that this is implemented.

A condition is also needed to ensure that these vehicles only use this access. There are several pedestrian access points to the playing fields off Park View Road in the vicinity of the building, but these are in areas where parking is restricted by double yellow lines and where it would not be safe for delivery vehicles to park.

The building is to be partly used as a park office where a Park Supervisor is likely to be based for which funding has been secured by ParkView4U. Part of their duties will be to collect litter and maintain the grounds so this proposal is unlikely to lead to a significant increase in the total number of vehicles accessing the park as the council vehicles which currently undertake these duties will not be required.

Parking

The overwhelming concern raised by local residents relates to the parking arrangements for the development. They highlight the difficult parking situation around the site as a result of on street

parking that they consider is associated with staff of Aegon and other local businesses, the schools and visitors to the Park.

Park View Playing Fields is a popular recreation destination and is used by many visitors throughout the day and on all days of the week. Whilst many of these will walk / cycle to the site it is inevitable that there will be some vehicular traffic. The car park for the playing fields is located off Ballam Road and is operated in partnership with Aegon. They have exclusive use of all the spaces during office hours which means that any vehicular visitors to the park at these times must use surrounding roads, whilst at weekends and evenings the car park is available for public use.

The availability of parking facilities around Park View Playing Fields and surrounding roads is clearly an issue of concern to the residents of that area. As part of the determination of this application officer site visits have been made in the morning, afternoon, early evening and weekends. The Ballam Road car park and roads immediately surrounding the site are typically full from before office hours until after office hours. In the early evening and weekend there are spaces available on the car park and on surrounding roads, except those at the closest point to the pedestrian accesses to the park.

The matter to be considered with this application is whether the proposed conversion of this building will exacerbate the existing parking situation to such a degree that it would detract from residential amenity or highway safety. With the scale of the uses proposed in this application, it is considered that on balance the scheme can be accommodated without undue problem as it will primarily be an attraction for existing park users rather than an attraction that will bring new users to the site specifically to use the cafe / community room.

Other Neighbour Amenity Issues

The building is an existing structure and is not being extended in any way. As such it will not have any greater visual impact on neighbours than at present, and this is very limited anyway by its location behind the railway bridge when viewed from the nearest properties and its separation from other dwellings.

The hours of operation sought in the application for the cafe element are daytime on all days, with the community use operating on weekday evenings and all day on Saturday only. The cafe hours proposed are when the park is in regular use already and so any increased activity associated with that facility is unlikely to cause disturbance to residents or adversely affect the character of the area. The weekday evening use of the community use is also considered to be acceptable given the limited scale of this element. A condition is appropriate to control the use to these hours.

The Council's Environmental Protection staff have requested a series of standard conditions requesting further information about the operation of the cafe element. These conditions control the fume extraction and refuse storage and it is appropriate to include them to this application.

Some of the neighbours have referred to the potential for a cafe to increase the amount of litter in the area as it will provide a source for food wrappers and suchlike. There are many litter bins around the park but none currently near this building and so a condition to require such facilities to be provided is considered appropriate, with the Park Supervisor being able to ensure they are regularly emptied.

The application refers to lighting being proposed, and discussions have indicated that this is to illuminate the new footpath and to enable the CCTV system to work more effectively. It is not intended that lighting will be installed to extend the hours of use of the facilities beyond the existing daylight controls and so a condition is appropriate to secure the details of the lighting to preserve neighbouring residential amenity.

Impact on Lytham Town Centre

A café / community centre is the type of use that PPS 6 would suggest should be located in an established town centre. Whilst this site is outside the defined town centre of Lytham the facility is of

limited scale and is more likely to serve as a snack bar for park users. It is unlikely to serve customers from a wider area that are not visiting the park in any event and so will not adversely affect the vitality of the identified town centre. On this basis, and taking account the neighbour amenity comments earlier, it is considered that as a whole the proposal complies with the requirements of SH16 concerning new hot food shops.

Compliance with Local Plan Policy

TREC 14 is the most relevant policy at this site and only allows development that is ancillary to the use of the site as a playing field and does not adversely affect the quantity or quality of pitches. This site is not part of any existing pitch and is of a size and location where it is not capable of forming a pitch. The proposed use as a cafe / community room is considered to be ancillary to the overall use of the Park View playing fields as it supports the considerable range of facilities that have been positioned on the site in recent years. Whilst this development would prevent the changing rooms from being returned to their original use, they have been unavailable for that purpose for many years and so it is not considered that this would be a realistic proposition in any event. On this basis it is considered that the scheme complies with this Policy.

Policy EP2 prevents development on defined open spaces. As this scheme involves the conversion of an existing building with limited other works there will be no adverse impact on the setting, character or visual amenity of the open space and so there is no conflict with this policy.

Conclusions

The proposal has benefits in bringing the existing dilapidated changing room building back to a viable use and by further enhancing the range of services available to visitors of Park View Playing Fields. The parking concerns and other issues raised by residents have been assessed, but it is considered that the scale of the facility proposed is unlikely to exacerbate these concerns to a level where they outweigh these benefits.

As the proposal relates to the reuse of an existing building, there will be no impact on the open character of this area and the proposal complies with Policy EP2. Furthermore, the proposal does not involve the loss of any playing field or current playing field service and so there is no conflict with TREC 14. Accordingly the application is recommended for approval subject to the following list of conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. Prior to the commencement of any development, a complete methodology statement for the works to be undertaken as part of the conversion of the building, including details of all finished external materials, shall be submitted to and approved in writing by the Local Planning Authority. The conversion shall only be undertaken in full accordance with this approved methodology and statement to the written satisfaction of the Local Planning

Authority.

To ensure that the conversion works result in a building that is has an appropriate finished appearance

3. That the internal and external seating areas associated with the cafe shall not exceed the area indicated on the approved plan reference 9002/02 dated 8 September 2009.

To control the scale of the cafe operation in accordance with the amenity of neighbouring residents and the park in general.

4. Prior to the commencement of development, full details of the surfacing of the new access path linking the application building to the existing cycle / footpath in the park shall be submitted and approved in writing by the Local Planning Authority. This path shall be constructed to a width of 2m prior to the first use of the building hereby approved and retained thereafter.

To provide an appropriate standard of pedestrian access to the building for servicing and visitor use

5. All deliveries and refuse removals that are associated with this building shall access the site via the car park off Ballam Road. These vehicles shall utilise the existing cycle / footpath to the point indicated in green on the approved site plan only, with deliveries and stock carried beyond that point to the building on foot or in non-mechanical wheeled trolleys only. No deliveries / refuse removals shall be undertaken direct to Park View Road.

To control the direction and nature of delivery and refuse movements in the interests of pedestrian, cycle and vehicular safety.

6. Prior to the first operation of the facility, details for the waste collection facilities at the building itself and in the area indicated in green on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall both be brought into operation prior to the commencement of the use hereby approved and retained operational at all times thereafter.

To ensure that adequate waste collection services are provided and maintained at the site

7. Prior to the commencement of development details of additional litter collection facilities and a schedule for their regular emptying shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to the commencement of the use hereby approved and thereafter during the operation of the building for that use.

To ensure that an appropriate level of litter collection facility is available to preserve the general amenity of the area.

8. Prior to the commencement of the use hereby approved full details of the type and method of air filtration and fume extraction in the building including the size and position of external flues, method of filtration and a maintenance schedule for this equipment shall be submitted to and approved in writing by the Local Planning Authority. This equipment shall be installed and be operative prior to the business commencing and at all times thereafter.

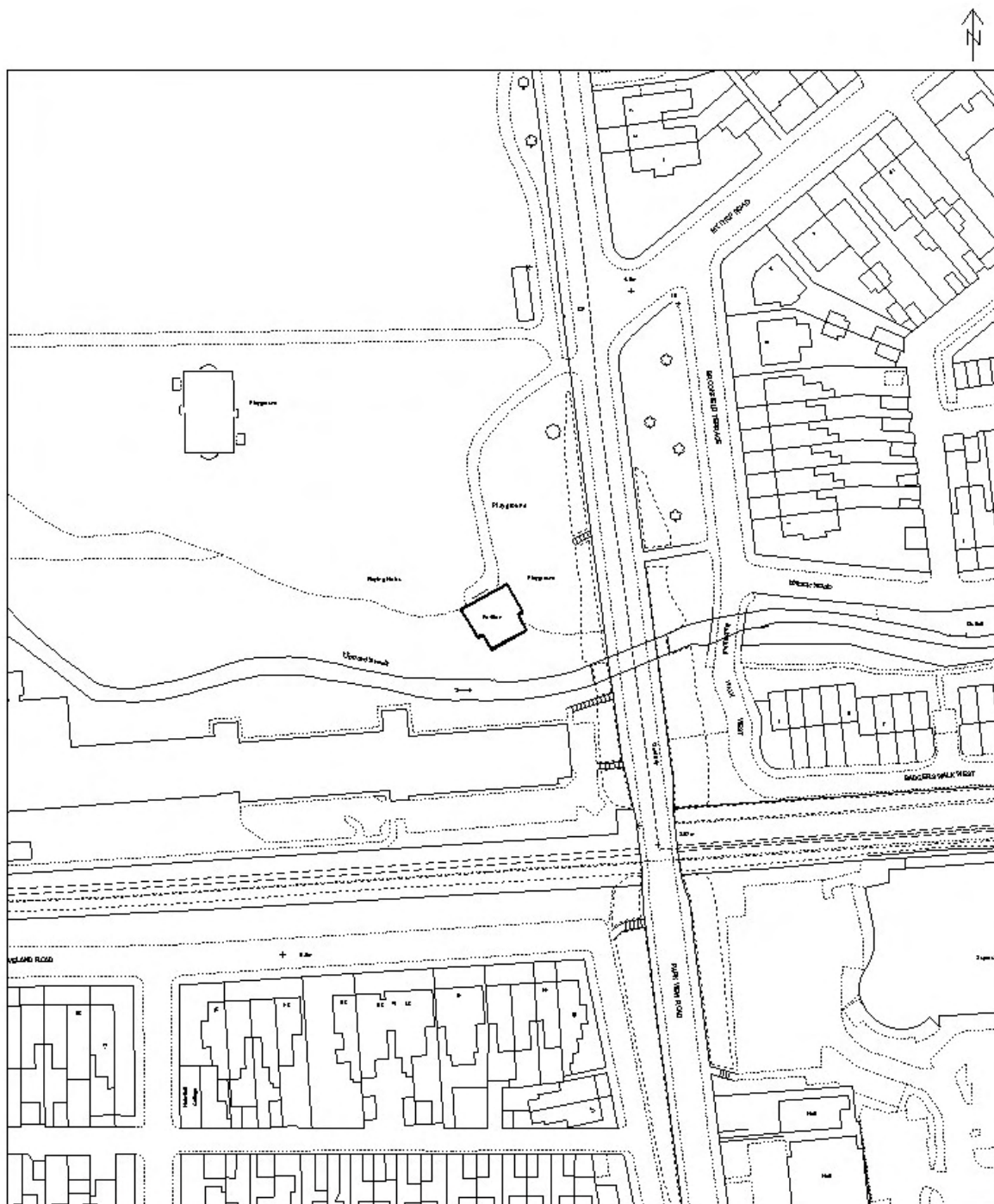
In order to safeguard the amenity of the area.

9. Prior to the commencement of any development, a scheme for the external lighting of the building, its immediate surroundings and the new access path linking it to the existing footpath shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the direction, type and level of illumination and the height of any columns. Only illumination that is included within this approved schedule shall then be installed at the site unless previously agreed in writing by the Local Planning Authority.

To ensure that the level of illumination provided is adequate on safety grounds without detracting from the amenity of surrounding residents or the character of the area.

10. The cafe element of the building hereby approved shall only be open for the sale or consumption of food and drink between the hours of 0900 to 1700 on any day. The remainder of the building shall only be open to the public between 0900 and 2200 Monday to Saturday.

To ensure that the development does not prejudice neighbouring residential amenity.



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