



Agenda

Planning Committee

Date:	Wednesday, 7 December 2022 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Gavin Harrison, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.</p>

Public Speaking at the Planning Committee

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	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the Committee held on 9th November 2022 (previously circulated) as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 -98
5	Fylde Council Tree Preservation Order 22.0003: Land North of Mill Lane, Elswick PR4 3ZH	99 -108
	INFORMATION ITEMS:	
6	List of Appeals Decided	109 -110

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Item No.	Appn No.	Location	Proposal	Recommendation	Page No
1	22/0525	SMITHY COTTAGE KIRKHAM ROAD TREALES ROSEACRE AND WHARLES PRESTON PR4 3SD	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE	Grant	5
2	22/0645	WEETON CAMP SINGLETON ROAD WEETON WITH PREESE PRESTON PR4 3JQ	DEMOLITION OF EXISTING ACCOMODATION BLOCK (BUILDING 12) AND CONSTRUCTION OF A 3 STOREY BLOCK OF 69 NO. SINGLE LIVING ACCOMMODATION UNITS (BEDROOM AND ENSUITE FACILITIES, WITH COMMUNAL KITCHEN, DINING AND LOUNGE ARRANGEMENTS), INCLUDING ROOF MOUNTED SOLAR PANELS, DETACHED BIN STORE, BIKE STORE, SHELTER, EXTERNAL PLANT BUILDING AND ASSOCIATED SOFT AND HARD LANDSCAPING.	Grant	21
3	22/0668	LAND REAR OF 66 MARSDEN STREET KIRKHAM PRESTON PR4 2TH	RESIDENTIAL DEVELOPMENT OF 4No. DWELLINGS FOLLOWING DEMOLITION AND REMOVAL OF ALL BUILDINGS AND STRUCTURES.	Grant	45
4	22/0669	NEW HALL FARM ROSEACRE ROAD TREALES ROSEACRE AND WHARLES PRESTON PR4 3XE	FORMATION OF EARTH BANKED SLURRY LAGOON INCLUDING ASSOCIATED PERIMETER BUNDING AND STOCK PROOF FENCING (RETROSPECTIVE APPLICATION)	Grant	56
5	22/0691	MILL COTTAGE STAINING OLD ROAD STAINING	CHANGE OF USE OF LAND TO THE SIDE AND REAR OF MILL COTTAGE AND LAND TO THE REAR OF WINDHOEK TO FORM EXTENSION TO PRIVATE GARDEN INCLUDING FORMATION OF GATED VEHICLE ACCESS TO MILL LANE IN CONNECTION	Grant	66

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BLACKPOOL WITH PRIVATE EQUESTRIAN USE -
FY3 0BQ RETROSPECTIVE APPLICATION

6	22/0777	MOSS SIDE FARM LYTHAM ROAD WESTBY WITH PLUMPTONS LYTHAM ST ANNES FY8 4NB	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND FOR USE AS DOG EXERCISE AREA WITH ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES.	Grant	75
7	22/0785	REAR OF 52 KIRKHAM ROAD FRECKLETON PRESTON PR4 1HT	SINGLE STOREY EXTENSION TO EXISTING UNIT No. 2 TO PROVIDE STORAGE SPACE (CLASS B8)	Grant	89

Background Papers

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

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

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

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Item 1

Application No:	22/0525	Case Officer:	Alan Pinder Area Team 2
Applicant:	Mr Bruce Johnson	Agent:	Fraser Lobley
Location:	SMITHY COTTAGE KIRKHAM ROAD TREALES ROSEACRE AND WHARLES PRESTON LANCASHIRE PR4 3SD		
Proposal:	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE		
Ward:	Newton with Treales	Parish:	Treales, Roseacre and Wharles
Statutory Expiry:	6 September 2022	Earliest Decision:	5 August 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application relates to a parcel of land located on the south side of Kirkham Road between Smithy Cottage and Smithy Farm New House in the village of Treales, and seeks full planning permission for the construction of four dwellings and an associated access road from Kirkham Road. The site is neighboured to the north, south, east and west by built development. The scale and density of the proposal, and its relationship with the surrounding development, is such that it would represent minor infill development that satisfies exception f) of policy GD4 of the Fylde Local Plan to 2032. Hence the principle of development accords with the provisions of the development plan.

The dwellings would follow the established pattern of development along the south side of Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings. As such they would not appear as harmful or erosive additions to the surrounding landscape context. While the proposal would result in the loss of two protected trees within the site these are in poor condition with a limited lifetime remaining and the landscaping that is to be associated with this development provides the opportunity to introduce new replacement tree planting that would ensure the longevity of the green infrastructure provided by the site within the village.

A safe and suitable means of access would be provided for the development and County Highways opine that the four new dwellings would not unduly impact on the safe use of the local highway network. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Overall the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review).

The application is presented to Committee as whilst the Parish Council have offered their support for the principle of the development they express objection on the basis of the potential construction disturbance and method of reinstatement of the construction compound. Officers have sought to assure them that these matters would be appropriately control by condition, but with the formal position taken by the Parish Council it remains the case that the decision needs to be made at Committee.

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Reason for Decision Level

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

Site Description and Location

The application relates to an irregularly shaped parcel of land extending to an area of approximately 0.23 hectares located on the south side of Kirkham Road within the village of Treales. The site formed part of the former farmstead of Smithy Farmhouse. To the east of the site is a detached two storey dwelling (Smithy Farm New House) and to the west is Smithy Cottage, a detached two storey dwelling that used to be grade 2 listed but has been de-listed following its rebuilding some years ago. On the land immediately adjoining the site to the south construction has commenced on the residential redevelopment of the former Smithy Foundry site with a number of properties built and occupied, although there is no active construction underway on those to the immediate rear of this site. Directly opposite the site to the northern side of Kirkham Road there is active construction on the erection 3 dwellings.

Within the site are two trees protected by Tree Preservation Order (TPO - 1989 No.12) and along the western edge of the site, just outside the site boundary, is a group of trees that are subject to the same TPO. Until recently the site was occupied by a dilapidated and ruined former agricultural building. This has now largely been removed with only some short sections of low brick walls remaining as evidence of the building's former presence.

The site lies outside of any settlement boundary and is wholly within the countryside as designated under Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

This application seeks full planning permission for the construction of 4 x two storey dwellings (two detached and two semi-detached) together with the formation of a new access from Kirkham Road. All four dwellings would provide two storeys of accommodation but have a 'one and a half storey' external appearance with fenestrations to first floor habitable rooms provided by pediment dormers set within the eaves or full dormers set within a roof slope.

Plot 1 – This is a detached four bedroom property with a gabled design and features a gable front porch set centrally within its front elevation, an attached single storey gabled garage to its eastern side elevation, an external chimney going up its western side elevation, and a single storey mono-pitched 'orangery' to the LHS of its rear elevation

Plot 2 – This is a detached three bedroomed property with an irregular shaped footprint comprising a gabled main structure with a 2 storey outrigger projecting from its western elevation and a single storey outrigger from its eastern elevation. The western outrigger would provide a single garage at ground level and bedroom accommodation above. The upper floor accommodation is served by a combination of full dormers and rooflights. External chimney stacks would run up the north and south facing elevations.

Plots 3 & 4 – A pair of semi-detached three bedroomed dwellings with a traditional gabled appearance and featuring a shared central feature gable to the front elevation and a shared single storey mono-pitched extension to the rear elevation. Fenestrations for the upper floors are provided by gabled pediment dormers to the front and mono-pitched pediment dormers to the rear.

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In terms of external appearance the submitted application provides the following detail:

- Elevations – A mix of rustic red brick, render, and cedar cladding
- Roof Covering – Grey Slate
- Windows - Upvc/aluminium sliding sash (colour to be confirmed)
- Doors – Composite and aluminium (colour to be confirmed)

The new access drive from Kirkham Road would have a tarmac surface the initial shared section and turning area, with a paved block surface for the driveway elements that serve each dwelling.

Relevant Planning/Appeal History

Reference	Proposal	Decision	Date
19/0300	OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS (2NO. TWO STOREY SEMI-DETACHED, 1NO. TWO STOREY DETACHED AND 1NO. DETACHED BUNGALOW) WITH ASSOCIATED INFRASTRUCTURE (ACCESS, LAYOUT AND SCALE APPLIED FOR WITH APPEARANCE AND LANDSCAPING RESERVED)	Granted	25 March 2020
21/0645	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 19/0300 FOR A RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS	Undetermined	

Parish/Town Council Observations

Parish/Town Council	Observations
TREALES, ROSEACRE & WHARLES PARISH COUNCIL	<p><u>Comments received on 07 September 2022</u></p> <p><i>Whilst the Parish Council continue to support the plan for the houses, they choose to record an objection for the application as there are concerns over the onsite waste processing using heavy industrial machinery with no detail on timescale of its use and no detail to reinstate the construction area.</i></p> <p><i>If these concerns are addressed the Parish Council would reconsider their decision on this matter.</i></p> <p>(Officer Note: Whilst dialogue has been instigated with the Parish Council over these matter and discussions taken place, no further comments had been received at the time of the preparation of this agenda.)</p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Consultee
LCC – Local Highway Authority	Their comments state: “LCC Highways does not have any objections in principle to the proposed residential development of four dwellings with associated infrastructure, providing the applicant can address the issues regarding proposed car parking and tree planting, as detailed in this report.”

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	<p>Their comments then cover the following matters:</p> <ul style="list-style-type: none"> • As the footway on the Kirkham Road frontage is below the standard 2m width they request that land from the development is used to provide a footway of that width across the site frontage • They request that tactile paving be introduced at crossing points • They comment that the direct access to Kirkham Road for plot 1 is acceptable • They request that the parking arrangements for plots 2, 3 and 4 are clarified to ensure that the spaces can be accessed and that the garages are of a suitable size (6m x 3m) • They request that tree planting is reconsidered to minimise the potential for the canopy and roots to grow over the footway <p>They then indicate that the application should be refused if these matters are not resolved, and if they are that a s184 highway agreement would be needed to secure the implementation of the highway works.</p>
FBC Tree Officer	<p><i>In regard to Planning Application 22/0525 Smithy Cottage Kirkham and the Landscaping Scheme SP/BJ/8011R4. I am happy with the species selection and locations where the trees are to be planted. As long as the trees are planted in suitable tree pits and are of suitable quality and all planting follows best practices affording the trees every opportunity to establish and reach their full potential, I have no issues.</i></p> <p><i>The BS8545:2014 Trees: from nursery to Independence in the landscape is a suitable best practice and has guidelines for quality checking of the tree stock on deliver, size of planting pits, suitable soils, maintenance and management.</i></p> <p><i>I would also expect tree size of a minimum heavy standard 12-14cm girth taken at 1m up from root flare of the main stem, root ball and a height when planted at least 3-3.5m. I would also like to ask that horizontal support bars are not used, and two to three soft wooden rounded timber stakes are used for each tree with looped support straps. This should allow for some movement of the main stem to flex in winds, but not to lose the tree falls over and not to tight the tree becomes damaged. The guidelines can be found in the best practises recommendations.</i></p>
Lancashire Fire and Rescue Service	<p>Make standard comments with regards the need for the dwellings to be accessible for fire appliances as set out in the building regulations, and with regards the capacity of water supply to the properties to enable effective fire fighting if needed.</p>

Neighbour Observations

Neighbours notified: 13 July 2022
Site Notice Date: 15 July 2022
Number of Responses Total number of comments 2
Summary of Comments The comments received can be summarised as:

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- One neighbour has no objection to the proposed development but is concerned about potential noise disturbance during the construction phase
- One Treales resident has raised concerns regarding the sustainability of the development

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Development in the Countryside

GD7 - Achieving Good Design in Development

DLF1 - Development Locations for Fylde

S1 - The Proposed Settlement Hierarchy

ENV1 - Landscape and Coastal Change Management Areas

INF1 - Service Accessibility and Infrastructure

National Guidance

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Relevant Background Information

On 25 March 2020 outline planning permission ref. 19/0300 (access, layout and scale) was granted for the development of 4 dwellings within the same red edge application site that this application relates to.

Following the granting of outline permission an application for reserved matters (appearance and landscaping) was received and was validated on 27 September 2021 (ref. 21/0645). During the consideration of this application it became clear that there were discrepancies between the ‘scale’ of the dwellings that were adored at outline stage and those proposed under the ‘appearance’ considerations of this application. As it is not possible for a reserved matters application to introduce revisions to matters that are approved at outline stage, this reserved matters application could not be progressed in that form.

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The applicant had the option of either revising the scale of the dwellings proposed under the reserved matters submission to reflect those approved at outline stage, or to submit a new full planning application for the dwellings. The current application confirms that they have taken the latter option, although they have not withdrawn the reserved matters submission so could revise that to take the first alternative should they wish.

In addition, as the outline planning permission remains extant they could submit a further reserved matters application that related to the approved access, layout and scale providing they do so before the three year timescale for that expires in March 2023.

Principle of Development

The application site, and the whole of Treales village, is washed over by the Countryside allocation under policy GD4 of the FLPPR. This is generally restrictive of new development but does include limited exceptions to that restraint. With regards this form of development the only one that could realistically apply is “f) *minor infill development*”.

As Policy DLF1 of the FLPPR requires that any acceptable windfall development must comply with the other policies of the FLPPR it is necessary to examine whether or not the proposed development complies with exemption GD4 f) as the key assessment for this proposal. Policy GD4 provides no guidance on what constitutes minor infill development, although the justification for the policy explains in para 7.15 that “*Minor infill development will be of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3*”. Policy ENV3 relates to ‘Existing Open Spaces (EOS) as identified on the policies map, however the application site is not designated as an EOS. Hence in order to accord with criterion f) of policy GD4 the development must pass three tests to be considered acceptable: it must be minor, it must be infill, and it should not materially impact on the rural character of the area.

Is the development minor?

In the absence of any definition of this within the FLPPR the council has interpreted whether a scheme is ‘minor’ development with reference to the context of the site, in particular the extent of surrounding built development. This means that in an undeveloped and isolated location a development would need to comprise of 1, or a maximum of 2, dwellings to satisfy the definition, whereas in an area where there is a greater level of existing development then a larger figure could be accepted as remaining minor in scale.

In this instance the site is located within the village of Treales and is close to the centre of the village where the immediate context is formed by existing built development. The proposal is for four dwellings set in a relatively spacious layout on a site surrounded by existing dwellings to the side, dwellings under construction to the rear of the site, and dwellings under construction to the front of the site on the opposite side of Kirkham Road. The scale of the development is reflective of that established within the remainder of the village. Within this context it is considered that the proposal satisfies the scale requirement of exemption f) and thus represents ‘minor’ development.

Is the development infill?

The next test to consider is whether or not the application site constitutes an ‘infill’ development site. This is also not defined in the FLPPR but it is logical to assume that for a scheme to constitute infill development it must be immediately adjacent to existing built development on two opposing sides. This approach is supported by reference to key planning definitions as follows:

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- The Planning Portal's glossary defines it as: *"Infill development – The development of a relatively small gap between existing buildings"*
- Development Control Practice (DCP) defines it as: *"INFILL – development inserted into a gap in an existing largely developed frontage. A term widely used in planning policies designed to limit the extent to which new building may take place in villages, and with varied definition in local plans"*.

Accordingly this requires an assessment of the characteristics of the site and the surrounding built or unbuilt development. In this instance the proposed development is the construction of four dwellings on a plot of land neighboured immediately to the east, west, and south by built development, and with built development underway to the north of the site on the opposite side of Kirkham Road. This existing development is immediately adjacent to the site boundaries without any paddocks or other open land. It is located almost centrally within the extent of existing development on the south side of Kirkham Road that forms the village core of Treales.

Within this context and bearing in mind the definitions set out above, and the interpretation of other developments across the borough since the adoption of the FLPPR, it is considered that the proposal does represent infill development.

Would the development materially impact on the rural character?

The application site is in an area of previously developed land that has, over the years, reverted to a large extent back to rough grassed land. It has been occupied until recently by a single dilapidated building and some tree planting, and which is neighboured to the west by Smithy Cottage and dilapidated buildings, to the south by residential properties currently under construction, and to the east by the Foundry Court residential development. This surrounding development effectively isolates the site from views across the countryside to the south and limits its contribution to rural character to views from within the village itself.

The proposed site layout sets a single dwelling (plot 1) on the left hand side of the Kirkham Road site frontage with the remaining three dwellings (plots 2, 3 and 4) being located to the rear of the site; plot 2 immediately to the rear of plot 1 and plots 3 and 4 in the south western corner. This proposed layout provides ample space between the four dwellings that enables the site to retain a degree of openness when viewed from within Treales village and which will continue to contribute to the rural character of the village. The scheme includes provision for frontage landscaping to assist with the pleasant rural character experienced when passing through the village.

Clearly any development on a site that is currently undeveloped will have an impact on that site, but the question with this aspect of policy GD4 relates to a material impact on the rural character of the area and with the site being within the context of the existing village development, being imperceptible in long range views of the village, and being developed to a sensitive scale and density it is accepted that it will not have a material impact on the character of the rural area.

Summary to compliance with policy GD4

Having regards for the above comments and assessment it is considered that the proposal does represent minor infill development in accordance with criterion f) of policy GD4 and thus the principle of the development should be considered acceptable.

It is also the case that the site benefits from an extant planning permission for an almost identical form of development. That permission was granted against the background of the pre-partial review version of the current Local Plan and so was assessed against an almost identical policy basis as is the case now. It would be perverse to reach a different conclusion on the principle of development to that at the time of the outline application.

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It is therefore necessary to now examine if there are any overriding material considerations to indicate the development should be resisted for other reasons. These are examined in the remainder of this report.

Scale, Design & Appearance of the Dwellings

The proposed dwellings reflect the scale and gabled form of existing dwellings along this southern side of Kirkham Road within Treales village, and utilise a design approach that provides a visual coherence between the proposed dwellings and the surrounding built residential development. The application indicates that all four dwellings would have predominantly brick faced elevations, with small areas of render and cedar timber cladding, and the roof coverings would be grey slate tiles.

As discussed earlier in the report the proposed layout is spacious and reflects the character established in the wider area. The front property (plot 1) is set back from Kirkham Road, with plot 2 generously spaced to the rear of plots 1 and plots 3 & 4 sited towards the southwest corner away from plots 1 and 2. All the dwellings would face northwards and thus follow the orientation of other dwellings on the south side of Kirkham Road.

As set out in the Background section of this report the scale of the dwellings is increased over that which was approved under the outline planning permission, and this prevents the reserved matters being determined on the basis of the submitted scheme. The dwelling on plot 1 (fronting Kirkham Road) is of the scale approved at outline at 7.8m to ridge, that on plot 2 has a ridge of 7.2m compared to the 6.4m shown at outline stage, and on plots 3/4 the submission has a ridge of 8.3m compared to the 7.7m approved at outline. These 700mm and 800mm are sufficient to ensure that the outline planning permission cannot relate to these dwellings, but does not have a harmful impact on the rural character of the area, particularly as the dwellings that are increased in scale are set back from the site frontage with Kirkham Road where the increased scale would be more noticeable. As a comparison the dwellings that are under construction on the opposite side of Kirkham Road are all around 9m to ridge ensuring the dwellings proposed here are substantially lower than those, and are more reflective of the lower properties that neighbour these dwellings.

Overall the scale, design and appearance of the proposed dwellings are considered to accord with the relevant criteria of policy GD7 of the FLPPR.

Residential Amenity

The neighbouring properties potentially affected by the proposed development are plots 9 to 12 of 17/0471 currently under construction to the south of the site, and Smithy Farm New House which is adjacent to the east of plot 1.

The pattern of elevation fenestrations in the proposed dwellings and the siting and separation distances relative to each other and to existing neighbouring dwellings are such that the amenity of existing and future residents would not be unduly prejudiced by way of overlooking or overshadowing. The plot 2 dwelling would feature three rooflights in close proximity to, and facing towards, the shared boundary with Smithy Farm House, however these rooflights are set in the roof slope of a single storey side 'outrigger' and as such would not provide views in the this neighbour's private rear garden area.

One neighbour has raised a concern regarding potential, noise disturbance during the construction phase. A Construction Management Plan (CMP) has been submitted with the application and which states that "noisy or other activities that would be considered inconsiderate to the surrounding

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neighbours” will not be permitted outside the hours of 0800 to 1800 on Monday to Friday, 0800 to 1300 on Saturday, and no “noisy works” will be undertaken on Sundays and Bank Holidays. It is acknowledged the definition of ‘noisy’ and ‘inconsiderate’ is very subjective and provide no accurate limits against which any breach could be measured. As such, and notwithstanding the other content of the CMP, a condition prohibiting the carrying out of any work outside these hours will be imposed should permission be granted to safeguard residential amenity.

Access & Parking

LCC Highways have been consulted on the application and have raised no objection subject to the following amendments to the proposed site layout:

- The existing footpath along the site frontage to be widened to 2 metres
- The provision of tactile paving at the site access
- Parking provision to be indicated for each plot
- Proposed trees to be re-sited so that their canopy does not overhang the footpath along the frontage

A 1.2m wide footpath currently runs across the site frontage and along almost the full length of the southern side of Kirkham Road. This footpath does not serve a heavily accessed destination (e.g. shop, school, church, community centre, etc) and as such is not heavily used by pedestrians. As such widening of this footpath along the limited length of the site frontage, together with the addition of tactile paving where it crosses the new access, would provide little benefit for pedestrians. This limited benefit would be outweighed by the visual harm caused to the character of this rural village by the addition of an urbanising short length of widened pathway set between two greater lengths of narrower footpath, and the absence of other character defining tactile paved areas within the village. Accordingly this highway officer request is not one that your planning officers suggest should be taken forward as a consequence.

With regard to the on site parking provision and re-siting of trees the proposed site layout has been amended to reflect these elements of their request, with conditions imposed to ensure that they are implemented. These plans confirm that the layout of the site ensures that sufficient parking is provided on the driveways to the dwellings without relying on the garages which have not therefore needed to be increased in size as suggested by LCC to satisfy their parking request.

The site has a suitable access point to Kirkham Road to serve the dwellings, is designed to provide appropriate parking and turning spaces within the development and the dwellings, and provides pedestrian connections that suit the scale of the development and its village location. As such it is considered to satisfy the requirements of Policy GD7 of the FLPPR in that regard.

Landscaping

Two trees within the site, and a grouping of trees just outside the western site boundary, are subject to a tree preservation order (1989 No.12).

The council’s tree officer has visited the site and assessed the trees in question. Whilst the proposal involves the loss of two of the protected trees he has raised no objection to the development, opining that the two protected trees within the site are in poor health and have a limited remaining lifespan. A proposed planting scheme submitted with the application indicates the planting of 10 replacement trees within the site boundary. The tree officer is content with the number, siting and species of trees to be planted and has raised no objections

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Regarding the remaining landscaping of the site the public access road from Kirkham Road is to have a paved block surface, bounded on either side by steel estate fencing supplemented by hedgerow along the eastern side up to the curvature of the access onto Kirkham Road (to maintain sight lines). The soft/hard landscaping for each individual plot has yet to be finalised and so a condition requiring this detail to be submitted and approved would be attached to any permission.

Overall the proposed main landscaping of the site is considered appropriate to, and in keeping with, the character of residential development along this stretch of Kirkham Road within Treales village. As such it also complies with the requirements of Policy GD7, and with the suitable discharge of the planning condition will satisfy Policy ENV1 of the FLPPR.

Other Matters

In their comments on the application the Parish Council express support for the development but raise objection to the application citing concerns over the absence of detail on the use of on-site waste processing using heavy industrial machinery and the reinstatement of the construction compound area following the completion of the development.

Officers have contacted the Clerk to confirm that planning conditions will be imposed to appropriately control the hours of construction activity and to require that the area is appropriately reinstated at the conclusion of the development. There has been some further engagement with a Parish Councillor on this, and other aspects of the assessment of the application, but no further Parish Council comments have been received. From officer dialogue with the Parish Councillor it seems unlikely that the specified concerns of the Parish Council are likely to be satisfied by the conditions that are recommended and so officers have decided to bring this application to Committee now to enable the application to be determined within the 6 month timeframe set out in the Planning Guarantee.

Conclusions

The application relates to a parcel of land located on the south side of Kirkham Road between Smithy Cottage and Smithy Farm New House in the village of Treales, and seeks full planning permission for the construction of four dwellings and an associated access road from Kirkham Road. The site is neighboured to the north, south, east and west by built development. The scale and density of the proposal, and its relationship with the surrounding development, is such that it would represent minor infill development that satisfies exception f) of policy GD4 of the Fylde Local Plan to 2032. Hence the principle of development accords with the provisions of the development plan.

The dwellings would follow the established pattern of development along the south side of Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings. As such they would not appear as harmful or erosive additions to the surrounding landscape context. While the proposal would result in the loss of two protected trees within the site these are in poor condition with a limited lifetime remaining and the reserved landscaping scheme could introduce new replacement tree planting that would ensure the longevity of the green infrastructure provided by the site within the village.

A safe and suitable means of access would be provided for the development and County Highways opine that the four new dwellings would not unduly impact on the safe use of the local highway network. The development would not give rise to any other adverse effects in terms of ecology or flood risk. Overall the proposal is considered to represent sustainable development in accordance with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review)

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Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 18 0521 OP 03
- Proposed Site & Planting Layout - Drawing no. SP/BJ/8011R5
- Proposed Floor Plans & Elevations (Plot1) - PL/0221/BJ002 Rev 3
- Proposed Floor Plans & Elevations (Plot2) - PL/0221/BJ201 Rev 3
- Proposed Floor Plans & Elevations (Plots 3 & 4) - PL/0221/BJ0025 Rev 2
- Finished Floor Levels - Drawing no. TO/BJ/7001
- Proposed Highway Works - Drawing no. D3256-H-01 Rev P1
- Transport Management Plan - Drawing no. CN/BJ/1091

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

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works of development shall take place until samples or full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved details.

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

4. No above ground works of development shall take place until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

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- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the development shown on drawing no. SP/BJ/8011R5 shall be carried out during the first planting season that occurs: i) in the case of landscaping within the curtilages of the dwellings hereby approved, after the dwelling on each associated plot is first occupied; and ii) in the case of landscaping on all the other areas of the site located outside the curtilages of the dwellings, after the development is substantially completed. The additional trees identified on drawing no. SP/BJ/8011R5 shall be planted in accordance with BS8545:2014 and be of a minimum heavy standard 12 - 14 cm girth, taken at 1 metre up from root flare of the main stem, and a minimum height when planted of 3.5 metres or greater.

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

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

6. No development shall take place until a scheme for existing tree protection measures (to be implemented during the construction period) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:2012) to be formed around the root

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protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.

- b) Details of any excavation to take place within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.
- c) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees and hedgerows within and/or overhanging the site which are to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the construction period.

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

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

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

- 8. None of the dwellings hereby approved shall be first occupied until details of the height, design, materials and finish of boundary treatments for each plot (the siting and type of which is shown on Drawing no. SP/BJ/8011R5) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before each associated dwelling is first occupied, and shall be retained as such thereafter.

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

- 9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the finished building floor levels for each plot shown on drawing no. TO/BJ/7001

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Reason: To ensure a satisfactory relationship between the proposed development and surrounding buildings, and between the approved dwellings, in the interests of ensuring a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

10. The development hereby approved shall be carried out in full accordance with the details contained within the submitted Construction Management Plan (prepared by 'Build & Design Construction Planning and Management Services, and received by the LPA on 21 November 2022)

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

11. The site access and parking areas for each plot shall be constructed in accordance with the details shown on the approved Proposed Site Layout (Drawing no. SP/BJ/8011R5) and the approved Proposed Highway Works (Drawing no. D3256-H-01 Rev P1). The site access and parking areas indicated for each dwelling shall be available for use prior to the first occupation of any approved dwelling, with those areas thereafter retained available for the parking of motor vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay of the site access onto Kirkham Road shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction).

Reason: To ensure a suitable and safe means of access to the site for vehicular traffic, to achieve a satisfactory standard of engineering works in the interests of highway safety, and to ensure the provision of adequate off street parking in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved for plots 1 and 2 (as shown on the approved site layout) shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouses is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD4, GD7 and H7.

13. No later than one month following the date of the first occupation of the final dwelling hereby approved the entire area of the construction compound (including contract parking, site office, storage areas, and general circulation areas) indicated on the approved Construction Management Plan shall be reinstated and returned to support its existing lawful use in accordance with a scheme of remediation that has been submitted to and approved in writing by the Local Planning Authority in advance.

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Reason: To ensure that the construction compound area is suitably restored on completion of the development to reflect the rural character of the area and the requirements of Policy GD4 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

Informative(s)

1. Highway Work Informative

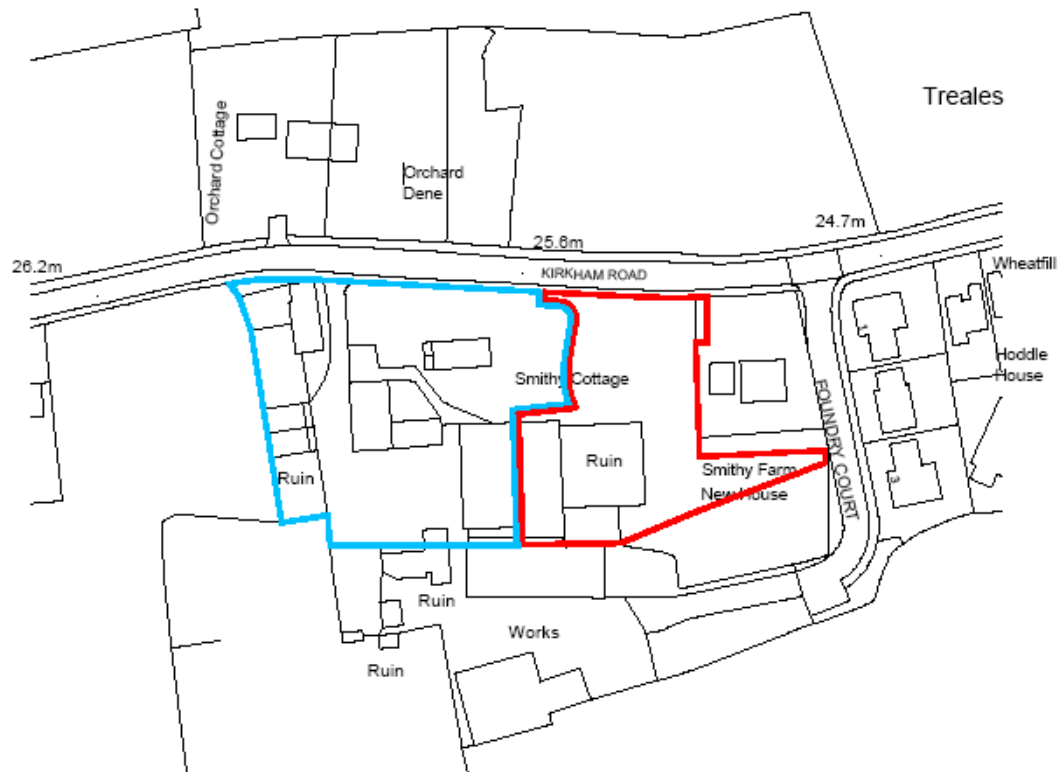
Before any development takes place, the applicant is advised to contact the Local Highway Authority (Lancashire County Council) in order to determine the need for any Traffic Regulation Orders, section 38 and/or section 278 Agreements under the Highways Act (1980) with regard to the adoption of any new estate roads and/or any engineering works to be carried out within the adopted highway.

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

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

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Location Plan for Item 1 – 22/0525



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Item 2

Application No:	22/0645	Case Officer:	Rob Buffham Area Team 1
Applicant:	DEFENCE INFRASTRUCTURE ORGANISATION	Agent:	PLANNING ARCADIS
Location:	WEETON CAMP SINGLETON ROAD WEETON WITH PREESE PRESTON LANCASHIRE PR4 3JQ		
Proposal:	DEMOLITION OF EXISTING ACCOMODATION BLOCK (BUILDING 12) AND CONSTRUCTION OF A 3 STOREY BLOCK OF 69 NO. SINGLE LIVING ACCOMMODATION UNITS (BEDROOM AND ENSUITE FACILITIES, WITH COMMUNAL KITCHEN, DINING AND LOUNGE ARRANGEMENTS), INCLUDING ROOF MOUNTED SOLAR PANELS, DETACHED BIN STORE, BIKE STORE, SHELTER, EXTERNAL PLANT BUILDING AND ASSOCIATED SOFT AND HARD LANDSCAPING.		
Ward:	Staining and Weeton	Parish:	Weeton with Preese
Statutory Expiry:	9 December 2022	Earliest Decision:	29 September 2022
Reason for any delay:	Need to determine at Committee due to scale or nature of application		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site relates to a part of Weeton Barracks. This facility is located outside of any defined settlement and are designated as a Large Developed Site in the Countryside by the Fylde Local Plan to 2032 (incorporating partial review). The specific site is currently used as a car park, located centrally within Weeton Barracks and located some 1000m north of Weeton village. The Barracks are occupied by the Defence Infrastructure Organisation (DIO) (part of the Ministry of Defence) and is home to the 2nd Battalion, Duke of Lancaster's Regiment. The wider Barracks site is vast and extends to over 50 hectares in size, with the area that is developed by buildings extending to approximately 22 hectares.

Under this application planning consent is sought for demolition of an existing single living accommodation block (59 units) and construction of a replacement single living accommodation block (69 units) located 100m to the south. The proposal forms part of a national strategy of works by the DIO to improve their stock of single living accommodation across the defence estate.

Policy GD4 supports new development subject to a number of criteria, including criteria d) *'essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside.'* The applicant confirms that the existing stock of single living accommodation is in a poor state, having suffered from a lack of investment due to wider pressures on the national defence budget. This affects the DIO's capability to retain personnel or to recruit new staff therefore impacting their ability to deliver an effective defence service to the nation, and provides a strong justification in support of the development under Policy GD4 d) - subject to assessment of harm of the development to countryside character.

Policy GD5 recognises that the Borough does have some large scale previously developed sites within the countryside and offers support for the complete or partial redevelopment of those sites

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by exception, and subject to compliance with criteria of that policy which, importantly, includes harm to the character, appearance or nature conservation of the countryside, landscape setting and highway safety.

With regards to countryside impact, the scale and materiality of the proposed building is reflective of that in the locality, and the modern simplistic form would not look out of character in the context of the existing built form on the Barracks. The site is not considered to be in a prominent location, being an infill plot set within existing development to the north, east and west and forming part of a larger sprawling mass of built form. It will be screened from the majority of vantage points by landscaping and/ or buildings. Where visible, the proposal will be viewed against the backdrop of existing development, being softened by mature and proposed landscaping. Due to the extent of existing built form and existing landscaped margins to the Barracks, the development is not considered to be harmful within any external views nor would it form a prominent feature in the countryside. Taking all of the aforementioned matters into consideration, design of the proposal is in-keeping with existing buildings and structures, given the lack of prominence and close relationship to existing built form on the Barracks, the proposal would not result in harm to the character or appearance of the countryside.

The development would not compromise the safe, efficient or convenient movement of all highway users.

Remaining criteria of GD5 are referred to later in this report, but fundamentally the development is considered to be compliant with all relevant criteria of Policy GD5.

There are no drainage or ecological issues of note that would warrant refusal of the proposal.

On this basis the development is considered to be in accordance with the development plan and therefore constitutes sustainable development. In accordance with paragraph 11c) of the NPPF21, the proposal should be approved without delay and the Officer recommendation is that Members support the application subject to a schedule of appropriate conditions.

Reason for Decision Level

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

Site Description and Location

The application site is located centrally within Weeton Barracks, located some 1000m north of Weeton village. The Barracks are occupied by the Defence Infrastructure Organisation (DIO) (part of the Ministry of Defence) and is home to the 2nd Battalion, Duke of Lancaster's Regiment. The wider Barracks site is vast and extends to over 50 hectares in size, with that developed by buildings extending to approximately 22 hectares. It is split in two by a road that runs on an east/ west axis, serving a couple of farm holdings and Weeton Primary School. Buildings associated to the Barracks are located to the north of this road, which include a mix of 2 and 3 storey, and larger scale buildings interspersed by tree lined roads, open space areas and a sports field. The boundaries to the north and Singleton Road are flanked by dense woodland planting. The exercise area is located to the south and is formed by a grid iron road layout, hard standing and natural areas of tree planting and vegetation. The north and south sites are secured by a 3m concrete post, mesh and barbed wire fence line.

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The application site itself is located to the south of the existing building group within the northern part of the Barracks. It is presently in use as a car park, and forms part of a larger hard surfaced area that is also used as the Parade area for the Battalion. A series of 2 and 3 storey buildings and a tree lined road flank the site to the north, the parade area and larger scale operational buildings are located to the west, with a garage colony and 2 storey accommodation to the east. The site is open to the south, formed by a natural space of tree planting, vegetation and secure fence line of mesh and barbed wire.

The application site and wider Barracks are located within the countryside and designated as a Large Developed site in the Countryside by the Fylde Local Plan to 2032 (incorporating partial review).

Details of Proposal

Planning consent is sought for demolition of an existing single living accommodation block (59 bedrooms), referred to as Building 12 in the submission, and construction of a replacement single living accommodation block (69 bedrooms). Building 12 measures approximately 625sqm in footprint. It is reported that Building 12 is no longer considered to provide the quality of accommodation necessary to retain and recruit service personnel by the DIO. Once demolished the vacant site is proposed to be soft landscaped.

The proposed building will be 3 storeys and located some 100m south of Building 12. It will have a rectangular footprint measuring 61.2m in length, 12.65m wide (774sqm) and to an overall height of 12.8m. The structure has a flat roof form and incorporates a parapet wall, with roof mounted solar panels sat behind.

The structure will be constructed primarily of red brick, with timber infill panels adjacent to windows. The main pedestrian entrance is centrally located on the front elevation, and is fully glazed from floor to ceiling, as are the floors above. All ground, first and second floors set either side of the front entrance will be framed and recessed by vertical brick work piers. Windows frames will be a dark grey colour, as too are all external doors.

All rooms will be ensuite, with communal kitchen and 'association areas' to each floor.

Externally the building has a perimeter footpath and is set within a landscaped area of trees and mown grass. Revision has been received that relocates the bin store, bike store and plant room from the front landscaped space to the rear and side of the building. This allows for an open landscaped area to the front of the building, along with a formal seating area.

Relevant Planning/Appeal History

Application Number: 22/0332 Decision: Is not EIA development Decision Date: 20 May 2022
Proposal: REQUEST FOR SCREENING OPINION PURSUANT TO THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 IN RESPECT OF PROPOSED RE-PROVISION OF SINGLE LIVING ACCOMMODATION (SLA).

Application Number: 19/0775 Decision: Approved Decision Date: 8th November 2022
Proposal: TWO STOREY EXTENSION TO EXISTING BARRACK BLOCK WITH SINGLE STOREY LINK CORRIDOR TO EXISTING.

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Parish/Town Council Observations

Parish/Town Council	Observations
Weeton Parish Council	<p><u>Comments received on 15th September 2022:</u></p> <p><i>It was resolved to offer NO OBJECTIONS. However, there will be an increase access and egress which should be addressed by LCC Highways as part of a traffic management plan.</i></p> <p><i>Further clarification given by the Planning Officer confirming that there are 59 bedrooms within Building 12 to be demolished, equating to a net increase of 10 bedrooms overall.</i></p> <p><i>As a consequence the comments relating to 'increase access and egress' was retracted by WPC as a consequence.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
National Air Traffic Services	No safeguarding objection.
Environment Agency (EA)	<p>No objection.</p> <p>Current and former military land poses a high risk of pollution to controlled waters. However, in this case, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:</p> <ul style="list-style-type: none"> - Protecting and improving the groundwater that supports existing drinking water supplies. - Groundwater within important aquifers for future supply of drinking water or other environmental use <p>We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.</p> <p>We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.</p> <p>Advisory notes relating to waste removal are also provided.</p>
Environmental Protection	No objection.

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	<p>- A UXO awareness briefing can be provided to staff involved in excavation works to ensure that appropriate action is taken in the event of a suspect find.</p> <p>- A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.</p>
Housing	No requirement for the developers to offer AH or offsite contributions as it is the Ministry of Defence who will be developing the site.
Ecology (GMEU)	<p>No objection subject to condition.</p> <p>Bats - A valid bat report has been provided. The existing accommodation block was assessed as high risk with the garage block assessed as low risk. Subsequent dusk and dawn surveys identified two small bat day roosts in the existing living accommodation. No evidence of bats was recorded within the garages. I have no reason to doubt the findings of the report.</p> <p>As the roost were one and two common pipistrelle bats, I am confident that adequate mitigation can be provided and that the favourable conservation status of common pipistrelle maintained in the locality. I am therefore satisfied that Natural England would issue a license. I therefore recommend a condition along the following lines is applied to any permission.</p> <p>The demolition of the existing accommodation (building 12) is likely to cause harm to common pipistrelle bats and shall not in any circumstances commence unless the local planning authority has been provided with either:</p> <p>a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species. Regulations 2017 authorising the specified activity/development go ahead: or,</p> <p>b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.</p> <p>Other Protected Species - No evidence of any other protected species was found, with eDNA surveys of ponds on site for great crested newt proving negative. I have no reason to doubt the findings of the report and given the development is primarily restricted to hard standing and demolition of the existing building, it is very unlikely that any</p>

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	<p>negative impacts would occur even if present. No further information or measures are required.</p> <p>Nesting Birds - The development includes some tree and shrub removal, potential bird nesting habitat. No mention of nesting birds was made within the bat report, so I assume none were present on the buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.</p> <p>No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p>Contributing to and Enhancing the Natural Environment - Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in minor disturbance to amenity grassland and some cutting back of trees to enable the development as well as the loss of two bat day roost and some bird nesting habitat. The proposal will result in a net increase in amenity grassland and trees, with integrated bat boxes proposed in the new build and nest boxes also proposed.</p> <p>I am therefore satisfied that an overall enhancement will be achieved. I recommend the new trees are native and would suggest that the proposed bird boxes are located on existing trees as opposed to the new trees as suggested in the landscape plan.</p> <p>Details of the planting schedule and final location of the bird boxes can be conditioned or provided prior to determination.</p>
LCC Highways	<p>No objection, subject to Construction Method Statement condition.</p> <p>This is a full application which involves demolition of an existing accommodation block, with 59 bedrooms, and the erection of a new accommodation block, with 69 bedrooms, and various ancillary structures and landscaping. All works are entirely within Weeton Camp.</p> <p>The effect of the proposal will lead to an increase in accommodation available at the camp, by 10 bedrooms, however, given the overall scale of the camp the associated uplift in traffic movements once operational will be minimum and as such the principle of the development is acceptable.</p> <p>The developer has submitted a Travel Plan which LCC welcomes but do not see as being essential to make the development proposal</p>

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	<p>acceptable and as such do not consider that travel planning support from LCC would be required.</p> <p>The construction period is likely to see an increase in daily traffic movements to and from the camp. However, it is not expected that these additional traffic movement would have a material impact on highway capacity or safety.</p> <p>There is sufficient space within the camp to ensure that any construction vehicles, workers vehicles or construction materials would need to be on the adopted highway network.</p> <p>The construction and demolition areas are sufficiently distant from the site access that mud or debris from site activities would reach the adopted highway.</p>
BAE Warton (BAE)	No objection.
Natural England (NE)	<p>No objection.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.</p> <p>Internationally and nationally designated sites - The application site is within 8.4km of Liverpool Bay Special Protection Area (SPA) and within 9.1km of Ribble and Alt Estuaries SPA, Ribble and Alt Estuaries Ramsar site and Ribble Estuary Site of Special Scientific Interest (SSSI).</p> <p>Habitats Regulations Assessment (HRA) - Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above designated sites and has no objection to the proposed development.</p> <p>Ribble Estuary SSSI - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which Ribble Estuary SSSI has been notified and has no objection.</p>
United Utilities (UU)	No objection subject to conditions.

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	<p>Following our review of the submitted drainage documents; Flood Risk Assessment, prepared by CUNDALL, Ref: Z9A8112Y20-CDL-XX-XX-RP-C-010201 the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. It is unclear where the drainage on site eventually discharges.</p> <p>Should planning permission be granted UU request conditions relating to agreement of the surface drainage design and the management/ maintenance of that drainage.</p>
Lead Local Flood Authority (LLFA)	No objection subject to condition relating to accordance with submitted flood risk assessment, submission of detailed surface water design, construction surface water management plan, maintenance/ management of surface water drainage and verification of surface water construction.

Neighbour Observations

Neighbours notified:	31 August 2022
Amended plans notified:	n/a
Site Notice Date:	8 September 2022
Press Notice Date:	8 September 2022
Number of Responses	Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

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

GD4 – Countryside.

GD5 - Large Developed Sites in the Countryside (Weeton Barracks Camp, Singleton Road, Weeton).

GD7 - Achieving Good Design in Development.

T5 - Parking Standards.

CL1 - Flood Alleviation, Water Quality and Water Efficiency.

CL2 - Surface Water Run-Off and Sustainable Drainage.

CL3 - Renewable & Low Carbon Energy Generation - excluding onshore wind turbines.

ENV1 - Landscape and Coastal Change Management Areas.

ENV2 – Biodiversity.

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NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

The applicant has submitted an EIA Screening request prior to submission of this current planning application (planning application ref: 22/0332). Assessment of that screening request determined that the development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A decision to that effect was issued on 20th May 2022.

Comment and Analysis

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

- Principle of development.
- Design and Countryside Impact.
- Other matters – highways, drainage, ecology and amenity.

Taking each matter in turn.

Principle of Development

The application site is located within the confines of Weeton Barracks and is allocated as a Large Developed Site in the Countryside as per FLPPR Proposal Map. Policies GD4 and GD5 are of relevance, both of which seek to restrict new development within such locations in order to protect the natural qualities of the countryside areas.

Notwithstanding that, Policy GD4 supports new development subject to a number of criteria, including criteria d) which relates to proposals that are *‘essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside.’* In that regard the applicant states that existing single living accommodation at Weeton Barracks is in a poor condition, having suffered from a lack of investment due to wider pressures on the national defence budget. The submission confirms that satisfaction with the overall standard of accommodation has declined from 58% in 2015 to 49% in 2020, with some personnel experiencing problems with basic amenities such as hot water. Low levels of satisfaction with military accommodation affects the DIO’s capability to retain and recruit new personnel, more importantly their ability to deliver an effective defence service to the nation. This provides a strong justification in support of the development under Policy GD4 d) on grounds that the accommodation is *essentially needed for the continuation of an existing enterprise, facility or operation* - subject to the second test of GD4d) which requires an assessment of harm to the character of the countryside.

In addition, Policy GD5 recognises that the Borough does have some large scale previously developed sites within the countryside and offers support for the complete or partial redevelopment of those allocated sites by exception, and subject to compliance with criteria of that policy. Importantly, this Policy states:

The complete or partial redevelopment of these large developed sites in the countryside will be permitted subject to the following criteria:

a) The proposal would not result in harm to the character, appearance or nature conservation value of land in the countryside, landscape setting, historic environment in comparison with the existing

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development, in terms of footprint, massing and height of the buildings;

b) The proposal will not require additional expenditure by public authorities in relation to infrastructure and it can safely be served by existing or proposed means of access and the local road network;

c) Proposals for partial re-development are put forward in the context of a comprehensive long term plan for the site as a whole;

d) Proposed re-development can be safely and adequately served by existing or proposed means of access and the local road network without adversely affecting highway safety;

e) Opportunities to improve public transport connections, and pedestrian and cycle links are maximised; and

f) Mixed use development is promoted on all of these sites.

Criteria a) relates to the design and visual impact of the proposal on the locality. This matter is discussed in greater detail later in the report, however in summary it is considered that the development is located within the existing building group at the Barracks, and whilst being 3 storey in scale, that scale is akin to existing other buildings on the site. In addition, when considering the amount of demolition that forms part of the proposal, the net increase of developable area at the Barracks equates to approximately 150sqm which is a minor increase in comparison to the extent of built form presently on the Barracks. The application site is not considered to be in a prominent location, being well screened behind mature tree planting when viewed from the majority of public vantage points. Visibility of the development is at its greatest when viewed from the road that dissects the Barracks east to west, though the proposal would not be viewed in isolation since it would be set against the backdrop of existing built form. Furthermore, the site has no nature conservation value as it is presently hard surfaced and there are no features of historical significance in the vicinity. As such the development complies with criteria a) of GD5 and is not considered to harm the character, appearance or setting of the area.

Criteria b) requires the proposal to not require additional expenditure by public authorities in relation to infrastructure and that it can safely be served by existing or proposed means of access and the local road network. The development forms part of a larger improvement initiative by the DIO to improve their stock of single living accommodation throughout the UK. It has committed expenditure though would not require additional infrastructure provision in any event. The site is located centrally within the Barracks, taking advantage of the existing secure access arrangement and would result in a net increase of 10 units. Vehicle trips resultant from the proposal are low and make use of a single point of entry that is already used by a significant number of vehicles that attend the Barracks and is therefore considered to be safe. The proposal is unlikely to require additional public investment to infrastructure and will provide for a safe means of access, in accordance with criteria b).

Criteria c) relates solely to the proposed re-development of large developed sites and is not applicable in this circumstance as the proposed development is for the continuing, but extended use of the Barracks site.

Criteria d) seeks to ensure that the development is safely and adequately served by the existing access and the local road network without adversely affecting highway safety. LCC Highways are supportive of the proposal and that the development will not have an impact on highways safety, capacity or amenity. There are therefore no highways issues with the application. The proposal will result in the loss of car parking, however significant parking areas elsewhere within the Barracks exist that will cater for the proposal.

Criteria e) concerns improvements to public transport connections, though is not considered relevant in the context of this application given the minor net increase of units (10) and since occupants are unlikely to place any additional pressures on public transport infrastructure.

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Criteria f) encourages mixed use development, though this is not relevant in this instance due to the need for DIO sites to be secure. There are currently a mix of uses on the site that serve the site's resident's needs.

In conclusion, the applicant has provided sound justification to demonstrate that the development is necessary for the continuation of an existing enterprise, facility or operation, and the proposal is not considered to undermine the character or appearance of the countryside location, in accordance with policies and relevant criteria of GD4 and GD5 of the FLPPR.

Design and Countryside Impact

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

- d) Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- f) conserving the built environment.
- h) avoiding demonstrable harm to the visual amenities of the local area.
- i) make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

In addition, Policy GD4 states that development must be sensitive to its surroundings and GD5 requires that the proposal does not result in harm to the character or appearance of the countryside. Policy ENV1 states that development should be appropriate to the landscape character, amenity and tranquillity within which it is situated.

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

The site is rectangular in shape and is presently used as a hard surfaced car park, being located adjacent to the existing building group on the Barracks. Building scale immediately adjacent to the application site is predominantly 2 storey, with larger buildings which house the operational aspects of the Barracks to the west.

There is little character to the existing built form, with a mix of pitched, flat and mansard styled roof forms, albeit there is a consistency of material palette across the site which comprises red brick and tile, with white upvc windows and doors.

The development is sited with the length of the structure orientated in a north/ south direction and side elevation set back approximately 30m from the road that dissects the Barracks. The proposed building is 3 storey in scale, designed to have a simplistic form, with a modern appearance, through the addition of a flat roof, recessed brick work and glazing to front and rear elevations. The building will be constructed primarily of red brick, similar in appearance to existing structures on the site. The front façade of the building, has a glazed entrance that is located centrally, with glazing above to the upper floors. All ground, first and second floor windows are recessed so that they appear framed by brick work piers, adding shadow lines to the building that also give depth and 3 dimension to individual elevations.

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The proposal makes provision for renewable energy in the form of roof mounted solar panels, reducing dependence upon the national grid for energy resource and decentralising supply to the local level, and is an initiative that is encouraged to be maximised by FLPPR Policy CL3 and NPPF21. The solar panels are obscured from sight through provision of a parapet wall and would not therefore be visible from ground level.

Externally, the development has been revised to relocate ancillary buildings to less prominent areas of the site, enabling the development to have an open frontage to the west that provides landscaped external seating areas. Landscaping, including tree planting is proposed to the southern boundary also. The proposal does not include any replacement car parking, though the applicant is satisfied that sufficient provision exists elsewhere within the Barracks to cater for that lost as part of this proposal, with officers accepting this view from site observations.

The scale and materiality of the proposed building is reflective of that in the locality, and the modern simplistic form would not look out of character in the presence of the existing built form.

There are limited public vantage points of the site, being screened from view to the east by existing built form and mature tree planting. The only public vantage point obtained is from the road that runs east to west, though this is located some 30m to the south. This road has no footpath and serves a small number of farm holdings and a primary school, it has no through route and therefore its use by the general public is low.

The proposed building is set back approximately 30m from the east/ west road, behind a landscaped tree line which will act to soften and dilute the presence of the structure proposed. The development will urbanise the site when compared to its present open appearance. Notwithstanding, the net increase of developed area resultant from the proposal is low (approximately 150sqm) when compared to the sprawling mass of development presently at the Barracks that covers approximately 22 hectares. The proposal is also located on an infill plot to the south of the building group, with existing buildings situated adjacent to the north, east and west of the application site. The footprint of the structure reflects the existing building line formed by buildings to the east and west. Thus, when viewed from the only public vantage point to the south, the proposal would be set within and against the back drop of existing buildings and structures.

Due to the extent of existing built form and existing landscaped margins of the Barracks, the application site and development itself are not therefore considered to be harmful within any external views or form a prominent feature in the countryside. The landscaping that is proposed in this application, especially to the south, will reduce views of the building further, as it becomes established and matures.

Taking all of the aforementioned matters into consideration, design of the proposal is in-keeping with the existing built form, and, given the lack of prominence and close relationship to existing development on the Barracks, the proposal would not result in harm to the character or appearance of the countryside in accordance with the provisions of Policies GD4, GD5, GD7 and NPPF21.

Demolition of Building 12 forms part of the justification to support the replacement building, on grounds that the proposal would result in a minor amount of net developed area on the site. On this basis it is considered reasonable to insist that Building 12 is demolished within a suitable timeframe post occupation of the new build, this can be controlled by condition. A 3 month period is suggested and this has been confirmed by the applicant.

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Other matters

Ecology

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

Due to the development location within countryside and associated works including the demolition of Building 12, the planning application is accompanied by a suite of ecological information including a Preliminary Ecological Appraisal (PEA), Bat Survey Report and Habitats Regulations Assessment Screening (HRAS).

In summary, the PEA found that the development site had no ecological value, though it was recognised that species and habitat off site could be affected through construction and following occupation of the premises. Mitigation is suggested to protect off site habitats during construction, demolition outside of the bird nesting season, use of sensitive lighting and improvements to habitats through landscaping of the development, provision of bat and bird boxes.

The Bat Survey considers that the adjacent garage block has moderate roosting potential for bats and could be disturbed or damaged by the proposed development. Building 12) was assessed as having moderate to high roosting potential for bats and this building is due for demolition. Two dusk emergence surveys and one dawn re-entry survey were completed between May and June 2022 for Building 12 and a single dusk emergence survey was undertaken at the garages in June. This survey confirmed the presence of day roosts for common pipistrelle bats within Building 12 only. The use by a small number of common and widespread species of bats (i.e. common pipistrelle) are considered to be significant at local level only and so of low conservation significance. The scale of impact resulting from the destruction of the roost is Low. Provided roosting opportunities are created to replace those lost, the loss of the two roosts will be short-term and temporary. The loss of the roosts, therefore, is considered to have a minor negative impact that is non-significant for the conservation status of the species identified. Prior to the demolition works, a mitigation licence for the destruction of the known bat roosts must be applied for from Natural England, which will include a series of mitigation measures (provision of bat boxes, sensitive lighting, foraging habitat).

The HRAS considered all Likely Significant Effects to a site in the National Site Network (European Site - Morecombe Bay and Duddon Estuary SPA, Morecombe Bay Ramsar, Liverpool Bay / Bae Lerpwl SPA and Ribble & Alt Estuaries SPA/Ramsar) and discounted any significant effects as a result of the proposed Scheme on the qualifying features or the conservation objectives of these sites. This is due to a number of factors, limited connectivity, and the distance between the land affected by the proposed Scheme and known breeding grounds/suitable habitat for the qualifying features (overwintering birds and amphibians). It is considered that the further assessment is not required in relation to the proposed construction and demolition works at Weeton Barracks.

The Council's ecological consultant agreed with the aforementioned report findings, stating that adequate mitigation can be provided for bats and that Natural England would be able to issue a license for the demolition of Building 12. Conditions are suggested relevant to the requirement for a Natural England License (or evidence from Natural England that a license is not needed), construction to accord with referred mitigation measures, bat and bird box provision and the planting of native trees.

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The HRAS considered impact of the development on all internationally and nationally designated sites, including Morecombe Bay and Duddon Estuary Special Protection Area (SPA), Morecombe Bay Ramsar, Liverpool Bay SPA and Ribble & Alt Estuaries SPA/Ramsar, and found that there would be no Likely Significant Effects as a result of the proposed Scheme on the qualifying features or the conservation objectives of these sites. Natural England concur with the findings and raise no objection to the proposal, urging the Council to adopt the HRAS under our duty as the competent authority. An informative referring to adoption of the HRAS by the Council is therefore advised.

The application site is of limited ecological value, and whilst bat roosting for common pipistrelle will be affected by the demolition of Building 12, it is reported that Natural England will be able to issue a license subject to appropriate mitigation being agreed through that licensing regime. Biodiversity measures can be incorporated into the scheme through provision of landscaping and nesting opportunities in lieu of any ecological value that will be lost. Subject to condition, the development will protect and enhance the boroughs biodiversity assets in accordance with Policy ENV2.

Highways

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

Policy T5 relates to parking provision and indicates that provision should be on site wherever possible to ensure there is no detrimental effect on highway safety, and enables a flexible approach to the level of car parking provision dependent on the location of the development.

Vehicular access to the development will be gained via the existing secure entrance located to the east of the Barracks, and approximately a 500m driving distance from the application site.

With regards to parking, the proposal seeks consent for the demolition of 59 single living apartments and construction of 69 in replacement, a net increase of 10 units on the site. In addition, the proposal will result in the loss of existing car parking spaces due to the existing use of the site. Whilst the proposal does not make provision for any new parking relative to the net increase of apartments, or indeed replacement of those existing spaces to be lost, the applicant has confirmed that there is sufficient provision elsewhere on the Barracks to accommodate the displacement of vehicles. Ordinarily this approach to car parking would be of concern, however it is known that the Barracks has a number of car parking areas that are under utilised and that required car parking would in any event be contained within the Barracks given the need for site security, thereby avoiding any displacement to adjacent public roads.

The Highway Authority support the proposals, commenting that *'given the overall scale of the camp the associated uplift in traffic movements once operational will be minimum and as such the principle of the development is acceptable.'*, subject to condition requiring a construction method statement.

Accordingly, the proposal would not prejudice highway or pedestrian safety, or the efficient and convenient movement of all highway users, in compliance with the highway objectives of FLPPR Policies and the NPPF.

Drainage and Flood Risk.

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

The application site falls entirely within Flood Zone 1, as defined by the Environment Agency's Flood Map. The size of the site is also less than 1 hectare, accordingly submission of a Flood Risk Assessment is not necessary for the planning application.

The submitted Flood Risk and Drainage Strategy (Cundall, C-010201 rev P01, 05/11/2021) confirms that infiltration drainage for surface water may not be feasible due to the nature of geology beneath the site. Additional infiltration testing is required to inform the final surface water drainage design. Existing surface water for the Barracks is reported to drain into Main Dyke which will be used in the event that infiltration cannot be provided. Surface water will be held on site beneath the ground prior to being released into the network at an attenuated rate to be confirmed with UU, the LLFA or EA.

United utilities have queried the submitted drainage strategy since it does not accurately depict where existing drainage on the site discharges. Notwithstanding, UU do not consider this as a matter that requires clarification prior to determination of the planning application and have suggested an appropriate condition requiring detailed design to be agreed prior to works commencing on the site. A similar condition is requested by the LLFA. In addition, conditions relating to surface water management during construction, management/ maintenance of drainage post construction, as well as verification of implemented drainage have been requested.

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

Land contamination and Unexploded Ordnance

The historic use of the site dates back to World War One where Weeton Camp was formed and used as a training camp for medical workers, being occupied by open ground and tented accommodation. The RAF moved on to the site in 1940, where RAF Weeton operated as a bomber command airfield during World War II and was identified as a potential strategic target by the Luftwaffe. It was transferred to the Army in 1965, where it has continued to operate since.

Due to the historic use and probability of targeted bombing throughout WWII, the applicant has undertaken an unexploded ordnance (UXO) assessment to ascertain if any unexploded bombs are present on the site. This is a desk based assessment which has found that no significant sources of UXO have been identified and no records have been found that the site was bombed. The assessment concludes that there is no risk to current users, during construction of the development or to future users of the site. The report also refers to an awareness briefing for construction workers if additional comfort is required by the applicant, though due to the level of risk, is not considered as essential by the UXO consultant.

The application is also accompanied by Phase 1 and Phase 2 Site investigations for land contamination. The assessments are both desk based and site intrusive through bore hole investigation. The Environment Agency comment that they are unable to provide site specific advice, though Environmental Protection have no objection to the proposal, suggesting a condition that requires

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works to stop to allow remediation to be agreed with the Council in the event that contamination is found. This approach implies that risk to human health and controlled waters is low, subject to the requested controls during the construction process.

Conclusions

The application site is located within the confines of Weeton Barracks and is allocated as a Large Developed Site in the Countryside as per FLPPR Proposal Map.

Policy GD4 affords support for the development based upon criteria d) *'essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside.'* On grounds that the accommodation is fundamental in the capability of the DIO to retain and recruit new personnel and for the DIO to continue their defence operations effectively.

Policy GD5 supports complete or partial redevelopment of designated large scale sites within the countryside, subject to compliance with criteria of that policy. The above assessment considers that the proposal is of appropriate design and appearance for the countryside designation and is in accordance with the relevant criteria of Policy GD5.

The development would not compromise the safe, efficient or convenient movement of all highway users, and there are no drainage or ecological issues of note that cannot be dealt with by condition post determination.

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

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan drawing no. A-000001 revision P03
- Demolition Site Plan drawing no. A-000104 revision P03
- Proposed Site 1 Block Plan drawing no. A-000102 revision P03
- Building 1 GA Elevations drawing no. A-003110 revision P06
- Typical Strip Section Sheet 1 drawing no. A-00250 revision P04
- Building 1 GA Plan Ground Floor drawing no. A-001110 revision P07
- Building 1 GA Plan First Floor drawing no. A-001111 revision P07
- Building 1 GA Plan Second Floor drawing no. A-001112 revision P07
- Building 1 GA Plan Roof drawing no. A-001113 revision P06
- Building 1 GA Sections drawing no. A-002110 revision P04

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- GA Plans and Elevations - External Bin/Bike/Store/Shelter & Ext. Plant drawing no. A-003111 revision P01

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

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

3. Demolition of building 12 (including the removal of any bases and foundations, and removal of material from site) as indicated on the Demolition Site Plan drawing no. A-000104 revision P03 shall be undertaken within 3 months of the first occupation of the single living accommodation block hereby approved.

Reason: This permission is issued on the basis that the net increased amount of developed footprint at Weeton Barracks is minor due to the demolition of Building 12, thereby minimising urbanisation of this countryside location in accordance with Policies GD4 and GD5 of the Fylde Local Plan to 2032 (Incorporating Partial Review) and the National Planning Policy Framework.

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

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

5. Notwithstanding the submitted details, prior to any works above slab level, confirmation of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.
Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy GD7 of the Fylde Local Plan to 2032 and the National Planning Policy Framework.

6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, before the development hereby approved is first occupied a soft landscaping scheme for the development, including area of demolition, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the number, size, species, siting, planting distances/densities and the programme of planting of trees, hedges and shrubs.

The duly approved soft landscaping scheme associated to construction of the single living accommodation block shall be carried out during the first planting season after the development is first occupied and those areas which are landscaped shall be retained as landscaped areas thereafter.

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The duly approved soft landscaping scheme associated to demolition of Building 12 shall be carried out during the first planting season following demolition of Building 12 and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

7. Demolition of Building 12 shall not be undertaken until the Local Planning Authority has been provided with one of the following, and has confirmed in writing that it addresses the relevant legislation and policy requirements:
 - a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising that the specified activity/development can proceed, or,
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license.

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

8. The development hereby approved shall not be occupied until a Biodiversity Enhancement Plan (BEP) has been submitted to and approved in writing by the Local Planning Authority. The BEP shall include the incorporation of the following biodiversity enhancement measures, including details of their number, location and specification, into the development and a timetable for their provision:
 - a) The installation of bat boxes.
 - b) The installation of bird boxes to existing trees.

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

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

9. Unless otherwise agreed in writing by the Local Planning Authority, construction of the development hereby approved shall be undertaken in complete accordance with the measures identified in paragraphs 4.3 (recommended mitigation) of the Preliminary Ecological Appraisal Report (Arcadis, ref: 5-D12-D2L2, dated: November 2021).

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

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

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

11. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following details:
 - a) hours and days of work for site preparation, delivery of materials and construction;
 - b) areas designated for the loading, unloading and storage of plant and materials;
 - c) arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways, including details of how, when and where the facilities are to be used;
 - d) arrangements for the parking of vehicles for operatives and visitors;
 - e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
 - f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
 - g) measures to control the emission of dust and dirt during the construction period;

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

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

12. Prior to commencement of the development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

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- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

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

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

13. No development shall take place until a scheme for the management of surface water and pollution prevention during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:
- a) Measures taken to ensure surface water flows are retained on-site during the construction period and, if surface water flows are to be discharged from the site, that they are done so at a specified, restricted rate.
 - b) Measures taken to prevent siltation and pollutants from the site entering into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

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

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme discharged by condition 10 (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape

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plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing.

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

15. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land;

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groundwaters and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

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

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

17. The development hereby approved shall not be occupied until the roof mounted solar panels have been constructed and are operational.

Reason: To actively support and encourage the use of renewable energy within new development, in accordance with Policy CL3 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

Informative(s)

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

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

2. Habitat Regulation Assessment Adoption

In issuing this decision the local planning authority has had regard to the document titled 'Weeton Barracks Habitat Regulations Assessment Screening' (Arcadis, ref: 6-D13-D3L3 revision 01, dated: July 2022) and the comments from Natural England in their letter dated 22nd September 2022 confirming that they are in agreement with the conclusions in the Habitat Regulations Assessment Screening report that the development, either alone or in combination with other plans or projects, would not have an adverse effect on the integrity of the Liverpool Bay Special Protection Area (SPA), Ribble and Alt Estuaries SPA, Ramsar site and Site of Special Scientific Interest, nor would it damage the interest features for which those sites have been notified.

In order to fulfil its duty as a Competent Authority in accordance with the requirements of regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 (as

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amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the local planning authority has adopted the abovementioned Habitat Regulations Assessment by 'Arcadis' as part of its decision.

3. Protected Species Safeguarding

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

4. Unexploded Ordnance Informative

The applicant is referred to the submitted Phase 1 Unexploded Ordnance report (Zetica-uxo, ref: P10963-21-R7, dated 15/09/2022) which confirms that If additional comfort is required, a UXO awareness briefing can be provided to staff involved in excavation works to ensure that appropriate action is taken in the event of a suspect find.

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Location Plan for Item 2 – 22/0645



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Item 3

Application No:	22/0668	Case Officer:	Alan Pinder Area Team 1
Applicant:	James Edward Harrison	Agent:	MRS DAWN HARE
Location:	LAND REAR OF 66 MARSDEN STREET KIRKHAM PRESTON LANCASHIRE PR4 2TH		
Proposal:	RESIDENTIAL DEVELOPMENT OF 4No. DWELLINGS FOLLOWING DEMOLITION AND REMOVAL OF ALL BUILDINGS AND STRUCTURES.		
Ward:	Kirkham South	Parish:	Kirkham
Statutory Expiry:	14 December 2022	Earliest Decision:	20 October 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	Online application file here	

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is a generally rectangular area of land located in the settlement area of Kirkham. The scheme relates to the construction of a terrace of 4 x 2 storey dwellings on the site, which is currently in use as a builder's storage yard and is located to the rear of No.66 Marsden Street and fronting onto Poplar Avenue.

With regards the principle of the development, the site is located within a predominantly residential area of a key service area where residential development is acceptable subject to compliance with other relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review).

The proposed dwellings are of an appropriate scale and design for the site and the surrounding area, and would not prejudice residential amenity or the safe use of the local highway. Initial queries regarding the availability of access to the rear have been addressed through a revised design which provides a central pedestrian passage, and over parking arrangements have been addressed on revised plans now under consideration. On this basis the proposal accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the NPPF and so is recommended for approval subject to a series of standard conditions.

Reason for Decision Level

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

Site Description and Location

This application relates to an area of previously developed land to the rear (south) of No.66 Marsden Street in the settlement of Kirkham. The land is currently in use as a builder's storage yard with a vehicular access from Poplar Avenue, which runs parallel to Marsden Street. The site is neighboured to the north, west and south by dwellings, and to the east by a small area of green open public space with The Manse Nursing Home across the road from that.

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Details of Proposal

This application seeks full planning permission for the construction of 4 No. two storey, two bedroom dwellings (designated as plot 1 through to plot 4) on the site. The dwellings would be set out as a short linear terrace with a shared building line and frontages facing onto Poplar Avenue.

Plots 1 and 4 would form the end properties of the terrace would feature front facing feature gables and have driveways to their sides to provide off street parking for two vehicles. Plots 2 and 3 would form the central two dwellings and each would have a single off street parking space within their front curtilage. A ginnel would run between plots 2 and 3 to provide access to their rear garden areas. All four dwellings would feature short single storey outriggers to their rear elevations and solar PV panels to their south facing front roof slopes.

The proposed external materials are:

- Elevations – Red facing brick
- Roof Covering – Grey concrete double roman tiles
- Windows – White upvc
- Doors – Grey composite with white frame

The existing boundary fence along the east and west side boundaries of the site would be retained, and the curtilages of each plot would be separated by a 2 metre high timber fence along the shared side and rear boundaries.

Relevant Planning/Appeal History

The most recent planning history on the site actually relates to the building at 66 Marsden Street which is unaffected by this application. That history is planning permission 19/0215 and 19/0974 which both relate to the change of use of the offices that are in that building to a residential use, and include the erection of an additional dwelling to the side.

The only recent history on this site is planning permission 16/0484 which approves the erection of a replacement storage building on the site associated with the existing builder's yard use.

Parish/Town Council Observations

Parish/Town Council	Observations
KIRKHAM TOWN COUNCIL	<p><u>Comments received on 22 September 2022</u></p> <p><i>Kirkham Council object to this application: Car parking is an issue in Kirkham for both residents, visitors and often developments do not include sufficient parking facilities. In addition to this it appears that the applicant wishes to take ownership of the green area on Kirkgate, an area that the Council has paid Fylde to maintain and also contracted an arborist for the trees. The Council are concerned that the land does not belong to the applicant.</i></p> <p><u>Clarification of 24 November 2022 following revisions to scheme</u></p>

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	<i>The Councillors have been approached and still have concerns about there being only one parking space for two of the properties. This will impact on parking at the top of the one way leading onto Marsden Street.</i>
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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p><i>LCC Highways does not have any objections regarding the proposed residential development of 5 dwellings following demolition and removal of all buildings and structures and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The site is within a sustainable location and no parking for the proposed dwelling is acceptable. The proposed driveway spaces for the end plots are acceptable.</i></p>
Environmental Protection	They have reviewed the submission and highlight that there is a risk of the site being contaminated as a consequence of the previous and current use of the site. To address this they request that a condition be imposed to require that the extent of this contamination be investigated, a remediation strategy be drawn up based on that likely contamination, that this be implemented, and then that a verification report be prepared prior to occupation of the dwellings.
United Utilities	They raise no objection, but request that a condition be imposed to clarify how the site drainage will be handled prior to the commencement of development, and that this be designed to reflect the drainage hierarchy.
Lancashire Fire & Rescue	Provide their standard comments which advise that the scheme should fully meet all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

Neighbour Observations

Neighbours notified: 1 September 2022
Site Notice Date: 29 September 2022
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

H2 - Density and Mix of New Residential Development

H1 - Housing Delivery and the Allocation of Housing Land

DLF1 - Development Locations for Fylde

S1 - The Proposed Settlement Hierarchy

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The Principle of the Development

The application site is located within a predominantly residential area of Kirkham settlement and comprises “previously developed land” for the purposes of the definition in Annex 2 of the NPPF. Policy S1 of the Fylde Local Plan to 2032 (incorporating Partial Review), and hereafter referred to as FLPPR identifies Kirkham as a Key Service Centre. Policies S1, DLF1 and GD1 of the FLPPR are permissive of schemes for residential development on sites within key service centres when it is consistent with other policies of the FLPPR. These are considered in the remainder of this report.

Design & Appearance within Streetscene

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a – p). Paragraph 130 of the NPPF sets out six general principles of good design (a – f) and paragraph 133 indicates that local planning authorities should make use of “tools and processes for assessing and improving the design of development [including] assessment frameworks such as Building for Life”.

The proposed dwellings would front onto the eastern end of Poplar Avenue and it is against the streetscape of this stretch of Poplar Avenue that the proposal should be assessed. The southern side, directly opposite the application site, is characterised by two terraces formed by 5No. and 4No. two storey red brick dwellings with short enclosed front gardens, and bookended by front facing feature gables. On the northern side of Poplar Avenue the site is neighboured to the east by a small area of green public open space and to the west by a pair of semi-detached two storey red brick dwellings with short open front gardens that in turn are neighboured by a short terrace of 3No. two storey red brick dwellings with open front gardens.

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The density, appearance, scale and linear form of the proposed dwellings reflect this established pattern and vernacular of neighbouring development and so are considered appropriate within the setting of Poplar Avenue and to accord with the design criteria set out in policy GD7 of the FLPPR and with para 130 of the NPPF.

Residential Amenity

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion o) states that “all new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.” Furthermore, paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Existing dwellings potentially affected by the development include those on Marsden Street that back onto the application site and No.1 Poplar Avenue, which neighbours the site to the west.

Marsden Street - No’s 62, 64 and 66 Marsden Street form a short terrace of three properties that back onto the application site. No’s 62 and 64 are dwellings and No.66 is a former dwelling that is currently used as the offices for the building company that utilises the application site as a storage yard. No.66 has planning permission (ref. 19/0974) for a change of use of the property back to use as a single dwelling, and the construction of a further attached two storey dwelling to create a terrace of 4No. two storey dwellings. This permission has yet to be implemented but remains extant until 22 January 2023.

The proposed site plan approved under 19/0974 indicates that all four of these Marsden Street dwellings would share the same rear building line at first floor level, and the proposed site layout submitted for this application indicates that the back to back separation distance between the rear first floor of the proposed dwellings and the Marsden Street dwellings would be *circa* 23.5 metres. This distance accords with the guide distance set out in the council’s adopted householder SPD. Furthermore the separation distance between the proposed dwellings and the shared rear boundary would be *circa* 13.5 metres, which also accords with the guidance of the SPD. Accordingly the proposed dwellings and the existing dwellings of Marsden Street would have an appropriate and acceptable spatial relationship that would not result in unacceptable prejudice to resident amenity by way of overlooking, overshadowing, or overbearing appearance.

No.1 Poplar Avenue – This property would neighbour to the side of plot 1 of the proposed dwellings with a separation distance of *circa* 6 metres between their respective side elevations. Plot 1 would have a single window in its side elevation at first floor level that would face towards a similar window in the side elevation of No.1. This spatial relationship between the windows could potentially allow direct views into one window from the other and result in unacceptable loss of privacy. However plot 1’s window would serve a landing area and thus any potential overlooking could be appropriately mitigated by condition requiring this window to be obscurely glazed. In all other respects the relationship of plot 1 to No.1 Poplar Avenue is acceptable.

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Having regard for the above spatial relationships of the proposal with neighbouring dwellings it is considered the proposal accords with criteria c) and o) of policy GD7 of the FLP and with para 130 of the NPPF.

Access & Parking

LCC Highways have been consulted on the application and have raised no objection, opining that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Kirkham Town Council have objected to the proposal on the grounds that insufficient parking provision is being proposed and as a consequence existing problems with on street parking would be exacerbated. The proposed site layout initially submitted with the application was vague in respect of the number of parking spaces that would be provided for each dwelling. Following the comments of the town council a further proposed site layout has been submitted which indicates the provision of 2 off-street parking spaces for plots 1 and 4, and a single parking space each for plots 3 and 4. With regard to parking LCC Highways opine that the site is within a sustainable location due to being in close proximity to Kirkham town centre (and thus with easy access to services and public transport) and as such the lack of provision for any off street parking would be acceptable.

This is a point where Kirkham Town Council have confirmed that they remain opposed to the scheme as they feel that the properties should all have two spaces, but having regard for LCC Highway's position in respect of parking, and that each dwelling would benefit from at least one off street parking space, it is considered that overall parking provision is adequate and appropriate.

Having regard for the above it is considered that the scheme makes adequate provision for vehicular access and parking in accordance with the objectives of policies GD7 and T5, and paragraph 107 of the NPPF.

Other Matters

The proposed site layout originally submitted with the application also indicated the formation of a new pedestrian access that would serve the rear gardens of plots 3 and 4 from the area of green public open space (POS) to the east of the site. This area of POS is seemingly owned/controlled by Kirkham Town Council and as such the use of this POS to create an access formed the second reason for the town council's objection.

Irrespective of any reluctance on the part of Kirkham Town Council to grant their consent to the developer for use of this area for access, the removal of the landscaping and change to the character of this area that would result from the provision of this access would diminish its quality. As a result officers have secured a revision to the scheme which introduces a pedestrian passage at ground floor only in the centre of the terrace between plots 3 and 4. This ginnel is designed to allow access from the rear of these central plots to the front and so can be used for bin and other garden access reasons. This is an appropriate solution to the visual impact concerns of officers, and the ownership query raised by the Town Council.

This change in the scheme has been brought to the attention of the Town Clerk and further comments received as quoted in Town Council comments section of this report. These restate their concerns over the parking arrangements and so it remains necessary for the application to be determined at Committee.

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Conclusions

The application relates to the construction of a terrace of 4No. dwellings on the site of an existing builder's storage yard located to the rear of No.66 Marsden Street, and fronting onto Poplar Avenue, in the settlement of Kirkham.

The site is located within a predominantly residential area of a key service area where residential development is acceptable subject to compliance with other relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review). The proposed dwellings are of an appropriate scale and design for the site and the surrounding area, and would not prejudice residential amenity or the safe use of the local highway. Accordingly the proposal accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the provisions of the NPPF and so is recommended for approval subject to a series of standard conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - supplied by 'Buy A Plan', scale 1:1250 and dated 18 March 2022
- Proposed Site Plan (Scheme C) - Drawing no. 2022-1603-06c
- Proposed Elevations (Proposal C) - Drawing no. 2022-1603-07b
- Proposed Ground Floor Plans (Proposal C) - Drawing no. 2022-1603-08b
- Proposed First Floor Plans (Proposal C) - Drawing no. 2022-1603-09b

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

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

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

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

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

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

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

6. The private vehicle parking areas indicated for each dwelling on the approved site plan listed in condition 2 of this permission shall be constructed and made available for use as vehicle parking

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before each associated dwelling is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

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

7. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

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

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

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

8. Before the dwelling identified as Plot 1 on drawing no. 2022-1603-10a is first occupied the first floor landing window shown on the west facing side elevation of the plot 1 dwelling shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

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

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

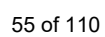
Reason: To prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for future occupiers of the dwelling is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7.

Informative(s)

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

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

Location Plan for Item 3 – 22/0668



AGENDA FOR 7 DECEMBER 2022 PLANNING COMMITTEE

Item 4

Application No:	22/0669	Case Officer:	Ruth Thow Area Team 2
Applicant:	MR THOMAS PICKERVANCE	Agent:	MRS MELANIE LAWRENSON
Location:	NEW HALL FARM ROSEACRE ROAD TREALES ROSEACRE AND WHARLES PR4 3XE		
Proposal:	FORMATION OF EARTH BANKED SLURRY LAGOON INCLUDING ASSOCIATED PERIMETER BUNDING AND STOCK PROOF FENCING (RETROSPECTIVE APPLICATION)		
Ward:	Newton with Treales	Parish:	Treales, Roseacre and Wharles
Statutory Expiry:	28 November 2022	Earliest Decision:	1 November 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is an area of agricultural land located to the west of Wharles and forms part of the now joined farming enterprises at New Hall Farm and Roseacre Hall Farm. It is located in the Countryside as designated by Policy GD4 of the Fylde Local Plan to 2032 (incorporating Partial Review) and is entirely surrounded by other land in agricultural use on all sides.

The application is submitted retrospectively for the formation of a slurry lagoon that is designed to accommodate the slurry from the two farms, which is to be stored in this location and then spread over the surrounding fields when required. It measures 60m x 23m with a depth of 5m. Whilst fully constructed the lagoon was not in operational use at the time of officer site visit. It is located immediately alongside a similar facility that was formed under planning permission from 2015 and was full of slurry at officer visit.

Policy GD4 is restrictive of much new development with the aim of preserving the rural character of those areas of the borough. However, it does permit limited forms of development, and those needed for agriculture are one of those exceptions. The application is presented to Planning Committee as the Parish Council have raised objection to the proposal on the basis that they do not believe there is a need for the additional lagoon given their view regarding the capacity of the existing one.

However, the applicant's agent has provided some clarifications on this aspect that demonstrates that the growth in the cattle herd at the farm enterprise is such that the additional capacity provided by the new lagoon will be needed to ensure that the farm is able to store a reasonable amount of the slurry that is produced so that it can be used as a fertiliser when needed and appropriate, and also to build in some capacity for the future growth of the business.

The lagoon is sited alongside an existing facility and is very remote from the majority of public receptors due to the distance from the highway. It is close to a public right of way, but is separated from that by a mature hedgerow and with its slightly elevated banking it will not appear as a noticeable feature to the users of that right of way. It is surrounded by a fence which provides appropriate safety and security protection.

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The proposed development is therefore considered to be in accordance with the requirements of Policy GD4 and Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and so is recommended for approval. It provides a practical solution to this agricultural requirement that will support the ongoing farming enterprise and so supports the rural economy of the borough.

Reason for Decision Level

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

Site Description and Location

The application refers to a slurry store that has been constructed at New Hall Farm, Roseacre Road, Wharles. In particular the application site is positioned within the expanse of land forming the farmed area of New Hall Farm/Roseacre Hall Farm. It is situated adjacent to an access track which leads from the west side of Roseacre Road to the western end of Wharles and is around 500m from that road.

The slurry store has been formed adjacent to an existing slurry store which is located to the north of a field hedge running alongside the access track. The site is surrounded by a relatively flat open landscape.

The development is proposed to serve New Hall Farm and Roseacre Hall Farm in Wharles, which are farmed by the applicant and his family as a dairy and beef cattle business which is managed as one enterprise.

The application site is located in an area designated as countryside in the Fylde Local Plan to 2032 (incorporating Partial Review) policies map.

Details of Proposal

Planning permission is sought for the formation of an earth banked slurry lagoon enclosed by a perimeter bund and stock proof fencing.

The overall dimensions of the lagoon measure 70 metres in length by 33 metres in width to include the grass bund. The surface of the slurry store measure 60 metres by 23 metres and is 5 metres in overall depth.

The development has been carried out and therefore the application is submitted retrospectively, although at officer site visit it was not actually being used to store slurry. In contrast the previously constructed slurry store it sits alongside was full.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
14/0619	PROPOSED EXCAVATIONS AND BUNDING TO FORM EARTH BANKED SLURRY LAGOON	Granted	13 January 2015

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16/0143	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS FROM ROSEACRE ROAD INCLUDING INSTALLATION OF ASSOCIATED GATING	Granted	11 May 2016
16/0804	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 3 (LANDSCAPING) AND CONDITION 5 (FENCING) ON PLANNING PERMISSION 14/0619	Issued	23 November 2016
17/0014	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING	Granted	16 March 2017
17/0015	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING	Granted	16 March 2017
17/0351	DEMOLITION OF FORMER CATTLE BUILDING AND ERECTION OF TWO STABLE BLOCKS FOR LIVERY USE (8 STABLES IN TOTAL	Granted	10 July 2017
17/0858	MINOR MATERIAL AMENDMENT APPLICATION TO VARY THE APPROVED PLANS UNDER CONDITION 2 OF PLANNING PERMISSION 17/0014 TO REFLECT AN AMENDED LOCATION OF BUILDING	Granted	08 December 2017
20/0874	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (NORTHERN BUILDING FORMING PHASE 2)	Granted	20 January 2021
20/0884	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING (SOUTHERN BUILDING FORMING PHASE 1)	Granted	20 January 2021

Parish/Town Council Observations

Parish/Town Council	Observations
Treales, Wharles and Roseacre Parish Council	<p><u>Comments received on 2 November 2022</u></p> <p><i>The Parish Councillors considered this application at their meeting held 2nd November 2022, and I am instructed to forward the following response:</i></p> <p><i>Based on the application before them and the applicant's reference to application 14/0619, there is not an agricultural need for this lagoon.</i></p> <p><i>This is because the applicant indicates there are 800 cows; the applicant needs a total of 6360 m3 of slurry storage and a further 540 m3 of rainwater and wash water storage ie a total of 6900 m3.</i></p> <p><i>Application 14/0619 provided for a total of 8406 m3 of slurry, rainwater and wash water, therefore from this application there is no agricultural need and the application should be refused as it is in conflict with Policy GD4.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed formation of earth banked slurry lagoon including associated perimeter bunding and stock proof fencing (retrospective application)</i>

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	<p><i>and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The application is retrospective with all works now complete (31 May 2022). The vehicle movements for the imported material have already occurred.</i></p>
Environment Agency	<p>Raise no objection to the application, but highlight the need for compliance with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013.</p> <p>Applicants must inform the Environment Agency of any new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. The applicant should be aware that the Environment Agency must be informed of their proposals in addition to any application for planning permission.</p> <p>They confirm that the Environmental Management Land & Water Team have not had contact from the applicant with regards compliance with SSAFO Regulations. The applicant is therefore advised to contact the National Customer Contact Centre (tel: 03708 506 506; email: enquiries@environment-agency.gov.uk) about the development in relation to compliance with the SSAFO regulation as soon as possible.</p> <p>Any proposals for earth-banked slurry lagoons will require an impermeable clay base to a minimum depth of one metre. To ensure compliance with SSAFO, applicants will need to provide us with details of permeability tests to demonstrate that the ground conditions at the base of the lagoon are appropriate. Where permeability tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls will also need sampling as sufficient clay soils (not less than 20% and no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains.</p> <p>Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.</p>
HSE	<p>They have been consulted due to the site being located within the notification proximity distance of a gas pipeline. In response they do not advise against the development on safety grounds.</p>

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Neighbour Observations

Neighbours notified: 5 October 2022
Site Notice Date: 11 October 2022
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Development in the Countryside
GD7 - Achieving Good Design in Development
ENV1 - Landscape and Coastal Change Management Areas
CL1 – Flood Alleviation, Water Quality and Water Efficiency

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

Environmental Impact Assessment

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

Comment and Analysis

Planning Policy Background

As the application proposes development in the countryside, Policies GD4 and GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR) are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

Policy GD4 is generally restrictive to the types of development that can be undertaken in those areas so as to preserve their rural character, and so limits the type of development that can take place in the countryside to one of seven elements. The only one that could apply here is

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

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At a national level the NPPF at paragraph 84 supports economic growth in rural areas and to promotes the development and diversification of agriculture and other land based rural businesses.

The need and principle of development

Policy GD4 looks to preserve the rural character of the countryside by restricting the type of development that can take place within that designation. One of the exceptions to this restriction is criterion a) of Policy GD4 which allows development that is justified on agricultural need, providing that it does not harm the character of the surrounding countryside.

In this case the Parish Council have objected to the application on the basis that a need has not been proven for this additional storage, and as a consequence they believe that the proposal is contrary to Policy GD4. Their view is supported by their calculation of the capacity of the lagoon that is currently authorised on site and the number of cows that are present on the farming enterprise. This is an appropriate approach to take, and is one that officers have followed in their assessment of the application, albeit that reaches a different conclusion as set out below using information from the applicant's agent.

The starting point for this is to understand the capacity in the existing slurry store that was constructed under the 2014 planning permission. This is estimated at circa 3,860 m³ with the lack of precision due to the need to use an average measurement of its depth as a consequence of the sloping sides of the lagoon.

The agent has provided information on the level of slurry that is generated by the farming operations. This is based on the expected levels of slurry generation as set out in Annex 6 of DEFRA's 'Guidance on complying with the rules for Nitrate Vulnerable Zones in England' which lists the expected slurry production for dairy and beef cows at varying parts of their life cycle. This guidance indicates that each dairy cow on a farm (after first calf) will produce 1.59 m³ of slurry per month, with lesser figures for other dairy and beef cattle such as 0.78 m³ for a beef cow at age 12-24 months.

New Hall Farm and Roseacre Hall Farm are owned and operated by the Pickervance family who run a well-established beef cattle, dairy young stock rearing and dairy enterprise. The young livestock are housed at New Hall Farm and the dairy milking takes place at Roseacre Hall Farm. The applicant has advised that there are 800 cows on the farm, and that at present all of these are dairy cows.

Based on this current arrangement that all are dairy cattle then the slurry production figure stated above would leads to 1,272m³ of slurry being generated per month. In addition to this there will be amount 90m³ of wash water produced per month from the general cleaning of the cattle sheds. Consequently, the monthly slurry mix production, based on the farm scale and these guidelines would be 1,362m³ per month. If half of these were to be beef cattle to give a 50:50 split then the equivalent figure would be 951m³.

The applicants have previously secured planning permission for a slurry store on this site, under application no. 14/0619 which was to provide the slurry storage needs for the cattle that were then housed, which at the time of that application was stated as being circa 400. This has been constructed and is fully operational.

With the additional slurry storage volume available from the existing store of 3,860m³ and that proposed in this application of 3,240m³, the overall storage capacity that is available would be a total of 7,100m³.

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Government guidance for the storage of slurry advises that at least 4 months slurry storage capacity is required, with this variable depending on how much slurry is used on the farm, the size of the tanks, and expected rainfall in the area.

If it were the case that all 800 cows were dairy cattle then on the basis of the slurry production guidelines listed above the existing slurry lagoon would provide for $3,860/1,362 = 2.8$ months. If half were beef cattle then this figure would be $3,860/951 = 4$ months.

If it were the case that all 800 cows were dairy cattle then on the basis of the slurry production guidelines listed above the combined slurry lagoons would provide for $7,100/1,362 = 5.2$ months. If all were beef cattle then this figure would be $7,100/951 = 7.5$ months.

This analysis indicates that there would be sufficient capacity to meet the advised storage needs in the existing lagoon if half the herd were beef cattle due to the reduced quantity of slurry produced by such animals, but that it would be deficient if there were any greater proportion of dairy cattle than this half the herd scenario. At least some of the additional capacity would therefore be needed on this basis, as is the case at present when the herd is entirely dairy cattle based

Whilst the resultant capacity from the combined slurry lagoons is in excess of the 4 month minimum storage that is quoted in government guidance, it clearly allows some opportunity for future expansion of the scale of the agricultural enterprise in addition to accommodating the dairy based nature of the enterprise, and so would seem to represent good business planning by the applicant given the recent growth.

The development only has one use and that is to store the slurry produced on the farm and that production is not a fixed amount. At the time of the case officer's visit to the site it was evident that the existing facility is at capacity and winter is approaching when the slurry is required to be stored until spring so that the phosphate isn't leached out of the ground into the watercourses. Once the soil temperatures warm up in the spring slurry can be spread.

The applicants have previously looked at alternative methods of storage and disposal of slurry however, the slurry produced on site is a viable resource for the farm with a high nutrient value. Utilising the slurry on the farmland will reduce the need to spend money on bagged fertilizer particularly given the significant increases in the price of fertilizer, and is a more sustainable use of this by-product.

Having regard to the above it is considered that the proposal is justified on the grounds of agricultural need and complies with the requirements of Policy GD4 a) of the FLPPR and the aims of the NPPF in regards to agricultural need.

Impact on visual amenity

The lagoon has been constructed in flat, open farmland alongside the existing, previously approved slurry store and is of the same scale. The position has been chosen as being the most appropriate due to the central position of the existing store in relation to the two farms holdings which allows access to it by umbilical connection. It is also well located to the applicant's fields thereby reducing vehicular movements when it comes to spreading the slurry.

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Some views of the bund and the post and wire fencing surrounding the slurry lagoon can be obtained from the access track through the field gate opening. However, the development is largely screened by the existing mature hedge and the development is not an obtrusive feature in the landscape.

Accordingly, the proposal is considered to be acceptable with regard to its impact on the visual amenity and character of the countryside and complies with the requirements of Policies GD4 and GD7 in this regard and paragraph 84 of the NPPF.

Impact on neighbours

The slurry store is remote from the farmstead, with the nearest residential neighbours being those to the east at 'The Smithy' at over 400 metres away. In terms of the scale of the development and the views obtained by these neighbours it is considered that the development will be screened by its distance and intervening landscaping limiting its impact, any potential views will be of the bund, which is not considered to be incongruous in the landscape and will not result in a loss of amenity for the occupiers of neighbouring properties.

As a result, it is considered the visual aspect and scale of the development is acceptable with regard to nearby neighbours.

In regards to the potential for any odour from the slurry store, smell is most likely to occur when spreading takes place however, slurry spreading is recognised as standard agricultural practice, and odour must be expected from time to time. Notwithstanding this, the applicants are required to manage the store in accordance with DEFRA guidance to minimise impact.

Should any issues arise, this can be controlled using the statutory nuisance provisions of the Environmental Protection Act 1990.

Accordingly, it is considered that the development is acceptable with regard to nearby neighbours and complies with Policy GD7 in this regard.

Air pollution and ground and surface water pollution

Policy CL1 requires that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations.

The slurry is a mix of manure, rainwater, and wash water and all this will enter the storage facility. The storage construction is required to comply with the Environment Agency regulations relating to the siting, soil permeability, proximity to inland freshwaters or coastal waters (inland waters include any stream, ditch or land drain). The applicant will be required to submit their proposal to the Environment Agency to make the final assessment on the scheme in order to ensure that the development prevents pollution of ground water and water courses. The applicant has been made aware of his obligations in this regard.

As the proposal is covered by other legislation and no objections have been received from the council's Environmental Protection Officers it is considered that the proposal is acceptable with regards to the requirements of Policy CL1 of FLPPR and paragraph 174 of the NPPF.

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Access and highway issues

Transportation of the slurry from the farms to the lagoon is proposed to be via the umbilical system and pumped over land or moved via tanker. The slurry is then more conveniently located for spreading over the fields and reducing vehicular movements from the farm. Notwithstanding this, the proposed siting of the store is in close proximity to an existing track providing good access from the farms to the store and there is no requirement for this to be improved in any way to serve this development.

The proposal is considered to comply with Policy GD7 of the FLPPR and the aims of the NPPF in this regard.

Other matters

The access track which runs alongside the field where the slurry store is situated is also a public right of way. However, this right of way does not extend into the field where the store is located. Anyone entering field would need pass through the field gate and would be aware of the fencing around the two slurry lagoons. The gate and the security fence are adequate security measures to prevent any accidental trespass.

Conclusions

Taking the above matters into account it is considered that the proposal is compliance with the policies of the Fylde Local Plan (incorporating Partial Review) and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

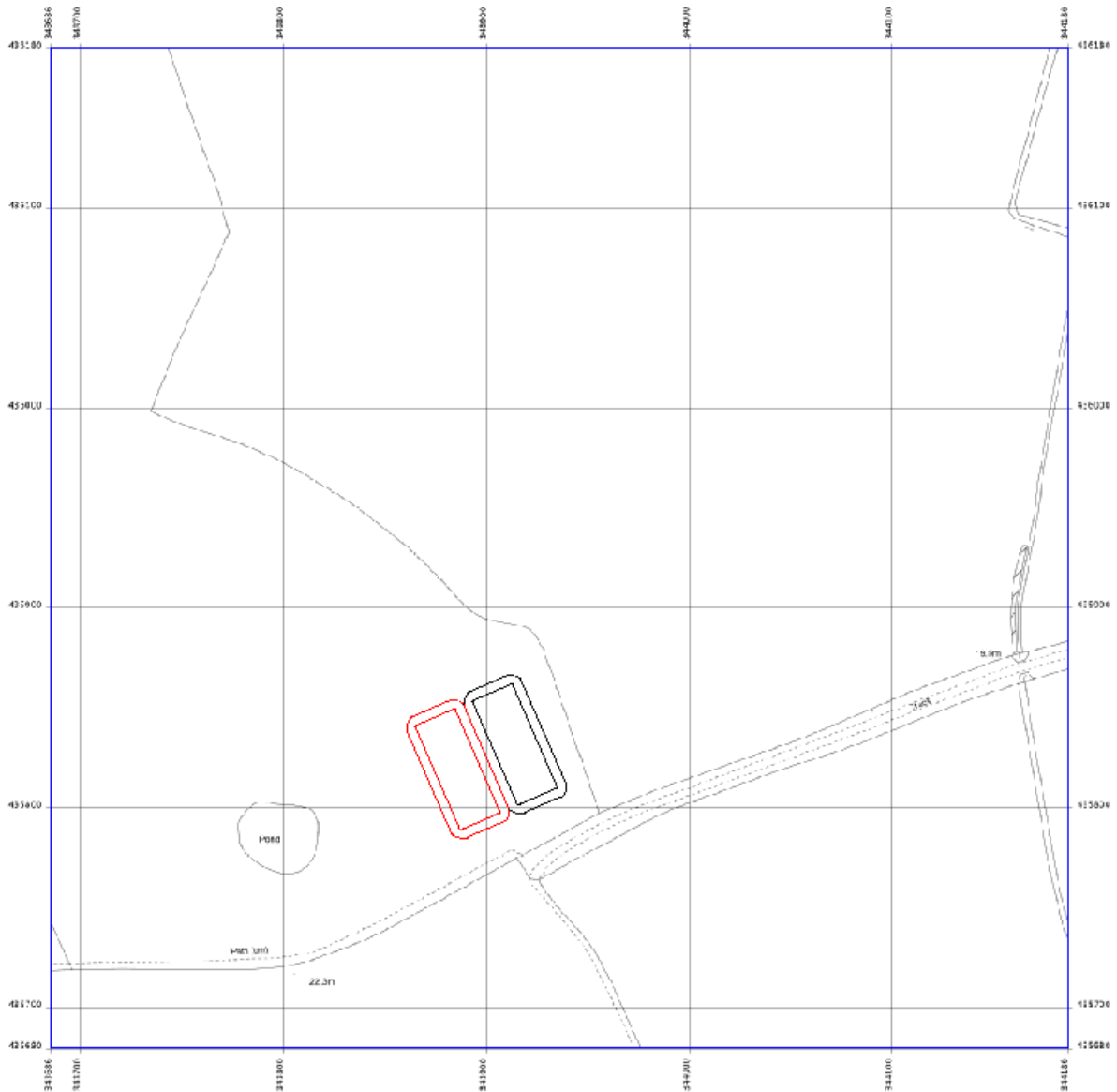
- Location plan - co-ordinates 343936 435930
- Proposed site plan - Drawing no. ML/TP/6125
- Proposed elevation and cross section plan - Drawing ML/TP/6123

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

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

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Location Plan for Item 4 – 22/0669



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Item 5

Application No:	22/0691	Case Officer:	Ruth Thow Area Team 2
Applicant:	MR & MRS FORSHAW	Agent:	MR BEN JURIN
Location:	MILL COTTAGE STAINING OLD ROAD STAINING BLACKPOOL LANCASHIRE FY3 0BQ		
Proposal:	CHANGE OF USE OF LAND TO THE SIDE AND REAR OF MILL COTTAGE AND LAND TO THE REAR OF WINDHOEK TO FORM EXTENSION TO PRIVATE GARDEN INCLUDING FORMATION OF GATED VEHICLE ACCESS TO MILL LANE IN CONNECTION WITH PRIVATE EQUESTRIAN USE - RETROSPECTIVE APPLICATION		
Ward:	Staining and Weeton	Parish:	Staining
Statutory Expiry:	21 December 2022	Earliest Decision:	27 October 2022
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is an area of land that is located to the rear and side of Mill Cottage in Staining. It is outside of the curtilage of that property and has previously been used to provide grazing and parking areas associated with a private equestrian facility that remains on the land. In recent years the land has, in part, been enclosed within the curtilage to the property and a separate access formed to Mill Lane which serves the equestrian facility. The site is entirely outside of the settlement boundary and is within the green belt as designated by Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

The application proposes the retrospective use of part of the area as an extended domestic garden for the dwelling at Mill Cottage, and also in part of the dwelling next door at Windhoek. It is also proposed to retain the existing timber fences that separate this garden area from the surrounding equestrian land, and the access point to Mill Lane which serves the equestrian use.

With the site being located in the green belt there is a need to assess whether the works constitute 'inappropriate development' as required by para 148 of NPPF. Further guidance on this is provided in para 150 which confirms that the change of use of land is not inappropriate providing it maintains the openness of the land and the other purposes of designating the land as green belt.

In this case the land in question is a relatively modest area that is closely located with the dwellings and is screened from vantage points by the roadside hedge. The impact on its openness will therefore be minimal with conditions appropriate to ensure that there are no buildings or other structures erected on the extended garden area to compromise that openness.

The access point does create some impact to the rural character of the area through the removal of the roadside hedge, but the introduction of a field gate in such a location is not unduly harmful in the rural context. It is noted that the Parish Council raise objection to the application on the basis of the highway safety impacts, but as the local highway authority raise no objections to this on highway safety, officer view is that this aspect is considered to be acceptable.

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Accordingly, it is considered that the application complies with the relevant policies of the Local Plan and so is recommended for approval.

Reason for Decision Level

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

Site Description and Location

The application site is Mill Cottage, Mill Lane, Staining. In particular the application refers to a parcel of land to the north and west of the application dwelling and to the west of the dwelling at 'Windhoek'.

To the north of the site and within the applicant's ownership is a timber building with stables and a sand paddock situated to the west side with open fields beyond, to the east of the site are open fields with a small group of properties situated to the south.

The site is within an area of Staining designated as Green Belt on the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

Planning permission is sought for a change of use of the land to form an extension of the existing private garden to the dwelling, and to provide a parking area and a new gated vehicular access to Staining Old Road, which is proposed to serve the existing stables on the site.

The area of land to be incorporated into domestic use is split into an area to the north of Mill Cottage which is covered in slate chippings which provides a parking area, with the newly created access beyond which serves the application property. To the west side of Mill Cottage is a new lawned area which extends to the rear of 'Windhoek', 'Mill House' and 'Staining Windmill'. This land is subdivided between Mill Cottage and 'Windhoek' and the other properties by a solid timber fence. A timber post and rail fencing encloses the extended garden to the north side and separates this from the new parking area.

The applicant has advised that the land to the rear of 'Windhoek' is to provide extended garden curtilage for this property, there is no access to the land from either 'Mill House' or 'Staining Windmill'.

The works have been carried out therefore the application has been submitted retrospectively.

Relevant Planning/Appeal History

Reference	Description	Decision	Date
02/0789	ERECTION OF PRE-FABRICATED TIMBER BLG FOR USE AS PRIVATE STABLES WITH STORE AND CHANGE OF USE OF PART OF FIELD ADJACENT MILL COTTAGE TO FACILITATE USE OF THE EXISTING VEHICULAR ACCESS WITHIN THE CURTILAGE OF MILL COTTAGE	Refused	04 December 2002

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03/0061	AMENDMENTS TO PREVIOUSLY REFUSED APPLICATION NO. 02/789 FOR TIMBER BUILDING FOR USE AS PRIVATE STABLES WITH ANCILLARY TACK ROOM/STORE	Granted	05 March 2003
04/0892	PROPOSED SAND PADDOCK WITH FENCING	Granted	17 November 2004
12/0170	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS DOMESTIC CURTILAGE	Refuse Certificate	22 May 2012
13/0183	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS DOMESTIC CURTILAGE	Refuse Certificate	15 May 2013
16/0385	ERECTION OF DETACHED SINGLE STOREY DWELLING FOLLOWING DEMOLITION OF EXISTING EQUESTRIAN BUILDING AND CHANGE OF USE OF ORCHARD AREA TO PROVIDE DOMESTIC CURTILAGE.	Granted	04 August 2016

Parish/Town Council Observations

Parish/Town Council	Observations
Staining Parish Council	<p><u>Comments received on 23 October 2022</u></p> <p>It was resolved to object to the application as unnecessary gateway and that the hedge be reinstated. The opening was initially for works access only.</p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	LCC Highways does not have any objections regarding the proposed Change of use of land to the side and rear of mill cottage and land to the rear of Windhoek to form extension to private garden including formation of gated vehicle access to Mill Lane in connection with private equestrian use, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
LLFA	The Lead Local Flood Authority has no comments to make on the above application, as the proposed development has no material implications to surface water drainage, based on the submitted information.

Neighbour Observations

Neighbours notified: 26 September 2022
Site Notice Date: 5 October 2022
Press Notice Date: 6 October 2022
Number of Responses Total number of comments 0

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Relevant Planning Policy & Government Guidance

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

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

Fylde Local Plan to 2032 (incorporating Partial Review):

GD2 - Green Belt Staining

GD7 - Achieving Good Design in Development

ENV1 - Landscape and Coastal Change Management Areas

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

The application seeks permission for a change of use of agricultural land to a domestic use for two properties together with the provision of a parking area and a new access to serve the existing stables at Mill Cottage.

Planning Policy Background

The application site is located in the Green Belt under Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review). This policy advises that ‘Within that area national policy for development in the Green Belt will be applied.’

The National Planning Policy Framework at paragraph 138 advises that the *Green Belt serves five purposes:*

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

Paragraph 148 advises: *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

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Paragraph 149 defines inappropriate 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

Paragraph 150 of the NPPF advises that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Having regard to the above paragraph 150e) is the most relevant in this instance which advises that material changes of use of the land for recreation is also not inappropriate.

Planning History and Site Background

The site has altered since 2002 when the land to the north of the dwelling was developed to include a timber stable building, a further block-built stable and a sand paddock. To the north side of the dwelling a small pond was created and an orchard planted.

As a consequence of the provision of the stable buildings gravel tracks to access the buildings were also laid and a gravelled parking area for a horse box and the applicant's vehicles provided to the north and west of the property.

In 2012 (12/0170) the applicant applied for a Lawful Development for an existing use of the land as domestic which was subsequently refused. A further Lawful Development Certificate application was

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submitted in 2013 (13/0183), which also claimed that the area to the north including the pond and orchard served the applicants in a domestic capacity and had done so for a period of not less than 10 years. The onus of proof in Lawful Development Certificates is with the applicant and in both applications the applicants submitted evidence to demonstrate that the land had been used in some domestic capacity. However, in both cases the LPA were not satisfied that the whole of land within the red edge, had been used as domestic curtilage for the whole of the ten year period and a certificate was not issued in either instance.

In summary these applications were refused as they included the stable building, which is not a domestic use, and as a domestic use of the remaining area of land could not be proven for the requisite period. That is a different approach to the current proposal as the area of land for which a change of use is sought in this application does not extend to the area containing the stable buildings.

A further application submitted under application no. 16/0385 granted approval for the demolition of the timber stable building and its replacement with a dwelling with the orchard to the east of the building to form residential curtilage associated with the new dwelling. This dwelling was to share the existing access to Mill Cottage. However, this permission has now lapsed without the conditions being discharged and the permission implemented.

Openness of the Green Belt

Whilst it was evident in 2013 that part of the land included in this application had changed from Green Belt into an equestrian use with occasional domestic use, it would appear that more recently (March 2020) that this domestic use has expanded when the site was re-visited in response to an enforcement complaint. At that time an area of land to the rear of both Mill Cottage and Windhoek incorporated into a domestic use and a lawn formed which is enclosed and separated from the field by fencing. In addition, the pond has been filled in and covered with gravel and an additional access from Staining Old Road has been created.

Paragraph 150 e) of the NPPF permits changes of use of land providing that they preserve the openness of the Green Belt. Whilst there is the potential for the existing openness of the land to be compromised by domestic and other buildings, this has not taken place and can be prevented by the imposition of a condition to remove 'Permitted Development Rights' for outbuildings and means of enclosure.

Consequently, it is considered that the development that has taken place to provide a new access and an extension to the soft and hard landscaped areas is not harmful to the openness of the Green Belt in this case.

Accordingly, the development complies with the criteria of Policy GD2 of the FLPPR and the aims of the NPPF.

Impact on the character of the area

The development of the land includes the provision of lawns to the rear of Mill Cottage and Windhoek. These lawns are enclosed with a mix of solid, and slatted timber fencing erected around the perimeter to separate the lawns from the field to the rear. This fencing is discretely located and low in height so does not significantly alter the layout and character of the wider site. The provision of the field gate has resulted in a length of hedgerow of approximately 3.7 metres being removed. Whilst this part of the development is more obvious in the street scene it is not an incongruous feature in this rural

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location and the loss of hedgerow is not so significant as to have a negative impact on the character and appearance of the countryside.

Relationship to Neighbours

The application includes the provision of an extended garden area to the rear of two properties, the application property at Mill Cottage and the adjacent neighbour to the south side at Windhoek. However, part of this garden extension also extends to the rear of the property at Mill House.

No buildings have been erected in this part of the newly formed garden and as such additions have the potential to result in overlooking and a loss of privacy for the occupiers of neighbouring properties the recommendation on this application includes a condition to ensure the removal of 'Permitted Development Rights' for buildings is imposed.

Consequently, the proposal has an acceptable relationship to its neighbours in all regards and complies with criterion c) of Policy GD7.

Highway matters

Staining Parish Council have objected to this scheme on the grounds of the new access as this was for "works access only". Whilst planning permission has been granted for a new dwelling (under application no. 16/0385), now lapsed, access to this property was proposed via the existing access and no new access was granted approval to serve the new dwelling. Notwithstanding this, an access has been provided by the former owners of the property which is stated by the current owners/applicants as required to serve as a separate access to the stables to avoid horse boxes passing close to the dwelling and for convenience for removing manure.

LCC Highway Engineers have been consulted as part of the application process who have advised that they have no objections and the scheme will not result in a detriment to highway safety.

Accordingly, the development complies with Policy GD7 of the FLPPR and the aims of the NPPF in this regard.

Ecology

The development has resulted in a small pond to the north of the dwelling being filled in and gravelled over.

This pond was created by the former owners of the property and provide habitat for their small flock of domestic geese. Some-time between 2018 -2020 the pond has been filled in and by November 2021 the area covered by gravel. Given the development that has taken place it is not possible to establish if the pond provided habitat for any protected species. However, this is unlikely given the presence of the geese and the proximity of the pond to the dwelling.

Conclusions

The application relates to a change of use of an area of land within the Green Belt to a domestic use together with the provision of a new access.

Having viewed the proposal and assessed the issues raised, it is considered that the proposal is acceptable and complies with the provisions of the Local Plan and the aims of the NPPF in that the

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openness of the Green Belt is not compromised and no harm arises for the amenity of neighbours and highway safety.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location plan Drawing no. SP.LP.01 REV. G
- Proposed site plan Drawing no. SP.02 REV. G

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

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

2. Notwithstanding the provisions of Schedule 2, Part 1, Classes E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the land within the red edge (shown on drawing no. SP.02 REV. G) hereby approved shall not be extended, and no buildings or structures shall be erected within it.

Reason: The change of use has been permitted within a Green Belt Area on the basis that the extended curtilage would have no greater impact on the function and purposes of designating land within the Green Belt in comparison to the existing development. Accordingly, it is necessary to withdraw permitted development rights that would otherwise allow the construction of outbuildings within garden of the dwelling in order to ensure that such development would not undermine the function and purposes of the Green Belt in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD2.

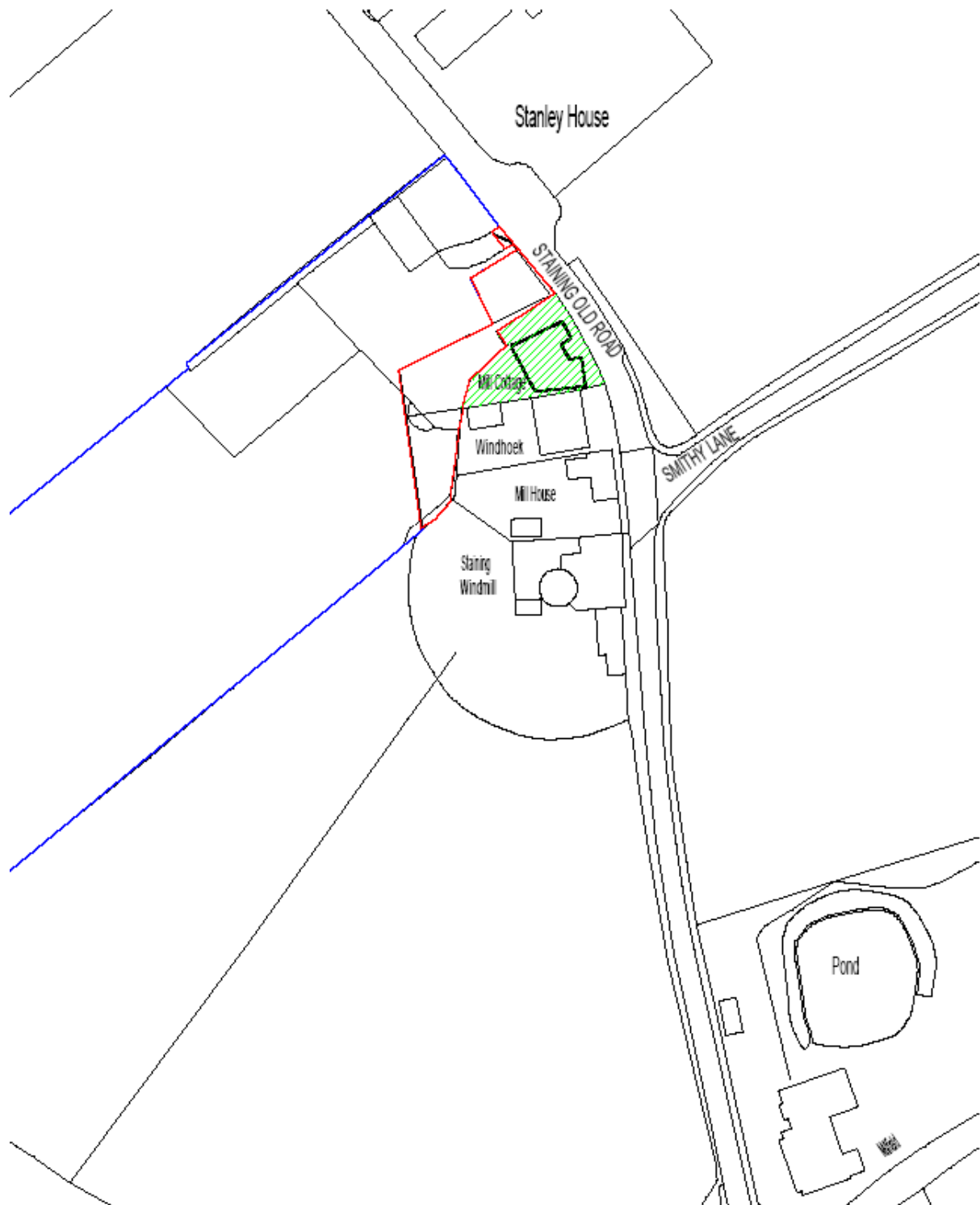
Informative(s)

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

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

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Location Plan for Item 5 – 22/0691



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Item 6

Application No:	22/0777	Case Officer:	Jennifer Simpson Area Team 2
Applicant:	ENGLANDS	Agent:	MR RUSSELL ADAMS
Location:	MOSS SIDE FARM LYTHAM ROAD WESTBY WITH PLUMPTONS LYTHAM ST ANNES LANCASHIRE FY8 4NB		
Proposal:	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND FOR USE AS DOG EXERCISE AREA WITH ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES.		
Ward:	Warton and Westby	Parish:	Westby with Plumptons
Statutory Expiry:	9 December 2022	Earliest Decision:	9 November 2022
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The proposal relates to a retrospective change of use of agricultural land (two separate fields) to dog exercise areas associated with an established business known as 'Lytham Dog Fields'. The land in question sits within the grounds of Moss Side Farm which is located off Moss Side Lane in the vicinity of Moss Side rail halt. The site is designated as Countryside in the Fylde Local Plan to 2032 (incorporating Partial Review).

The site is a former working farm which following its decline of farming activity over recent years, now operates a mixed industrial complex, with a number of dog related activities including 'Lytham Dog Fields' that is subject of this application, and a 'doggy day care' facility which is the subject of an earlier planning permission.

The dog fields are primarily managed and booked through an online system which allows single bookings of 30 minutes or 1 hour time slots per pet owner. Private bookings of up to a maximum of 4 dogs per owner can be booked using the online system, where bookings of up to 6 dogs is made directly with the owners and this is usually by regular customers whose dogs are well trained and familiar with the site.

As well as the day to day bookings for the private hire of the dog fields, the business also hosts monthly socialising events which provides an opportunity for multiple dog owners of the same breed to book onto a session where their dogs can come to the fields to meet and socialise with other dogs. The application proposes that these events will take place once a month and, on a Sunday, when the other industrial use of the site is closed so that the site is generally less busy and to allow ample on-site car parking. The social events would accommodate a maximum of 25 dogs per session and the applicant has confirmed that the events are not held every month and tend to be less busy in the winter months.

Dedicated car parking is provided on-site fronting the fields, this is accessed using the existing main entrance of the site on the southern side of Lytham Road. The owners of the dogs unload / load their pets in their vehicles in the dedicated parking spaces away and safe from the wider industrial activities occurring at the site.

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Dog waste bins are available at each field and there is a dedicated skip to store bagged dog waste until it is full and then the skip is taken away and replaced with a new one. All loose dog waste that is collected by the owners of 'Lytham Dog Fields' at the end of each day is put within a composted area as shown on site plan and once fully decomposed is then used as a natural fertiliser for the farmer's field.

The owners of 'Lytham Dog Fields' have been operating the business across three separate fields for a period without the benefit of planning permission. This application seeks to regularise the change of use of two out of those three fields only. 'Field 3' as shown on the site plan is no longer available to hire to reduce the number of dogs visiting the site, as well as reducing neighbouring amenity issues given the close proximity of that field to neighbouring land.

The principle of the development is considered to comply with exemption a) of Policy GD4. It is the case that the development meets local business and community needs and is of a 'other' use appropriate to a rural area which would help to diversify the rural economy.

The two dog fields proposed to remain in use are referenced 'Field 1' and 'Field 2' on the site plan and are located in a discreet position on the farm site and are not highly visible from any particular public vantage point. They are enclosed by a low mesh fence which is sensitive to its rural surrounding leaving the fields visually exposed retaining the open and green character of the area.

The Parish Council has objected to the proposal on grounds that there have been a number of negative comments from the residents within the neighbouring vicinity. These relate to noise disturbance and the storage arrangements for waste impacting on neighbouring amenity due to the storage being close to dwellings.

Discussions between the planning team, Environmental Protection team and the applicant have resulted in revisions to the scheme that confirm the storage arrangements for the waste are to be revised to ensure this is distant from neighbours, with a condition imposed to ensure that is complied with.

With regards the potential for noise disturbance, it is acknowledged that dogs using the site are likely to bark but the two fields are well separated from dwellings, and with the use of conditions to control numbers of dogs and the hours of use, the levels of noise will not create undue amenity impacts.

With the restricted number of people and dogs permitted to use the fields at any one time there are no concerns over access and parking issues.

Having viewed the proposal and assessed the issues raised, it is considered that the development would not significantly impact upon residential amenities, visual harm within the wider rural locality, nor does it adversely impact upon highway safety and therefore accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review). Accordingly, Officer recommendation is that Members support the application.

Reason for Decision Level

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

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Site Description and Location

The application relates to 'Lytham Dog Fields' – an established dog exercise business located within the grounds of Moss Side Farm. Moss Side Farm is situated to the west of Wrea Green village in a small hamlet known as Moss Side, with this site being immediately to the west of the railway line. Moss Side Farm's landholding extends over a land area of approximately 160 Hectares. The original main farming activities have now ceased following the gradual decline of the agricultural elements of the business following the Foot and Mouth outbreak in 2001 and since then the site has seen the replacement of agriculture with other business uses at the former farmstead.

The site is within a Countryside location as designated by the Policies Map, within the Fylde Local Plan to 2032 (incorporating Partial Review).

Details of Proposal

Retrospective planning permission is sought for the change of use of land that was formerly in agricultural use to use as a dog exercise area with associated infrastructure and facilities. The exercise is currently undertaken in 3 fields adjacent to the farm yard, with the application relating to two of these, with the use of the third to cease.

'Field 1' is set well to the rear of the site adjacent to the industrial buildings on site. It features a covered tunnel area which provides an indoor activity area for the dogs. The field is accessed from the existing entrance of the site taken from the south side of Lytham Road. The dog field is enclosed by low mesh fencing for security purposes and there is a large area of hardstanding laid out to the entrance of the field which accommodates dedicated on-site car parking for the field.

'Field 2' is set further south of the site and is accessed by a single track road which runs adjacent to the railway line east of the site. This track also leads to an area of hardstanding for the parking of vehicles which sits to the entrance of the field. Similar to 'Field 1', 'Field 2' is enclosed by low mesh fencing for security purposes. This field also includes a pond which can be used for the dogs to swim in at the owner's discretion.

'Field 3' is located to the north of the site fronting Lytham Road and has been shown in green hatching to highlight the discontinuation of this particular field which has been removed from the booking system and will no longer be used in connection with the dog walking business. Therefore, the assessment of the application relates to Fields 1 and 2 only.

The application explains that the dog fields are primarily managed through an online system which allows single bookings of 30 minutes or 1 hour time slots per pet owner for up to 6 dogs at any one time. The applicant has confirmed that there are on occasion bookings made directly through the owners of the business and not through the website, and these bookings are made by regular customers of the dog walking fields.

The dog walking fields are being operated and available for hire between the hours of:

- Monday to Fridays: 7.30am – 6.30pm
- Saturdays: 8am – 5pm
- Sundays: 9am – 4pm

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The submission advises that the dog owner is to accompany their dogs at all times, are to park in the dedicated car parking spaces for the dog walking field they are to use, and to only load / unload their dogs from those areas. The dogs' owner and/or a staff member will always be present when dogs are using the dog field, with a minimum of a single member of staff being present at Moss Side Farm when the facilities are open for business.

Whilst the primary use of the fields is as described above, the business does include the running of social events which occur monthly. The aim of the social events is to allow an opportunity for multiple dog owners to book onto a session for their dogs to socialise with other dogs of the same breed. The social events are only operated on Sundays when the industrial operation of the site is not in use and thus additional parking areas are available. Dog numbers for these events shall be limited to a maximum of 25 dogs at any one social event. Lytham Dog Fields shall only run their social events for each dog type a maximum of once a month on either Field 1 or 2 as identified on the proposed site plan.

Amplified music shall be strictly prohibited on site due the potential impact this could have on the dogs on site.

All pet owners are required to collect and dispose of dog waste within the dedicated dog waste bins that are present at each field. All remaining loose dog waste will be collected by Lytham Dog Fields owners at the end of each day and deposited in the farm's existing composting waste that is shown on the site plan. The waste will biodegrade naturally and to be then used as natural fertilizer once fully composted. All bagged waste will be deposited within a skip adjacent to the fields.

Relevant Planning/Appeal History

There is a varied planning history associated with the site. The only application of relevance to this application is planning permission 17/0528 which permits the change of use of five stables and two workshops to five kennels and two storage rooms, albeit this is a separate business to the dog walking fields and so is not directly relevant to the assessment of this application.

Parish/Town Council Observations

Parish/Town Council	Observations
Westby with Plumpton Parish Council	<p><u>Comments received on 15 November 2022</u></p> <p>Westby with Plumpton Parish Council have confirmed that their discussions relating to the application was resolved to recommend refusal.</p> <p><i>"The main issues raised to the clerk, prior to the meeting, were the degree of negative comments from the residents within the neighbouring vicinity who raised concerns.</i></p> <p><i>The PC has an issue with regards noise pollution as is currently being reported by residents.</i></p> <p><i>The safe and non-invasive removal of animal waste is also a concern, especially with regard to neighbouring properties. There are reports (received by the PC) of foul-waste being 'dumped' in fields adjacent to residences".</i></p>

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Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p><i>LCC Highways have confirmed that they do not have any objections regarding the proposed retrospective application for change of use of land for use as dog exercise area with associated infrastructure and ancillary facilities and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>It is noted from website for the proposal that the farm access is used. This is a kerbed access and acceptable for the additional vehicles and pedestrians expected to the site.</i></p> <p><i>Highways have requested that the internal signage to the different fields is clear to reduce the potential of conflict with other vehicles in the working farmyard.</i></p>
Environmental Protection Team	<p><i>There are no objections to the above proposals in principle, however this is on the condition that the noise management plan is implemented, and the compost site is moved to new proposed site shown on the proposed site plan.</i></p>
Network Rail	<p>Network Rail have not raised any objections towards the principle of the proposal, however, they have attached a number of informatives and requirements that the applicant will need to address and agree to with Network Rail separately following grant of permission. These are associated with the safety requirements for any work or trespass on the line and are not directly relevant given the absence of construction work under this application.</p>

Neighbour Observations

Neighbours notified:	19 October 2022
Number of Responses	Total number of comments 3
Summary of Comments	<p>There have been 3 objections received towards the application by neighbouring occupiers of the site.</p> <p>These primarily relate to noise nuisance from the site, with the comments on this aspect being:</p> <ul style="list-style-type: none"> • There have been lots of residents that have made various complaints about the atrocious dog barking that can be heard from the neighbouring properties. • The council's Environmental Protection have been informed and a neighbouring resident has recorded the disturbances as requested by an EP officer and following investigation came to the conclusion that it was a problem.

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- Dogs can be heard barking which is constant from 5.30-6am till late evening including weekends. It is questioned how applying for the extension of a dog exercise area would solve this huge problem.
- Two residents have stated that they cannot open windows and doors to their property as the barking can start around 7.30am and can last all day and night. This has meant as a result the summer months have been unbearable leaving only an option to use fans to keep cool all day and evening which escalate electricity costs.
- The noise report from the business stating not all dogs will bark together as ridiculous. They are pack animals and do bark in unison.
- From the onset of the business at Southview commencing without permission it has had a serious impact on our quality of life due to lack of sleep and the sound of multiple dogs barking continuously 24 hours a day ,7 days a week.
- A neighbour has stated that they enjoy barbecuing and entertaining friends in the garden which we have been unable to do due to the noise levels and that they chose to move to Moss Side in March 2021 to enjoy the peace and quiet of the countryside which has now been disrupted.

Due to the nature of the objections received, it is likely that the majority of the objections raised relate to the dog kennel business which also operates from the site.

These were approved under 17/0528, albeit on a smaller scale to that which is currently being operated at the site. This is a separate business and issue which has been investigated by the planning enforcement team and the council's environmental protection team. The applicant has confirmed that the dog kennel business has expanded and is operating at a larger scale than approved, and so they are to submit a separate application relating to that.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory

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development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD4 - Countryside

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of development:

The application site is located within a countryside area as defined by Policy GD4 of the FLPPR. In these areas there is a general restraint of new development so as to preserve the rural character of the countryside of the borough. Nevertheless, there are exceptions to this restraint through exceptions a) to g) which advise what development is appropriate in a Countryside area.

In this case, the application seeks retrospective planning permission to regularise an established dog exercising business known as 'Lytham Dog Fields' which has been operating over the past couple of years through the use of three separate fields within the grounds of Moss Side Farm. This application omits 'Field 3' as shown on the submitted plans which is the field that sits closest to the road frontage and neighbouring dwellings.

From the 7 exceptions within Policy GD4 it is considered that a) is the most relevant to establish the principle of the retrospective business and these are as follows:

a) Where it is needed for the purposes of meeting local business and community needs: for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

With regards to a) it is the case that the development is needed for the purposes of meeting local business and community needs and is of a 'other' use appropriate to a rural area which would help to diversify the rural economy. There is clearly a demand for dog walking facilities in the area. Whilst these can be provided in urban areas the noise that they can create, and the other pressures on land use in those areas, tend to dictate that a rural location is preferable. This site is well located to the highway network, has established parking and other infrastructure, and the two fields that are proposed to be used in this application are well separated from neighbouring dwellings. As such it is considered to be an appropriate use of a rural site that will make an effective use of land that is no

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longer in agricultural use due to the decline of the wider farming activity on the farm. Therefore, the principle of the business is considered to be acceptable.

The proposal does still need to be considered for its compliance to the normal planning criteria as examined below with reference to Policy GD7 of the Plan.

Impact upon the countryside area:

Whilst the site is set within a rural setting, 'Lytham Dog Fields' is being operated amongst a built up section of Moss Side Farm set on the outskirts of the industrial units with open fields to the west and south side of the site.

The two fields that would be in use for the dog walking business, annotated as 'Field 1' and 'Field 2' on the site plan are located in a discreet position and are not highly visible from any particular public vantage point. The fields are enclosed by low mesh fencing for security purposes which also acts as a soft and discreet boundary treatment to secure the fields, whilst being sensitive to the character of the openness of the wider area as the fields are visually exposed on approach. Other than small scale exercise equipment within the fields, a small covered run in one field, and the waste skip there is no built development in the proposal. These elements do not detract from the rural landscape and so the dog walking fields do not give rise to any harmful impacts visually within the wider rural locality.

In terms of the nature of the business, it is considered that the development does fall within a 'other' use appropriate to a rural area which would help to diversify the rural economy, as highlighted above, and would not appear out of context with the current mixed use of the site. As noted above, the site operates other industrial uses, as well as a dog day care facility and so the comings and goings from the site are frequent on a daily basis. Furthermore, it is considered that the nature of the dog fields is appropriate for this type of countryside setting where there is a lower density of residential dwellings and larger open green space where it would not be uncommon for dog walkers to take their pets for exercise. As such, it is considered that the business is seen in context with this particular area and would not impact upon the current use of the site or wider countryside area.

Accordingly, it is considered that the development does not result in any adverse impacts towards the nature of the site or the openness of the wider countryside area. As such, it is in line with the requirements of Policy GD4 of the FLPPR.

Relationship to Neighbours

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

It is noted that there have been neighbouring objections towards the application which largely relate to the noise and disturbance being generated by dogs barking at the site. Following discussions on this subject with Environmental Protection colleagues who have been investigating the site following complaints received outside of this application, it has become apparent that the complaints largely relate to the dog day care facility that is located immediately east of the main dwelling on site close to the access point, and not to the use of the dog fields that are the subject of this application.

In view of that and referring only to the 'Lytham Dog Fields' it is acknowledged that 'Field 3' as referenced on the site plan, could have contributed adverse impacts upon its neighbours to the south-east of the site, through noise and disturbance from the dog activities taken place on this field. This

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field also accommodated dog agility equipment which could have led to the dogs and pet owners being more vocal as a result of teaching their dogs new skills and commands. It is also the case that this field is located close to the entrance of the site and so the comings and goings from this area in connection with the other uses being operated at the site was more than likely causing disturbance/aggravating the dogs using 'Field 3' causing them to bark. Whilst this field was only operated during daytime hours with a limited number of dogs it could have contributed to some complaints as a result of its proximity to dwellings and so it has been specifically excluded from this application as its use has ceased to ensure that neighbour amenity is protected.

'Field 1' is located to south-west side of its nearest neighbours along Lytham Road. This field is distanced in excess of 151m from the nearest neighbour at no. 2 Lytham Road. The existing access is used to access both fields 1 and 2 which is located approximately 49m from the shared boundary with no. 2. As noted above, the comings and goings from the site in association with the dog field use is limited to one pet owner with up to 6 dogs per private hire. Whilst there may be a cross over period where one customer is leaving and another arriving, there is a sporadic and limited number of people, dogs and car vehicle movements occurring at the site at any one time in relation to the dog exercise fields. In view of that, as well as bearing in mind the other uses being operated at the site, it is considered that the vehicular movements and comings and goings associated with 'Lytham Dog Fields' occurring at the site is not excessive and would not result in any significant harm to its nearest neighbours to the northwest side of the site through unacceptable noise and disturbance above and beyond the other uses being operated at the site, including the comings and goings from larger HGV vehicles.

In terms of dogs barking at the site, this is considered to be somewhat inevitable due to the nature of this type of business. However, an assessment needs to be made on the severity of the current / potential noise being generated by the dogs using the fields. 'Field 1' is separated from its neighbours and the industrial units intervene between the field and the neighbouring land which would offer some sound defence from its neighbours. Notwithstanding, it is considered unlikely that with the limited activity and number of dogs attending the field at any one time would create such severe nuisance to its neighbours, particularly when the dogs are attending the site for exercise with their owners.

'Field 2' is located to the south of the Moss Side Farm complex, the access track being adjacent to the Preston Blackpool South railway line. The nearest properties are to the east consisting of a dwelling and a caravan park. The caravan park is currently being extended and the nearest hardstanding pitch 50m from the boundary of the field, the property boundary is 48m away, 65m to the façade and the garden amenity area is shown as being on the far side of the site away from the railway line and the field. Due to the separation distances of the field and its nearest neighbours, as well as bearing in mind the railway track that separates the site from its neighbours, it is considered that the use of 'Field 2' as a dog exercise field would not jeopardise the amenities of its neighbouring land to an unacceptable degree in terms of noise and disturbance arising from the comings and goings or through the noise being generated through the dogs themselves.

Notwithstanding the above, the application is accompanied by a noise assessment which confirms that an assessment of the likely impact from the use of the exercise fields has been undertaken. In that report it has been identified that the use of 'Field 1' which is located to the north and immediately behind the farm will not result in any adverse impact on the neighbouring properties. 'Field 2' has been shown to result in some impact and this is on the basis of the above separation distances and a worse-case scenario of all six dogs barking along the fence line in unison the sound level at the boundary of the property 59.8dB(A), above the recommended guidelines for external amenity areas.

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As such, mitigation measures in the form of a close boarded fence along the boundary of the field has been recommended.

However, the suggested noise mitigation measure for the erection of a 1.5m and 1.8m high timber fence would bring a harmful visual appearance to the open countryside despite the field's discreet location. This would be more harmful than the potential issue raised where multiple dogs on a field would unlikely be stood together and instead located sporadically around the field. Furthermore, it is considered that the separation distance from the field and the neighbours, as well as the train line that intervenes between the two and given the reasonable operating hours that would not be unsociable to cause a severe impact upon neighbouring amenity.

The proposal also includes the socialising events which does involve a maximum and a potential of up to 25 dogs visiting the site at any one time. These events occur once a month and, on a Sunday, when the other industrial operation of the site is closed and thus is quieter generally and accommodates multiple car parking provisions. The social events would operate between the hours of 9am and 4pm on a Sunday which is considered reasonable.

As such, and subject to appropriate conditions relating to the controls over hours and days of use, the level of use, and over dog waste storage, it is considered that the continuation of 'Lytham Dog Fields' as described above would not give rise to any harmful impacts to neighbouring amenities through noise and disturbances generated from the dog fields.

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

Parking and Access Arrangements:

The users of 'Lytham Dog Fields' access the site using the existing and former farm entrance to the industrial complex which is taken from the well-established farm access to Lytham Road. LCC Highways have confirmed that they do not have any objections to this and opine that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

They have Highways have requested that the internal signage to the different fields is clear to reduce the potential of conflict with other vehicles in the working farmyard., which is a sensible precaution given the wider industrial use of the site and so can be the subject of a condition.

The site plan clearly demonstrates adequate dedicated car parking provisions for the users of 'Lytham Dog Fields' which was also clearly visible from the case officers site visit. Therefore, the proposal retains an appropriate level and location of parking for the site and does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Waste Management:

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure integration of waste management for facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent household collect service.

The application is accompanied by a waste statement within the management control document to support the application. This states that all collection of the waste from the Lytham Dog Fields shall

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be undertaken during the operational hours of the dog's fields as noted above. Further to this, all dog owners are reminded to collect and dispose of dog waste within the dedicated dog waste bins that are present at each field. The waste statement goes on to say that all remaining loose dog waste will be collected by Lytham Dog Waste owners at the end of each day and deposited in the farms existing composting waste that is shaded green on the updated site plan. It is then advised that this waste will then biodegrade naturally and used as natural fertilizer once fully composted. All bagged waste is deposited within the existing permanently sited skip that is supplied by Lytham Skip Hire at Moss Side Farm and replaced with an empty skip when full to ensure all waste is disposed of by appropriate means.

There were some initial concerns raised by the Environmental Protection Officer in relation to where the loose dog waste was being taken to for composting due to its historical storage in a field close to neighbouring properties. However, the updated waste management statement and location for the dog waste storage and composting as shown on the revised site plan has overcome this initial concern.

An appropriate condition will be attached to the permission to ensure that the dog waste provisions as described within the waste statement is adhered to at all times. Subject to this condition, it is considered that there are adequate dog waste facilities on site for the storage and composting and would therefore comply with the aims of the National Planning Policy for Waste.

Conclusions

The application relates to the regularisation of 'Lytham Dog Fields' – an established dog exercise business which has been operating within the grounds of Moss Side Farm across three separate fields in a countryside area. This application proposes to regularise two out of the three fields, as 'Field 3' as annotated on the proposed site plan has been excluded from the booking system and is no longer available for hire in association with Lytham Dog Fields. Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review), the NPPF and the objectives of the 'Extending Your Home' SPD. Accordingly, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Drawing no. B15-1559-03
- Proposed Site Plan - Drawing no. B22-2875.02 Rev B

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

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

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2. The use hereby approved shall relate to the use of Field 1 and Field 2 as identified on the site plan listed in condition 2 of this planning permission only. and shall relate to the use of these areas for the exercise of dogs only.

Other than on Breed Social Days as set out below, these areas shall only be available for Standard Use between the hours of:

7.30 – 18.30 Monday to Friday

8.00 – 17.00 Saturday, Sunday and Bank Holidays

During these Standard Use times there shall be no more than 1 owner using each field, with a maximum of 6 dogs being exercised at that visit by each owner.

The Breed Social Days shall only occur on Sundays and shall not occur on more than one Sunday in each calendar month. At a Breed Social Day even multiple owners may attend, but there shall be no more than 25 dogs in attendance at any one time and these shall only be exercised in one of the two fields authorised by this planning permission at any one Breed Social Day.

Reason: To provide appropriate control over the operation of the use in terms of its scale and timings to limit the potential for noise generation from the use that could have a harmful impact on the amenity of the occupiers of surrounding residential properties, and to ensure suitable parking provision is made for customer visits in the interests of highway safety. These requirements are to ensure compliance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF.

3. All owners attending the site by vehicle for Standard Use visits shall park in the respective parking areas for Field 1 and Field 2 only.

Reason: To ensure that vehicle parking is undertaken in as close a proximity to the exercise areas as possible and so minimise the potential for safety risks to occur and conflict with the lawful operation of the other premises on Moss Side Farm. This is to ensure compliance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and NPPF.

4. Within one month of the date of this planning permission signage shall be installed at an appropriate location alongside the internal access route through Moss Side Farm site and adjacent to the parking areas for Field 1 and Field 2 to highlight the availability of parking associated with the use hereby approved. This signage scheme shall remain in place at all times that the use hereby permitted is undertaken at the site.

Reason: To highlight the locations of the parking for the use to visitors, and so to reduce the potential conflict between vehicles visiting the site for this use and the vehicle uses on the wider Moss Side Farm site. This is to accord with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

5. Unless an alternative scheme for waste management has first been submitted to and approved in writing by the Local Planning Authority, the waste management and procedures as set out within the 'Management Control' Statement (as amended) and as shown on proposed site plan - Drawing no. B22-2875.02 Rev B shall be implemented at all times that the use hereby approved is undertaken.

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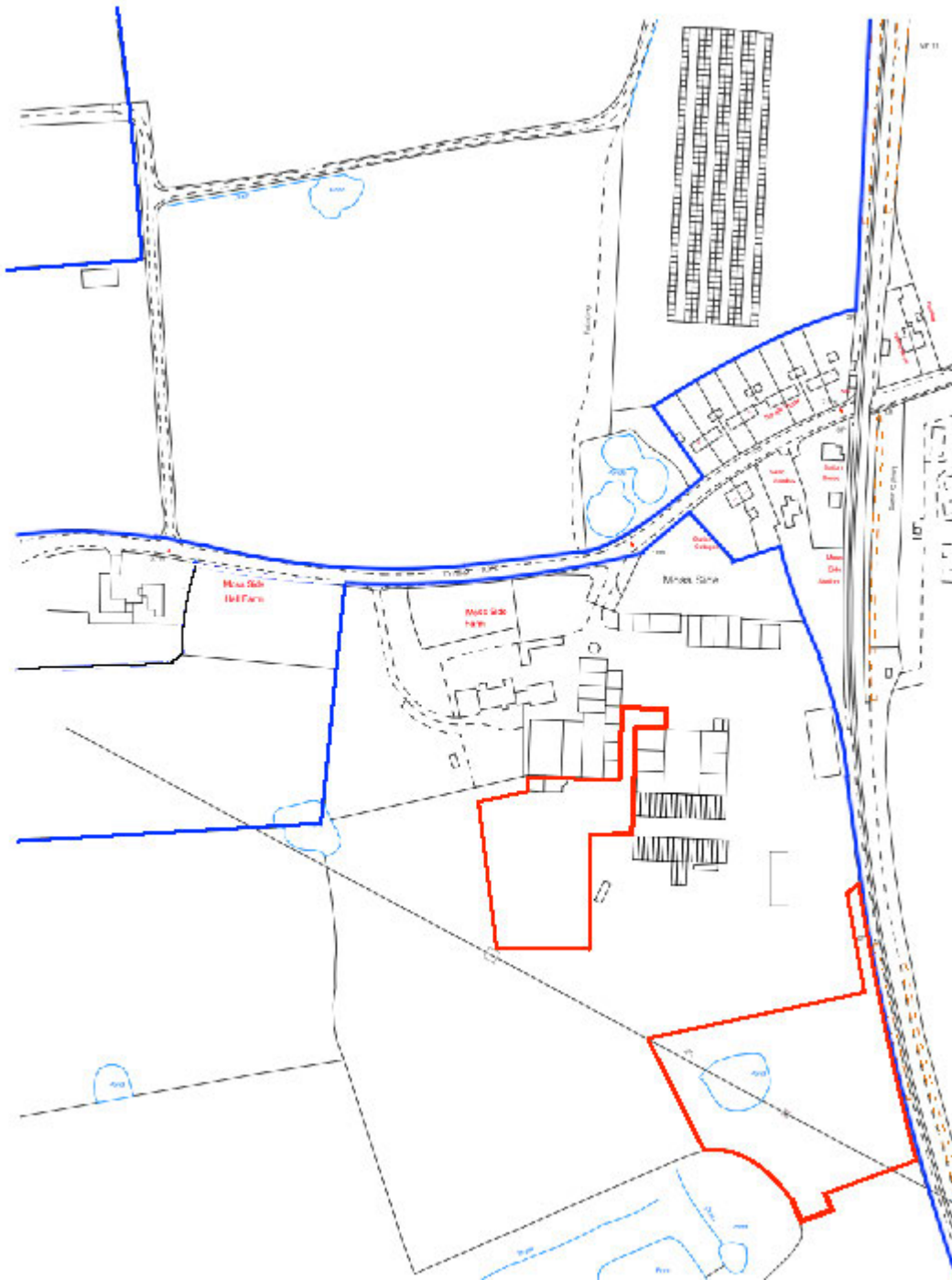
Reason: To ensure that the development does not rise to any public environmental health concerns in accordance with the objectives of Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework for waste.

Informative(s)

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

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

Location Plan for Item 6 – 22/0777



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Item 7

Application No:	22/0785	Case Officer:	Beth Winstanley Area Team 1
Applicant:	Mr David W Eyre	Agent:	Abbot Hull Associates
Location:	REAR OF 52 KIRKHAM ROAD NORTH OF BYPASS FRECKLETON PRESTON LANCASHIRE PR4 1HT		
Proposal:	SINGLE STOREY EXTENSION TO EXISTING UNIT No. 2 TO PROVIDE STORAGE SPACE (CLASS B8)		
Ward:	Freckleton East	Parish:	Freckleton
Statutory Expiry:	13 December 2022	Earliest Decision:	9 November 2022
Reason for any delay:	Not applicable as decision will be 'in time'		Online application file here

Summary of Officer Recommendation: Grant

Summary of Officer Assessment

The application site is a small cluster of business premises that are located on a rectangular strip of land to the rear of no. 52 Kirkham Road in Freckleton. At present the site has 3 timber units which are used by two businesses: one being a driver recruitment agency and the other a vitamin and nutrition distributor. These are located either side of a central access route with parking and servicing areas around the buildings. The site is located in the green belt that separates Freckleton from Kirkham as designated by Policy GD2 of the Fylde Local Plan to 2032 (incorporating Partial Review).

The application proposes a single storey extension to the rear of one of the existing business premises in order to provide additional storage space for that occupier, which is the nutrition business mentioned above. The extension adds 22m to the depth of the building with a width of 6m. The extension would match the existing building in regards to design and materials, with a matching roof design and height with an eaves level of 2.4m and ridge height of 3.6m. The extension would be completed in matching timber.

The parish council have objected to this application on the grounds that it is located within a greenbelt area and has poor access and egress. Those are the key tests in the assessment of the application.

With regards the green belt assessment, this requires a view to be taken as to whether the development comprises 'inappropriate development' or whether it satisfies one of the exceptions to that as set out in para 149 of the NPPF. The officer view is that it complies with exemption g) relating to '*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*'

The area of the extension is clearly within the industrial curtilage and contains the slab of a former building so must be 'previously developed'. The proposed extension reflects the scale, design and materials of the existing building and is to be constructed to the rear where it does not have a material impact on the openness of the greenbelt. This ensures it does not amount to inappropriate development and is acceptable in the green belt. It also brings economic benefits to the rural

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economy by supporting the expansion of the existing business that trades from the premises. Finally its design and appearance and will comply with criteria d), f) and i) of policy GD7 of the FLP (Incorporating Partial Review).

The extension sits alongside the boundary of the site with land that is apparently not in any active use and certainly does not form the domestic curtilage of the neighbouring dwellings. As such its physical scale will not impact on amenity. The low volumes of vehicle movements that are inherent in a storage use will also ensure that amenity of the neighbouring dwellings around the access will not be harmed. This use also ensures that the number and nature of vehicle movements that are attracted to the site will not notably change over the existing arrangements. Whilst the access point to Kirkham Road is narrow, and so visits by large vehicles would be problematic, the business operates with visits by smaller vehicles in recognition of that. LCC Highways have not objected to the application, and officers accept their conclusions regarding the adequacy of the access and that highway safety will not be compromised by the development. A condition is needed to ensure that the use is restricted to the storage one applied for though on this basis.

As such, it is considered that the proposal complies with all relevant policy elements and so is recommended for approval subject to conditions to ensure the use is associated with the existing business and for storage and distribution purposes.

Reason for Decision Level

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

Site Description and Location

The application relates to an existing employment site to the rear of no. 52 Kirkham Road. The site currently has three timber built structures which serve two separate businesses – one business being a motor recruitment agency (The Solution) and the other being an online vitamin and nutrition business (Nuke Nutrition).

The site is located to the rear of residential dwellings along Kirkham Road and are located within an area of Greenbelt, as defined under the Fylde Local Plan (incorporating Partial Review) policies map and Policy SP2.

The access is to Kirkham Road alongside No. 52 which is a residential dwelling with the majority of other properties in the area also in residential use. The actual site is part of the 'backland' area behind these frontage properties and their gardens where surrounding uses are generally agricultural.

Details of Proposal

Planning permission is sought for the erection of a single storey extension to the rear of one of the existing timber built structures located to the rear of no. 52. The extension will project for 22.4m and has a width of 6m to match that of the existing building. The roof of the extension will replicate the existing roof of the original building, with an eaves height of 2.5m and a ridge height of 3.6m creating a gable roof design. The building will be completed in matching timber cladding to the existing building and will be used for storage for the existing 'Nuke Nutrition' business.

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Relevant Planning/Appeal History

the only planning history that relates to the site here is application 10/0837 which proposed retrospective planning permission for the erection of a single storey building providing class b1 office unit. this was refused in February 2021 and enforcement action taken to secure the removal of the building.

Parish/Town Council Observations

Parish/Town Council	Observations
Freckleton Parish Council	<u>Comments received on 7 November 2022</u> The parish council are against this application as it is in a green belt area and it has poor access and egress.

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed single storey extension to existing employment unit no. 2 to provide storage space and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i> They then request a condition be imposed to ensure that the site is laid out so that there is vehicle turning space on site.
MOD - Safeguarding	<i>After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.</i>
BAE	<i>With reference to the above application, BAE Systems has no objection.</i>

Neighbour Observations

Neighbours notified:	19 October 2022
Number of Responses	Total number of comments 0
Summary of Comments	N/A

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the ‘FLPPR’ – was adopted by Fylde Council at its meeting on Monday 6 December 2021 as the statutory

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development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004.

Fylde Local Plan to 2032 (incorporating Partial Review):

GD2 - Green Belt Kirkham/Freckleton)

GD7 - Achieving Good Design in Development

EC2 - Employment Opportunities

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

As the application site is located in the green belt it is necessary to assess the proposal against Policy GD2 of the Fylde Local Plan to 2032 (Incorporating Partial Review). This policy simply refers to national guidance on green belt development which is set out in the NPPF. This follows an approach where the majority of development is defined as being ‘inappropriate’ in the green belt and so should be resisted in order to preserve the openness of the green belt and the functions that they are designed to serve, which include providing a long-standing separation between settlements.

However, there are a series of exceptions to ‘inappropriate development’ which are set out in para 149 of the NPPF, and so the starting point for the assessment of any application for new buildings in these areas is to examine if it meets any of these exceptions, in which case it would be acceptable in principle. If not, there is a further assessment to identify any ‘very special circumstances’ that may apply to the particular proposal and so permit its support in the green belt.

Having made that assessment there is a need to examine the normal planning considerations raised by the application such as neighbour amenity, access and parking, etc. which are generally tested against Policy GD7 of the FLPPR.

Planning History

The planning history section above highlights that the council pursued enforcement action at this site just over 10 years ago. This secured the removal of a building that had been erected on the site without planning permission and was being utilised for office purposes. The action was taken following the submission and refusal of an application (Ref: 10/0837) which sought retrospective planning permission for the building, but was refused on grounds of it being inappropriate development in the green belt development and relating to highway safety considerations.

Those are key issues in the assessment of this application also, as highlighted by the Parish Council, and so it is worth setting out how the similarities and differences between the development that is proposed now and that which was presented in 2010.

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The similarities include that the site's physical characteristics, including its access point, are unchanged. It is also the case that the site has remained in the green belt despite the change in development plan since 2010.

Whilst the building is physically similar, the current proposal is for an extension to an existing building that relates to providing additional capacity for an existing business, rather than a standalone unit. It is also the case that the current proposal is for a storage use rather than an office use so would have different vehicle movement implications. These were such that the local highway authority objected to the application in 2010.

The greatest difference is the change in planning policy that applies to green belts. In 2010 the assessment was made against Planning Policy Statement 2 (PPS2) which is one element of the suite of guidance that was in place prior to the introduction of the first National Planning Policy Framework in 2012.

PPS2 followed a similar approach to the current guidance in applying restraint to new development in green belt areas, but the exceptions that were permitted were more stringent as follows:

- *Agriculture and forestry*
- *Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*
- *Limited extension, alteration or replacement of existing dwellings*
- *Limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3 ; or*
- *Limited infilling or redevelopment of major existing developed sites identified in adopted local plans*

The above list confirms why the erection of a building for employment purposes would not be supported within the green belt at that time, and therefore why the planning application was refused and enforcement action taken. Furthermore, the objection by the highways department due to the additional traffic associated with an additional office use on the site was a key contributing factor to the refusal also relating to a highway safety reason.

This planning history is a material consideration in the assessment of the current application, but officer advice is that the differences between the schemes, the change in green belt guidance and the differing views of the local highway authority ensure that the weight to be applied to this planning history is limited.

Development within Greenbelt

The current green belt policy assessment requires that the development proposal be tested against Fylde Local Plan to 2032 (Incorporating Partial Review) Policy GD2. This simply advises that development within the greenbelt should comply with national guidelines set out within the NPPF.

Paragraph 149 of the NPPF states that:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(a) buildings for agriculture and forestry;

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(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

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

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

From this list officers believe that exception g) is the most relevant.

The application site is an area of land that was presumably agricultural or horticultural in its initial use, but has clearly been used for employment uses for many years, given the uses that were lawfully in existence in 2010. It is a single area of land without any subdivisions, and so whilst the area of this particular application may not have had any previous lawful development, it is within an area of land that constitutes 'previously developed land'.

The application relates to an extension off the rear of an existing building that reflects the scale, proportions and materials of that building. The building will be completed in matching materials to the existing building and will match both the design and scale. The plot has a tree lined boundary creating a definitive barrier between development and open land, with the proposed extension remaining within the defined boundary of the plot and will not extend into the open greenbelt. It will not be visible from public vantage points and is well contained within the site. With these factors it will not have any impact on the openness of the green belt, and hence satisfies exception g). This means that the proposal is not inappropriate development and so accords with NPPF guidance and Policy GD2 making it acceptable in principle.

Design and Appearance

The proposed extension will be located to the rear of the site and set behind the existing buildings, the extension will be completed to match the existing buildings both in regards to materials and design. The extension will not have a greater height or width to the existing building and therefore provides an appropriate addition to the site which will be sympathetically designed and compliment the existing appearance of the site.

This ensures that it complies with criteria d), f), i) of policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review)

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Impacts on surrounding occupiers

The site shares its boundaries with undeveloped land to both the north and south which is not part of the residential curtilage of surrounding dwellings. The proposed extension to the building will run along the southern boundary of the site. The neighbouring area of land has a number of trees both along the boundary and within the plot. The single storey height of the extension and sympathetic wooden materials to match the existing building will not create an unacceptable degree of massing or overdevelopment along this boundary.

The extension will sit over 50m away from the nearest residential dwelling, and with it being for storage of products only its use will not create any additional noise, odour or other amenity impacts to the surrounding residential occupants.

As such, the proposal will not harm neighbour amenity and will therefore comply with criteria c) and h) of policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Highway safety

The proposed extension will provide additional storage for an existing business at the site. This involves visits by smaller commercial vehicles to bring products in and out of the site, with these vehicles being used as a consequence of the restricted nature of the access. The proposed extension is to provide additional storage capacity and so whilst there will potentially be a minimal increase in vehicle movements, this is not as significant as would be the case if the building were to be used for a more intensive industrial process or office use as was the case in 2010.

The Parish Council have highlighted their concerns over the access arrangements, and with this being relatively narrow and to a part of Kirkham Road that is also narrow these concerns are understood. However, it is also the case that the local highway authority has not raised any objection subject to a condition to ensure parking and turning areas are available within the site. These arrangements are available on site and would not be impacted by the proposed development.

With the storage use of the building and the lack of objection to the application from the local highway authority officers take the view that it would not be appropriate to refuse the application on highway safety grounds as the impacts on highway safety from the extension would not meet the test of being 'severe' as required by NPPF. Accordingly the access and parking arrangements are considered to comply with criteria j) and r) of policy GD7 of the Fylde Local Plan to 2032 (Incorporating Partial Review).

Conclusions

The application relates to an extension to an existing business use building in order to provide additional and required storage for the business. The application accords with national greenbelt guidance and so Policy GD2 as well as policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review). As such, the application will be recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Drawing no. 22130_LOC
- Proposed Plans, Elevations and Site Plan - Drawing no. 22130_110 Rev A

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used on the external surfaces of the development shall match those of the existing building in terms of type, colour, texture and scale.

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

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification) the extension and premises to which it relates shall only be used for purposes within Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.

Reason: To ensure that the future use of the premises is limited to one which can be carried out without creating potentially harmful impacts on the amenity of neighbouring residents, and to minimise the potential for the operation of the premises to create unacceptable risk to highway safety at the junction with Kirkham Road. These highway safety concern would occur were there to be an increase in the scale vehicle movements to the site as the restricted width of the site access to Kirkham Road would make access by large vehicles harmful to highway safety, and the restricted width of the site itself ensures that they would not be able to safely turn within the site. Highway safety concerns would also occur were there to be an increase in the volume of vehicle movements as the restricted width of the site access to Kirkham Road prevents vehicles being able to pass at that entrance and so creates potential conflicts with the free flow of vehicles on Kirkham Road. Accordingly this condition is required to satisfy the requirements of Policy GD7 Fylde Local Plan to 2032 (incorporating Partial Review), relating to the need for the site access to operate safely, and the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until the vehicle parking, servicing and manoeuvring areas indicated on the site plan listed in condition 2 of this planning permission are laid out and made available for use. These areas shall be retained as being available for their designated purpose at all times thereafter.

AGENDA FOR 7 DECEMBER 2022 PLANNING COMMITTEE

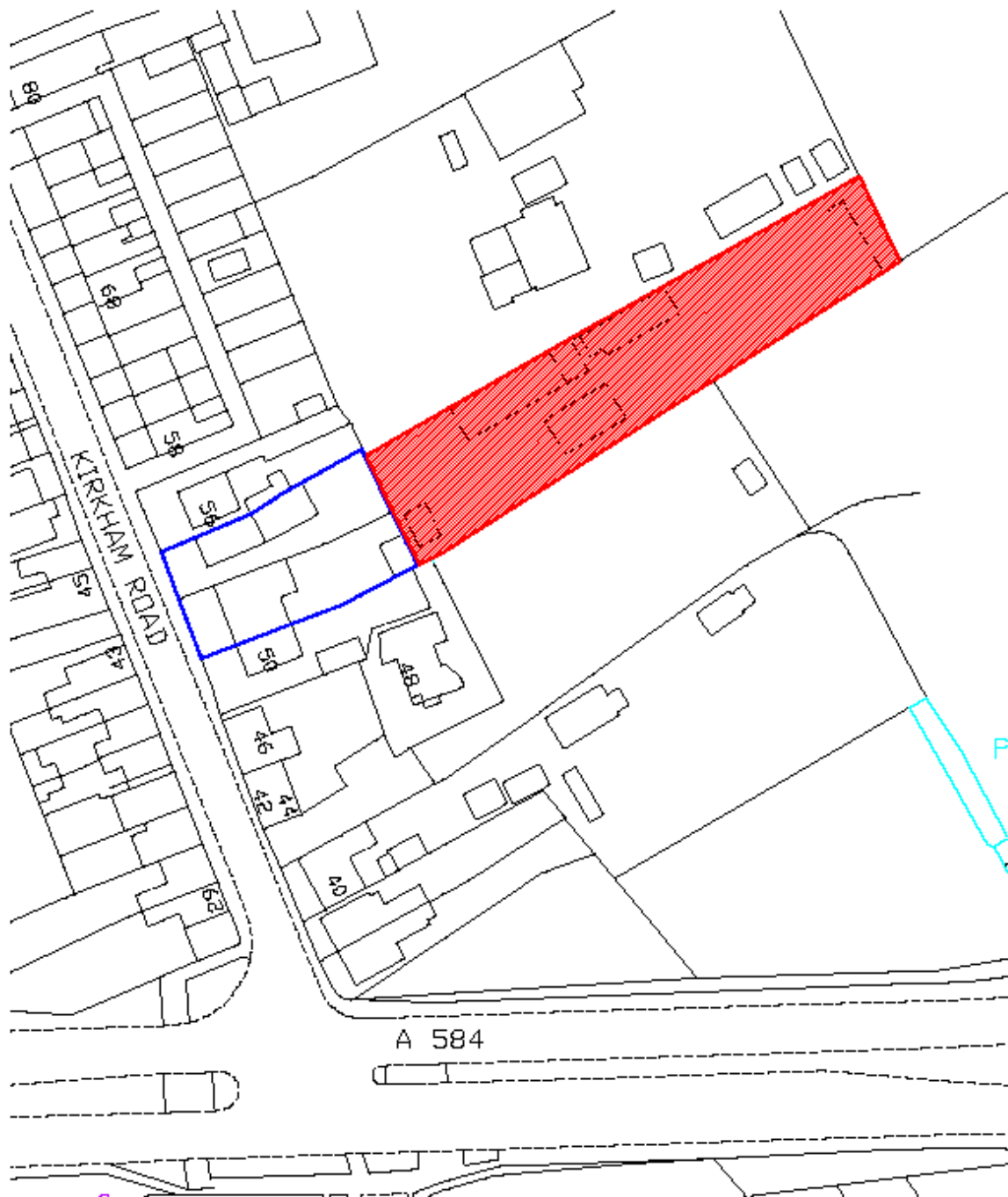
Reason: To ensure that adequate provision is made for vehicle parking, servicing and manoeuvring in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies GD7 and T5, and the National Planning Policy Framework.

Informative(s)

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

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

Location Plan for Item 7 – 22/0785



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	7 DECEMBER 2022	5
FYLDE COUNCIL TREE PRESERVATION ORDER 22.0003: LAND NORTH OF MILL LANE, ELSWICK, PR4 3ZH			

PUBLIC ITEM

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

SUMMARY

Planning Committee are asked to confirm this Tree Preservation Order following consideration of the comments received during the consultation on the Order. The council's constitution requires that when an objection is received the decision on whether to confirm the Order is made by the Planning Committee.

RECOMMENDATION

1. That the committee confirms the Tree Preservation Order so that it becomes permanently effective. If the Order is not confirmed within six months it 'lapses', and the trees may be felled.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. Legislative background to tree protection.

1.1 Statutory Duty regarding Trees.

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

Section 197 defines a duty in respect of trees:

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

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

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

1.2 Tree Preservation Orders.

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

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

1.3 Changes to TPO procedures from 6th April 2012.

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

2. Background to making the Tree Preservation Order.

2.1 Threat to trees due to redevelopment and inappropriate management

The trees are situated within the hedge line that encircles the development site situated between Bonds Lane & Mill Lane, Elswick (approved planning application 18/0318 & 20/0875). The trees and hedgerow in this location help to provide natural green infrastructure associated with the rural setting and provide amenity & biodiversity value to the area. It was brought to the Tree Officers attention that a section of hedge had been removed and soil volume within the rooting area of trees had been graded off by heavy plant machinery contrary to condition 16 of the approved planning application for 20/0875. On visiting the site, the tree officer noticed there was:

- No adequate tree protection fencing installed
- Exposed and damaged roots where soil had been graded off
- Unauthorised removal of hedge

Following the Government’s guidelines in relation to Tree Preservation Orders, under expediency, it was deemed by the Tree Officer appropriate to place the trees under a provisional tree preservation order (Appendix 1). This is to safeguard the amenity and biodiversity value of the trees from inappropriate tree work or impacts from development of the site.

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

2.2 Objection Period.

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

All persons notified of the TPO were required to make any representations or objections before 29th July 2022.

3.0 Objection.

An objection was made in the form of a letter submitted to Fylde Council by a resident of Ash Close Elswick. The objection was dated 8th July 2022. A copy is attached as Appendix Two.

3.1 Summary of Objection.

The objection mainly centres around concerns with respect to the location of the new properties that will be built adjacent to trees along the western boundary.

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

- a) Removal of trees prior to placing the tree preservation order
- b) Relocation of houses to reduce the potential impact on trees from construction work
- c) There is sufficient room to build houses away from trees
- d) Damage to tree roots from the installation of drainage pipes

4. Response to the Objection.

All points A, B, C & D will have been considered through the planning application assessment and are not part of the consideration of a tree preservation order. The planning application was determined under application 18/0318 & application 20/0875 to discharge conditions. All works in and around trees should adhere to the accepted Arboriculture Method Statement submitted by TEP tree consultancy dated 2020 (revised version 26/03/21). TEP Arboriculture Method Statement shows clearly that no trees should be impacted on by development, and if there is any requirement to work within the root protection area, all work shall be supervised by an appointed suitably qualified arboriculturist. In the opinion of the Tree Officer, having viewed the planning application at the time, there was no requirement to place the trees under the extra protection of a preservation order.

Conclusion

These trees are rare and unique to this location and the increase in development makes these trees valuable to the area. They also play an integral part in our lives and help to reduce the impact of new housing in a rural edge of settlement location by screening it from the surrounding open countryside. Due to the trees sustaining damage during the initial construction stages if they are not afforded permanent protection, they could be removed from the landscape and so increase the hard landscape look in this increasingly populated area. As these trees carry out their natural life cycle, their amenity and biodiversity value will increase, because they provide shelter and a source of food for wildlife and if the trees are removed, the animals/ insects and fungi that are species specific to these trees will be lost. The loss of the trees would result in less biodiversity and carbon sequestration. There would also be increased run off rates from rainfall having a negative effect on flood attenuation. Along with softening the landscape and creating value to the area which makes it a more attractive place to work, live and visit.

We should be looking to retain wherever reasonably practicable our tree stock, not only for the local area in which they sit, but for the whole of the Fylde landscape.

Members are therefore asked to confirm the Order without modification which will provide protection to the trees.

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

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

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
TPO 2022 No 3		Town Hall, St Annes

Attached Documents

Appendix 1 – Tree Preservation Order 22/0003 Land North of Mill Lane, Elswick, PR4 3ZH

Appendix 2 – Objection



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

The Fylde Borough Council Tree Preservation Order 2022/0003 Land North of Mill Lane, Elswick, PR4 3ZH

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

Citation

1

This Order may be cited as The Fylde Borough Council Tree Preservation Order 2022/0003 Land North of Mill Lane, Elswick PR4 3ZH

Interpretation

2

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

Effect

3

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

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

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

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

Application to trees to be planted pursuant to a condition

4

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

Dated this 1st day of July 2022

A handwritten signature in dark ink, reading "M.D. Evans". The signature is written in a cursive, flowing style.

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

**SCHEDULE
SPECIFICATION OF TREES**

Article 3

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation - approximate easting/northings</i>
T1	Sycamore	342297/438415
T2	Sycamore	342293/438510

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of trees

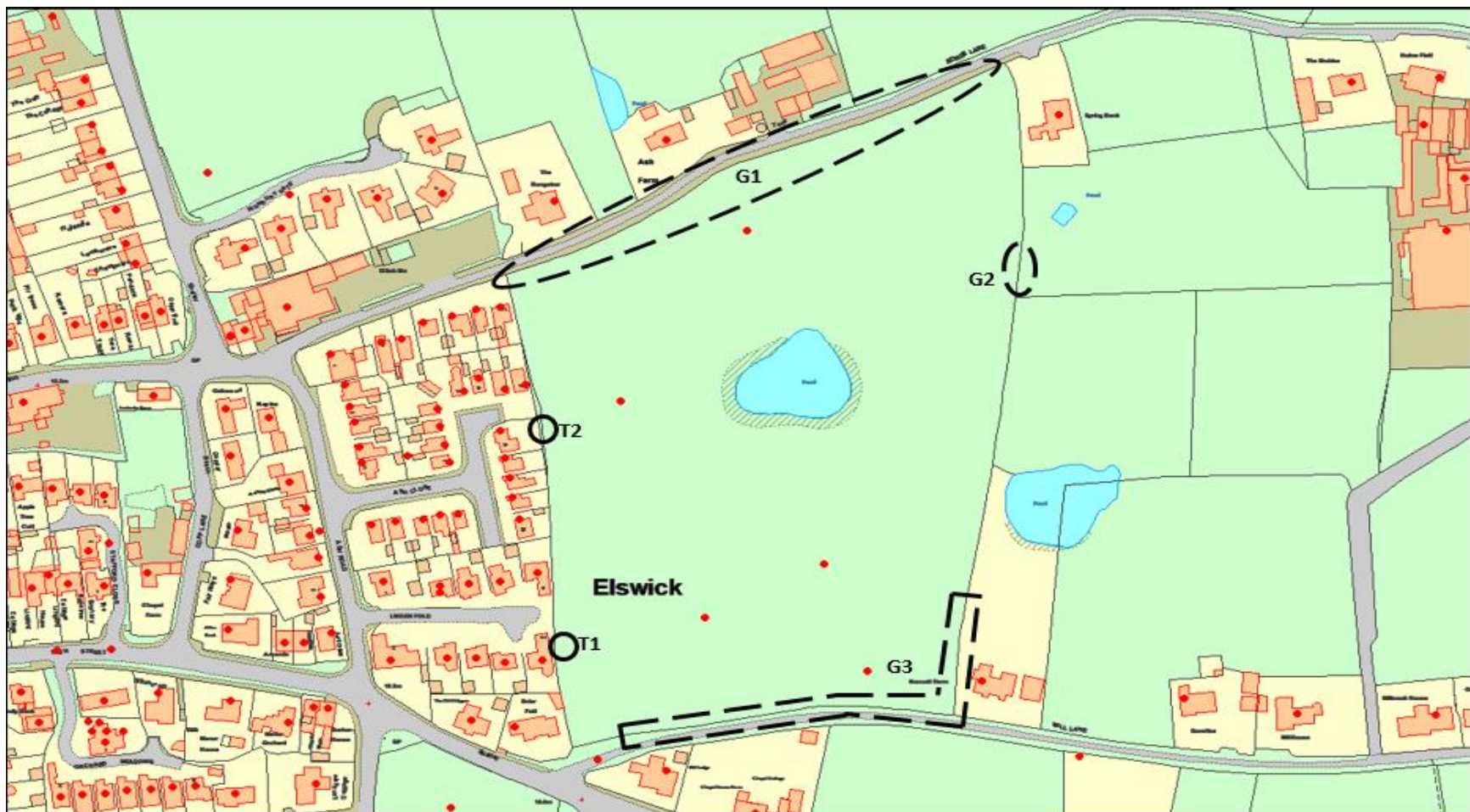
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation – approximate eastings/northings to centre of group</i>
G1	13 Ash 1 Alder	342375/438629
G2	1 Sycamore 1 Oak	342487/438587
G3	7 Ash 2 Alder 10 Sycamore 2 Whitebeam	342433/438383

Woodlands

(within a continuous black line on the map)

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



The Fylde Borough Council Tree Preservation Order 2022/0003 Land North of Mill Lane, Elswick, PR4 3ZH

8th July 2022.

PR4 3ZH

The Fylde Borough Council Tree Preservation Order 2022/0003 Land North of Mill Lane Elswick, PR4 3ZH.

Dear Sir,

I am writing with concerns regarding the above proposed Tree Preservation Order.

Firstly are we not shutting the stable door after the horse has bolted. The contractor (Create Homes) has already cut down around ten of these trees in order to gain access to the site.

If you are serious about this Tree Preservation Order, then consideration should be given to the location of the houses being built adjacent to these trees. i.e. at least 3 / 4 houses by tree T2 should not be built in the location proposed on the current plans but should be relocated in a different position on the site. The very deep foundations of these houses potentially will damage the tree roots. Also the trees are in danger of mechanical equipment causing damage the lower branches during construction of these houses.

Along this edge of the field (West boundary) close to tree T2 there are plans to install a drainage pipe which will also damage the tree roots of this tree, another reason to relocate some of these houses.

The above applies to all of the trees, in fact a green space should be allowed by all of these trees in the Proposed Preservation Order. The site is plenty big enough to fit the 50 houses on and consideration should be given to relocate 4 or 5 of these houses away from the trees.

In conclusion if the tree preservation of these trees is to be taken seriously then the layout of these houses especially close to tree T2 needs to be revisited. There is plenty of room on this site to accommodate 50 houses, and repositioning 4 or 5 houses should not be a problem.

Yours Sincerely

[Redacted Signature]

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	PLANNING COMMITTEE	7 DECEMBER 2022	6

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 22 October and 25 November 2022.

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

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Index of Appeal Decisions

Appeal decisions received between 22 October 2022 and 25 November 2022.

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

App. No.	20/0858	FBC Decision:	Refusal	Level:	Delegated
Location:	LAND ADJACENT LARBRECK FARMHOUSE, WELL LANE, LITTLE ECCLESTON WITH LARBRECK, PRESTON, PR3 0XR				
Description:	FORMATION OF NEW VEHICLE ACCESS TO GARSTANG ROAD (A586) AND CONSTRUCTION OF HARDSTANDING TRACK ACROSS FIELD TO PROVIDE ACCESS TO AGRICULTURAL BUILDING				
PINS Decision	Allowed	Date:	10 November 2022	Costs:	N/A