

Agenda

Development Management Committee



Date	Wednesday, 31 July 2013 at 10:00 am
Venue	Town Hall, St Annes. FY8 1LW
Committee members	<p>Councillor Ben Aitken (Chairman) Councillor Kevin Eastham (Vice-Chairman)</p> <p>Councillors Tim Armit, Fabian Craig-Wilson, Maxine Chew, Peter Collins, Charlie Duffy, Dr Trevor Fiddler, Nigel Goodrich, Peter Hardy, Linda Nulty, Kiran Mulholland, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder</p>

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Item Number: 1 Committee Date: 31 July 2013

Application Reference: 13/0086		Type of Application:	Full Planning Permission
Applicant:	Andrews Bowen Ltd	Agent :	De Pol Associates Ltd
Location:	ANDREW BOWEN LTD, SINGLETON GRANGE, FLEETWOOD ROAD, SINGLETON, POULTON-LE-FYLDE, FY6 8NE		
Proposal:	EXTENSION TO EXISTING WORKSHOP, ERECTION OF MACHINERY STORE, ERECTION OF ROOF COVERING OVER EXISTING STORAGE AREA AND ERECTION OF OFFICE WITH ASSOCIATED PARKING.		
Parish:	Singleton	Area Team:	Area Team 2
Weeks on Hand:	19	Case Officer:	Alan Pinder
Reason for Delay:	In order to seek design improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application seeks permission for two additional buildings, an extension to an existing building, and would also regularise the extension to the site area that has occurred since the original permission for a change of use was granted in 2006.

Whilst it is accepted that the site has expanded over the years and the provision of these additional buildings, in particular the covered sand store, will increase the visual impact of the site it is the officer's opinion that the economic benefits of the development are such that on balance it is appropriate for permission to be granted. The sand store has been reduced in height from that which was originally proposed and its siting against the back drop of Fishers Slack Wood is considered sufficient to adequately mitigate its visual impact to an acceptable level. The proposal is considered to accord with the aims of policy SP2 and SP8 of the Fylde Borough Local Plan and members are recommended to approve the application.

Reason for Reporting to Committee

Due to concerns raised by the Parish Council and two adjacent parish councils.

Site Description and Location

The application site is Andrews Bowen Ltd at Singleton Grange on Fleetwood Road in Singleton. The company is an established manufacturer and supplier of specialist equestrian riding surfaces, with one of its recent high profile contracts being sole supplier for the 2012 British Olympics equestrian events. The site is located within the countryside, as designated by the Fylde Borough Local Plan,

and comprises of a number of industrial units. The site fronts Fleetwood Road to the east and is bound on all other sides by agricultural land.

Details of Proposal

This application seeks planning permission for the following:

1. Side extension to the existing workshop building. This would project approximately 12 metres from the existing building and have the same depth and roof profile as the existing workshop.
2. The erection of a new plant/machinery store. This would be sited in the far north eastern corner of the site and have a footprint measuring approximately 20 metres by 20 metres. It would have a dual pitched roof with an eaves height of 4.2 metres and ridge height of 6.9 metres.
3. The construction of a covered sand store. This would be sited in the position of the existing open sand store, to the north west corner of the site. The store would have a footprint of approximately 18 metres by 24 metres and have a dual pitched roof with a ridge height of 13 metres.
4. The construction of new offices together with associated car parking. The offices would be located in the south east corner of the site, have a footprint measuring approximately 9.5 metres by 26 metres, and a dual pitched roof with a ridge height of 4.5 metres and height to eaves of 2.65 metres.

Relevant Planning History

Application No.	Development	Decision	Date
12/0082	CONSTRUCTION OF WIND TURBINE WITH 15 METRE HIGH TOWER.	Granted	30/04/2012
08/0324	RESUBMISSION OF APPLICATION 07/0655 FOR CONSTRUCTION OF EQUESTRIAN ARENA WITH IMPROVED ACCESS TO B5629	Granted	09/07/2008
07/0655	CONSTRUCTION OF EQUESTRIAN ARENA WITH IMPROVED ACCESS TO B5629	Withdrawn by Applicant	20/08/2007
06/0926	CHANGE OF USE FROM AGRICULTURE TO MANUFACTURE OF EQUINE SURFACING MATERIALS FOR USE IN CONSTRUCTION OF INDOOR AND OUTDOOR EQUINE SURFACES.	Granted	15/01/2007

Relevant Planning Appeals History

None.

Parish Council Observations

The site is within the area of **Greenhalgh with Thisleton Parish Council** who comment: "*No objections to the application but questions the necessity of the height of the sand store.*"

The site is close to the boundary of **Singleton Parish Council** who comment: "*Does not object but feels it is inappropriate for the area*"

The site is close to the boundary of **Little Eccleston with Larbreck Parish Council** who comment:
"No objection but raise their concern as a neighbouring parish that the sand store is too high and likely to be inappropriate in this rural location."

Statutory Consultees

County Highway Authority

No objections

The Ramblers Association

Whilst there are no footpaths within the boundary of this proposed scheme there are footpaths running very close to the south west corner which should have been clearly shown on the location plan. As this development will have a significant effect on the public enjoyment of walking this path due to the size of the proposed new buildings and roof covering over the existing storage area I would like to think that this be given some consideration. This proposal will significantly change the landscape of this area so it is not possible for the existing trees to be retained.

LCC: (Ecology)

It seems reasonably unlikely that the proposed development would have any significant ecological impacts subject to the following conditions:

1. A pre-works survey/inspection for protected species (e.g. water vole and badger) shall be carried out immediately prior to commencement of works. If any such species are encountered then measures to avoid or adequately mitigate impacts on the species shall be submitted for approval prior to commencement of works. If protected species are suspected or detected during this survey or at any point prior to or during works then works must cease immediately and advice sought regarding the need for a licence from natural England.
2. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
3. There should be no storage of materials or vehicle movements in the adjacent woodland.
4. All trees/hedgerow/woodland being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guideline (e.g. *BS5837:2012 Trees in relation to design, demolition and construction - Recommendations*)
5. External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. woodland, hedgerow, trees) and/or bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2009*)
6. Appropriate replacement planting shall be provided to compensate for any loss of trees/hedgerow

Environment Agency

No objection in principle

Highways Agency

No objection

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 01 March 2013

Amended plans notified: 10 April 2013

No. Of Responses Received: One neighbour objection

Nature of comments made:

1. The address of the site is incorrect
2. The proposed covered sand store would be an eyesore due to its height
3. Would have the appearance of being an industrial site
4. If built the sand store should have solid sides to stop sand being blown onto neighbour's land

Relevant Planning Policy

Fylde Borough Local Plan:

SP02

Development in countryside areas

SP08

Expansion of existing business & commercial operations

Other Relevant Policy:

NPPF:

National Planning Policy Framework

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The issues to consider in the determination of this application are the criteria contained in policy SP8 of the Fylde Borough Local Plan. SP8 permits the reasonable expansion of existing rural businesses and commercial enterprises subject to the following criteria:

- 1. The development in general terms would have no significant harmful impact on the character, appearance or nature conservation value of the countryside.**

The application relates to providing improved facilities to an existing commercial site within countryside. The proposed works would reflect the finish and form of the existing permanent buildings and replace the existing unsightly portakabin offices with more visually acceptable office premises. As such, in general terms, the proposed development would not have any significant impact on the character of this area of countryside. With regard to nature conservation the County Ecologist has raised no objection subject to general precautions to local fauna being attached to any permission granted.

2. The development would not represent a major increase in the developed portion of the site.

Planning permission for the current commercial operation at the site was originally granted permission in 2006. Since that time the extent of the developed part of the site has expanded to approximately double that originally approved. This application would regularise the current site area and given that no complaints, or otherwise, have been received regarding the site during the interim period it is not considered that a refusal of permission on this issue would be sustainable.

3. The height of the proposed buildings would not exceed the height of the existing buildings in the vicinity of the proposed development.

In this instance the proposed covered sand store, at 13 metres in height, would exceed by approximately 6 metres the height of other buildings within the site. A covered sand store is required as the existing store is open to the elements which causes waterlogging and handling problems, particularly during the winter months. Furthermore the manufacturing process for the equestrian surfaces requires dry sand and hence an appreciable amount of energy is required to dry the wetted sand. The 13 metre height of the store is required to enable the sand delivery wagons to tip and distribute the sand within the building whilst under cover; protecting the sand from the elements. Although the height of this building would increase the site's prominence it would be sited against the backdrop of Fishers Slack Wood in the eastern corner of the site. The combination of this tall woodland backdrop and the dark green finish of the building is considered to sufficiently mitigate its visual impact to an acceptable level. On balance it is considered that the combination of need, economic benefit, siting and finished colour are such that although this building would be visible from public vantage points its visual impact would be acceptable and not of sufficient harm as to refuse the proposal on the grounds of harm to the visual amenity of the countryside.

With regard to the remainder of the proposed buildings the developer has agreed to provide additional screening landscaping along the site boundary to the south of the entrance to augment the existing boundary hedging. As such the visual impact of the remaining buildings is not considered to be an overriding concern.

Conclusions

The proposed development is considered to accord with the aims of policy SP8 of the Fylde Borough Local Plan and members are recommended to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

In the interests of visual amenity.

3. A pre-works survey/inspection for protected species shall be carried out immediately prior to commencement of works and the results submitted to the Local Planning Authority. If any such species are encountered then measures to avoid or adequately mitigate impacts on the species shall be submitted to the Local Planning Authority for approval prior to commencement of works. If protected species are suspected or detected during this survey or at any point prior to or during works then works must cease immediately and advice sought regarding the need for a licence from natural England.

In order not to disturb or deter the occupation of the site by any species whose habitat is protected by the Wildlife & Countryside Act 1981.

4. That no works shall commence or be undertaken between the months of March and July inclusive, until a walkover survey of the site and its boundary hedges has been undertaken to establish the presence of any breeding birds and the results submitted to the Local Planning Authority. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting sites shall be submitted to the Local Planning Authority for approval and implemented throughout the construction of the dwelling.

To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwelling

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

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

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

Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0086	Address Andrew Bowen Ltd, Singleton Grange, Fleetwood Road, Singleton	Grid Ref. E.3397 : N.4385	Scale 0 10 20 30 40 m

Item Number: 2 Committee Date: 31 July 2013

Application Reference: 13/0097		Type of Application:	Reserved Matters
Applicant:	Wainhomes (North West) Ltd	Agent :	Emery Planning Partnership Ltd
Location:	LAND TO THE EAST, RICHMOND AVENUE, RIBBY WITH WREA		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 54 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 12/0408		
Parish:	Ribby with Wrea	Area Team:	Area Team 1
Weeks on Hand:	23	Case Officer:	Andrew Stell
Reason for Delay:	Application Deferred by Committee		

Summary of Recommended Decision: Delegated to Approve

Introduction

The application was presented to the 26 June 2013 meeting of Committee for a decision. The resolution of that meeting was to defer the application pending further discussions with the applicant and consideration to:

- The layout of the development with respect to the existing neighbouring dwellings
- The potential for a drainage ditch to be incorporated into the layout between the proposed dwellings and the site boundary with Richmond Avenue / Westbourne Avenue
- Any further comments from United Utilities in respect of the proposed drainage of the site
- The arrangement of affordable housing on the site.

The Committee also made reference to the benefits of the applicant entering into dialogue with the local community.

Since it was presented to the meeting in June 2013 the layout has been revised to provide the affordable housing as semi-detached houses rather than terraces and to provide a ditch between the proposed dwellings and the western site boundary. These amendments are improvements to the scheme and are considered to address the concerns that were raised by Committee at that meeting.

The report presented below is essentially that which was before Committee in June, but has been revised to reflect the changes to the scheme and progress on other matters. To assist Members, the elements that have been revised are in bold text.

Summary of Officer Recommendation

This application relates to a rectangular area of land off Richmond Avenue in Wrea Green. The site is outside of the settlement boundary and allocated as Countryside in the Fylde Borough Local Plan with boundaries with other agricultural land on two sides and residential

properties within the village on the other two.

The site has the benefit of outline planning permission for the erection of 55 dwellings that was granted on the completion of a s106 agreement earlier this year in line with a resolution made at the October 2012 meeting of this Committee. This application is for all the remaining reserved matters associated with that planning permission.

Since it was presented to the meeting in June 2013 the layout has been revised to provide the affordable housing as semi-detached houses rather than terraces and to provide a landscaped ditch between the proposed dwellings and the western site boundary. These amendments are improvements to the scheme and are considered to address the concerns that were raised by Committee at that meeting.

The proposal delivers a range of house types that are all considered to be of an appropriate scale, design and materials for the location. They have an appropriate relationship to each other and with the off-site neighbours. The scheme delivers a public open space and landscape strategy that will allow the development to be assimilated into the surrounding rural landscape in line with the measures proposed at the outline stage.

It is considered that the proposal complies with the requirements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan with regard to new residential estate development and the other policies of that plan relevant to the other aspects raised by the proposal. As such the application is recommended for approval and so will enable the planning permission to be implemented.

Reason for Reporting to Committee

The application relates to an application for reserved matters approval that is major development. As it is recommended for approval the Scheme of Officer Delegation requires that the application be determined by Committee.

Site Description and Location

The application site is a roughly rectangular shaped area of land immediately adjacent to, but outside, the south eastern boundary of Wrea Green village. The site extends to 2.5 hectares and is currently available for agricultural use. It is separated into 2 fields by a ditch and hedge. The land is generally flat across the site but undulating.

The immediately surrounding uses are residential properties on Westbourne Ave / Richmond Ave to the west, Willow Drive / Ash Grove to the north and other agricultural land to the south and east. The land is within the Countryside as allocated by Policy SP2 of the Fylde Borough Local Plan but contains no other designations.

Details of Proposal

The application

Planning permission was granted in outline following the October 2012 meeting of this Committee and the conclusion of a s106 agreement. That secures the principle of the development of that number of properties and their access from Richmond Avenue. This application is for the reserved matters from that application, namely Appearance, Layout, Landscaping and Scale. The application relates to the whole site but originally reduced the number of dwellings to 53 from the 55 granted as part of the outline, although this has been increased to 54.

The properties utilise the access from Richmond Avenue and are laid out generally as shown in the

illustrative plan submitted with the outline. This features a central play area and pond with the properties arranged in a series of cul-de-sacs around that. The properties are all two storey with all but 8 being detached dwellings with integral or detached garaging, with most of these having 4 or 5 bedrooms. The 8 other properties are in two terraces of 4, and are two bedroomed affordable units. The materials across the site are predominantly brick with tiled roofs. The landscaping shown is an enhancement of the boundary hedges, the retention of much of the central hedge and planting around the frontages of the properties.

Original Supporting Information

The application is supported with similar information to the outline:

- Application Forms
- Location Plan
- Site Layout Plan
- Landscaping Proposals
- Finished Floor Levels and Drainage layout
- Planning, Design & Access Statement
- Ecological Survey
- Flood Risk Assessment
- Tree and Hedgerow Survey and Constraints plan
- Ecological Survey and Assessment
- Housetype and garage drawings

Given the level of information that was assessed at outline stage, and the recent nature of that decision, much of the supporting information from the outline remains valid and is repeated with this application. The Planning Statement summarises the position with regard to the outline approval and the various matters that were addressed by condition and the s106 and concludes that this scheme is appropriate for the remaining reserved matters of that planning permission.

Further Supporting Information

As part of the determination of the application officers have raised several issues with the applicant and this has resulted in the submission of additional information and revisions to that originally proposed, including:

- Revisions to the layout to improve the separation of dwellings from the site boundary in some areas
- The introduction of the 'Milton' housetype to the layout which is a three bedroomed dormer bungalow
- This has increased the number of dwellings to 54, with this reflected in a revised description of the application but is still within the terms of the outline which allows for 55 units
- Revisions to other house types to introduce hips to previously gabled dwellings near boundaries.
- Replacement of the housetype for all 8 of the affordable units with an equivalent size unit that provides 2 bedrooms rather than the 3 bedrooms originally proposed
- Reduction in the FFL of dwellings in the part of the site nearest the rear of Richmond Avenue and Westbourne Avenue neighbours to improve the relationship of those properties
- Consequential updates of the drainage and landscaping drawings to reflect layout changes
- Provide clarification as to why the request for additional bungalow properties made by the Parish Council and various residents is not incorporated into the layout
- Provide confirmation from UU regarding the drainage arrangements

Revisions to application since June 2013 Committee

The number of dwellings and their general layout has not changed, but the following aspects have:

- The 8 affordable dwellings were originally proposed in two terraces of four. These remain in the same location on the site, but the terraces have been split into two to provide the 8 dwellings in four pairs of semis.
- A ditch feature has been introduced inside the western boundary of the site which is shared with the dwellings on Richmond Avenue and Westbourne Avenue. This is accommodated within the area of landscaping that was proposed on the previous layout and has involved a consequential revision to that landscaping. The ditch does not connect to the surface water drainage or other ditch networks and so would serve as a ‘holding facility’ for water in storm events. The revisions to the landscaping are designed to include species that draw larger volumes of ground water to assist with the perceived flooding issues in the area.
- A productive meeting has been held with representatives of Ribby with Wrea Parish Council and other residents of the area to discuss the merits of the proposed bus diversion. The outcome of this was a strong local preference for the bus not to be diverted to the site, but the funding provided through the outline planning permission to be used to ensure the No. 76 service operates on a Sunday. The details of this are being progressed, but it would mean that the bus turning facility within the site would not be required. Once this is finalised a further revised plan would be required to ensure that this area was landscaped.

Relevant Planning History

Application No.	Development	Decision	Date
12/0408	OUTLINE APPLICATION FOR UP TO 55 DWELLINGS, TO INCLUDE ON-SITE BUS TURNING FACILITY, ACCESSED OFF RICHMOND AVENUE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Approved with 106 Agreement	22/01/2013
11/0059	OUTLINE APPLICATION (ACCESS ONLY) FOR 54 DWELLINGS COMPRISING 32 No. AFFORDABLE UNITS AND 22 No. GENERAL MARKET UNITS, WITH ASSOCIATED NEW VEHICULAR ACCESS ROAD FROM RICHMOND AVENUE AND NEW PEDESTRIAN / CYCLE ACCESS FROM ASH GROVE.	Withdrawn by Applicant	13/06/2011
10/0094	OUTLINE APPLICATION FOR ERECTION OF 55 DWELLINGS (SITE LAYOUT, ACCESS AND LANDSCAPING APPLIED FOR)	Refused	13/05/2010
00/0465	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT	Withdrawn by Applicant	21/11/2000

Relevant Planning Appeals History

None.

Parish Council Observations to original scheme

Ribby with Wrea Parish Council notified on 05 March 2013 and make the following comments:

*“The COUNCIL **OBJECT** to the proposal and strongly recommend **REFUSAL** until a more localised and thorough proposal is forthcoming.*

Although the small reduction in housing numbers is pleasing the overall detailed application proposal is sketchy at best and not in keeping with what the village needs.

As you are aware the Council has always strongly opposed this development on a sustainability basis and outline planning permission was agreed purely on a 5 year housing supply need (also confirmed by all on the DMC that day), albeit the approval notice for technical reasons did not indicate this reasoning. It is, therefore, essential that this unwanted development meets the highest standards and fulfils the perceived needs of this village.

The waste water and sewerage systems are pivotal for this development and there can be no additional pressure put on the Richmond Avenue/Westbourne Avenue system which is at full capacity. Also, although “Heron’s Pool” now appears outside this application it is an intrinsic part of the proposals as it is a major player in the surface water drainage system for both this site and the surrounding area. The Environment Agency has already confirmed that the pool is contaminated with human sewage and this needs to be remedied before any development starts on this land. Overflow water from this pool already makes its way across the village to Moss Side Lane. It would be criminal to exacerbate the existing “health and Safety” problems pertaining to this watercourse. Consequently, these aspects need to be clearly and acceptably detailed. There is also no acknowledgment made of the 15 inch underground mains water pipe that crosses this site.

The design plan is not considered satisfactory. All the affordable dwellings are all together in one area next to existing properties rather than more integrated into the development to produce a more balanced and inclusive situation. There is, as the recent Affordable Housing Survey disclosed, a Wrea Green need for 2 bedroom homes but all the proposed affordable are all to be 3 bedded. There is also a need in the village for 3 bedroom private properties and bungalows for older residents, yet all proposed are to be executive style 4 or 5 bedroom houses. There is also a lack of adequate landscaping and an up to date wildlife report. This field is a well known locally as a bat feeding and bird feeding/nesting area.

It is prudent to build a remote play area without any houses facing? Is there a need for a bus turning area when it is most unlikely a bus company will agree to venture along a difficult access road?”

Parish Council Observations to scheme as revised

“The Parish Council welcomes the alteration to the 8 affordable houses and the decision not to divert the 76 bus route to the site through the existing Richmond Avenue housing area because of the “physical” problems, although without this facility the original approval would without doubt have not been forthcoming. Although it is expected that a Sunday service will be introduced to enhance the 76 service it is felt that this, in reality, adds little benefit to the village and the moneys could have been more wisely spent elsewhere. It is, however, fully understood that the section 106 agreement does not allow transfer of these moneys.

The Council also appreciates the new offer to put a swale/depression between the development and Richmond and Westbourne Avenues which goes some way to give the residents some assurance that surface flooding from the site will be controlled and not worsen. This is important as the residents, who have taken expert advice, are not as certain as Wain Homes that the previously proposed system will eradicate the existing problems suffered by ground water flooding. However, it would be appreciated if the depression was given a baked clay base and that the trees were indigenous water seeking varieties which would also act as a wildlife corridor to help to replace the existing wildlife habit currently on the site which is to be removed.

As you are fully aware the community and Parish Council remains very bitter over the approved

development of this site. Although the Parish Council is fully aware that Wrea Green has to accept a realistic share of the rural village allocation of new housing, the councillors still wish it be known that the planning approval at this location, even in the current difficult times, is considered by them and the members of SWAG and the Neighbourhood Plan Steering Group to be the worst possible development for the village and that no regard was given to the strong local views. They are also extremely disappointed that, in their view, the application was unrealistically massaged to increase accessibility points which made the application superficially more reasonable. “

Statutory Consultees

County Highway Authority

At the time of writing this report, comments had not been received. However, it is not considered that these would be critical as the principal of the development and its access was established by the outline permission. The scheme provides a standard layout that appears to have been designed to provide appropriate road widths, turning areas, footway connections, parking provision, etc. It is hoped that their comments will be received in time for them to be reported as part of the Late Representations schedule.

County Ecology

They were consulted on the application, but the consultation was received after the council has utilised its quota of annual consultation request for 2012-13, and so no reply has been provided. Nevertheless, they raised no objection to the proposal at outline stage subject to a series of conditions that were imposed with that decision and so it is not considered that any additional ecological input at this stage is essential.

United Utilities

Unfortunately they were omitted from the original consultations undertaken on the application and so no comments are available at the time of writing this report. Any comments will therefore be reported as part of the Late Representations Schedule. The applicant has provided correspondence between themselves and UU that confirms acceptance of the principle of the drainage arrangements proposed as part of this application.

Environment Agency

They have assessed the application and repeat the comments made at the outline stage which were to not raise objection subject to conditions relating to the agreement of a surface water drainage strategy prior to development and that the development is designed to minimise the impact on biodiversity.

Strategic Housing

They raised initial verbal objection to the proposal on the basis that the housetype proposed for the affordable units had some bedrooms that did not meet minimum standards. They have assessed the revised plans and confirm that their concerns on this subject have been resolved.

They have also reassessed the layout of the dwellings in the light of comments made at the June Committee. They confirm that the general approach is for affordable properties to be spread throughout a development wherever possible. However, in this case the relative low number of properties provided and their contrasting design to the market dwellings mean that this is not practical. The grouping of the properties has management advantages to the RSL and they consider this approach to be acceptable in this case. They also support the change of the terraces to semis as this improves their fit with the remainder of the development and allows better access to rear gardens.

Parks Manager

No comments have been received, but the applicant has confirmed that the play area and other elements of the open space are to be maintained by a private management company appointed by the developer.

Drainage & Flood Defence

Refer to known flooding issues on Ribby Road near Wray Crescent, and advise that the views of United Utilities are sought over the capacity of the public sewer system in the village.

Tree Officer

No comments have been received, but the application does not raise concern over any impacts on protected trees, and the site landscaping proposals are not critical.

Regeneration Team

They have expressed general support for the layout of the scheme, subject to clarifications over materials for the dwellings, roofs and boundary treatments. They also made suggestions for the improvement of the scheme relating to the separation from boundaries, use of hipped roofs, tweaking the orientation of plots to better relate to their access roads, the use of walls as boundaries in the site only where appropriate to link properties, removing any blank side gables from prominent locations, and investigating a pedestrian link to Ash Drive.

Electricity North West

They confirm that there is no impact on their infrastructure and advise of the need to contact them to arrange a supply in due course.

Observations of Other Interested Parties

The **Ward Councillor (Cllr Andrews)** has written to object to the development, stating:

“The detailed application for the development of this site is disappointing and lacks imagination. The centre piece of the development is presumably the play area and open space yet the proposed surrounding housing doesn’t seem to face it. Why? The affordable homes are for 3 bedroom units which recent experience tells us is not needed and very difficult to let. Single or two bedroom houses are in greater demand. The village has repeatedly said there is a need for small bungalows on small plots; i.e. homes suitable for older people, yet none are included.

Apart from the above it is unclear whether adequate arrangements have been made for drainage, both foul and surface. Local experience indicates that this is crucially important as the existing system has been proved throughout 2012 to be inadequate without any further loading. The pond in the corner of the site is clearly a highly important feature to all the surrounding houses but has adequate care been taken to guarantee its cleanliness? The quality and source of the water is already highly questionable.

Although a bus turning circle has necessarily been incorporated in the layout a great many neighbouring residents consider a bus service to be unviable and I question if this provision is a wise and prudent use of the land when perhaps a different layout would allow more separation between the existing Richmond Avenue housing and the new.

Please my I request that more thought goes into the final plan of this development. Too many questions remain unanswered. The wrong type of housing is proposed and residents’ repeated concerns are not being listened to.”

The **Save Wrea Green Action Group** (SWAG) have sent a series of topic-based letters that object to the development and are summarised as follows:

Planning

They explain that the outline application did not comply with the three strands of sustainable development in the NPPF and was approved by the Committee solely due to the need to meet housing supply numbers without any consideration of local need or the sustainability of the site.

The letter then argues that the development will adversely affect the attractiveness of Wrea Green as a village and so its economic role in bringing people to the borough, will expand the village and so cause division and a fragmentation of the local community, and will have an environmental impact as the village has few services to support an increasing population and so will require residents to travel outside of the village for work, services, shops, education, etc.

The letter does make some comments that relate to the reserved matters application in that it queries the access and responsibility for Herons Pond which is thought to be polluted, that the level of affordable housing is excessive for the village but deficient for policy and is not sufficiently spread out, that the housing mix is concentrated on 'executive style' properties rather than the types that are needed, that there are issues with education capacity in the village, that the boundary treatments and planting schedules are deficient, and that there are no details of infrastructure maintenance. They also refer to the application leaving many aspects unresolved that should be agreed at this stage, and that certainty to the public realm scheme should be secured, and that the access arrangements are dangerous due to the narrow roads / capacity on the network / design of the junctions. The letter then comments on items covered by, and reported here as part of, the other SWAG objections.

Ecology

The reports submitted in support of the outline application and this reserved matters are inconsistent in how they describe the drainage ditches on the site. This is seemingly to assist the arguments each presents.

The site is a resource that could be properly managed to improve biodiversity of the area by the planting of trees, hedgerows and wildflower meadows. Biodiversity will not be improved by the hard surfacing of the site and the construction of houses. Bats are commonly seen on the site and would be lost following this development, even if the proposed siting of bat boxes within the properties was undertaken.

The development involves the loss of at least one third of the hedgerow on the site and so significantly reduces its benefits as a wildlife corridor. The retained areas will be within gardens or public open space and so will suffer high levels of disturbance and possible damage.

The ecology report found some amphibians on site, but local knowledge is that many more species are found in the area, with the letter including photographs of Newts that are reported to have been found in neighbouring gardens. The long-term management of the hedgerows and ecological mitigation elements is queried.

Trees and Hedgerows

Highlight inconsistencies and inaccuracies in the report, and with the other submitted reports. These relate to the date of visit, the level of water in the on-site ditches, the under-reporting of wildlife on the site, the under-estimation of the importance of the hedgerow to wildlife, the lack of protection provided to the hedge and the inclusion of these features in gardens and open space which will inevitably reduce their value or lead to their loss.

Drainage

They present calculations on the estimated surface water run off from the site based on its anticipated hard surfaced area and the estimated storm rate run off including a climate change increase. They

believe that this proves the existing 300mm pipe that takes surface water to be inadequate, and so explains the current surface water flooding issues in the area. They extend these calculations to argue that the Bryning Lane pipe also does not have additional capacity to serve the site.

The submitted FRA is criticised for using minimal hard surfacing area estimations in their calculations, and UU for accepting that these are acceptable. They also argue that HydroBrakes are not a reliable method of draining the site, and may well prove ineffective at restricting the flow from the site so causing increased capacity problems to the Bryning Lane system.

They also argue that the proposal to direct flows to Ash Grove is not appropriate as the gardens in that area also suffer from flooding in modest storm events, so possibly impacting on the insurability of those properties. The letter then highlights deficiencies with various Sustainable Urban Drainage techniques and explains how the proposed drainage solution will require on-going maintenance.

The letter also argues that the foul sewerage in the village leads to a pumping station at The Brooklands which regularly requires maintenance and repair and causes foul water flooding of its neighbouring gardens. It is said to be imprudent to increase the loads using this unreliable facility.

The **Becketts Forge Management Company** have written to advise that they are opposed to the development on the basis that it may allow pedestrian / cycle access from the site to Ash Grove. They explain that such access is restricted under their lease of the land and will cause a nuisance and various risks to the occupiers of properties on the Becketts Forge development if access was permitted. They request that the plans be revised to incorporate a substantial hedgerow on this boundary.

Neighbour Observations

Neighbours notified: 05 March 2013 and notices placed on site and in press

No. Of Responses Received: 29 letters from 25 properties, largely bordering the site

Nature of comments made:

All letters are from residents of the village, and all raise objection to the scheme with the points raised being summarised as:

Principle

- There is no need for further housing in Wrea Green, which will destroy its village character
- There are large numbers of properties for sale in the village which emphasises this, including some on the former Wareings site built over 2 years ago.
- The village services (shops, leisure, employment, education) and infrastructure (gas, water, electricity, broadband) are unable to cope with additional dwellings
- The scheme will involve the loss of precious agricultural land
- The lack of services in the village means that residents will have to travel outside and use private cars which cannot be the sustainable development required by NPPF.

Access

- Richmond Avenue is too narrow and in a poor condition so cannot take the extra traffic. It leads to Bryning Lane which is also narrow and heavily traffic by village vehicles and commuters to BAe Warton
- The proposed routing of a bus to the site is not a viable or safe proposal and so should be removed from the scheme along with the bus turning facility
- The junction to Bryning Lane is inadequate to serve the development, with that road recording the highest speeds in the village so is unsafe
- Construction traffic will cause chaos through the village

- There needs to be a demonstration that the site can be accessed by emergency vehicles before any development is accepted and that has not been provided.

Layout

- The properties are almost all large executive properties, which are not in shortage in the village. The scheme should deliver small starter homes and bungalows for elderly people to downsize to.
- The similarity in scale and design of the properties lacks the variation and imagination required for a modern housing scheme.
- The affordable homes should be provided on site to the 30% of the total required by policy and should be 2 bedrooomed for rent
- The number of dwellings should be reduced to 40 and a 15m strip retained around all boundaries to offer separation to the existing neighbours.

Neighbour Relationships

- A screen of trees is required to provide privacy to residents around the site. These should be evergreen but no details of the species are provided
- A number of the dwellings are close to the boundaries of the site and will cause overlooking of the dwellings and gardens and loss of light
- The level of landscaping provided around the site has been considerably reduced from original proposals
- The scheme needs to be revised so that there can be no encroachment from the site to Ash Grove as this is legally prevented
- Express objection to specific relationships to the dwellings on Richmond Avenue
- Query the arrangements for siting the development alongside the existing boundary fences on Richmond Avenue

Drainage

- Neighbouring gardens already suffer flooding from surface water from the site and this needs to be addressed, and the scheme only going ahead when the drainage is agreed.
- The surrounding roads suffer flooding in heavy rainfall and the development of this site will increase the rate of run off and so make matters worse
- The foul sewerage provision in the village is inadequate. Raw sewerage backing up through drains is a serious health hazard
- The village has an old drainage network and it cannot cope with the extra loads from this site, with United Utilities not having sufficient knowledge of it anyway
- There is a pond adjacent to the site, known as Herons Pool, that is deep, dangerous and polluted and this scheme needs to incorporate this into any system.
- The scheme proposes raising the levels on site by 150mm which will cause flooding off site.
- The scheme proposes using Richmond Avenue for drainage, but that was said to be unacceptable previously. What has changed?
- Surface water drainage should be provided around the perimeter of the site.
- Query the viability of the proposed surface and foul water schemes given local knowledge of the difficult drainage arrangements

Other Matters

- The site is used by bats and other protected species who will lose their habitat from the development of the site, and particularly from the impact on its hedgerows and water features.
- The applicants have not undertaken any local consultation on their plans
- The submitted documents are incomplete, outdated and inconsistent with each other in places

- The development is in conflict with the village's Neighbourhood Plan

Relevant Planning Policy

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
SP02	Development in countryside areas
HL06	Design of residential estates
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP26	Air pollution
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Principle

This application is for the reserved matters associated with outline planning permission 12/0408. That planning permission established the principle of up to 55 dwellings being erected on the site and that they be accessed from Richmond Avenue. This application presents the reserved matters of the appearance, layout, landscaping and scale for consideration. There can be no argument about the principle of the site being developed for the 54 residential properties now proposed as that is secured by the outline permission.

That planning permission is accompanied with a series of conditions and a s106 agreement that related to the payment of money to facilitate an improved bus service for the site, the provision of off-site affordable housing and public realm works, along with the operation of the on-site element of affordable housing. As this is a reserved matters application those aspects are unaffected by the consideration of this application.

Development Plan

Since the determination of the outline planning permission the RSS has been formally revoked and it is envisaged that the council's Local Plan to 2030 will have been approved for public consultation. Neither of these have any bearing on the planning policies which should be used to assess this application which are the policies of the Fylde Borough Local Plan (as amended) 2005 with greatest weight to this where it is consistent with the guidance in NPPF. The principle policies for assessing this reserved matters application are Policy HL2 relating to new residential development, and Policy HL6 relating to design of residential estates. These are considered to be consistent with NPPF guidance.

Scale of dwellings

The built development surrounding the site is almost exclusively at two storey as a mixture of houses and dormer bungalows. The proposal here is for all of the new dwellings to be two storey properties and so this is reflective of the scale of development surrounding the site.

The Parish Council, Ward Councillor and local residents have highlighted a local desire for the development of bungalows as they see that these would be suitable for elderly residents of the village looking to downsize. This has been raised with the applicant who has responded with a letter that explains that this is a request that they commonly receive from local authorities across the region, and based on experiences elsewhere they are unwilling to provide bungalow units on this site. Their reasons for this relate to poor sales when they have been provided elsewhere, the lack of a planning argument for bungalows, the necessary interface distances between dwellings all being achieved in this layout for houses, and that they are unwilling to take the sale risk of having such properties built but not sold.

The scheme has been amended to introduce a pair of 3 bedroomed dormer bungalow properties. These are provided with a bedroom at ground floor alongside the reception rooms with a pair of ensuite bedrooms above. It is the inclusion of these properties that has increased the total number of dwellings to 54 as they replace a single detached dwelling in the original layout.

It is a general planning principle that development should be of a scale to reflect its surroundings, and the development of two storey properties as proposed delivers that. It is also the case that para 50 of the NPPF suggests that new dwellings should be of a type, size and tenure to reflect the local demand. In this case there seems to be a local demand for bungalows that the developer is unwilling to meet. However, to refuse the application on this basis would require the council to be in a position where there is robust evidence to support the locally expressed desire for bungalows. Although there is some evidence of this in the draft Wrea Green Neighbourhood Plan, this does not have any formal status and as such the officer advice is that this is not sufficiently robust to support a refusal of the application on this basis. The recent Local Housing Needs Survey in the village found that there was no need for affordable bungalows, but found that there was some need for market properties of that nature which would allow elderly occupiers of large properties to downsize their homes in the village.

Notwithstanding this point, the dwellings proposed do reflect those in the surrounding area at present, and if the developer was to receive expressions of interest for bungalows the site is of a sufficient scale where they could return to the council to request that elements of it be re-planned to provide such units at a later date.

Design of Dwellings

The dwellings proposed are all from the applicant's standard property portfolio rather than being specifically designed to reflect the local characteristics. The site is located where it is only readily visible from the neighbouring dwellings and so will be seen in the context of that existing development. The properties on Ash Grove to the north were built in 1990s and the properties to Richmond Avenue / Westbourne Road were built in 1970s. Both of these estates are designed to follow the typical style of their age and so do not establish any particularly high quality of local design. In such circumstances the design of the properties on this site cannot be criticised for not

following those styles.

The properties present a range of designs that follow a common theme with some variations to them to add interest through their design, use of particular features and varying orientations on the plot. These designs are considered to be appropriate for this development.

Relationship to Neighbours

The site has boundaries to neighbouring dwellings to the north and west only. To the north the aspect is one where the properties generally face the existing dwellings on Ash Grove, with the brook, planting area, and access drives between. This results in the properties being between 30m and 50m distant from these neighbours, which is an acceptable separation distance for such a relationship.

The proposed units to the western boundary are against the rear gardens of properties on Richmond Avenue and Westbourne Avenue. Where the new properties back-on to their off-site neighbours a separation of 40m is achieved. Where they are to side-on this is reduced to 28m at the closest point. In both cases this separation is largely in the rear gardens of the existing properties and gives an acceptable relationship as a consequence of this distance and the blank side gables not leading to any direct overlooking. The orientation of the properties will mean that some angled views of garden areas will be available, but these are at an acceptable level as a consequence of the distances involved and the angles of view available. This is further assisted by the landscaping proposals which involve the planting of a series of trees to the garden areas within the application site to soften the boundaries between the new and the old. **Whilst the layout has been amended to include a ditch and revised landscaping in this area, the dwellings are in the same location as previously presented to Committee.**

The internal relationships between dwellings have been assessed and all are appropriately separated and arranged to provide a layout that does not lead to any concerns over the levels of overlooking or massing that would be caused.

Layout

The outline planning application was supported by an illustrative layout that was required at that time to demonstrate that the number of dwellings proposed in the scheme could be accommodated on the site. The layout submitted under this application is similar to the illustrative one, but has been improved with the tweaks to the property types used, the clarification of landscaping and reduction in the proposed Finished Floor Levels of some dwellings to relate more appropriately to their neighbours. The layout presents an appropriate extension of the urban form of the village which retains the landscaping and drainage features on the site to add interest to the development and presents a softened landscaped edge to the countryside beyond. It is considered to comply with Policy HL6 and criteria 1, 2 & 4 of Policy HL2 which relate to the general layout and design of the properties.

Provision of Affordable Housing

The outline planning permission was approved with a s106 that obliges the provision of 8 dwellings on site and a financial payment of £50,000 per plot in lieu of the other 9 dwellings to deliver the 30% affordable housing that is required by policy. This also confirms the phasing of delivery of the on-site affordable dwellings and their retention as socially rented properties. These aspects are therefore already secured and not for discussion in this application.

The original proposal was for all 8 of the on-site properties to have 3 bedrooms. However, in response to local comments and the very limited size of the smallest bedroom, these house types have been amended to provide 2 larger bedrooms and now meet the relevant minimum standard sizes in legislation.

The arrangement of the properties has also been revised with the previous four property terraces each split into two pairs of semis. This has benefits in that it better relates to the

market houses on the site, it improves the rear access arrangements and property security, and allows the provision of parking between the terraces to remove some from the site frontage. These are all improvements in the layout over that previously proposed. The dwellings remain in the same cluster on the site, but this is considered to be acceptable given their continued variation from the design of the market dwellings and the limited number of properties involved.

The properties retain an appropriate relationship to each other and to their off-site neighbours. They are designed to the appropriate standard for the type of properties that the recent local affordable housing need survey found the requirement for and so their provision on the site in this scheme is acceptable.

Access and parking arrangements

The vehicular access to the site from Richmond Avenue and so Bryning Lane was approved as part of the outline planning permission. The use of that road and the conditions relating to the improvement of the junction are secured under that permission, and are unaffected by this reserved matters application. The layout provides for an extension of the Richmond Avenue carriageway and footways into the site before it divides into a series of smaller cul-de-sacs which are provided with single footways and then shared surfaces as the number of properties served off them reduces.

Unfortunately no comments have been received from County Highways at the time of writing this report and so it is not possible to advise if the road network meets their requirements for adoption at this stage. However, the applicant is experienced at developing residential estates in the region and so used to the requirements of Lancashire County Highways relating to the provision of roads that are capable of adoption. They have verbally confirmed the intention that the roads and footpath areas are to be adopted and that they have been designed that standard. A condition is appropriate to ensure that this road is properly constructed as the development proceeds.

Since the June Committee meeting the practicality and desirability of diverting the existing No. 76 village bus service to the site has been discussed with the Ward Member, Parish Council, local residents and LCC Public Transport Officer. The conclusion of this was that the funding committed under the outline s106 agreement by the developer would be better spent on ensuring this service operated on a Sunday when there is currently no service to the village. The s106 agreement allows for the money already committed to be spent on this. Once the details of this are formalised there will be no need for the bus turning facility that is provided within the layout. Whilst this remains in the application plans before Committee the developer has agreed to request a variation of this scheme to replace this facility with an area of landscaping once the bus service details have been finalised.

The parking levels for the development are generally a minimum of two spaces per dwelling, with all but the affordable units benefiting from garages. This is a higher level than would typically be expected on such a development, but is not a matter that is considered sufficient to justify a refusal of the application.

Drainage

The outline planning permission was supported with a Flood Risk Assessment that proposed that the foul and surface water drainage from the site be taken to the public sewer system that serves Ash Grove and then away from the site in that direction. United Utilities and the Environment Agency had no objection to this in principle subject to the details being drawn up on the basis of the final layout, with conditions imposed to ensure that these were agreed prior to the commencement of any development.

This application is supported with the same FRA but also includes a drainage and floor levels plan. This indicates that all surface and foul water is to be taken from the site to the existing public sewer, with the majority of this to the Ash Grove network and around a quarter to the public sewer that

serves Richmond Avenue. The developer has confirmed their intention that these works be presented for adoption.

One result of this design was that to achieve a gravity fall to the system the plots on the western boundary of the site had elevated floor levels. This created unacceptable relationships to their neighbours and so this has been amended to reduce those levels to be close to existing ground levels, with a consequence that a pumping system is to be introduced to link those plots to the sewer.

At the time of writing this report the formal consultation views of United Utilities were still not available and even if they had been received would need to be revised in the light of the drainage alterations that have been introduced. However, the applicant has provided correspondence between the UU engineer and their drainage engineer which indicates their acceptance of the foul water being passed to the public sewer and to surface water being passed to the Ash Grove and Richmond Avenue networks at a controlled rate.

At the June Committee meeting concern was expressed over the adequacy of the surface drainage proposals. Examples from other developments were quoted where ditches had been introduced alongside the site boundary to provide part of the drainage solution and give a more pleasing visual appearance. The application was deferred in part to allow such an approach to be examined at this site.

The revised proposal before Committee includes a ditch feature along the western site boundary between the proposed dwellings and the rear of the gardens to dwellings on Richmond and Westbourne Avenues. This runs for a length of 160m and is designed to serve as a holding facility for any water that is not caught by the surface water drainage system although it does not have any connection to that system. Instead water that is caught within it would be taken away by the landscaping that is planted around it and natural evaporation. The provision of this ditch has not involved any relocation of the properties on the site which remain as before.

Residents have expressed concern over the ability of this site to be effectively drained due to the flooding it is said to suffer and the lack of any capacity in the various ditches around the site. This proposal does not rely on any of these ditches for drainage but takes all the water to the surface water sewers at a rate that is restricted to a level that they can accommodate.

If this is acceptable to United Utilities as the drainage undertaker then it is appropriate for the council to support the scheme. At the present time it is not clear that this is definitely the case as their consultation reply on the application has yet to be received, and whilst it seems likely that they will agree to this from earlier correspondence, it is a critical issue in the determination of the application. As such it is appropriate that any approval of this application be delayed until this matter has been finalised. The recommendation on the application should reflect that by delegating the ability to grant approval of these reserved matters to officers once this has been satisfactorily resolved. Only once this position has been reached will the development accord with the requirements of Policy EP25, Policy EP30 and criteria 10 of Policy HL2.

Public Open Space

The site is remote from the existing open space and play provision in the village. To counter that it is a requirement of the outline permission that this detailed layout includes a play area to at least Locally Equipped Area for Play standard. This is commonly known as a LEAP and usually consists of 400m² of play area with that offering at least 6 'play experiences' and is aimed at young children.

The play area is provided within a central area of open space that is overlooked by properties on all sides, albeit that those to the east are behind the hedge which runs through this area and those to the west are within the ideal 20m separation distance from this facility. The play area provides 4 items of equipment (swings, climbing frame, roundabout and springy toy) as well as benches and bins that are located on a safety surface within a fenced area.

Policy TREC 17 is the relevant policy of the Fylde Borough Local Plan and specifies areas of open space per bedroom to be provided on a development, rather than the type of open space that is delivered. When this is calculated for this scheme the total play area requirement under Policy TREC 17 is 2,050m² and the open space provision here is in excess of that. It is considered that the open space provision is appropriate in its scale, design and location and will meet the requirements of the outline condition and Policy TREC17 in that regard.

The condition also requires that the developer provides details of the arrangements for its management and maintenance. They have advised that this will be contracted to a management company rather than being presented for adoption by the council or Parish Council and so will be funded by the developers and the future occupants of the site.

Ecology

The application is supported with the same Ecological Survey and Assessment that was submitted with the outline application. This concludes that there are no significant impacts on protected species or habitats and the development can mitigate for the impacts on biodiversity that it will cause. These findings were generally accepted by the County Ecologist and so the planning permission granted with conditions to require that the mitigation is implemented. Whilst the County Ecologist has not provided comments on this application, as it is only a matter of months since they last commented on the same report and so it is highly unlikely that matters will have changed.

The site has a hedgerow that runs through the centre of the site and others around its perimeter. These are to be protected during construction and are retained in the submitted layout. The Becketts Forge Management Company who are responsible for the management of the land associated with Ash Grove request that a previously existing hedge on their boundary be reinstated. This is not part of the landscaping scheme as there needs to be a gap in the hedge where the sewer connection is provided. However, there is a planted buffer zone in this area shown on the landscaping plan to compensate for that. As with the other landscaping areas this is indicated as being planted with native species and is designed to provide habitat for wildlife including bats and newts in addition to its visual benefit to provide a softened edge to the built form of the village.

There are no ponds on the site at present, although there is a ditch that runs along the line of the central hedge that holds water. The proposal is that this ditch will be retained on site in its current form as an ecological feature that will fill and drain naturally with maintenance undertaken as part of the management company arrangements. At either end are areas where ponds form in wet weather and these will also be retained for their visual and any ecological benefit as they also have no role in the proposed surface water drainage of the site. The northern pond sits within an area of landscaping and has a newt hibernacula to be sited alongside it which could prove attractive to amphibians in the area that can access it through the landscaped area. The southern pond also features a newt hibernacula but this is more constrained by the road network, dwellings and their driveways so is less likely to offer a benefit to biodiversity.

The proposed layout and landscaping scheme reasonably implements the mitigation measures included within the ecological appraisal and so is considered to be acceptable in that regard.

Landscaping

The provision of landscaping within a development is an important aspect of the consideration of that development. This application includes a fully specified landscaping scheme which includes the details for the open space, ecological mitigation and general planting around the edges of the development. This is to a standard which is appropriate for the development in its design and once implemented and established will provide an attractive development.

Concern has been expressed about the on-going maintenance of these areas and so the applicant has provided a plan that indicates the areas that are to be in private ownership (dwellings and gardens),

the areas to be maintained by a Registered Social Landlord (affordable dwellings and landscaping), the areas of adopted highway and the areas to be maintained by a management company (play area, landscaping, ecological mitigation). A condition is proposed to ensure that this latter area is appropriately managed to ensure that the quality of the development is maintained.

Conclusions

This application relates to a rectangular area of land off Richmond Avenue in Wrea Green. The site is outside of the settlement boundary and allocated as Countryside in the Fylde Borough Local Plan with boundaries with other agricultural land on two sides and residential properties within the village on the other two.

The site has the benefit of outline planning permission for the erection of 55 dwellings that was granted on the completion of a s106 agreement earlier this year in line with a resolution made at the October 2012 meeting of this Committee. This application is for all the remaining reserved matters associated with that planning permission.

Since it was presented to the meeting in June 2013 the layout has been revised to provide the affordable housing as semi-detached houses rather than terraces and to provide a landscaped ditch between the proposed dwellings and the western site boundary. These amendments are improvements to the scheme and are considered to address the concerns that were raised by Committee at that meeting.

The proposal delivers a range of house types that are all considered to be of an appropriate scale, design and materials for the location. They have an appropriate relationship to each other and with the off-site neighbours. The scheme delivers a public open space and landscape strategy that will allow the development to be assimilated into the surrounding rural landscape in line with the measures proposed at the outline stage.

It is considered that the proposal complies with the requirements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan with regard to new residential estate development and the other policies of that plan relevant to the other aspects raised by the proposal. As such the application is recommended for approval and so will enable the planning permission to be implemented. The outline planning permission included conditions to cover the majority of issues raised, but this scheme requires a series of additional conditions and these are listed below.

Recommendation

That the authority to GRANT Approval of Reserved Matters be delegated to the Head of Planning and Regeneration subject to:

- confirmation that United Utilities are satisfied that the proposed drainage arrangements contained in the Drainage Layout submitted to support the application will provide for satisfactory surface water and foul water drainage of the site that will not have any adverse impact on the ability of the existing public sewer network to function; and
- the following conditions (and any amendment to these which are deemed appropriate by the Head of Planning and Regeneration)

1. That the development hereby approved shall relate to the following drawings:

- Location Plan – Wainhomes Location Plan
- Site Survey – JLP Surveys Ltd drawing S13/363
- Planning Site Layout and Landscape Context Drawing – DGL Associates drawing 1246WHD/RWG/PL01 Rev G

- Indicative Land Transfer Plan – Wainhomes Ref PB1
- Landscape Proposals Sheet 1 of 2 – TBA drawing 4370.01 Rev F
- Landscape Proposals Sheet 2 of 2 – TBA drawing 4370.02 Rev F
- Finished Floor Levels and Drainage Layout – Ironside Farrar drawing 3954/100 Rev D
- Wainhomes Housetype drawing Churchill RL/3.214/P/B/L10/300 (2 bed version)
- Wainhomes Housetype drawing Davy
- Wainhomes Housetype drawing Scott
- Wainhomes Housetype drawing Scott Hipped Roof 4.406HR/P/B/L10/300
- Wainhomes Housetype drawing Brunell
- Wainhomes Housetype drawing Brunell Hipped Roof 4.208HR/P/B/L10/300
- Wainhomes Housetype drawing Cambridge
- Wainhomes Housetype drawing Oxford
- Wainhomes Housetype drawing Whitemoor
- Wainhomes Housetype drawing Raleigh
- Wainhomes Housetype drawing Eton
- Wainhomes Housetype drawing Montgomery
- Wainhomes Housetype drawing Gainsborough
- Wainhomes Housetype drawing Milton RL/3.317/P/B/L10/300
- Wainhomes Garage drawings
- Planning, Design and Access Statement – Emery Planning Partnership ref PS2-8819-SH-cp
- Tree and Hedgerows Survey Report – tpm landscapes Rev A
- Tree Constraints Plan – tpm landscapes 1130 05 Rev A
- Ecological Survey and Assessment – ERAP Consultancy doc 2012_097
- Flood Risk Assessment – Westwood Environmental Engineering Draft report v1.1

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

2. That prior to the commencement of any construction work on the dwellings hereby approved a schedule of the materials for the walls, roofs, windows and doors (supported by samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved schedule of materials.

In order to secure a satisfactory appearance to the development as required by criteria 1 and 2 of Policy HL2 of the Fylde Borough Local Plan.

3. That prior to the commencement of any construction work on the dwellings hereby approved a schedule of the materials for roads, footpaths, driveways and other hard surfaced areas around the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved schedule of materials.

In order to secure a satisfactory appearance to the development as required by criteria 1 and 2 of Policy HL2 of the Fylde Borough Local Plan.

4. That all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be constructed in accordance with the details shown on the planning layout drawing approved as condition 1 of this reserved matters approval (subject to the raising from ground level by 200mm in sections for ecological transfer) and shall be retained in that form thereafter.

To provide an appropriate finished appearance of the development and to maintain an

appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

7. The whole of the landscape works, as approved under the plan listed in condition 1 of this reserved matters approval shall be implemented no later than the first available planting season following the completion of the construction of the development, and subsequently shall be maintained for a period of no less than 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policy EP14 of the Fylde Borough Local Plan.

8. That prior to the commencement of any development on the site a method statement for the protection of the hedgerows on the site perimeter, and the hedgerow that runs through the centre of the site, along with the ditch area and associated ponds shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall clarify the methods of protection, routing of any fencing and the measures to be taken when working in close vicinity of these features. The approved protection shall be implemented prior to the commencement of any development and shall be retained and the scheme implemented throughout the development of the site.

In order to provide appropriate protection to these important landscape features and habitats as required by Policy EP18 and EP19 of the Fylde Borough Local Plan

9. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance arrangements of the communal areas of the site (being those areas edged in blue as adopted highway and green as open space on Indicative Land Transfer Plan PB1 listed under condition 1 of this reserved matters approval). The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future as required by Policy EP14 and HL2 of the Fylde Borough Local Plan.

10. That the development of the site shall be undertaken in accordance with the drainage strategy and FFL of the dwellings and surrounding land indicated on the Drainage Layout plan approved as part of condition 1 of this reserved matters approval.

To ensure the appropriate drainage of the site and to ensure it is constructed with a satisfactory relationship to neighbouring dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

11. That the development of the site shall be undertaken in accordance with the surface and foul water drainage connections indicated on the Drainage Layout drawing approved as part of the details to condition 1 of this reserved matters approval. The relevant drainage connections shall be completed in accordance with legislation, commissioned prior to occupation and then maintained thereafter.

To ensure that the site is suitably drained as required by Policy EP25 and EP30 of the Fylde Borough Local Plan.

12. The development shall be implemented in accordance with the measures for the protection of hedgerows, breeding birds, ponds, and amphibians as identified in sections 5.2, 5.3 and 5.4 of the Ecological Survey and Assessment by ERAP approved as part of condition 1 of this reserved matters approval.

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP18 of the Fylde Borough Local Plan.

13. That the play area hereby approved and indicated on the landscaping plan approved under condition 1 of this reserved matters approval shall be implemented in accordance with those details prior to the first occupation of the 20th dwelling on site. This play facility shall thereafter be retained and maintained in a safe and serviceable condition at all times in line with a management and maintenance regime that has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the play area.

To ensure the delivery and retention of an appropriate play facility to serve the development and surrounding area as required by Policy TREC 17 of the Fylde Borough Local Plan.

14. **That prior to the commencement of any development a detailed scheme for the area where the bus turning facility is shown on the approved site plan shall be submitted to and approved in writing by the local planning authority.**

If the local planning authority confirms that the bus turning facility is required then the scheme to be submitted under this condition shall clarify the detailed design of the proposed shelter, the detailed design of the bus turning facility, the phasing of their implementation and the arrangements to secure their on-going maintenance.

If the local planning authority confirms that the bus turning facility is not required then the scheme to be submitted under this condition provide for the extension of the landscaping of the site with the inclusion of a fully detailed landscaping scheme along with details for the phasing of its implementation and the arrangements to secure its on-going maintenance.

Whichever scheme is approved shall be fully implemented through the construction of the dwellings and thereafter.

Reason: As the public transport improvements to the site are not yet certain, there is a need to provide clarity to both the details of how a service would be accessed and operated, and the steps to be taken to appropriately landscape the site if not. These details are to comply with the need to improve access to the site by a choice of transport methods and delivery an appropriate appearance to the site in accordance with Policy HL2 of the Fylde Borough Local Plan.

15. **That prior to the commencement of any development hereby approved full details of the ditch feature to be introduced to the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the typical cross section across the ditch, phasing of its construction, details of any outfalls or connections in from other drainage features, any planting to its banks and details of its on-going maintenance. The approved scheme shall be fully implemented through the construction of the dwellings and thereafter.**

As such details are required to ensure that this feature is appropriately constructed and maintained in accordance with the requirements of Policy HL2 of the Fylde Borough Local Plan.

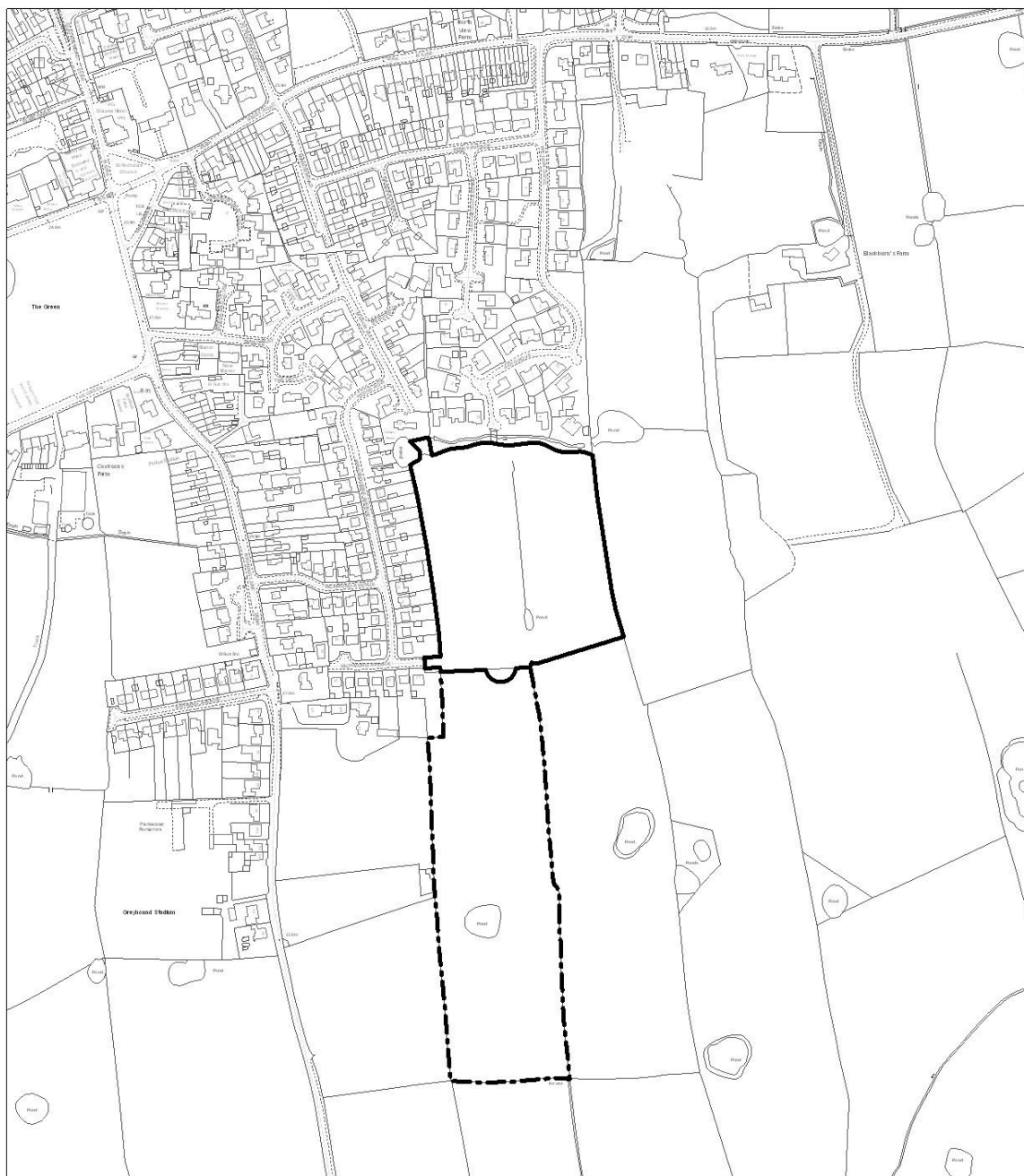
Summary of Reasons for Approval of Reserved Matters

Fylde Borough Council has considered the proposed development in the context of the Development Plan, together with all relevant material considerations. The local planning authority considers that the application for approval of reserved matters ought to be granted for the reasons summarised below. A full copy of the report which addresses all relevant considerations, is available on request to the local planning authority.

The site has the benefit of outline planning permission for the erection of 55 dwellings that was granted on the completion of a s106 agreement earlier this year in line with a resolution made at the October 2012 meeting of this Committee. This application is for all the remaining reserved matters associated with that planning permission.

The proposal delivers a range of house types that are all considered to be of an appropriate scale, design and materials for the location. They have an appropriate relationship to each other and with the off-site neighbours. The scheme delivers a public open space and landscape strategy that will allow the development to be assimilated into the surrounding rural landscape in line with the measures proposed at the outline stage.

It is considered that the proposal complies with the requirements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan with regard to new residential estate development and the other policies of that plan relevant to the other aspects raised by the proposal. As such the application is recommended for approval and so will enable the planning permission to be implemented.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0097	Address Land East of Richmond Avenue, Wrea Green	Grid Ref. E.3401 : N.4312	Scale 0 25 50 75 100 m

Item Number: 3 Committee Date: 31 July 2013

Application Reference: 13/0149		Type of Application:	Variation of Condition
Applicant:	Stonewell Properties Ltd	Agent :	Smith Planning Consultancy
Location:	ALDI LTD, 353 CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2NA		
Proposal:	PROPOSED VARIATION OF CONDITION 1 TO REVISE APPROVED PLANS, AND REMOVAL OF CONDITION 13 WHICH PREVENTS USE OF BALCONY AREA ASSOCIATED WITH APARTMENTS 22 & 23 ON PLANNING PERMISSION 12/0317.		
Parish:	Ashton	Area Team:	Area Team 2
Weeks on Hand:	20	Case Officer:	Mr M Atherton
Reason for Delay:	Awaiting consultation responses		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The design of the scheme is of a high quality with particular attention to detail. There have been no significant changes to the design of the development or the mix of uses since the last planning permission was granted. Subject to a revised section 106 agreement, it is recommended that planning permission be granted as the development accords with policies SP1, HL2, EP3 & SH9 of the Adopted Fylde Borough Local Plan.

Reason for Reporting to Committee

This is a major application.

Site Description and Location

This application relates to a site on the corner of Clifton Drive North and St Georges Road, St Annes, formerly occupied by a Conservative Club and an office building previously in use as a job centre. To the rear is St Georges Lane, the street that runs along the rear of properties on St Georges Road and St Anne's Square. Work has commenced on site & the development is under construction.

The building to the north east of the site is in use as residential flats. To the rear, south east, are the commercial premises that front the square including B & M, formerly occupied by Woolworth's, and on the opposite side of St Georges Road, to the north-west, is St Annes on Sea United Reform Church.

The site falls entirely within the St Anne's Town Centre Conservation Area and is within the town centre area as identified on the proposals map to the Fylde Borough Local Plan.

Details of Proposal

Planning permission (ref: 08/0260) was granted on the 4th of August 2008 for the demolition of the

existing building and the erection of a 4 storey building comprising a retail foodstore, 34 apartments and a Conservative Club with a basement car parking & landscaping.

A subsequent application (ref:11/0312) for a proposed 3 year extension of time limit to implement application ref: 08/0260 was approved with a section 106 agreement & conditions on the 15th of February 2012.

Further to this, application ref: 12/0317 for a proposed variation of condition 1 of planning permission 11/0312 to allow the plans to be amended to enable elevation and boundary treatment changes and also the removal of condition 13 to enable use of the roof terrace was approved with a section 106 agreement and conditions on 15th January 2013.

This application seeks to vary 2 of the conditions on application number 12/0317, these being numbers 1 & 13.

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

Condition number 13 states, "Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, other than the specifically identified roof garden, the flat roofs of the building hereby approved shall not be use as sitting out areas. Therefore, the private gardens to apartment's numbers 22 & 23 as illustrated on drawing number 12057-105 Rev E - Proposed Second Floor, shall not be used externally."

The variation to condition 1 seeks to replace the drawings approved under planning permission 12/0317 with the plans submitted as part of this application.

The main changes include:

- * the removal of the duplex apartments;
- * internal refiguation of the apartments although the number of apartments remains at 34;
- * further details of the ventilation to the basement; and
- * the boundary wall treatment along St. George's Road has been amended to include railings on top of the already consented brick wall.

Condition 13 prevents the use of the roof terrace to apartments 22 and 23 on the second floor. The application seeks to remove this condition, in order to allow a private roof garden to be provided to apartment number 23. It is proposed to erect a 2 metre high screen on the western boundary of the roof garden which is situated closest to the nearest property.

Relevant Planning History

Application No.	Development	Decision	Date
12/0317	PROPOSED VARIATION OF CONDITION 1 OF PLANNING PERMISSION 11/0312 TO ALLOW PLANS TO BE AMEMDED TO ENABLE ELEVATION AND BOUNDARY TREATMENT CHANGES, AND REMOVAL OF CONDITION 13 TO ENABLE USE OF ROOF TERRACE	Approved with 106 Agreement	15/01/2013
11/0854	EXTEND TIME LIMIT ON CONSERVATION AREA CONSENT	Granted	15/03/2012

	08/0259 FOR DEMOLITION OF CONSERVATORY CLUB AND ST. ANTHONY'S HOUSE TO PROVIDE FOR REDEVELOPMENT OF SITE.		
11/0312	PROPOSED THREE YEAR EXTENSION OF TIME LIMIT TO IMPLEMENT PLANNING PERMISSION 08/0260	Approved with 106 Agreement	09/05/2012
08/0259	CONSERVATION AREA CONSENT FOR DEMOLITION OF CONSERVATORY CLUB AND ST. ANTHONY'S HOUSE TO PROVIDE FOR REDEVELOPMENT OF SITE.	Granted	04/08/2008
08/0260	DEMOLITION OF ST. ANTHONY'S HOUSE AND CONSERVATIVE CLUB AND ERECTION OF A 4 STOREY BUILDING COMPRISING A RETAIL FOODSTORE (CLASS A1), 34 APARTMENTS AND CONSERVATIVE CLUB WITH ASSOCIATED BASEMENT CAR PARK AND LANDSCAPING.	Approved with 106 Agreement	04/08/2008

Relevant Planning Appeals History

None.

Parish Council Observations

St Anne's on the Sea Town Council notified on 12 March 2013

Summary of Response: OBJECT to the proposal and recommend refusal in order to protect the residential amenity of neighbouring properties. Further information is requested on the proposed amendment to condition number 1.

Statutory Consultees

County Highway Authority

No response received.

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: Neighbour letters sent & Site Notice displayed

No. Of Responses Received: No response received

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP03	Development within conservation areas
SH09	New development in town centres (general)

Other Relevant Guidance:

NPPF: National Planning Policy Framework

Site Constraints

Conservation area site

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis**Condition 1**

The proposed alterations including the removal of the duplex apartments & their internal reconfiguration together with the amendments to the boundary wall treatment along St. George's Road comply with Local Plan policy as they would not harm any acknowledged material planning considerations.

Condition 13

The proposed roof garden to apartment number 23 is acceptable, subject to a condition relating to the submission of details of a privacy screen, as this would prevent overlooking of neighbouring properties and there would be no consequent harm to residential amenity.

Section 106

The previous application was subject to the completion of a Section 106 agreement in order to secure a financial contribution of 2.5% of the market value of each proposed housing unit towards securing off site affordable housing. Therefore, it will be necessary for a section 106 agreement to be signed in relation to this application. The Sn 106 agreement shall include provision for additional contributions following a reappraisal of the viability of the development to be carried out on occupation of the 25th residential unit and no further residential units to be occupied until the exercise has been completed and additional payments identified have been made to the Local Planning Authority.

Conclusions

The design of the scheme is of a high quality with particular attention to detail. There have been no significant changes to the design of the development or the mix of uses since the last planning permission was granted. Subject to a revised section 106 agreement, it is recommended that planning permission be granted as the development accords with policies SP1, HL2, EP3 & SH9 of the Adopted Fylde Borough Local Plan.

Recommendation

That, Subject to the completion of a Section 106 agreement in order to secure a financial contribution of 2.5% of the market value of each proposed housing unit towards securing off site affordable housing. The Sn 106 agreement shall include provision for additional contributions following a reappraisal of the viability of the development to be carried out on occupation of the 25th residential unit and no further residential units to be occupied until the exercise has been completed and additional payments identified have been made to the Local Planning Authority.

Planning permission be granted subject to the following conditions:

(Where the Section 106 agreement is not signed within a reasonable period of time, authority to

refuse planning permission is delegated to the Assistant Director: Planning Services to refuse the application as being contrary to the provisions of the Interim Housing Policy)

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

The plan numbers are:

12057-101F Proposed Site Plan
12057-102J Basement Parking Level
12057-103K Proposed Ground Floor
12057-104F Proposed First Floor
12057-105F Proposed Second Floor
12057-106F Proposed Third Floor
12057-107C Proposed Roof Plan
12057-108C Proposed Front Elevations
12057-109D Proposed Rear Elevations
12057-110C Proposed Front Elevations
12057-122A Basement Ventilation Section
12057-112A Access Pod to Car Park

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

2. Details showing the design and construction of the proposed palisade wall to be provided around the site frontage, including details of the proposed railing to be installed above the wall, shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall be constructed in accordance with the approved details unless subsequent details are first approved in writing by the local planning authority.

Such details are not clearly shown on the application and to secure an overall satisfactory standard of development.

3. A scheme for the external lighting of the building and site curtilage [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

In the interests of visual / residential amenity.

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

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

5. Details showing the design of the proposed 2 metre high privacy screen to apartment number 23 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the apartment. The scheme shall be implemented prior to occupation and permanently retained to the satisfaction of the Local Planning Authority.

Such details are not clearly shown on the application and to secure an overall satisfactory standard of development.

6. There shall be no deliveries to or waste collection from the store outside the hours 07.00 to 22.00 Monday to Saturday inclusive and 08.00 to 20.00 on Sundays.

To avoid disturbance to neighbouring residents, particularly from audible reversing warnings mounted on delivery vehicles.

7. There shall be no construction or demolition work carried out outside the hours 08.00 – 18.00 Monday to Friday and 08.00 – 12.00 on Saturdays. There shall be no construction or demolition work at all carried out on Sundays and Bank Holidays, unless the express consent of the local planning authority has first been obtained.

In order to minimise disturbance to neighbouring residents and church goers.

8. There shall be no burning of waste on the site during the period of demolition and construction.

In order to prevent the pollution of the local environment.

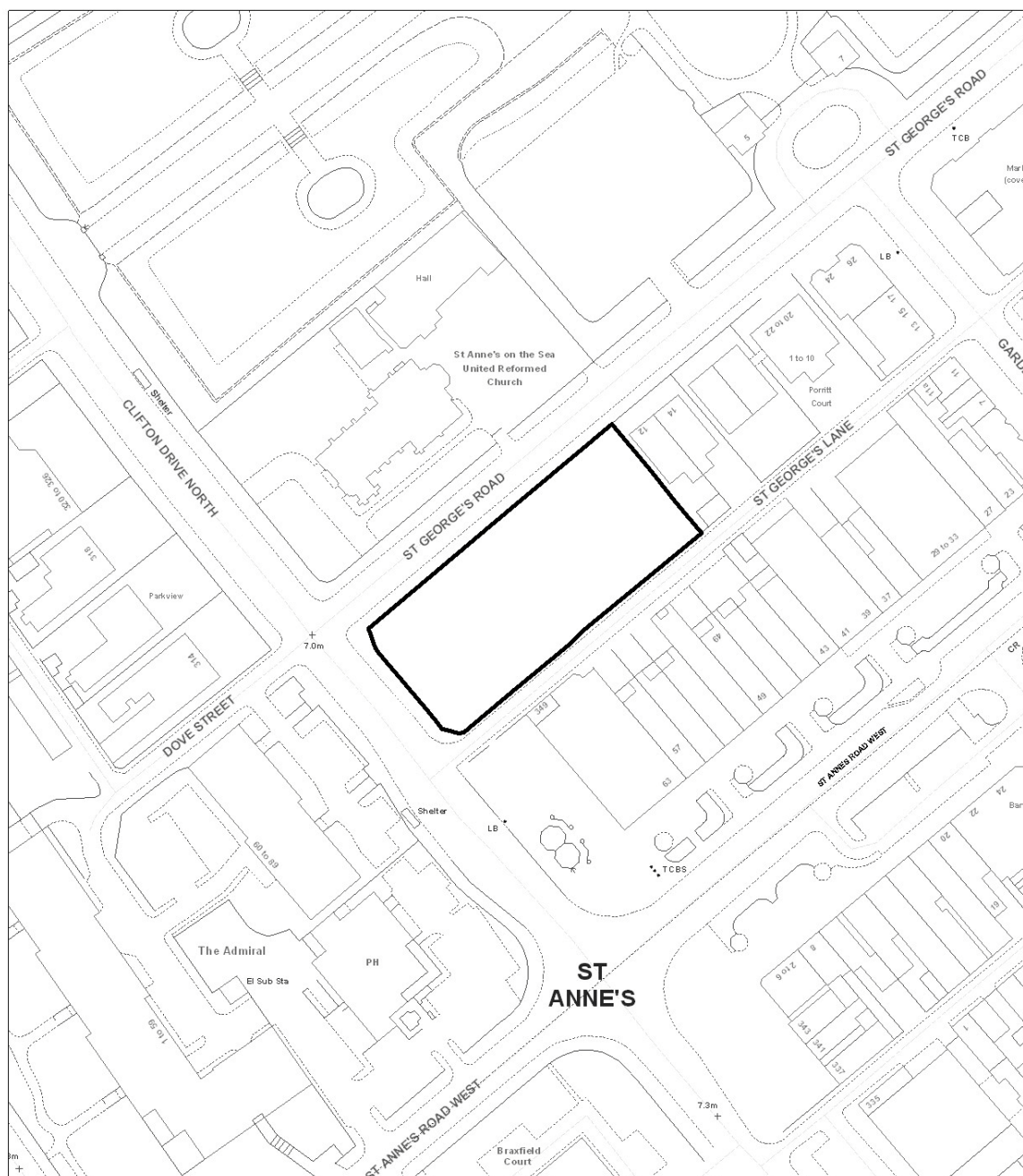
9. The development hereby approved shall be drained on a separated sewerage system.

In order to prevent overloading of the foul water drainage system.

Summary of Reasons for Approving Planning Permission

Fylde Borough Council has considered the proposed development in the context of the Development Plan, together with all relevant material considerations. The local planning authority considers that planning permission ought to be granted for the reasons summarised below. A full copy of the report which addresses all relevant considerations, is available on request to the local planning authority.

The development accords with policies SP1, HL2, TR10, TREC17, EP3 & SH9 of the Adopted Fylde Borough Local Plan as it would have no detrimental impact on the Conservation Area, residential amenity, highway safety or the vitality & viability of the town centre.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0149	Address Aldi Ltd, 353 Clifton Drive North, Lytham St Annes	Grid Ref. E.3319 : N.4288	Scale 0 6 12 18 24 m

Item Number: 4 Committee Date: 31 July 2013

Application Reference: 13/0199		Type of Application:	Full Planning Permission
Applicant:	Mr Murphy	Agent :	Eastham Design Associates Ltd
Location:	LEYGARTH, 10 MANOR WAY, RIBBY WITH WREA, PRESTON, PR4 2WH		
Proposal:	PROPOSED SINGLE STOREY EXTENSION TO SIDE / REAR		
Parish:	Ribby with Wrea	Area Team:	Area Team 1
Weeks on Hand:	18	Case Officer:	Alan Pinder
Reason for Delay:	In order to seek design improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks planning permission for the construction of a single storey side/rear extension to a detached chalet bungalow property in Wrea Green. The extension is considered to be of an acceptable scale and design for the dwelling, and to not cause any undue massing or loss of light impacts on the neighbouring properties. As such it accords with the design guidance provided by the Council's adopted Supplementary Planning Document, "Extending your Home", and Policy HL5 of the Fylde Borough Local Plan. Members are recommended to approve the application.

Reason for Reporting to Committee

The Parish Council's recommendation for refusal is at odds with the officer's recommendation of approval.

Site Description and Location

The application site is a detached two storey dormer bungalow dwelling located within a residential area of Wrea Green. A previously existing conservatory to the rear of the property has been removed, although its base remains. There is a car-port style canopy attached to the side of the dwelling but no other extensions.

Details of Proposal

Planning permission is sought for the construction of a single storey side/rear extension. The side element of the extension would be set back approximately 4.5 metres from the front of the property, project 2.25 metres from the side elevation and then down the side of the property to a point 4 metres beyond the rear elevation before returning at 45 degrees for a further one metre projection, i.e. a total rear projection of 5 metres. It would have a flat roof with a maximum height of 2.85 metres, with a glazed lantern roof to the rear element. The elevations would be finished in white render to match that of the existing rear elevation of the building.

As part of the proposal an existing side porch and canopy would be removed.

The application has been revised during the consideration to introduce the cut-off corner feature, with a further neighbour notification undertaken as a consequence.

Relevant Planning History

None.

Relevant Planning Appeals History

None.

Parish Council Observations

Ribby with Wrea Parish Council notified on 09 April 2013 and comment on the original proposal.

Summary of Response

The Parish Council objects to the proposal and recommends refusal on the following grounds:

- The scale of the proposal is too large for the plot and it is considered that it is too dominant and overbearing to 8 Manor Way and also adversely affects that property's daylight in view of its close proximity to the border and living accommodation.
- The scale and appearance of the proposed extension is out of keeping with the surrounding houses and out of line with the street scene, albeit at the rear of Manor Way.
- If the development goes ahead there will be only a very modest piece of garden left. This will then cause further problems with the localised poor drainage when heavy or consistent rain is evident as there is already standing water at such times in this location.

Statutory Consultees

N/A

Observations of Other Interested Parties

Save Wrea (Green) Action Group (SWAG)

Raise the concern that the extension will form the premises for a commercial catering business.

Neighbour Observations

Neighbours notified: 09 April 2013

Amended plans notified: 11 June 2013

No. Of Responses Received: Letters of objection have been received to the original and revised proposals from the neighbour at No.8 Manor Way

Nature of comments made:

- Concerned that the extension will be used for the running of a commercial catering operation. This would be unacceptable in this residential area and result in an unacceptable increase in vehicle traffic, noise and odours.
- The extension would represent an overbearing structure when viewed from the rear of No.8
- The extension would result in too much of the garden area being concreted over and thus exacerbate an existing surface water drainage problem.

- The extension would be built up against the boundary fence which belongs to No.8 and may result in the fence being undermined and/or damaged.
- The revised plans are a very minimal change to the original proposal and do little to mitigate the harm that they feel it will cause.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
JHE	Joint House Extensions SPD

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The issues to consider in the determination of this application are contained in policy HL5 of the Fylde Borough Local Plan. The guidance provided by the Council's adopted Supplementary Planning Document (SPD), "Extending your Home" is also a material consideration.

Design, scale and appearance

The proposed extension is largely contained to the rear of the property and as such would have no impact on the public character or appearance of the property. The side element of the extension would be visible from Manor Way but as it would be set 4.5 metres back from the front elevation it would have no appreciable impact on the appearance of the wider street scene and no greater impact than the existing side porch and canopy. With regard to the design, the property has an attached flat roofed garage and as such the flat roof design of the extension is not considered inappropriate.

Neighbour amenity

The only neighbour likely to be affected by the proposal is No.8 Manor Way. The occupiers of this property have objected to the proposal with one of their grounds for objection being that the extension would have an overbearing appearance when viewed from the rear of their property. Design note 4 of the SPD permits single storey rear extensions to project 3 metres beyond the rear most wall of the neighbouring property plus any offset distance between the extension and the neighbour's rear wall. In this instance the proposed extension would project a total of 6.5 metres, with the first 5.5 metres being offset by 2.5 metres and the last 1 metre being offset by 3.5 metres. As such the extension accords with the design guidance of the SPD.

Officers have viewed the proposal from the neighbours property and garden and had concerns that the originally proposed extension would have had a height, proximity and projection that together caused an adverse impact on the enjoyment of that garden due to the massing that was caused. The revised plans improve this relationship by reducing the extent of the extension alongside the boundary to a point where it is considered that the relationship, and hence impact, between the extension and No.8 is considered acceptable.

Garden area

Concerns have been raised by the Parish Council and the neighbour that the extension would leave insufficient garden area to the rear of the property and would also further exacerbate an existing surface water drainage problem. With regard to garden area the proposed extension would cover

approximately 30% of the rear garden and as such it is considered that the remaining 70% would provide adequate amenity space to serve the needs of the occupiers.

With regard to the surface water drainage, Class F to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 would allow the whole of the rear garden area to be concreted without the need for planning permission to be obtained and hence with this in mind a refusal of permission cannot be justified on this basis.

Off street parking and vehicular

The remaining criteria of policy HL5 of the Fylde Borough Local Plan would not be prejudiced by the proposal.

Other matters

The neighbours at No.8 have also raised their concern that the application property is being used for the carrying on of a commercial catering business and that the proposed extension could be used for the expansion of the catering services offered, so resulting in increased vehicle traffic to and from the property, and noise and odour nuisances. The Council's Planning Enforcement Officer visited the property on 21 June 2013 to investigate this allegation and concluded that the catering business that is clearly operated from the premises was not of a scale where it amounted to a material change of use of the property, and so there was no breach of planning control.

However, this notwithstanding, the application seeks a household extension and not a change of use to include use associated with a catering business and so should be determined only on that basis. If at some time in the future it become apparent that the premises were being used for the running of a commercial catering business then this may be a breach of planning and would be investigated and appropriate action taken.

Conclusions

The proposed extension accords with the relevant design guidance of the Council's adopted Supplementary Planning Document, "Extending your Home" and the criteria of policy HL5 of the Fylde Borough Local Plan. As such members are recommended to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

In the interests of visual amenity.

3. This consent relates to the revised plan[s] received by the Local Planning Authority on the 11 June 2013.

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

Item Number: 5 Committee Date: 31 July 2013

Application Reference:	13/0201	Type of Application:	Change of Use
Applicant:	Mr Gregoire	Agent :	
Location:	1 ALL SAINTS ROAD, LYTHAM ST ANNES, FY8 1PL		
Proposal:	PROPOSED CHANGE OF USE OF PRIVATE GUEST HOUSE TO CARE HOME FOR SIX CHILDREN AGED 11 - 16 YEARS OF AGE WITH STAFF SLEEPOVER AND OFFICE FACILITY		
Parish:	Central	Area Team:	Area Team 2
Weeks on Hand:	14	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee due to comments received from consultees.		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for a change of use of a 7 bedroomed guest house to use as a care home for six children aged 11 - 16 years of age with staff sleep over and office facilities. This is a use within Class C2.

The applicant has provided clarification on the internal layout of the premises that addresses concerns over the provision of bathroom facilities, and over the levels of parking available. Further consultations have also been undertaken with Lancashire Constabulary and OFSTED regarding their views on the use.

The officer opinion remains that the proposed change of use is acceptable and in compliance with Policy CF5 of the Fylde Borough Local Plan, as altered (October 2005). Accordingly it is again recommended for approval by Members.

Reason for Reporting to Committee

This application was originally considered on the agenda for the 26 June 2013 meeting of the Development Management Committee as a consequence of an objection having been received from St. Annes on the Sea Town Council. Since that time their objection has been withdrawn.

The resolution of that meeting was to delegate the decision on the application to the Head of Planning & regeneration following a consultation with Lancashire Constabulary and OFSTED. That consultation has been undertaken and as a consequence of the comments made by Lancashire Constabulary the application is re-presented to Committee for consideration.

Site Description and Location

The application site is 1 All Saints Road, Lytham St. Annes. The property is a three storey end of terrace premises with back street access to a dilapidated garage and a yard area to the rear. It is situated within the designated secondary holiday area of Lytham St. Annes as designated by Policy

TREC2 of the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the change of use of the premises, formerly a 7 bedroomed guest house within Class C1 of the Use Classes Order, to use as a children's care home for six children, aged 11-16 years with staff sleep over and office facility which is within Class C2 of the Uses Classes Order.

The property is arranged over three floors with a music studio proposed in the basement, lounge, office and kitchen to the ground floor. To the first floor are 5 no. bedrooms with WC/bath and a further 2 no. bedrooms to the second floor.

No extensions of other external changes are proposed.

Relevant Planning History

Application No.	Development	Decision	Date
74/0623	EXTENSION AND ALTERATIONS AND CONVERSION OF DWELLING TO FLATS.	Granted	13/11/1974
78/0266	ESTABLISHED USE CERTIFICATE (GUEST HOUSE).	Granted	05/04/1978
79/1131	O/L EXTENSION TO PROVIDE ADDITIONAL OWNERS ACCOMMODATION.	Refused	12/12/1979
80/1131	ALTERATIONS AND EXTENSIONS TO FORM KITCHEN.	Granted	07/01/1981

Relevant Planning Appeals History

None.

Parish Council Observations

St Anne's on the Sea Town Council notified on 26 April 2013 and **Object** to the application on the basis that:

1. There is insufficient car parking provision.
2. The size and location of the building is unsuitable for the proposed use i.e. one bathroom.

Prior to the June meeting of Development Management Committee officers received correspondence from a Town (and Borough) Councillor stating: "I have been in contact with other town councillors on the planning committee and although there is a split of opinion the objections of the TC are removed since the two objections cited have been addressed. ". That information was reported in the Late Representations Schedule to the June meeting, and explained in the officer presentation.

Statutory Consultees

Lancashire County Highways

They state: *"I am of the opinion that whilst there will be more vehicle movement associated with this development proposal than a private house I do not see them as being greater than what the existing 7 bedroomed guest house could generate and as such I can confirm that there are no highway objections to the above proposal."*

Observations of Other Interested Parties

Lytham St. Annes Civic Society:

"Looking at the plans for this proposal, there only seems to be one bathroom and toilet for the whole house. We do not think this is suitable accommodation for what is proposed, nor a suitable location largely due to a lack of garden space."

Fylde Council - Housing:

Such premises are regulated by OFSTED and they would apply minimum standards to the accommodation. They would therefore be outside our HMO type standards.

Lancashire Constabulary:

They have provided a consultation reply from their Architectural Liaison Officer which states:

"This crime impact statement is based on local policing knowledge of the proposed area of the Care Home from the Neighbourhood Policing Team and details of crimes, intelligence and incidents within this policing incident location. During the period 04/07/2012 to 04/07/2013 there have been reports of criminal activity in the immediate vicinity of this location including assault with injury, theft and damage to dwellings. There have also been reports of nuisance within this incident location."

As a result of the crime statistics and incident reports in the area of the proposed care home it is recommended that an alternative location is sought in order to safeguard what are potentially a vulnerable group of individuals. It is crucial that a vulnerable group of children are housed and located in a secure, safe environment where they are not at an increased risk of being exposed to criminal activity and potentially exploited."

Crime and Disorder Act 1998 - Section 17 - 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.

The layout and arrangement of the property and its grounds are vulnerable to criminal activity due to a number of factors, including the ground floor flat roof at the rear, rear parking arrangements and the alleyways that run along the side and rear of the dwelling. This arrangement makes the building potentially vulnerable to increased crime and disorder such as damage and burglary due to the fact that the opportunity for natural surveillance is not maximised."

Should this application receive planning permission I would ask that Lancashire Police are consulted in terms of the security measures required for the dwelling in order to protect the residents. To reduce the opportunity for crime and disorder in the area I would ask that it is a planning condition that the property be refurbished in accordance with Secured By Design standards."

OFSTED

Consulted but no reply received at the time of drafting report.

Neighbour Observations

Neighbours notified: 26 April 2013

No. Of Responses Received: 2 letters received

Nature of comments made:

- large proportion of properties in multiple occupation
- drug and alcohol abuse

- does the site take into account safety of children
- 7 bedrooms and only 1 bathroom WC is this sufficient
- lack of outdoor space
- parking a problem
- anti-social behaviour since change of ownership
- concerns over type of children with behavioural problems

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
CF05	Residential care facilities
TREC02	Secondary Holiday areas

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
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Site Constraints

Within settlement boundary

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The main issues to consider in determining this application are the criteria of Policies SP1, TREC02 and CF5 of the Fylde Borough Local Plan, as altered (October 2005).

Policy SP1 states that development will be permitted within the limits of development of the main settlement areas. As this proposal is in Lytham St. Annes this application complies with this policy.

Policy CF5 refers to development of residential care facilities.

Principle of Development

This application seeks permission for a residential care home. The property is a former guest house which is proposed to be arranged with 7 no. bedrooms over the first and second floors and with kitchen, lounge and office on the ground floor with a music room in the basement of the property. The application explains that the bedrooms will provide accommodation for six children and sleep over facilities for a carer, although it could be used for other groups where care is provided such as a nursing home.

The relevant policies to consider in respect of this application are reported above.

Having regard to the criteria of Policy CF5 and its impact, the area is primarily residential with many properties in multiple occupation. A care home of this scale is considered acceptable in this location given the size of the dwelling, the nature of surrounding land uses, and the spacing around the building. In this context it would not have a detrimental effect upon the amenity of neighbours.

The proposed change of use would not alter the overall character of the area. The proposal does not include any change to the external appearance or layout and would therefore not result in a detriment to the visual amenity.

Car parking standards for a C2 residential institution requires 1 vehicular parking space per 5 residents. The property is currently laid out with 7 no. bedrooms and the site can accommodate 1 car parking space to the front of property. Further on street car parking is available as there are no parking restrictions and there is a dilapidated garage to the rear. The LCC Highways Engineer has not objected to the proposal on the basis that the use is unlikely to generate any additional traffic to the site. In addition the property is in close proximity to the town centre and so has access to other forms of public transport. Officers are therefore satisfied with the proposed parking arrangements.

With regard to the level of amenity provision, the property has a hard surfaced garden areas to the front to provide a parking space and has a small yard area to the rear of the property. However, there are no minimum standards for this type of use and the property could be occupied by a single family of the same size with the same amount of children. Given the proximity of the property to the town centre, promenade and local parks the use is considered to be appropriate on amenity grounds for the occupiers.

Concerns had previously been raised over the lack of bathroom facilities within the property. However, the applicant confirmed that the bedrooms have their own ensuite facilities and supplied amended plans to illustrate the room layout. In addition the applicant confirmed that the use of the property for its intended purpose would be regulated by OFSTED who are the office responsible for standards in education, children's services and skills. The property would have to satisfy inspection prior to the proposed use being undertaken.

Loss of secondary holiday use

Policy TREC02 permits the change of use premises from tourist accommodation to land uses compatible with a residential area. As previously reported the area around the site is primarily residential and such a change of use would be compatible with the neighbourhood.

Conclusions

Members will recall this application from the June 2013 Development Management agenda. The application seeks permission for a change of use of a former guest house to a C2 care home.

Members were minded to approve the application as recommended and the decision delegated to the Head of Planning & Regeneration, subject to confirmation of no objections from the Police and OFSTED. As reported above comments have now been received from Lancashire Constabulary who have raised concerns over the proposal and the vulnerability of the occupants of the property in an area which has been subject to various incidences of crime.

Whilst the above is a consideration in determining the application, Policy CF5 refers to the proposal having an effect on the neighbourhood, as opposed to the neighbourhood being detrimental to the intended use, as reported in the Police comments. As such it is not justification for a refusal of the application.

Lancashire Constabulary have confirmed to your officers that as part of any OFSTED inspection the Police are consulted and can make their observations known at this stage.

Members also wished to have the views of OFSTED in respect of the proposal. Whilst their views have been sought these have not been received at the time of writing this report, but any comments would be reported as part of the Late Observations schedule...

It remains the view of your officers that the proposal complies with the local plan policies as the use be a similar use of the building to that of other properties within the vicinity, and will not result in a detriment to the character of the area or the amenities of neighbours. Sufficient car parking is provided in line with current standards and therefore the use is acceptable and in compliance with the

Fylde Borough Local Plan, as altered (October 2005) and Paragraph 8 of the NPPF which aims to facilitate social interaction and create healthy and inclusive communities.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The premises hereby approved shall be limited to no more than 7 residents at any one time.

That a more intensive use of the premises could prove injurious to the character of the area and would require further consideration by the Local Planning Authority.

Summary of Reasons for Approving Planning Permission

Fylde Borough Council has considered the proposed development in the context of the Development Plan, together with all relevant material considerations. The local planning authority considers that planning permission ought to be granted for the reasons summarised below. A full copy of the report which addresses all relevant considerations, is available on request to the local planning authority.

This property was formerly a guest house, the change of use to a C2 care home is considered to comply with the local plan policies as it will be a similar use to that of other properties within the vicinity and will not result in a detriment to the character of the area or the amenities of neighbours. Sufficient car parking is provided in line with current standards and therefore the use is acceptable and in compliance with the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 8 of the NPPF which aims to facilitate social interaction and create healthy and inclusive communities.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0201	Address 1 All Saints Road, Lytham St Annes	Grid Ref. E.3323 : N.4286	Scale 0 6 12 18 24 m

Item Number: 6 Committee Date: 31 July 2013

Application Reference: 13/0208		Type of Application: Change of Use	
Applicant:	Mr Brimble	Agent :	
Location:	8 WORSLEY ROAD, LYTHAM ST ANNES, FY8 4DD		
Proposal:	CHANGE OF USE OF LAND TO SIDE TO FORM EXTENDED DOMESTIC CURTILAGE WITH ERECTION OF 2M HIGH TIMBER FENCE TO PART OF BOUNDARY		
Parish:	Ansdell	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the change of use of land to the side of a domestic dwelling in Lytham to provide an extended domestic curtilage. The land has a width of 3m and runs for the full depth of the property and its front and rear gardens to give a combined distance of 29m. The proposal is to enclose the area alongside the existing rear garden of the property with a new 2m high timber fence to provide an extended garden area, with the area alongside the dwelling and its front garden surfaced to provide for a parking area for the use of the occupiers of the dwelling.

The proposal has generated local opposition from the residents on other properties that border the same private drive part of Central Drive as the application property, with these relating mainly to the visual impact of the extended garden area and the safety of the use of the proposed parking areas. However, it is not considered that these concerns are of sufficient weight to justify a refusal of the application given the limited area of extended garden, the separation retained from the carriageway and junction and the absence of recorded accidents at the junction. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

A request was made by the ward councillor for the application to be determined at Committee. He refers to the level of objections to the development from local residents, the possible implications of the development on visual amenity and the character of the streetscene, the possible implications for highway safety and the implications for wider public use of the area with it being registered as a cyclepath. The Head of Planning and Regeneration accepts that these are appropriate planning grounds for the application to be determined at Committee rather than through delegated powers.

Site Description and Location

The application property is a detached two storey dwelling that stands on the junction of Worsley Road with Central Drive with its frontage to Worsley Road and the side elevation to Central Drive. This is with the northern part of that road which is unadopted and serves around a dozen properties. There is also a signed pedestrian / cycle route along this road which extends northwards alongside the Royal Lytham St Annes Golf Course to connect with Beauclerk Road and on towards St Annes.

Immediately surrounding land uses are residential, but the wider area includes the golf course, Lytham St Annes High School and Ansdell Primary School.

There is a Copper Beach tree on the property that has been protected under TPO 2013 No. 1 (Ansdell) since the submission of this application.

Details of Proposal

The application relates to the change of use of the land to the side of the dwelling towards Central Drive to form an extended domestic curtilage for the dwelling. Where this is alongside the existing rear garden of the property this is to provide an extension to that garden and be enclosed within a 2m high timber fence. Alongside the house and its front garden the area is to be utilised for parking with this requiring the removal of a line of kerbstones which the applicant intends to reposition closer to the existing boundary wall to form a parking layby. This is to be surfaced in a porous material such as gravel or grasscrete.

During the consideration of this application works have been undertaken to replace the fence that was positioned on top of the boundary wall alongside the rear garden. These works are not those proposed by this application and do not require planning permission.

Since submission the applicant has provided further information to clarify his intentions, including a letter that has been circulated amongst the neighbours to the site as a response to their comments on the application. The key points covered are summarised as:

- Whilst there are other parking spaces on the driveway of the property, in reality only one space is useable due to the limited width of the driveway compared to modern vehicles
- That this driveway has limited visibility and so causes safety concerns given the large numbers of pedestrians that use Worsley Road, the volumes and speed of vehicles and the levels of parking in the area
- That he has contacted LCC as highway authority with regard to them introducing a residents parking scheme in the area. He includes their reply which advises that there are no current proposals to introduce resident parking schemes or parking restrictions within Lytham St Annes town centre.
- Photographs are provided to indicate the use of the private element of Central Drive for parking by the other residents
- To explain their motives for the proposal which began by the desire to tidy the overgrown landscaped area to the side of their property that they believed was unsightly, this then exposed damage to the brick wall, and so on to an opportunity when replacing this to include land that is outside it but in their ownership and so would allow for a larger rear garden area for them to utilise.
- They refer to their understanding being that they have the right to use Central Drive as they are “*expected to contribute to the upkeep of the road*” and refer to “*a reasonable expectation that we would be able to use the road near to our house.*”
- That the design of the works has been amended to minimise the extent of new fencing to maintain the character of the property and area.
- They express their view that the other front boundaries on this side of Central Drive are visually

not as evident as those on the opposite side and so they do not consider that the proposal has a dramatic impact on the road.

- Finally they highlight the pride they take in the appearance of their property and that they have no intention of doing work that would be detrimental or uncharacteristic of the area.

Relevant Planning History

Application No.	Development	Decision	Date
04/0059	SINGLE STOREY REAR EXTN. & DORMER TO FRONT ELEVATION & ADDITION OF WINDOWS TO SIDE ELEVATION.	Granted	23/02/2004

Relevant Planning Appeals History

None.

Parish Council Observations

N/A

Statutory Consultees

Tree Officer

There is a significant Copper Beech tree immediately inside the existing wall on the side boundary of the property. The council's tree officer has assessed the tree and considers that it meets the requirements to be protected by Tree Preservation Order, and this has been made.

He has also assessed whether the proposed works will involve any undue risk of harm to this tree. He considers that as the tree has grown on the inside of the wall it is most likely that the wall and its foundations will have served as a barrier to the roots as the tree develops, meaning that the majority of these will be located on the inside of the wall. This will allow some works to take place to that area without detriment to the tree, although this should not involve excavations below road level.

As such he concludes that there is a limited risk that the works proposed in this application will cause any harm to the roots of the tree and so no objection is raised, subject to a condition that requires any surfacing in this area to be porous. There may be some future requests for pruning of lower branches that overhang the proposed parking area, but this is not uncommon in urban locations such as this and will not be to the long-term detriment of the tree or its contribution to the streetscene.

County Highway Authority

Their comments have been requested but have not been received at the time of writing this report. Any comments will be reported as part of the late representations schedule.

Their records confirm that Worsley Road and its footways are adopted highway, but the land on Central Drive west of a line drawn along the back edge of footways to Worsley Road is unadopted. There is a pedestrian and cycle route along this unadopted part of Central Drive that links to Beauclerk Road.

Their collision statistics do not indicate any injury accidents at this junction or in the immediate vicinity of it.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 24 May 2013 by letter and by site notice

No. Of Responses Received: 9 letters from close neighbours to the site

Nature of comments made:

All letters received raise objection to the proposal, with the grounds summarised as:

- The boundaries on this part of Central Drive are all consistently located. This proposal would alter that status quo by bringing it well forward of all others and would remove the existing symmetry that is provided by the position and design of the other boundaries.
- The boundaries on Central Drive are all laid out with an open aspect so that each has a boundary wall and fence with a grass verge area separating that from the road. This proposal extends into the verge and so could lead to others doing likewise which would narrow the road and its open aspect, with the proposal being at the junction being of critical importance at maintaining this.
- Legal queries are raised regarding the freehold and leasehold titles over the land. Residents state that the owners of 8 Worsley Road have no legal right of access to their property from Central Drive and this cannot be granted by the council.
- The proposed fencing material as a timber hit-and-miss fence is inappropriate and out of character with the existing and surrounding boundary treatments. The removal of the landscaping from the area will exacerbate this harsh appearance.
- The proposed parking will create a danger for other road users as a consequence of its proximity to the junction, with this area particularly busy as a consequence of the local school traffic.
- The proximity of the fence to the neighbouring drive at No. 32 will obscure the view available to them when leaving their driveway
- There is no need for the additional parking that is proposed in this application as the property has ample parking facilities available within the existing driveway.
- When vehicles are parked in the area shown on the proposal they would cause further obstructions to visibility at the junction, with this an area that the Police regularly monitor to discourage unsafe parking by visitors to the schools
- To allow the proposed works would establish an undesirable precedent for other such schemes
- This part of Central Drive is a pedestrian and cyclepath that is well used, including by many school children. The narrowing of the road and increased use of Central Drive consequential of this application will create a hazard to users of the cyclepath.
- The property was built and addressed as being on Worsley Road and so should not change to Central Drive as this will cause highway safety issues.
- The proposal will encourage general parking on Central Drive and in this area in particular. Such parking is not permitted.
- Whilst this part of the Central Drive is privately maintained, it was upgraded in 2000 by the County Council with all frontagers contributing to this except for 8 and 10 Worsley Road as they did not use the road. They should not be allowed to use it now.
- The repositioning of the wall would be a breach of covenant imposed when the houses were first built. The existing fence should instead be repaired.
- Request that it be determined at Committee
- Refer to a licence fee paid by 'the council' to allow the road to be used by pedestrians

and cyclists and that this places an obligation on the council to ensure that this can be done safely, with this proposal reducing that safety.

- That works have commenced on site with the removal of previous landscaping despite the application not having been determined.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions
EP12	Conservation of Trees and Woodlands

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policy Background

The site is within the settlement where Policy SP1 applies and promotes development subject to normal planning criteria. Policy HL5 is relevant in that it controls extensions to dwellings and other householder proposals, with EP12 providing guidance on how applications in the vicinity of protected trees are determined.

With the dated nature of the Fylde Borough Local Plan the policies are only reliable where they are consistent with the NPPF. In this case the principle issues relate to the impact on the streetscene, highway safety and residential amenity with these matters addressed throughout the NPPF but primarily by para 58. As such they are consistent with that guidance and so relevant for the assessment of this application.

Ownership Issues

The application is supported by Certificate A whereby the applicant confirms that the whole of the application site is in his ownership. The location plan indicates that the application site boundary lines through with a continuation of the front boundary walls on the other element of Central Drive. This relates to the 3m wide extension of the curtilage proposed in this application. The ownership of this area, and rights to use it and access it by vehicles have been queried with the applicant. He has confirmed his belief that he has the legal ownership and right to use this land. In such circumstances the council is not able, as planning authority, to refuse (or refuse to determine) the application on these grounds alone. The decision is to be made on the basis of development plan policy and other material planning considerations.

Implications of relocating the boundary

The pattern of development along Worsley Road, Central Drive and other surrounding streets are typical of many parts of Lytham St Annes. The road layouts are very regimented with lengthy straight sections, junctions that are generally at right angles, and footways on both sides that separate the carriageway directly from the front boundary of the dwellings. These front boundaries are typically low red bricked walls with openings for vehicular and pedestrian access points.

The character of the private drive part of Central Drive differs in that it is wider than the other part of the road, has no footways and has varied boundary treatments. On the opposite side to the application

property the boundaries are mainly red brick walls with some fences above, but on the same side there are some fences, some walls and some properties with landscaping to define a more open boundary. This side of the road also has several areas where landscaping has become well established in the verges so giving it a less distinct line.

This proposal is to extend the current boundary out by 3m with this new boundary formed by a fence that runs for a distance of around 12m to provide an extended rear garden. This fence will line through with the walls on the other part of Central Drive, but will project a greater distance than the other boundary lines on this part. However, with the more varied line of these boundaries it is considered that this will not be unduly detrimental to the pattern of development on the road.

Similarly, the varied nature of the boundary treatments, which include other fences, enable the use of the 2m vertical fence boarding fence to be an acceptable treatment. A condition is appropriate to ensure that this is stained in a colour that will allow it to blend into the streetscene. The use of a fence also has benefits in that it is less likely to have an adverse impact on the tree due to the lack of foundations and that posts can be positioned to avoid any primary roots.

Implications of Parking Area

The application proposes that the remaining area of this land to the side of the dwelling and front garden is to be changed to extended domestic curtilage, but is not to be enclosed to enable its use for parking by the applicant. This will require the relocation of the kerbs, removal of some material to reduce the levels to that of the carriageway and the provision of a new surface to support vehicles.

The right to access this area from the private drive element of Central Drive has been queried by other residents, but is a legal matter for the applicant and his neighbours to resolve through the interpretation of their deeds. However, the applicant has advised officers that he believes he has a right to access this land.

It is a fact that the site is located in an area which sees reasonably high volumes of traffic by virtue of being in the settlement area and particularly due to the proximity of the local schools and college. It is also a fact that this part of Central Drive is designated as a cyclerooute and so cyclists travelling to and through the area are encouraged to use it. It is also a fact that an investigation of the LCC road safety collision data confirms that there have been no accidents in the vicinity of the application site for the past 5 years. Finally it is a fact that there are parking restrictions in the area, both explicit in road markings and implicit in the presence of junctions.

The application is intended to allow this front part of the extended curtilage to be used for parking for the property to support the spaces provided on the driveway. This in itself creates potential highway safety and visual impacts.

This part of Central Drive serves 13 properties, each of which is likely to generate vehicle movements. The application property does not have an existing access to Central Drive and so this proposal would increase that number to 14, but it is difficult to believe that this increase in volume of vehicles will cause any notable increase in the risk to highway safety.

The proposed parking area is close to the junction, but it is not accessed immediately off the radius and is at a location where vehicle speeds, and cyclist speeds, will be low due to the presence of the junction. As such it is not considered that this will cause any notable detriment to highway safety.

The parking area will not narrow the width of Central Drive as the carriageway width of 5m is unaffected by the proposal, and so will continue to allow two way traffic to pass at the junction.

Taking these aspects together it is not considered that there are any highway safety justifications to resist the development.

There will be a visual impact to the use of the area for parking, but at the several officer visits to the site Central Drive has always seen a degree of roadside parking, and the visual impact of the use of this area will be reduced by it being screened or set against the fencing proposed to enclose the extended rear garden area. As such this will also not justify a reason for refusing the proposal.

Impact on Tree

The Copper Beech tree has recently been protected in response to the receipt of the application, and in recognition of the contribution it makes to the local streetscene. The tree is located alongside the house but immediately inside the existing boundary wall, and seemingly has caused some structural damage to that wall. The applicant has exposed the foundations to the wall to reveal that these are well below the ground level and so it is unlikely that any major roots will be within the area where this change of use is proposed. The parking area will require the relocation of the kerbstones closer to the wall and the removal of some of the soil to provide a level surface. However, with the barrier provided by the wall's foundations to the roots of the tree the council's Tree Officer considers that there is a limited risk of these works causing any harm to the tree and so he has no objection to the application. A condition is appropriate to ensure that this surfacing is porous to enable water to percolate through to any roots that may be present in the area. It is also possible that some pruning works to lower branches will be required in future years to allow access under them by vehicles, but this is commonplace with such trees in urban areas and so also not a concern.

Conclusions

The application relates to the change of use of land to the side of a domestic dwelling in Lytham to provide an extended domestic curtilage. The land has a width of 3m and runs for the full depth of the property and its front and rear gardens to give a combined distance of 29m. The proposal is to enclose the area alongside the existing rear garden of the property with a new 2m high timber fence to provide an extended garden area, with the area alongside the dwelling and its front garden surfaced to provide for a parking area for the use of the occupiers of the dwelling.

The proposal has generated local opposition from the residents on other properties that border the same private drive part of Central Drive as the application property, with these relating mainly to the visual impact of the extended garden area and the safety of the use of the proposed parking areas. However, it is not considered that these concerns are of sufficient weight to justify a refusal of the application given the limited area of extended garden, the separation retained from the carriageway and junction and the absence of recorded accidents at the junction. Accordingly the application is recommended for approval.

The proposed works are therefore considered to be in accordance with Policy HL5 and Policy EP12 of the Fylde Borough Local Plan and so the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. That the area of extended garden area hereby approved shall be limited to that area that

projects out from the existing side boundary of the curtilage by a distance of 3m towards the carriageway of Central Drive for a distance that is measured from an extension of the rear boundary of the property that is shared with 32 Central Drive towards Worsley Road for a distance of 13m only. Only this area shall be enclosed with a timber fence.

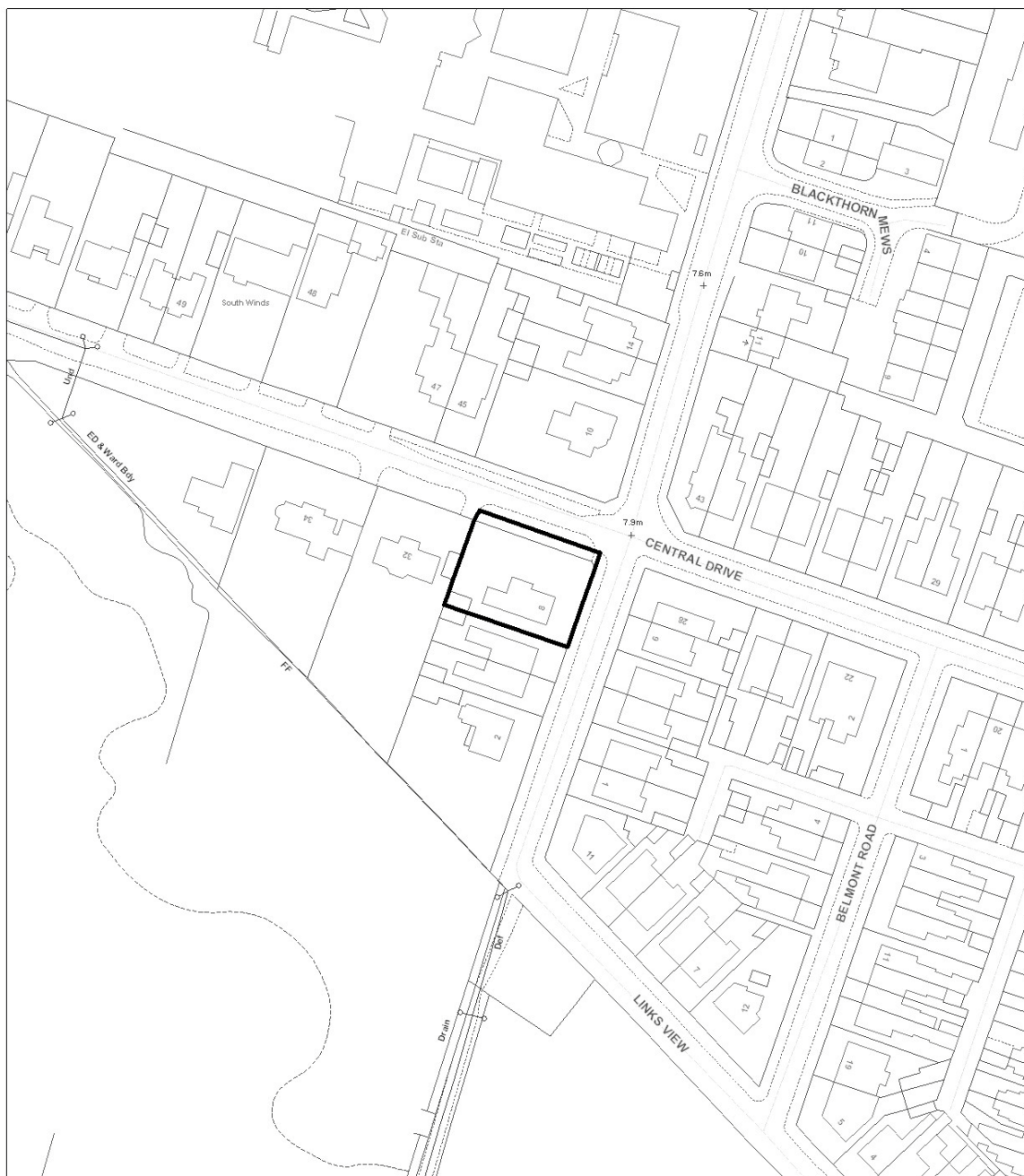
To provide an appropriate control over the extent of the extended garden area and the fencing that surrounds it in the interests of defining the permission and to ensure that the development has an acceptable appearance on the wider streetscene as required by Policy HL5 of the Fylde Borough Local Plan.

3. That the timber fence to be erected around the area approved by condition 2 shall be a vertical boarded fence only of a height that does not exceed 2m above ground level. This fence shall be provided with a dark natural stain, and such stain maintained thereafter.

To ensure that the fencing area has an acceptable appearance on the wider streetscene as required by Policy HL5 of the Fylde Borough Local Plan.

4. That any area of parking that is to be provided between the extended garden area described in condition 2 and Worsley Road shall be surfaced in a porous surface material only at all times.

To ensure that water is able to percolate through to the roots of the Copper Beech tree in order to minimise the potential for harm to the tree as required by Policy EP12 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0208	Address 8 Worsley Road, Lytham St Annes	Grid Ref. E.3342 : N.4281	Scale 0 6 12 18 24 m

Item Number: 7 Committee Date: 31 July 2013

Application Reference: 13/0213		Type of Application:	Full Planning Permission
Applicant:	Kensington Developments Ltd	Agent :	
Location:	WESTFIELD NURSERIES, WHITEHILL ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LA		
Proposal:	PROPOSED ERECTION OF 36 NO. DWELLINGS WITH ASSOCIATED GARAGING, ACCESS ROAD, PUBLIC OPEN SPACE, LANDSCAPING AND FOOTPATH/CYCLE PATH EXTENSION		
Parish:	Westby with Plumptons	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is a rectangular area of land between Whitehills Road and Lytham St Annes Way, and adjoining the former Hollywood Nurseries site that is currently being residentially developed by Redrow Homes. It is designated as Countryside in the Fylde Borough Local Plan and is adjacent to the employment land at the Whitehills Business Park. The site is therefore outside of any settlement.

Part of the site has outline planning permission for residential developments; this being the former Westfield Nurseries site (10/0751). The remaining land north of this site up to the boundary with Lytham St Annes Way has had an outline application for residential development (11/0678) that was recommended for approval by the DM Committee on 18 January 2012 but has yet to be determined due to an outstanding s106. These outline planning permissions are a realistic fall back position for the developer as they would be able to implement both planning permissions subject to the approval of reserved matters.

This application is not for reserved matters, but is a full application for the erection of 36 dwellings meaning that the conditions, Unilateral Undertaking, and any s106 agreement associated with these previous outline permissions would not be binding on this scheme. This application provides an alternative scheme that would provide a more cohesive development of the site as a whole. And given its location adjacent to the residential development of the former Hollywood Nurseries site (currently under construction) and opposite Whitehills Business Park it is not considered to be significantly harmful to the character of this countryside area.

The scheme involves the construction of 36 new dwellings, which is an increase of 12 over the 24 approved under the previous outline applications. However developing the site as a whole, rather than as two separate schemes, would result in a more visually cohesive development that comfortably accepts these additional 12 dwellings.

The development will make a contribution to reducing the borough's housing supply shortfall

and will also provide affordable housing and public open space in line with the rates sought in the Fylde Borough Local Plan and Interim Housing Policy.

These material considerations are considered to be of sufficient importance to outweigh the conflict with Policy SP2 of the Fylde Borough Local Plan. Accordingly, the application is recommended for approval subject to conditions and a s106 agreement.

Reason for Reporting to Committee

The application involves major development.

Site Description and Location

The application site is a roughly rectangular area of land that encompasses the former Westfield Nurseries site and the land that lies between the former nursery and Lytham St Annes Way. The area is largely hard standing now following the removal of the former nursery buildings, with some rough grassland leading up to the boundary with Whitehills Road. To the southern boundary is an existing access point onto Whitehills Road with a dwarf wall along the remainder of that boundary. There is a hedge to the north and east and an open boundary to the adjacent residential dwelling to the west.

The red edge also includes the access to Lytham St Annes Way which runs through the adjacent former Hollywood Nurseries site and which is now undergoing residential development.

Surrounding land uses are mixed with some residential properties, former nursery sites, and open countryside on the opposite side of Whitehills Road. The employment development at Whitehills Business Park is located to the opposite side of Lytham St Annes Way to the north.

The site is within the Countryside as designated in the local plan.

Details of Proposal

The application is submitted in full and relates to the erection of 36 No. dwellings on the site. These are all 2 storey in height and comprise a mix of detached, semi-detached, and mews style houses. Twenty five of the dwellings are for market sale and the remaining eleven are to be affordable. The proposed materials are brick and render for the walls, grey concrete tiles for the roof, and white upvc for windows and doors.

A flood risk assessment, ecological assessment, and a transport assessment have all been submitted with the application.

Relevant Planning History

Application No.	Development	Decision	Date
11/0678	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 14 NO. DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Draft Decision Notice	
10/0751	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 10 NO. DWELLINGS (ACCESS APPLIED	Withdrawn - Appeal against non-determine	06/09/2011

	FOR WITH ALL OTHER MATTERS RESERVED)		
01/0436	PROPOSED RESIDENTIAL OCCUPATION OF CARAVAN FROM 1st MARCH-30th SEPTEMBER AND WINTER STORAGE OF CARAVAN 1st OCTOBER - 28/29th FEBURARY	Refused	28/11/2001
00/089	MODIFICATION OF CONDITION NO.1 TO 99/233 TO ALLOW RETENTION OF A TOURING CARAVAN ON SITE FOR THE PURPOSES OF STORAGE ONLY BETWEEN 1ST OCTOBER AND 28/29TH FEBRUARY ANNUALLY , AND RESIDENTIAL OCCUPATION ONLY BETWEEN 1ST MARCH AND 30TH SEPTEMBER EACH YEAR .	Refused	23/05/2001
99/0656	ERECTION OF AMENITY BLOCK	Granted	03/11/1999
99/0233	ERECTION OF OCCUPIERS AMENITY BLOCK AND SITING OF SEASONAL CARAVAN	Refused	11/08/1999
98/0368	ADVERTISEMENT CONSENT TO DISPLAY NON ILLUMINATED FREE STANDING SIGN - RETROSPECTIVE	Granted	13/08/1998
98/0326	SITING OF RESIDENTIAL MOBILE HOME	Refused	15/07/1998
98/0309	ERECTION OF POULTRY SHED, EQUIPMENT STORE ,TIMBER SHED & ADDITIONAL 3 BAY POLY TUNNEL	Granted	12/08/1998
94/0712	RETENTION OF KERBS TO ACCESS ROAD (RETROSPECTIVE)	Granted	07/12/1994
94/0606	ERECTION OF 2 NO POLYTUNNELS	Granted	07/12/1994
94/0198	SITING OF A MOBILE HOME FOR A FIVE YEAR PERIOD AND ERECTION OF POLYTUNNELS	Refused	22/06/1994
91/0345	CHANGE OF USE TO TOURING CARAVAN SITE (22NO PITCHES) ERECT SINGLE STOREY BUILDING TO FORM WARDENS ACCOMMODATION, SHOP, OFFICE, W.C. & SHOWERS.	Refused	17/07/1991
88/0762	RENEWAL OF CONSENT; SITING OF MOBILE HOME	Granted	25/01/1989
87/0617	RENEWAL OF TEMPORARY CONSENT; SITING OF MOBILE HOME	Granted	02/12/1987
86/0513	TEMPORARY SITING OF MOBILE HOME	Granted	08/10/1986
75/0051	CHANGE OF USE FROM GREENHOUSE TO HORTICULTURAL EQUIPMENT SHOWROOM AND GARDEN CENTRE.	Refused	21/05/1975
80/0862	WIDENING OF EXISTING FIELD ACCESS TO HORTICULTURAL HOLDING.	Granted	10/12/1980
86/0333	SITING OF STATIC CARAVAN (PERMANENT).	Refused	13/08/1986
99/0077	MOBILE HOME FOR TEMPORARY	Withdrawn by	16/02/1999

PERIOD - 14TH FEBRUARY TO 14TH Applicant
OCTOBER

Relevant Planning Appeals History

Outline planning permission (ref.10/0751) for the residential development of the former Westfield Nurseries site (which forms the southern part of this application site) was granted on appeal on 06 September 2011

Parish Council Observations

Westby with Plumpton Parish Council notified on 03 May 2013

Summary of Response

No objections raised but concerned that more development will add to the already existing flooding problems. Should the application be approved the Parish Council recommends that improvements are made on Whitehill Road by way of provision of public footpaths on both sides of the road, street lighting, road access onto Wild Road and The Moss area, etc.

Statutory Consultees

United Utilities - Water

No objection to the proposal provided that the following condition is attached to any approval:

The development hereby approved shall be carried out in accordance with the foul and surface water drainage details set out in the submitted Concept Drainage Layout Plan ELL-258-KD-002 dated April 2013 which was prepared by Elluc Projects. For the avoidance of doubt, no surface water will be permitted to drain directly or indirectly into the public foul, combined or surface water sewer system. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

Electricity North West

Refer to the site being adjacent to an operational sub-station and that they have other equipment in the vicinity. As such they highlight the need for the developer to ensure that this facility and its easements are not affected by the works.

Lancashire County Council - Highway Authority

LCC Highways approve of the internal layout of the site and the proposed level of car parking, and raise no objection to the proposal. They have requested developer contributions for improvements to public transport services, highway infrastructure, and cycle/pedestrian improvements.

Strategic Housing

The application contains proposals to deliver 11 units of on-site affordable housing and this is confirmed in the application form dated 22 April 2013.

In respect of 13/0213 the proposed provision of affordable housing seems to comply with the requirements of the interim housing policy and its delivery, type, tenure and retention etc would be ensured by use of an appropriate s106 agreement.

Chief Education Officer

They have made a series of requests under the 'Planning Obligations in Lancashire' Paper on the basis of the scale of the development and the implications that it will have for service provision.

Primary School – The latest projections for the local primary schools show there to be a shortfall of 64 places in 5 years time. With an expected yield of 14 places from this development the shortfall would increase to 78, therefore County are seeking a contribution based on the full pupil yield of the development, i.e. 14 places, which amounts to £166,326.

Secondary School – The only school within 3 miles is Lytham St Annes Technology and Performing Arts Collage. Latest projections show there to be 10 places available in 5 years time. Recent developments in the area are expected to generate a demand for 42 places, thus leaving a shortfall of 32. This development is expected to generate demand for a further 5 places making a total expected shortfall of 37. Hence a contribution based on the full yield is sought, which amounts to £89,508.

Lancashire County Ecology Service

Final comments not received at the time of completing this report

Environment Agency

Originally objected to the proposal due to the lack of a Flood Risk Assessment (FRA). As a consequence a FRA was carried out and submitted for consideration. The EA's objection has now been withdrawn subject to the measures detailed in the FRA and the Concept Drainage Layout (dwg no. ELL-258-KD-002-B) being implemented.

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 14 May 2013
No. Of Responses Received: One (from Braetop House)
Nature of comments made: Objection

- The new dwellings neighbouring Braetop would overlook and lead to loss of privacy
- Some form of landscape buffer is needed around Braetop to screen the new development from their view
- The site should remain as two separate parcels of land with each having a maximum of 14 dwellings and omit the affordable properties
- Any affordable housing should be located to the other side of the development. Currently they are placed against the rear boundary of Braetop.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
TREC17	Public Open Space within New Housing Developments
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EP01	Environmental Improvement Schemes

EP10	Protection of important landscape and habitat features
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP26	Air pollution
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
CF02	Provision of new primary schools

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Local Plan Allocation and Principle of Development

In the Fylde Borough Local Plan the application site is entirely allocated as Countryside on the Proposals Map. Policy SP2 restricts development to that which maintains the rural character of the area. Residential development is clearly not a rural use and so the application conflicts with Policy SP2 of the Local Plan. However, it is necessary to examine if there are any other material considerations which would outweigh this policy conflict and so justify the supporting of the development at this site.

The council has a shortfall of housing supply against the targets established by the RSS, and this has been a driver in enabling residential development to be supported in the area on appeal. Whilst the RSS established a higher housing supply figure than previously applied, the council's shortfall is such that any figure that is realistically likely to be adopted by the council in the future will also result in the council falling well short of being able to demonstrate the 5 year supply of housing land as continues to be required by government guidance in the National Planning Policy Framework. Against this background, the development of appropriate non-settlement sites is likely to be required in the short term so that the council is able to reduce the shortfall in housing supply and so better protect less appropriate, non-settlement, sites from residential development.

The recent site history of the site is also an important material consideration. The principle of residential development on the application site has already been established by two earlier outline schemes that have the support of the Council, 10/0751 (granted on appeal) and 11/0678, which remain outstanding but could provide for a total of 24 dwellings (17 market dwellings and 7 affordable). This application proposes a total of 36 dwellings, of which 25 would be market and 11 affordable. Whilst this application, if approved, would result in an increase in the total number of dwellings on the combined sites this is not considered to be an issue as the development of the site as a whole, rather than piecemeal under the two earlier outline permissions, allows for a layout that makes better use of the site and hence make a greater contribution to the council's housing supply and affordable housing

provision. Furthermore the adjoining former Hollywood Nurseries site has full permission for 63 dwellings and is currently under development.

On balance, given that there remains a clear shortfall in housing supply within the borough and given the planning history of the application site it is considered that there are sufficient material considerations to outweigh the conflict with Policy SP2.

Accessibility of the site

The application site adjoins onto the former Hollywood Nurseries site, which benefits from full permission (11/0639 refers) for 63 dwellings and which are now under construction. As part of the requirements of the s106 agreement associated with that permission the No.61 bus service has been diverted to serve that development and funded for a period of 5 years, provided a bus stop adjacent to the development, and extended the existing off road cycle route along Lytham St Annes Way to serve the development. As part of this proposal the developer has provisionally agreed to further extend the off road cycle route to link it in to the roundabout at the Whitehill Road/Cropper Road/School Road junction and an appropriate condition to secure this would be attached to the permission if approved. Given that these existing and proposed improvements have been accepted as sufficient to demonstrate the sustainability of the Hollywood Nurseries site and the previous outline approvals on this application site it is considered that the development will accord with the requirements of criteria 7 of policy HL2 relating to general accessibility.

Access arrangements

At present the site has one access from Whitehills Road, which served the old garden nursery. This application would see this access closed up and the development being accessed via an extension of the internal access road that serves the Hollywood Nurseries development, which itself is accessed via the central Lytham St Annes Way roundabout. Lytham St Annes Way and the surrounding road network are purpose built for the commercial development at Whitehills and so has adequate capacity to accommodate the traffic that would be associated with the development in this application. The junction design to this road and the internal arrangements are all to specification and so there are no concerns with this aspect of the development.

Design and Layout

Design

The adjoining Redrow development on Hollywood Nurseries is characterised by 2 storey dwellings, the majority being detached. Whilst the proposed dwellings on the application site are taken from the applicant's standard property type portfolio they would be of a similar scale and design to those of Redrow and hence raises no great concern. Due to the natural ground level of the application site being slightly higher than Hollywood Nurseries the proposed development would be slightly elevated above Redrow's by approximately 1 metre and the presence of an electric cable running north to south through the site, together with the need for adequate surface and foul water drainage, prevent the ground level of the site being further reduced. This notwithstanding the application includes street elevation views showing the relative building heights and it is not considered that the slightly greater elevation of the proposed development is a major concern.

Layout

The design of the layout of the development is restricted by the need to maintain an easement for the electric cable that runs through the site and serves the substation in the south east corner of the site. For this reason the central access road follows the line of this easement resulting in the dwellings being sited in a more fluid layout to each side and along small feeder cul-de-sacs. The dwellings all have acceptable relationships to each other and the relationship with the new dwellings on the adjoining Redrow site is acceptable, with no overlooking or overshadowing issues. The owners of Braetop House have objected to the proposal on the grounds that the proposed dwellings adjacent to their property will result in overlooking and loss of privacy. Plot 1 of the proposed development would have two first floor windows facing onto the side elevation of Braetop House which may

present a privacy issue however one of these windows serves a bathroom and the other is a secondary bedroom window, hence an obscured glazing condition can be attached to the permission if granted to mitigate this issue. Braetop House have also raised their concern over the siting of affordable housing close to their rear boundary, however there is no planning justification for an objection on such grounds.

Provision of Affordable Housing

The scheme proposes the provision of the full 30% on site affordable housing requirement of the Interim Housing Policy, which in this case is 11 units (30% of 36) to be provided as a terrace of 6 along the western boundary (plots 9 to 15) and a further terrace and pair of semis on the eastern boundary (plots 30 to 34). The council's housing department are agreeable to the provision. Full details (i.e. delivery, tenure, retention, etc.) would be obtained and secured via a s106 agreement.

Public Open Space (POS)

The site layout proposes two areas of POS within the development boundary; a central area POS which includes a small play area and a smaller area of POS to the south eastern corner of the site. The provision of play facilities is an important element given the lack of facilities in the area and its central position within the site ensures good natural surveillance of the area. The POS and play facilities proposed would be adequate for the development involved.

Ecology

The applicant has submitted an ecological assessment in support of the application, which amongst its findings identified a single large mammal hole to the north of the site. In response the County Ecologist has requested, and been provided with, clarification on the status of this potential Badger sett and on other ecological matters in respect of nesting birds, barn owls, common toads, and habitat loss/creation. At the time of this report the final comments of the Ecologist have not been received however in respect of the previous outline approval (10/0751) for the residential development of this site the County Ecologist was satisfied with the precautionary mitigation conditions attached by the Planning Inspector and hence there is no reason to believe that ecology issues will be a major concern in this instance. This notwithstanding it is considered to be prudent that any recommendation for approval of this application should be subject to the County Ecologist being satisfied with the submitted ecological details. A further condition may be required to the permission if granted to address ecology issues that may arise following receipt of further comments.

Drainage

The site is located in Flood Zone 1 where flooding is least likely and no reason for refusal on this basis can be supported. United Utilities have raised no objection to the development on the proviso that it is carried out in accordance with the foul and surface water drainage details set out in the submitted Concept Drainage Layout Plan (ELL-258-KD-002, dated April 2013). This drainage scheme would require some works within the highway, which could be carried out as permitted development, and the provision of a storm water attenuation area (SWAA) on the southern side of Whitehills Road, and which lies outside the red edge for this application. The SWAA would be sited within land controlled by the applicant and would need to be the subject of a further application due to the engineering works nature of its provision.

LCC contributions

The County Council have highlighted that the site is remote from any primary or secondary schools and that there is an actual or projected shortfall of places at the schools which are closest. They therefore request contributions from the developer to be utilised to address this shortfall. These contributions are based on their Planning Obligations paper which is intended to provide a mechanism by which funding can be secured from developments to address the increased service demands which the additional residents in an area will place on the County Council. These requests total £255,834 (£166,326 for primary school provision and £89,508 for secondary school provision). The applicant is aware of these amounts and has not expressed an intention of refusal to pay. Hence it is anticipated that this matter will progress smoothly and allow the scheme to accord with policy CF2 and para 72 of

the NPPF

Conclusions

The application is a full application for the erection of 36 dwellings on a site located in the Countryside alongside the new Hollywood Nurseries residential development and opposite Whitehills Business Park. The residential development of Countryside land is contrary to Policy SP2 of the Fylde Borough Local Plan, and so would normally be resisted. However the application site benefits from two outline applications, supported by the council, for residential development of 24 dwellings and although this proposal includes an additional 12 dwellings (36 in total) the development of the site as a whole rather than under two separate permissions allows a more visually cohesive development to be provided. The development will also make a contribution to reducing the borough's housing supply shortfall and provide affordable housing and public open space in line with the rates sought in the Fylde Borough Local Plan and Interim Housing Policy.

These material considerations are considered to be of sufficient importance to outweigh the conflict with Policy SP2 of the Fylde Borough Local Plan and so the application is recommended for approval subject to a s106 agreement and a series of appropriate conditions.

Recommendation

That the decision to determine the application be delegated to the Head of Planning and Regeneration with the decision being to grant planning permission on the satisfactory resolution of the ecology details, the completion of a Section 106 agreement, and then be subject to a series of conditions..

Should these matters not be resolved then the Head of Planning and Regeneration be delegated the authority to refuse the application for reasons that are appropriate to the matters which remain outstanding.

Suggested Terms of S106 Agreement

- **Affordable Housing details** - The details of the provision of affordable housing in terms of the specific plots, the phasing of delivery, local occupancy criteria, cost of dwellings to the partner RSL, and details of their on-going maintenance as affordable dwellings
- **Education** – Payment to the council of £255,834 (or an alternative sum that has been agreed with the Chair and Vice Chair of the Development Management Committee) on occupation of the first dwelling to be utilised towards addressing the anticipated shortfall in places available at Lancashire County Council funded primary and secondary schools in proximity to the site so that they are more able to accommodate the anticipated yield of children from the development

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

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

2. The development hereby approved relates to the following drawings and reports unless agreed otherwise in writing with the Local Planning Authority:

- Location plan - Dwg No. KD 61 / 11 rev A dated February 2013

- Topographic survey - Dwg No. KD 61 / S rev A dated May 2010
- Site layout - Dwg No. KD 61/ 10 rev F dated March 2013
- Concept drainage layout and slab levels - Dwg No. ELL-258-KD-002 Rev B dated April 2013
- Landscape masterplan - Dwg No. 3946-01 Rev C dated March 2013
- Boundary treatments - Dwg No. KD 61 / 26 rev A dated April 2013
- Play area - Dwg No. KD 61 / 23 rev A dated March 2013
- MS railings - Dwg No. KD 61 / 24 dated April 2013
- Screen fence - Dwg No. KD 61 / 25 dated April 2013
- Sectional street scenes Dwg No. KD 61 / 27 dated February 2013
- Chelsea mews streetscenes - Dwg No. KD 61 / 22 Rev B dated February 2013
- House type drawings - Lincoln 'A', Grosvenor 'A', Tennessee 'A', Tennessee 'B', Mayfair 'A', Mayfair 'B', Baltimore, Chelsea
- Garages - Dwg No. KD 61 / 19 dated February 2013
- Flood risk assessment - ELLUC projects Ltd ELLUC- KD-258-060613-FRA-D1 dated May 2013

For the sake of clarity in defining the permission as agreed with the applicant.

3. Prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

4. Prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

5. That the play area as specified in the detail approved under condition 2 to this planning permission shall be constructed and made available for use no later than the occupation of the 15th dwelling on site and shall be maintained in accordance with the approved detail at all times thereafter.

Reason: In order to secure the provision and retention of an appropriate level of public open space in accordance with Policy TREC 17 of the Fylde Borough Local Plan.

6. That the Landscape Masterplan as specified in the detail approved under condition 2 to this planning permission shall be implemented during the first planting season following the

completion of development. Any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

7. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, public open space / amenity landscaping, play area, and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future.

8. That no works shall commence or be undertaken between the months of March and July inclusive, until a walkover survey of the site and its boundary hedges has been undertaken to establish the presence of any breeding birds and the results submitted to the Local Planning Authority. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting sites shall be submitted to the Local Planning Authority for approval and implemented throughout the construction of the dwelling.

To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwelling

9. Prior to the commencement of any on-site construction a Construction Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include methods and details of construction; vehicle routing to the site; construction traffic parking; any temporary traffic management measures; and times of construction, access and deliveries. Construction access shall not be taken other than via Lytham St Anne's Way. The Construction Plan is to be implemented and adhered to during the construction of the development.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

10. Prior to the commencement of construction on any of the dwelling houses a scheme that secures all necessary highway measures for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include the phasing of all necessary works and shall be implemented in line with the agreed phasing. The works shall include:

a) traffic calming measures on the internal access road to limit vehicle speeds to 20mph;

b) surfacing, lighting, drainage and all other details for the access roads within the development; and

c) construction of an extension of the existing off-road cycleway on the southern side of Lytham St Annes Way to provide a continuous link from its existing point to the

roundabout junction with Cropper Road, and to include a connection to the development site as shown on drawing no. KD 61 / 10 rev F

To ensure the provision all necessary highway improvements in the interests of pedestrian and highway safety as required by Policy HL2 of the Fylde Borough Local Plan

11. The development hereby approved shall be carried out in accordance with the foul and surface water drainage details set out in the submitted Concept Drainage Layout Plan ELL-258-KD-002 dated April 2013 which was prepared by Elluc Projects. For the avoidance of doubt, no surface water will be permitted to drain directly or indirectly into the public foul, combined or surface water sewer system. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

To ensure the provision of an appropriate drainage strategy for the site in the interests of preserving public health and the quality of the neighbouring water environment.

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

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

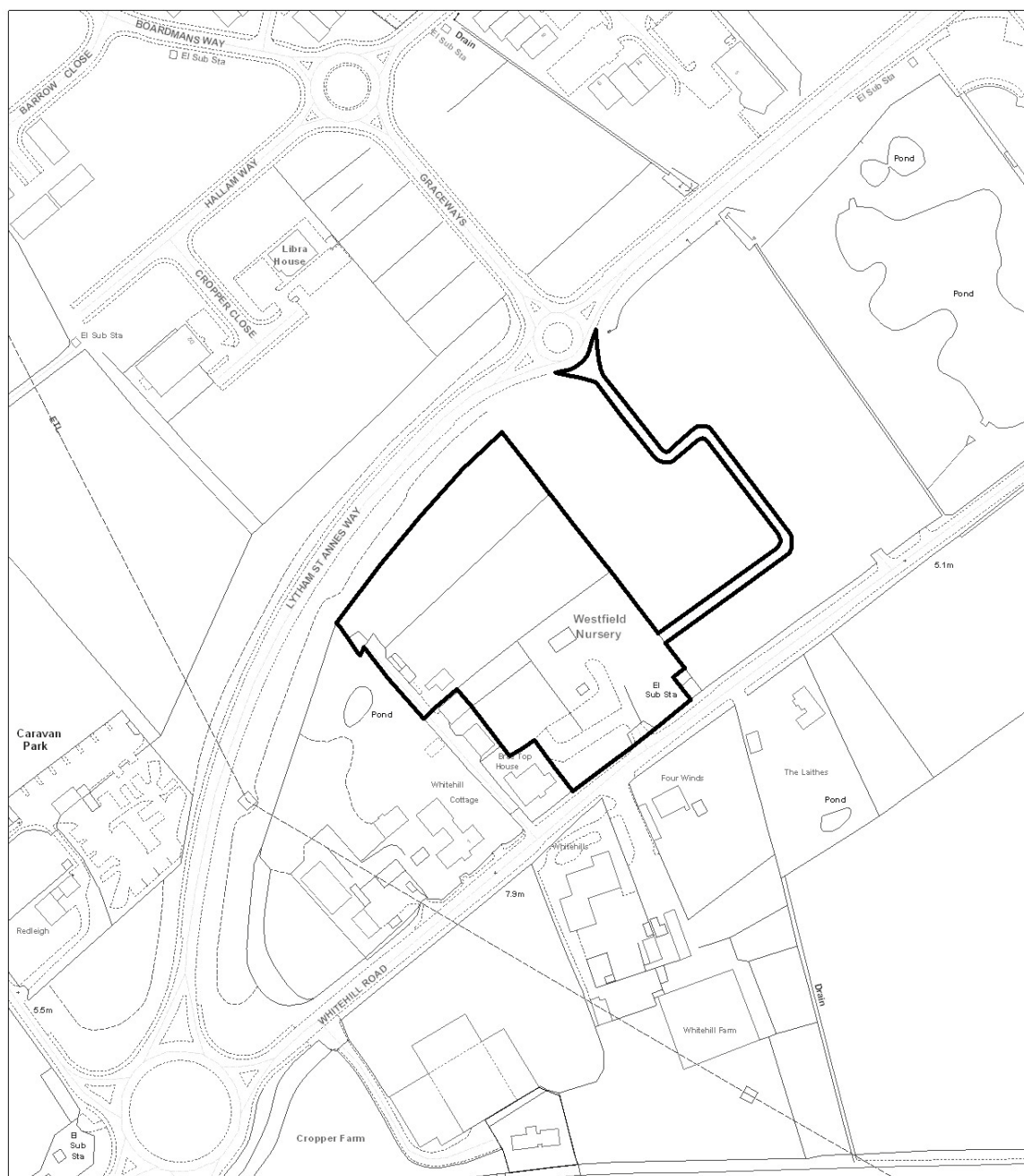
Upon completion of the remediation detailed in the method statement and remediation strategy a report shall be submitted to the local planning authority providing verification that the required works regarding contamination have been carried out in accordance with the approved method statement and remediation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

detailed in the report.

To provide an appropriate level of protection against the potential for future occupiers of the dwellings to be affected by pollution or contamination.

13. With regard to the dwelling shown located at plot 1 in the approved site layout (dwg no. KD 61 / 10 rev F, dated March 2013), the first floor windows on the side elevation facing Braetop House shall be glazed with obscure glass (privacy level 3 or greater) and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the rooms in which the windows are installed. Thereafter these windows shall be retained or if replaced the glass and opening details shall be of the same type.

To safeguard the amenities of the occupants of Braetop House.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0213	Address Westfield Nurseries, Whitehill Road, Westby	Grid Ref. E.3349 : N.4325	Scale 0 10 20 30 40 m

Item Number: 8 Committee Date: 31 July 2013

Application Reference: 13/0240		Type of Application:	Full Planning Permission
Applicant:	Mr Andrew Graham	Agent :	
Location:	5 ST MICHAELS CLOSE, WEETON WITH PREESE, PRESTON, PR4 3BZ		
Proposal:	PROPOSED ERECTION OF TIMBER FENCE TO NOT EXCEED 1M IN HEIGHT ALONG SIDE BOUNDARIES OF FRONT GARDEN AREA		
Parish:	Weeton with Preese	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Amy Aspinall
Reason for Delay:	In order to allow determination by committee.		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal relates to the erection of a 1 metre high close boarded timber fencing to the frontage of number 5 St Michaels Close. The cul-de-sac is currently open-plan however the proposal is small-scale and given the height it is not considered that this would be harmful to the streetscene or character and appearance of the area. The proposal would not be detrimental to highways safety or the residential amenity afforded to neighbouring properties. The application would accord with Local Plan policy HL5 which is consistent with the Framework at paragraph 17(4).

Reason for Reporting to Committee

The Parish Council recommends refusal and therefore the application has been referred to the Development Management Committee.

Site Description and Location

The application relates to number 5 St Michaels Close in Weeton which is a semi-detached property situated at the head the small cul-de-sac of 8 properties. The front garden areas are open plan with parking to the frontages. The site is situated within the countryside, as defined by the Fylde Borough Local Plan, but effectively forms part of Weeton village.

Details of Proposal

The application seeks planning permission to erect a 1 metre high timber fence to the side boundaries at the front of property to define the common boundary with the neighbouring properties 4 and 6 St Michaels Close on each side. To the boundary with No. 6 this runs for the full length of the boundary between the dwelling and the highway. To the other side the fence would be for a length of around 4m from the front of the dwelling to enclose the existing path to the front door before angling off to enclose part of the front garden landscaping and terminating at the position of a tree in this area, with this being around 2m back from the footway. No gates or other enclosures across the front of the

property are proposed.

Such fences are usually permitted development, but these rights were removed on the original permission 05/1033 under Part 2 Class A (means of enclosure). The decision notice of 05/1033 states the reason being to ensure that the LPA has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

Parish Council Observations

Weeton with Preese Parish Council notified on 03 May 2013

Summary of Response

The Parish Council recommends refusal of the application which is out of character with the open plan development of the site.

Statutory Consultees

NA

Observations of Other Interested Parties

NA

Neighbour Observations

Neighbours notified: 03 May 2013

No. Of Responses Received: 3

Nature of comments made:

At the time of report preparation 3 No. neighbour objections have been received in relation to the proposal, with the key issues being summarised below:

- Not in-keeping with the open plan nature of the close
- Safety issue when reversing out of the drive and restricted views
- Safety issue for children when playing
- Access to number 4 would be restricted and would not navigate to and from the back garden with a wheelie bin or a kayak / canoe
- Community cohesion within the Close would be reduced

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Local Plan policy HL5 deals specifically with householder development. This policy seeks to ensure, amongst other things, that proposals are (i) in keeping with the existing building in terms of its scale,

design and external appearance, and does not adversely affect the streetscene; (ii) that the amenity of adjacent and nearby residents are not unduly prejudiced; (iii) and that the proposal does not prejudice the safety of vehicular access to the site.

This is consistent with the National Planning Policy Framework at paragraph 17(4) which states that one of the core planning principles is to seek high quality design and a good standard of amenity for all existing and future occupiers of land

Design

The application seeks to erect a 1 metre high close board timber fence to define the boundaries to the sides of the front garden of the property. The small estate is open plan, however the proposal relates to a 1 metre high boundary treatment which is relatively small scale. This type of close boarded fencing proposed is also present within the cul-de-sac to define the site boundaries from the wider countryside, between rear gardens, and between front and rear gardens.

Neighbour concerns about the proposal not being in-keeping with the open-plan estate are noted, however in design terms it is not considered that the introduction of the fencing within the property frontage would appear overly dominant within the streetscene given its height, and would not appear as an incongruous feature in the context of the domestic curtilage given its design. The proposal is not considered to be harmful to the streetscene or the character and appearance of the wider countryside.

The application therefore accords with Local Plan policy HL5 and the guidance contained within the Framework at paragraph 17(4).

Amenity

The application relates to the erection of a boundary fence at 1 metre in height to enclose a section of the open plan garden and driveway area. At this height there will be no impacts by loss of light or other aspects of the residential amenity afforded to neighbouring properties, with the communal areas of the Close unaffected. The proposal would comply with Local Plan policy HL5 and the guidance contained within the Framework at paragraph 17(4).

Highways

The neighbour objections refer to the impact on safety as a result of the proposed fencing to the frontage of the application property. The proposed fencing would extend along the boundary between the driveway of number 5 and number 6 St Michaels Close, at a height of 1 metre. The fencing would not hinder the width of the existing driveways which are in excess of a standard parking space (2.4 x 4.8 metres) and the turning movements of vehicles entering and egressing the driveways would not be affected, over and above the existing arrangements around the turning head. As the height of the fencing is proposed at 1 metre it is not considered that this would result in an obstruction to visibility.

In terms of number 4 St Michaels Close, the proposed fencing would not affect the driveway of this property, given its siting between the pathways of the two properties.

Having regard to the above the proposal would comply with Local Plan policy HL5.

Other Matters

Access to number 4 for wheelie bins and canoes / kayaks – the pathway to number 4 would not be affected as the proposed fencing would not extend to gated access to the rear of this property. The access arrangements to number 4 would remain the same as existing.

Safety of children – it is not considered that the introduction of 1 metre high fence to the frontage of

the application property would be detrimental to child safety.

Conclusions

The neighbour objections have been considered however, the proposal is small-scale and would not be harmful to the streetscene or the character and appearance of the countryside. The proposed development would not be detrimental to highway safety or adversely affect the residential amenity of neighbouring properties. The application accords with policy HL5 of the Fylde Borough Local Plan and the guidance contained within the Framework at paragraph 17(4) and is therefore recommended for approval.

Recommendation

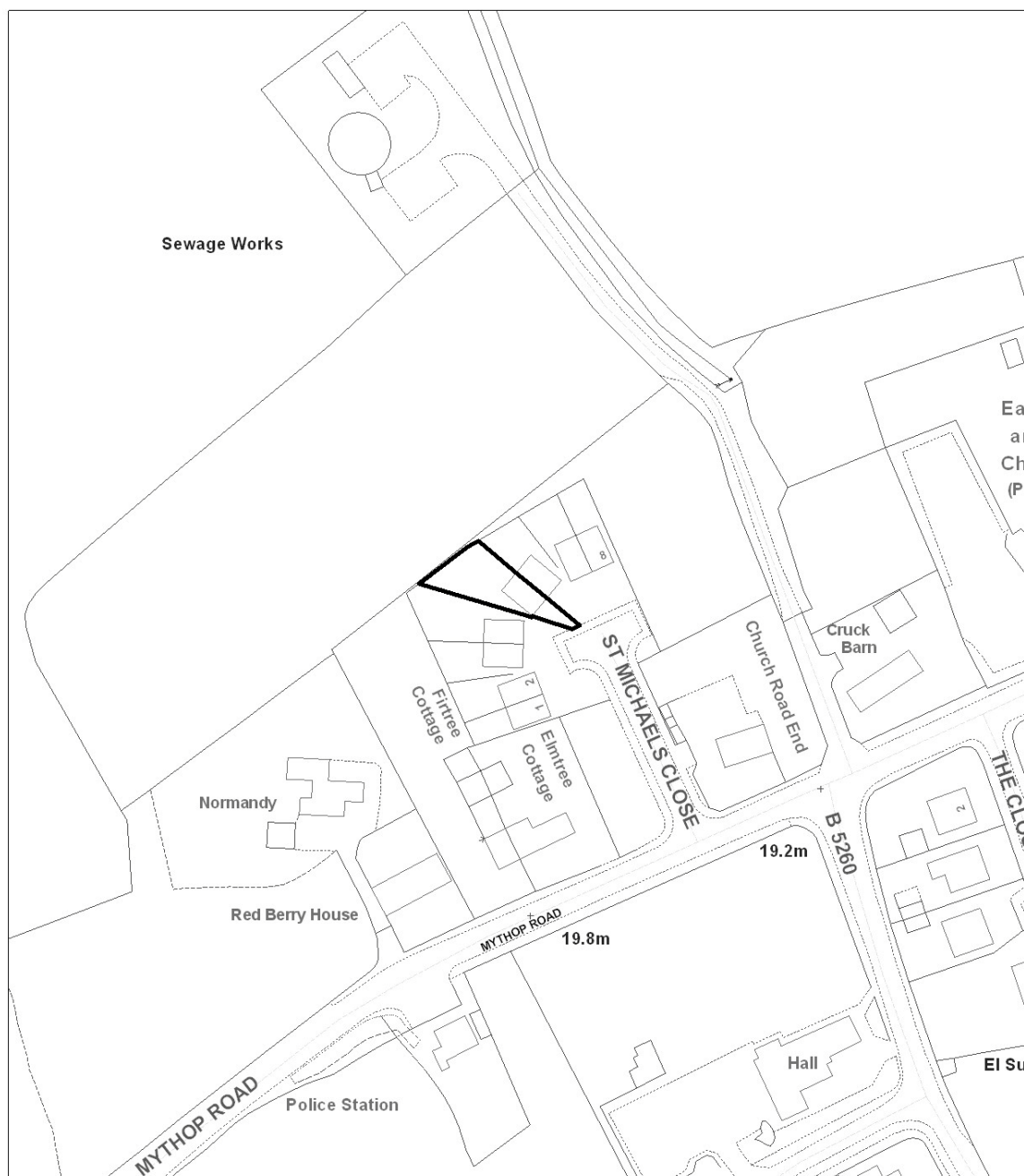
That Planning Permission be GRANTED subject to the following conditions:

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

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

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

In the interests of visual amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0240	Address 5 St Michaels Close, Weeton	Grid Ref. E.3382 : N.4346	Scale 0 6 12 18 24 m

Item Number: 9 Committee Date: 31 July 2013

Application Reference:	13/0262	Type of Application:	Outline Planning Permission
Applicant:	Bush Nurseries	Agent :	Graham Anthony Associates
Location:	THE REFUGE, RUSKIN ROAD, FRECKLETON, PRESTON, PR4 1DR		
Proposal:	OUTLINE APPLICATION FOR SUB-DIVISION OF EXISTING HOUSE (THE REFUGE) INTO 3 DWELLINGS, AND ERECTION OF 11 DWELLINGS TO REAR WITH ASSOCIATED GARAGING, PARKING AND LANDSCAPING. (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED.)		
Parish:	Freckleton	Area Team:	Area Team 1
Weeks on Hand:	13	Case Officer:	Alan Pinder
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application is a re-submission of planning application ref. 11/0838 which was approved, subject to a s106 agreement, by the Development Management Committee on 07 November 2012. That application remains undetermined as the applicant has not signed the s106 agreement.

That proposal was to create a total of 15 dwellings, with this application being for a reduced number of 14 dwellings (including the existing property). The application is made in outline with access and layout applied for, but other than the loss of a unit is identical to the earlier application.

The proposal involves the redevelopment of a site in Freckleton that is currently operating as a flower shop and a single dwelling to provide for a total of 14 dwellings. This is through a conversion of the existing dwelling to provide 3 properties, and the erection of 11 new dwellings on the site of the retail unit, various associated outbuildings and its car park.

The site is located within the settlement where development is supported and is previously developed land that has residential properties on 3 sides and the health centre on the fourth. The residential use of the site in such circumstances is acceptable in principle. The access and layout arrangement are also acceptable. Accordingly the proposal is in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and members are recommended to approve the application. No s106 agreement is required under this application as the scheme does not meet the threshold for provision of affordable housing, etc under the current IHP.

Reason for Reporting to Committee

The proposal involves major development, and as officers are in support of the proposal it must be determined at Committee.

Site Description and Location

The site is located within Freckleton village and is just off Lytham Road which is the main thoroughfare through the village, approximately half way between Derwent Drive and Clitheroes Lane junctions with that road. The main part of the site is rectangular and measures 80m x 40m with a florist shop at the north accessed from Lytham Road via Ruskin Avenue with a large customers' car parking area, and the owner's house at the rear ('The Refuge') which is accessed from Douglas Drive. To the west is Freckleton Health Centre, to the east is the back gardens of houses on Bramwell Road. Ruskin Road serves the florist site and two houses: 1 & 3 Ruskin Road.

Details of Proposal

The application is in outline and proposes residential development of the site to replace the existing shop, car park and outbuildings. The existing dwelling is to be converted to for a terrace of 3 dwellings, with 11 two storey properties built on the remaining of the site which is to be cleared of its existing buildings. These are in a mix of 4 pairs and one terrace of three.

The application is for the access and layout. Two of the dwellings in the converted house are to be accessed from the existing access to that property which is from Douglas Drive, with the remaining property accessed from Lytham Road via an extension to Ruskin Avenue which is a formed into a cul-de-sac with turning head and the dwellings arranged around.

The scale and appearance of the dwellings and the landscaping of the site are reserved for later consideration.

Relevant Planning History

Application No.	Development	Decision	Date
11/0838 86/0585	OUTLINE APPLICATION FOR LAND AT RUSKIN ROAD / NURSERY & FLORIST SHOP: SUB-DIVISION OF EXISTING HOUSE (THE REFUGE) INTO 3 DWELLINGS, ERECTION OF EXTENSION TO FORM ADDITIONAL DWELLING AND ERECTION OF 11 DWELLINGS TO REAR WITH ASSOCIATED GARAGING, PARKING AND LANDSCAPING. (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED) VEHICULAR ACCESS	s106	07/11/201
78/0278	REPLACEMENT OF EXISTING SHOP AND STORE.	Granted	14/06/1978
86/0189	RESERVED MATTERS - ONE DWELLINGHOUSE.	Granted	18/06/1986

Relevant Planning Appeals History

None.

Parish Council Observations

Freckleton Parish Council notified on 08 May 2013

Summary of Response

The Parish Council supports the application

Statutory Consultees

BAe Systems

No objections

Ministry of Defence - Safeguarding

No safeguarding objections

Environmental Protection Team

No comments received

Environment Directorate, County Ecology Officer

No comments received. However as this scheme remains effectively the same as previously recommended for approval (ref. 11/0838) and on that occasion the County Ecologist raised no objections

County Highway Authority

LCC Highways comment as follows:

Layout

The layout of the development does not meet with the standards expected for the highway to be offered for adoption.

The carriageway scales off the plan at approximately 4m. Guidance in the Manual for Streets suggests that in order for two cars to pass a minimum width of 4.1m is required and 4.8m is required when a car and commercial vehicle are required to pass.

The footways within the site scale off at approximately 1m. Manual for Streets suggests a minimum width of 1.5m for a footway. For a new estate road to be offered for adoption the County would expect to see a minimum width of 2m provided either as footway or service strip.

The layout lacks an adequate turning head to accommodate the size of vehicles that would regularly access the site and as such larger vehicles such as the refuse collection vehicle would either reverse into or out of the development. In highway safety terms this is not acceptable.

Developer Contribution

The scale of the development is such that the proposal should be assessed with the Planning Obligations in Lancashire policy paper in mind.

No Accessibility Questionnaire has been completed by the developer, however, I have arrived at an accessibility score of 26 for the site. An accessibility score of 26 would attract a request for £1,500 per dwelling i.e. a total of £21,000.

The policy paper states that developers' contributions could be used for:

- pedestrian and off – road and on – road cycle schemes;
- bus and rail improvements such as improving infrastructure and subsidising new or better services;
- community transport and services in areas of defined need;
- traffic management schemes such as local safety schemes, traffic calming measures and contributions to Home Zone initiatives;
- real-time information projects (including hardware and maintenance);
- parking management schemes such as ‘residents only’ parking;
- funding to provide advice with respect to Travel Plan evaluation, promotion, implementation and programmed monitoring through a Section 106 Agreement;
- locally relevant schemes as defined in the local transport plan and local development framework.

In order to address issues of accessibility I would suggest that it is necessary for the developer to promote the use of public transport. The development is below the threshold for a travel plan and there is a regular bus service on Lytham Road, therefore I would suggest that improvements to the two nearest bus stops take place so that they encourage public transport use and they become DDA compliant. As these works are entirely within existing highway limits they should be carried out under the auspices of a Section 278 rather than a contribution under a Section 106.

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 08 May 2013

Amended plans notified:

No. Of Responses Received: Three

Nature of comments made: Objection

- There is an underground stream through the site and the proposed development will likely raise the water table and exacerbate flooding of gardens during periods of heavy rain and spring tides.
- The proposal includes land to the front, and under the ownership, of No.1. Ruskin Road and No.91 Lytham Road. This land is currently used by the occupiers for car parking, and the owner of 1 Ruskin Road is not willing to give this up.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals

Other Relevant Policy:

NPPF:	National Planning Policy Framework
IHP	Interim Housing Policy

Site Constraints

Within settlement boundary

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Local Plan Allocation and Principle of Development

The application site is within an area designated as settlement in Policy SP1 of the Fylde Borough Local Plan, where development is generally supported. With this being an application for residential development further guidance on the planning considerations is provided in Policy HL2, with the compliance with these assessed in this report below.

The National Planning Policy Framework (NPPF) encourages the approval of schemes that deliver sustainable development, particularly when a local planning authority is unable to demonstrate a 5 year supply of housing supply. As this council is currently unable to do so, this is a weighty factor in favour of the development.

As the site is already in partial residential use and is in a predominately residential area, the proposed use is compatible with the existing and neighbouring land uses. The site is outside of the Freckleton district centre and there are no policy objections to the loss of the retail unit in the site.

The in-settlement location of the application site gives the site a good access to the existing services in the village and so allows it to be considered as the 'sustainable development' that is encouraged by NPPF. Accordingly the development is acceptable in principle.

Access

The existing access to the shop is from Lytham Road via Ruskin Road. This is a private road of a good width and construction that also serves a pair of dwellings but is without footpaths. The owner of one these properties (No.1 Ruskin Road) has raised an issue with the development as the road is private and partly in their ownership, and so they have been served notice as landowners on the application. This satisfies the legislative requirements and any developer will need their land as it is fundamental to providing an appropriate standard of access to the adopted highway. This is a matter that clearly requires further negotiation between the applicant and this neighbour so that the appropriate standard of access can be secured.

The junction of Ruskin Road and Lytham Road provides good visibility in both directions and there are no issues from the highway authority in this respect. Highways do advise that the widths of both the access road and the pedestrian footpaths scale off at less than the minimum requirement (4.1 metres and 2 metres respectively) however this is not the case and the submitted site plan shows the proposed footpaths would each be 2 metres in width and the access road would be 4.2 metres wide. Accordingly the use of this access point is acceptable with a series of conditions needed to ensure that the necessary works are undertaken to bring it to adoptable standard.

The internal road layout proposed is also for consideration at this time as access and layout are part of this application. Highways have commented that the proposed layout lacks an adequate turning head to permit a refuse collection vehicle to access the site without either reversing into or out of the development from Lytham Road. However it is a material consideration in the determination of this application that no such concern was raised by Highways for the previous application (11/0838) which included the same turning head details. Given this previous approval of the details by Highways it is considered that an objection raised on such grounds now carries much less weight for

the purposes of determining this application. Furthermore, the proposed vehicle access way leading to each of the internal parking areas would allow a refuse vehicle to turn around within the site, with little more requirement for reversing, and exit onto Lytham Road in a forward gear.

Two of the dwellings formed from converting the existing dwelling are to be accessed from Douglas Drive via the existing access point that currently serves the detached house on the site. This is one of two that are centred on the outside of the 90 degree bend in Douglas Drive which is a largely residential road that also serves the health centre. The access gives good visibility in both directions and it is not considered that the use of this access by two dwellings is likely to be significantly greater than that from being used by the existing larger property to warrant a refusal of this aspect on highway safety grounds.

The LCC Highway's consultation reply requests that a sum of £21,000 be paid by the developer to the County to assist with accessibility improvements in the area, and suggest the developer should promote the use of public transport and as such provide for improvements to the two nearest bus stops. It is noted that no such request was submitted by Highways in respect of the previous approval. However para 30 of the NPPF advises that development should have access to high quality public transport facilities and para 29 seeks to promote a transport system that is balanced in favour of sustainable transport and provide people with a real choice. This development site is on a main bus route and is conveniently located to the existing bus stops, both of which are simple poles with no shelters, hence the improvement of these bus stops would increase the attractiveness to new residents of using public transport and thus benefit the sustainability of the development. As these works would be within the highway they can be secured via a suitable condition attached to the permission if granted. With this there would be no justification for the payment of the £21,000 quoted in the highway response.

Layout

This is the second matter for consideration in this outline application. The proposed layout replicates in all respects that previously approved but in this instance omits the additional dwelling that was proposed being built onto the side of the existing dwelling. The previous application conditioned the proposed terrace of three properties (numbered as 12, 13 and 14 on the proposed site plan) that back onto existing properties on Lytham Road to be true bungalows due to their unacceptable prominence when entering the site. This application indicates these properties are to be two storey, however the concern over their prominence still remains and as such it is advised that the same condition requiring true bungalows on these plots be attached to any approval. All the remaining proposed dwellings would be two storey in size, which is in line with the scale of the surrounding dwellings.

Neighbour Relationships

The site is adjacent to the health centre on the eastern side and takes advantage of this by placing the gable end of dwellings in close proximity to the boundary. Elsewhere, the site is tight to residential properties to the north, east and south. These generally back onto the site, with a couple of side-on relationships. Subject to the comments above about the dwellings on plots 13-15 it is considered that all these relationships are acceptable, although as a reflection of the tight relationships it is appropriate to remove future permitted development rights so that the scale of any extensions can be properly assessed.

Interim Housing Policy

This scheme proposes the formation of 13 additional dwellings. The Interim Housing Policy (IHP) no longer requires schemes of this size in urban areas to provide financial contributions in lieu of affordable housing, public open space and public realm works, and as the proposal is for less than 15 new dwellings it does attract the IHP's requirement for 30% of the new dwellings to be affordable.

Conclusions

The proposal involves the redevelopment of a site in Freckleton that is currently operating as a flower

shop and a single dwelling to provide for a total of 13 additional dwellings. This is through a combination of the alteration and extension of the existing dwelling to provide 3 properties, and the erection of 11 new dwellings on the site of the retail unit and its car park.

The site is located within the settlement where development is supported and is previously developed land that has residential properties on 3 sides and the health centre on the fourth. The principle of housing in such circumstances is acceptable in principle. The access and layout arrangements proposed are also acceptable. Accordingly the proposal is in compliance with the relevant policies of the Fylde Borough Local Plan and the guidance in the NPPF, and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. In the case of any 'Reserved Matter', application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

The application was submitted in outline and details of these matters still remain to be submitted

3. That the planning permission hereby approved relates to the location plan GA1770-LP-01 Rev D2 dated January 2011, and Proposed Site Plan GA1770-SP Rev C dated December 2011.

In order to appropriately define the permission as agreed with the applicant's agent.

4. That the dwellings hereby approved shall be limited in scale to no more than two storeys, with the dwellings on plots 12, 13 & 14 limited to no more than a single storey.

To ensure that the development has an appropriate relationship with the neighbouring properties and provides an acceptable standard of development.

5. Prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with

samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

6. Prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

7. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

8. Prior to the commencement of construction on any dwelling hereby approved, a satisfactory programmed landscaping scheme for the area of residential development including hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

9. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future.

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

[CLASS VARIABLES

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

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

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

[CLASS VARIABLES

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

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

12. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan is to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan is to be implemented and adhered to during the construction of the development.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

13. Prior to the commencement of development, a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The development

shall be implemented in full accordance with this plan, unless variations from it are previously agreed in writing by the Local Planning Authority.

To ensure the site is constructed in a manner that ensure a satisfactory relationship with neighbouring dwellings and the land is appropriately drained as required by Policy HL2 and EP30 of the Fylde Borough Local Plan

14. Prior to the commencement of construction on any of the dwelling houses full details of the means of surface water drainage of the site, including the means of on-site storage and attenuation rates, shall be submitted to and approved in writing by the Local Planning Authority. This system shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The approved works shall thereafter be implemented and fully commissioned in line with an agreed phasing scheme and shall be maintained thereafter.

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

15. Prior to the commencement of construction on any of the dwelling houses full details of the means of foul water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul sewer.

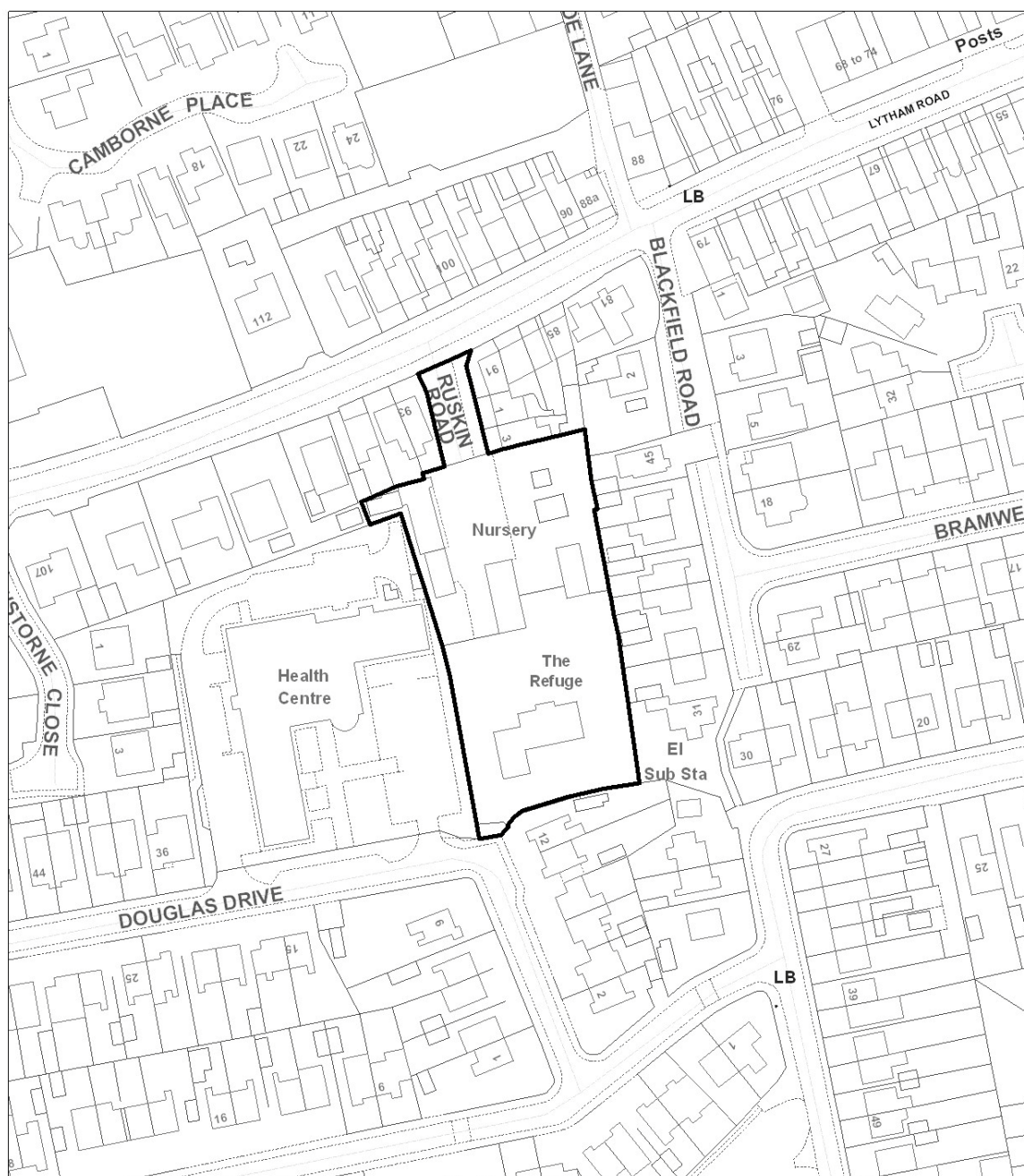
To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

16. Prior to the first occupation of any dwelling hereby approved (other than units 1 or 2) the access between Lytham Road and the site shall be improved to accord with the details shown on the approved site plan defined in condition 3. These works shall include the improved width of the access way, the construction of footways at both sides of this access way and their connection to the existing footpath network on Lytham Road, the appropriate lighting of this access way, and the introduction of appropriate drainage. All such works shall be undertaken in accordance with the Lancashire County Council Specification for the Construction of Estate Roads so as to allow the access way and development to be adopted by the highway authority.

To secure appropriate improvements to the access to the site from Lytham Road in the interests of highway safety.

17. Prior to the commencement of any development hereby approved, a detailed scheme for the upgrading of the two bus stops closest to the site (on the north and south sides of Lytham Road) to Quality Bus Stop standard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the first occupation of any of the approved dwellings.

To secure appropriate improvements to the highway network around the site to encourage sustainable transport



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0262	Address The Refuge, Ruskin Road, Freckleton	Grid Ref. E.3426 : N.4288	Scale 0 6 12 18 24 m

Application Reference: 13/0266		Type of Application: Change of Use	
Applicant:	Mr William Brookes	Agent :	
Location:	BROOK COTTAGE , GARSTANG ROAD, SINGLETON, POULTON LE FYLDE, FY6 7SX		
Proposal:	PROPOSED CHANGE OF USE OF OUTBUILDING TO REAR AS INDEPENDENT DWELLING WITH ACCESS AND DOMESTIC CURTILAGE		
Parish:	Singleton	Area Team:	Area Team 2
Weeks on Hand:	12	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to an outbuilding within the rear garden of a detached property on Garstang Road, Little Singleton. Permission is sought for the separation of the garden cottage, which is known as 'Brook Cottage', from the main dwelling 'Selcourt'.

As the property is located in an area of Countryside this is contrary to Policy SP2 of the Fylde Borough Local Plan. However, the proposal would contribute to local housing supply with little impact upon the character and appearance of the countryside and no detriment to neighbours or highway network. The site is not an isolated location as it is in the rear garden of an existing property that is itself well located to the cluster of dwellings in this area. It is therefore considered to be in compliance with the NPPF paragraph 55 and so is sustainable development as supported by the NPPF to deliver housing. This is considered to outweigh any conflict with Policies SP2 and HL2 of the Fylde Borough Local Plan, as altered (October 2005) and is accordingly recommended for approval by Members.

Reason for Reporting to Committee

This application is on the agenda as Singleton Parish Council have objected to the application and currently under the council's scheme of delegation where there is an objection by a Town or Parish Council and the recommendation is for approval the application falls to be considered by Committee.

Site Description and Location

The application site is known as 'Brook Cottage', which is a single storey stone building 14 metres in length by 12 metres in width with an additional glazed conservatory to the west elevation of approximately 7 metres in length by 4 metres wide. The building is fully equipped as a self contained dwelling with two bedrooms and is situated to the rear of the property known as Selcourt, Garstang Road, Singleton. The dwelling is accessed by a track to the west side of Selcourt leading from

Garstang Road and approved for access to the field and for domestic access to the rear of Selcourt under planning permission 12/0354 .

There are open fields to the west of the site within the applicants ownership and dwellings to the east forming Little Singleton.

The site is within an area designated as countryside on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission to create a new planning unit by the subdivision of the existing garden curtilage at Selcourt to separate the garden cottage from the main dwelling to create a separate independent unit of accommodation. The cottage is single storey and would provide a two bedroomed dwelling.

The application site includes the cottage and an area of garden curtilage totalling 930 square metres formed from the existing rear garden curtilage of Selcourt with an additional 240 square metres of access track leading from Garstang Road.

No physical works are proposed, although the erection of close boarded fencing to supplement the existing open trellis type fencing is proposed to be erected along the boundary with Brook Cottage and Selcourt to fully separate the existing and the new dwelling units.

Relevant Planning History

Application No.	Development	Decision	Date
12/0354	CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE ASSOCIATED WITH SELCOURT AND CHANGE OF USE OF EXISTING AGRICULTURAL ACCESS TRACK TO A MIXED USE TO PROVIDE AGRICULTURAL ACCESS AND DOMESTIC ACCESS TO SELCOURT - RETROSPECTIVE APPLICATION.	Granted	01/08/2012
11/0167	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A SINGLE STOREY DETACHED DWELLING AT THE REAR OF SELCOURT - RE-SUBMISSION OF 10/0582	Refuse Certificate	02/06/2011
10/0582	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A SINGLE STOREY DETACHED DWELLING AT THE REAR OF SELCOURT.	Refuse Certificate	14/10/2010
99/0552	TWO STOREY SIDE EXTENSION, DORMERS TO FRONT AND REAR, PITCHED ROOF OVER EXISTING DOUBLE GARAGE AND NEW DOUBLE CAR PORT	Granted	06/10/1999
96/0231	NEW ACCESS TO FIELD - RETROSPECTIVE	Granted	22/05/1996
94/0684	REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION (APP.	Granted	01/02/1995

94/0317	5/88/362) CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE FOR OCCUPANCY OF DWELLING BY A PERSON NOT EMPLOYED IN AGRICULTURE	Withdrawn by Applicant	29/07/1994
88/0362	REMOVAL OF AGRICULTURAL WORKERS CONDITION	Refused	13/07/1988
74/0692	5 DETACHED BUNGALOWS AND GARAGES ON LAND NOW LYING IDLE.	Refused	22/01/1975

Relevant Planning Appeals History

An appeal was submitted against the refusal of the Lawful Development Certificate reference 11/0167. This was dismissed following a public inquiry as the Inspector was not satisfied that the building had been occupied as an independent dwelling for the required 4 year period.

Parish Council Observations

Singleton Parish Council notified on 10 May 2013 and state: *"Singleton Parish Council strongly objects to this proposal as they feel it is a backland development in a countryside area and in contravention of SP2 and SP6."*

Statutory Consultees

Lancashire County Council - Highway Authority

No highway objections to the planning application.

Highways Agency

Do not wish to raise any objection to this application.

Observations of Other Interested Parties

None to report

Neighbour Observations

Neighbours notified: 10 May 2013

No. Of Responses Received: None received

Relevant Planning Policy

Regional Spatial Strategy:

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
IHP	Interim Housing Policy

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Background

This site has been the subject of several applications. The applicant was granted planning permission for extensive extensions and alterations to the dwelling known as Selcourt in 1999. Work commenced on re-modelling the dwelling in 2002, at around the same time the applicant built a 'garden room'. It is not clear whether the 'garden room' was fully equipped at the time of building or whether this was later converted. However the garden room now consists of two bedrooms, bathroom, kitchen/dining room and sitting room. Due to the on-going works to the main dwelling it became uninhabitable and the applicants moved into a caravan situated within the rear garden, and then into the garden room where they have continued to live to the present time.

The applicant sought permission for a Certificate of Lawful Use for use of the cottage as an independent dwelling in 2011. Whilst it was accepted that the building has been completed more than four years ago the certificate was refused on the grounds that the use of the garden room, as a dwelling, had not been proven to be independent of the main dwelling at Selcourt. The decision was appealed and a public inquiry was held, the Planning Inspector dismissed the appeal.

Following the appeal the applicant sought permission to regularize the use of the access track to serve a combined use for vehicular access to the adjacent field and for domestic use to serve as an access to the rear of Selcourt where the applicant has several outbuildings. In addition the applicant sought to regularize the change of use of a small area of land to the front and to the west of the cottage from agricultural land to land for domestic curtilage in association with Selcourt. This application was approved under reference no. 12/0354.

The applicant now seeks permission to separate the garden cottage, now known as Brook Cottage, from the main dwelling at Selcourt to form an independent unit of accommodation with its own access track and garden curtilage.

Principle of development.

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

The application site is outside of the settlement of Singleton and allocated as countryside in the Fylde Borough Local Plan. As such Policy SP2 is applicable. This Policy restricts the majority of development to preserve the rural character of the countryside, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

The Fylde Borough Local Plan is dated, and work is advancing on its replacement which will look at the period to 2030. The 'Preferred Option' of the new local plan is currently out for consultation

which includes strategic locations for development. A key part of this is the level of housing land needed and the availability of supply.

Whilst this site is outside of any of the locations put forward for potential development under the 'Preferred Options' Paragraph 55 of the NPPF promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Given that it has not been possible to demonstrate a 5 year housing supply in the borough it is therefore essential to establish if this scheme does deliver sustainable development and if there are any other relevant factors to outweigh granting of permission.

The application property and site

Brook Cottage is a single storey stone built building with an attached conservatory to the side of the dwelling. The cottage is situated towards the rear boundary of the property 'Selcourt' and since the appeal the applicant has erected a fence partially subdividing the cottage from the main dwelling. This is proposed to be permanently separated with a solid fence subdividing the garden curtilage of Selcourt from that of Brook Cottage. The boundary division includes an outbuilding which is to be retained as part of the application property. The site includes the access track from Garstang Road and an area of garden curtilage to the front, rear and side of the cottage which provides a gravelled parking areas (front and side) and soft landscaped beds. A post and rail divides the cottage from the adjacent field.

Since the building has been completed since 2004 it is well established within the landscape, being set well back from the highway and screened by 'Selcourt'.

There are no neighbours to the west of the property being adjacent to a field, which is owned and to be retained by the applicant. There are neighbours to the east at 25 Mains Lane where the side elevation of this property abuts the boundary with the application property. No objections to the proposal have been received from these neighbours and there is approximately 18 metres between properties and no windows in either side elevations. At the time of writing this report 'Selcourt' remains unoccupied, but there remains approximately 28 metres separation between the dwellings. It is therefore considered that given the arrangement of neighbouring properties in relation to the application properties and the distances and the proposed erection of close boarded fencing between the application property and the main dwelling these factors are considered to be sufficient to prevent any overlooking or loss of privacy for any neighbours.

Access

The access to the cottage is from a track leading from Garstang Road. This was originally granted planning permission in 1996 and was to provide a safer access from the highway to the adjacent field than the existing access which cut across a lay-by. The original field was closed off and the new track created. Whilst this was granted as access into the field adjacent to Selcourt, the track continued to the rear boundary of the field where the cottage is sited and which has been used to gain access to the cottage. As use of the access for domestic purposes had not been proven in the appeal for a period of 10 years this was regularized by permission granted under application 12/0354.

Conclusions

Paragraph 55 of the NPPF promotes sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities and seeks to avoid new isolated homes in the countryside.

Whilst the cottage is not within a settlement and the creation of a new dwelling unit is contrary to the current local plan this is out of date and there exists a housing shortage within the borough. The application property is not in an isolated location, it is to the rear of Selcourt and has been in existence for the past nine years and has become part of the character of the area. The applicant has carried out extensive tree planting around the application property and to the boundaries of the adjacent field to improve the overall visual amenity. The application site forms part cluster of development along Garstang Road and is within easy access of Poulton and Blackpool. Given that the application property is in the rear garden of another dwelling it would seem perverse to argue it is not in sustainable location given its proximity to Selcourt and its neighbours along Garstang Road.

Granting permission to separate the two properties would ease the borough's housing shortage without incurring further encroachment into the countryside thereby resulting in minimal impact upon the visual amenity and the amenities of neighbours, and not requiring any further infrastructure works.

For the reasons outlined above and on balance, it is considered that the subdivision of the cottage from the main dwelling at Selcourt to form a separate planning unit is acceptable and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

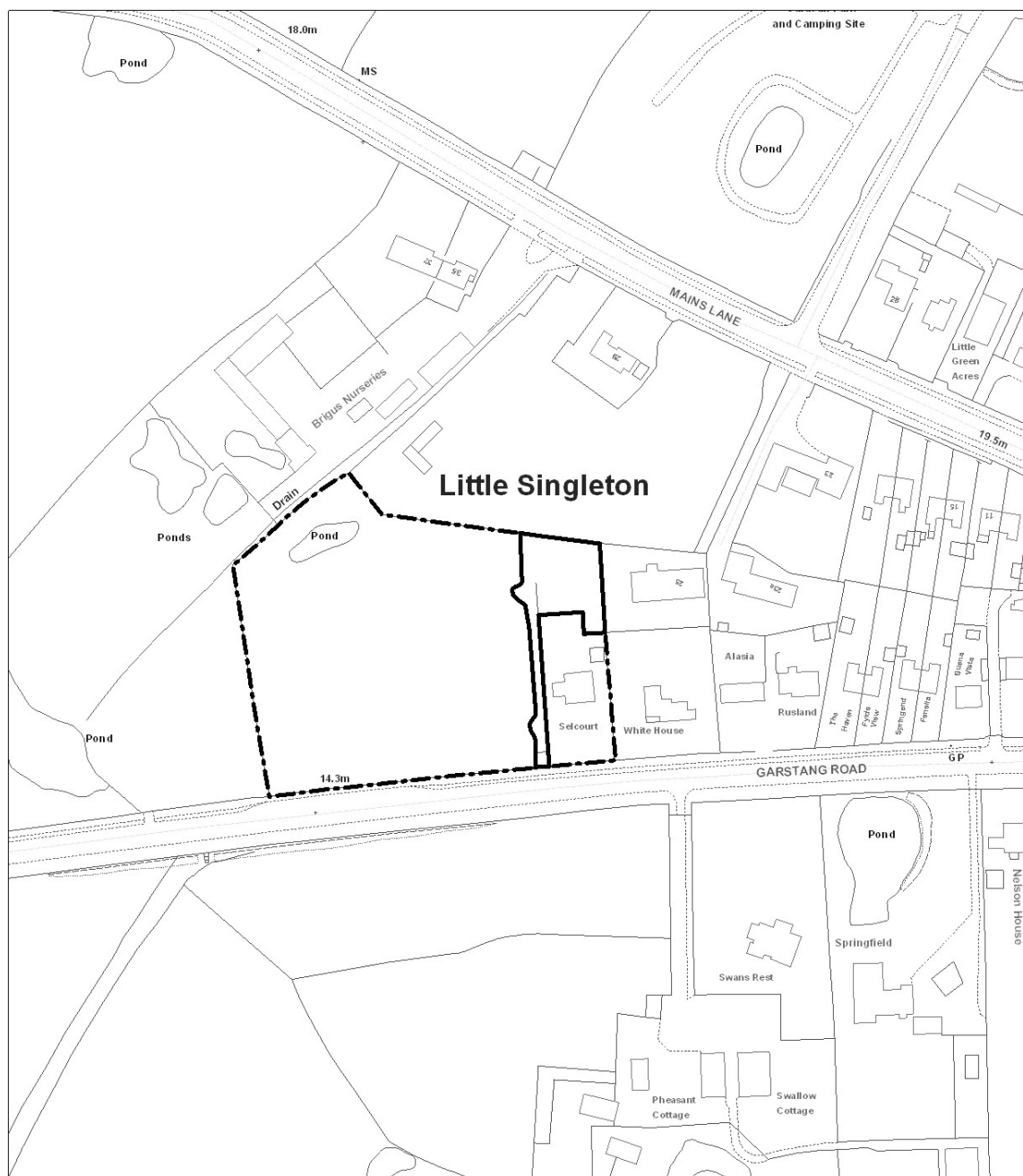
[CLASS VARIABLES

A	House Extensions.
B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna]

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

2. Within 3 months of the date of this planning permission, a close boarded fence of a height of not less than 1.8 metres shall be erected to the boundary between the properties known as 'Brook Cottage' and 'Selcourt' as indicated in orange on the plan hereby approved, and a post and rail fence shall be erected along the line edged green.

To protect the amenity of the occupiers of those named properties and to define the curtilage to the dwelling at Brook Cottage..



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0266	Address Brook Cottage, Garstang Road, Singleton	Grid Ref. E.3373 : N.4395	Scale 0 10 20 30 40 m

Item Number: 11 Committee Date: 31 July 2013

Application Reference: 13/0320		Type of Application: Full Planning Permission	
Applicant:	Mr & Mrs carter	Agent :	Homeplan Designs
Location:	37 MILL LANE, STAINING, BLACKPOOL, FY3 0BH		
Proposal:	PROPOSED ORANGERY TO REAR		
Parish:	Staining	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application is for the construction of a single storey rear extension (orangery). The proposal accords with the design guidance of the Council's adopted supplementary planning document on house extensions and with all the criteria of policy HL5 of the Fylde Borough Local Plan. Members are therefore recommended to approve the application.

Reason for Reporting to Committee

The Parish Council's recommendation for refusal is at odds with the Officer recommendation for approval.

Site Description and Location

The application site is a recently constructed detached bungalow located within a new residential development within the settlement of Staining.

Details of Proposal

Planning permission is sought for the construction of a single storey orangery to the rear of the property. It would have a width of 4.125 metres, project 4 metres from the rear of the property and have a hipped glazed 'lantern' roof with a maximum height of 3 metres and an eaves height to match that of the existing bungalow. The elevations would be faced in brickwork to match the existing building.

Relevant Planning History

None.

Relevant Planning Appeals History

None.

Parish Council Observations

Staining Parish Council notified on 13 June 2013 and state: *"The Parish Council objects to this extension on the grounds that it would set a precedent for the other dwellings on the recently completed development of Baines Fold. There are 11 bungalows which back onto a central gated roadway. If the purchasers of this currently unoccupied dwelling would like a larger bungalow there are plenty more available without the requirement to build on an already overcrowded site."*

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 13 June 2013
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
JHE	Joint House Extensions SPD

Site Constraints

Within settlement boundary

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

The issues to consider in the determination of this application are the criteria of Policy HL5 of the Fylde Borough Local Plan and the design guidance provided in the Council's adopted Supplementary Planning Document (SPD), "Extending your Home".

Design, scale and appearance

The proposed orangery is of a standard design that, although it does not necessarily reflect the design features of the original property, does not look visually out of place. As such it is not considered that the orangery would be unacceptably detrimental to the appearance of the property. With regard to its visual impact on the street scene this small residential development of 11 bungalows is unusual in its layout in that the rear elevation and garden of the application property 'front' onto 'Baines Fold', which

is the access road into the development. As a consequence the proposed orangery would be visible within the street scene of Baines Fold. This notwithstanding, all the bungalows on this development benefit from high timber fences to their rear boundaries, which would largely screen the orangery from view and mitigate its visual impact on the street scene to an acceptable level.

Neighbour amenity

The only property likely to be affected by the proposal is the neighbouring property, No.39. The rear of the application property is set slightly back (approximately 0.5 metres) from the rear of No.39 and there is a separation of approximately 2 metres between the properties. Given the position of these properties relative to each other the 4 metre rearward projection of the proposed orangery accords with the design guidance contained in Design Note 4 of the SPD. Any potential impact on No.39 is further mitigated by the high timber boundary fence that separates the gardens of these two properties and the fully glazed lantern roof design. With these in mind it is not considered that the orangery would have an unacceptable impact on the amenity of the occupiers of No.39.

Garden area, off street parking and vehicular access

None of the remaining criteria of policy HL5 would be prejudiced by the proposal

Conclusions

The proposed orangery accords with all the criteria of policy HL5 of the Fylde Borough Local Plan and members are recommended to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

To ensure visual harmony in respect of the overall development.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0320	Address 37 Mill Lane, Staining	Grid Ref. E.3348 : N.4363	Scale 0 6 12 18 24 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 15/06/2013 and 22/07/2013. Copies of the decision letters are attached.

Rec No: 1

23 January 2013 12/0549

GLENDOWER HOTEL, 32 NORTH
PROMENADE, LYTHAM ST ANNES, FY8 2NQ
RESUBMISSION OF APPLICATION 12/0234
FOR ADVERTISEMENT CONSENT FOR
INTERNALLY ILLUMINATED FREE
STANDING DOUBLE SIDED TOTEM SIGN
ON FORECOURT - (RETROSPECTIVE
APPLICATION).

Written
Representations

Appeal Decision: Allowed: 08 July 2013

Rec No: 2

04 March 2013 12/0586

GREAT BIRCHWOOD EQUESTRIAN CENTRE
AND COUNTRY PARK, LYTHAM ROAD,
BRYNING WITH WARTON, PRESTON, PR4
1TE
RETROSPECTIVE ADVERTISEMENT
CONSENT FOR NON-ILLUMINATED V-
SHAPED POST SIGN

Written
Representations

Appeal Decision: Allowed: 08 July 2013

Rec No: 3

21 May 2013 13/0107

14 TRENT STREET, LYTHAM ST ANNES, FY8
5DE
SINGLE STOREY REAR EXTENSION

Householder
Appeal

Appeal Decision: Dismiss: 26 June 2013



Appeal Decision

Site visit made on 1 July 2013

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 July 2013

Appeal Ref: APP/M2325/H/13/2189994

Glendower Hotel, 32-36 North Promenade, St Annes, Lancashire FY8 2NQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Andrew Haworth against the decision of Fylde Borough Council.
 - The application Ref 12/0549, dated 4 September 2012, was refused by notice dated 26 October 2012.
 - The advertisement proposed is a free standing, double sided sign, internally illuminated on forecourt.
-

Decision

1. The appeal is allowed and consent is granted for the display of the free standing, double sided sign, internally illuminated on forecourt as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issue

2. The main issue of the appeal is whether or not the proposal would be detrimental to the visual amenity of the area.

Reasons

3. The appeal site is an elegant three-storey Victorian building within the Porritt Houses Conservation Area. Even though the building is not listed, the materials, architectural features and details and symmetry of its front elevation are clearly visible and contribute to the character and appearance of the conservation area. These features are an important element of the Conservation Area's significance as a heritage asset.
4. The sign, which was in position when I visited the site, is located on the forecourt of the hotel behind the gate posts and boundary rail but close to the pavement. A number of other properties along this stretch of the promenade also have signs on their forecourts and whilst these vary in style, size and design they are located in a similar position in relation to the pavement. Furthermore, the position of the sign, away from the main frontage of the building means that it does not detract from the features that are of significance to the Conservation Area.
5. On the opposite side of the road are public dunes which have a number of footpaths across them. However, as a result of the height of the vegetation on the dunes, views of the sign from the dunes are limited to the area immediately adjacent to the pavement.

6. Although when approaching on the road or the pavement, the sign is clearly visible in short range views, in many medium / longer range views, the visibility of the sign is often obscured by other signs on the forecourts and the pavement and the front boundary treatments of other properties. When it is visible, the backdrop for the sign is the other properties along the promenade which are three or more storeys in height. As a result the size and height of sign does not appear excessive or disproportionate to the surroundings.
7. Although the sign is solid in nature, the fact that parts of the sign are often obscured from view means that it does not appear an obtrusive or overly dominant feature in the area. In addition the materials and colour of the sign are such that it does not appear as a prominent or alien feature on the promenade. Overall therefore, it harmonises with the surrounding area and does not detract from the appearance of the area.
8. The proposed use of illumination would be limited and acceptable. I conclude that the advertisement would not be materially detrimental to the visual amenity of the area and would preserve the character and appearance of the conservation area.
9. For the reasons given above I conclude the appeal should be allowed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 1 July 2013

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 July 2013

Appeal Ref: APP/M2325/H/13/2192617

Great Birchwood, Lytham Road, Warton, Preston, Lancashire PR4 1TE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mrs Karen Hadlow against the decision of Fylde Borough Council.
 - The application Ref 12/0586, dated 7 September 2012, was refused by notice dated 19 December 2012.
 - The advertisement proposed is described as "advertising hoard for Country Park, Fort-San-Antone, Pioneer Motel and Ranch Steak House. The advert below this would change for each special event up to 10 times a year. At the moment only the top yellow sign is in use."
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Decision

1. The appeal is allowed and consent is granted for the display of the non-illuminated advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 1. The temporary sign measuring no larger than 2.43 metres by 0.6 metres may be displayed below the approved main sign on a maximum of 10 occasions per calendar year in order to advertise events held on the site. This sign must be displayed no more than 7 days in advance of the event and removed no later than one day after the event has taken place.

Main Issue

2. The main issue of the appeal is the visual impact of the advertisements at the site and within the surrounding area.

Reasons

3. The appeal site lies in open countryside on the northern side of the main road from Warton to Lytham. The advertisements, the main one of which was in place at the time of my visit, are located in the front of a brick wall at the entrance to Great Birchwood Country Park and advertise the presence of the site and the facilities it contains, which is otherwise unadvertised at the site or in the vicinity.
4. Due to the bend in the road, when approaching from the direction of Warton, views of the main sign are limited to medium and short range views. However, they would be visible in longer range views when approaching from Lytham. In these views the sign is seen against the backdrop of the wall at the entrance to the site, mature trees and boundary hedge and the palisade fence and single storey corrugated metal building on the adjacent site.

5. Although located in the countryside, the main sign does not appear obtrusive or alien as the materials, design and colour harmonises with the surrounding wall and buildings. Neither does it detract from the appearance of the area. In addition the size and the height of the sign are not excessive or disproportionate to the surroundings.
6. The temporary sign for advertising specific events would be located below the main sign. Whilst it would have a temporary appearance, given its location, subject to conditions limiting the size of the advert and length of time it can be displayed, it would be acceptable in terms of visual impact.
7. I conclude, therefore, that the proposal does not have an adverse visual impact at the site or within the surrounding area.

Other Matters

8. I note that the appeal site is located within the Green Belt. Neither party contend that the proposal would conflict with Green Belt policy or harm the purposes of designating the Green Belt and I agree.

Conclusion and Conditions

9. In addition to the standard conditions that apply to all consents, it is necessary, as noted above, to impose a condition on the temporary sign limiting its size and the length of time it can be displayed. I note that the Council also proposed a condition requiring the two flagpoles that were located on top of the sign to be permanently removed. As they are not shown on the plans and had been removed by the time of my visit I consider this condition is not necessary.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 10 June 2013

by Matthew Birkinshaw BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2013

Appeal Ref: APP/M2325/D/13/2198384

14 Trent Street, Lytham St. Annes, Lancashire, FY8 5DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs M Bowe against the decision of Fylde Borough Council.
 - The application Ref 13/0107, dated 24 February 2013, was refused by notice dated 19 April 2013.
 - The development proposed is a rear ground floor kitchen extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The single storey rear extension is already in place and the application was made retrospectively. I note the suggestion that the submitted plans do not accurately reflect the extension as built. Therefore, for the avoidance of doubt, I have determined the appeal on the basis of the extension as constructed.

Main Issue

3. The main issue is the effect of the extension on the living conditions of the occupiers of 16 Trent Street, with particular reference to outlook, daylight and sunlight.

Reasons

4. The appeal relates to a single storey, mono-pitch extension at the rear of the host property. Extending almost the full width of the rear elevation the extension is situated on the boundary with no.16, and within close proximity to a rear facing living room window. When visiting the neighbouring property I saw that the significant size and scale of the extension, including its projection from the rear elevation and proximity to the lounge window results in an overbearing and dominating form of development. Despite reducing in height along its length and sloping down to the eaves on the opposite side of the fence, I consider that the harm arising from the imposing nature of the extension is demonstrable, and detrimental to the existing occupiers living conditions.
5. Furthermore, although the extension is only single storey, when combined with the existing rear extension at no.16, daylight to the ground floor lounge window is also restricted by the proximity of development on either side. Likewise, given its size, scale and siting to the south of no.16, the extension as built also reduces the amount of direct sunlight afforded to the neighbouring

- property. Combined, I consider that its impact is unduly harmful to the living conditions of the existing residents. Although a paint or rendered finish could be added to the extension, on the basis of the evidence presented, I am not convinced that this would adequately overcome, or mitigate this harm.
6. I note the appellant's comments that a single storey rear extension could be built without the need for planning permission under the Town and Country Planning (General Permitted Development) Order 1995, as amended. This could also be higher than the extension which has been built and a comparative scheme has been provided. However, notwithstanding the length of the existing extension, one built under permitted development would be restricted to 3m, and would therefore be shorter than the development before me. Furthermore, the appellant also confirms that in order to facilitate the maximum increase in height, a bedroom window at first floor level would need replacing. As a result, I am therefore not persuaded that the fallback position would be either more harmful than the current extension, or, that there is a realistic likelihood that it would be implemented to the maximum possible height. I have therefore attributed this only limited weight and it does not justify granting planning permission for the scheme before me given the harm I have identified it causes.
 7. That being the case, I have also taken into account changes to permitted development rights which would allow a larger extension similar in length to the appeal proposal. However, as identified by the appellant, this requires a process of notification, consultation and agreement between neighbouring residents prior to any works commencing. In this case, given that the occupiers of no.16 have objected to the scheme, I am not persuaded that the likelihood of a larger extension is a realistic outcome.
 8. By reason of its significant size and length, I therefore conclude that the current extension, as built, has a harmful and unduly prejudicial effect on the occupiers of 16 Trent Street in relation to their outlook, and available levels of daylight and sunlight. Of the policies referred to by the Council I consider that *Fylde Borough Local Plan* Policy HL5 is most relevant, and in this regard the extension conflicts with its requirement that house extensions will be permitted, but only provided that the amenities of adjacent residents are not unduly prejudiced by the creation of dominant, or overbearing development, or through loss of daylight or sunlight. This policy is broadly consistent with one of the Core Planning Principles of the National Planning Policy Framework and by failing to ensure a good standard of amenity for existing occupants of land and buildings the proposal also conflicts with national guidance.

Other Matters

9. In reaching my conclusion against the main issue I have also taken into account the appellant's comments regarding other, similar extensions in the immediate surrounding area. When visiting the appeal property I also saw that several properties in the area have been extended at the rear. However, I have not been provided with any detailed information on how they came to be there, or the circumstances taken into account at the time. Consequently, the weight I can attribute to other extensions is very limited, and they do not justify allowing the development before me.
10. Likewise, I also recognise that some alterations may potentially have to be made to the extension which may result in some wasted materials. However,

by failing to protect the living conditions of the occupiers of existing land and buildings the proposal is not the sustainable development for which there is a presumption in favour.

11. Finally, I appreciate the appellant's comments that the neighbouring resident had some input into the choice of materials which have been used, and that the Council did not advise construction of the extension to stop earlier. However, the Council's approach to this is not a matter for me. Instead, I am obliged to consider the extension on its specific merits, having due regard to the development plan and other relevant policy. I have therefore determined the appeal on this basis, and these factors, including the appearance of the extension in the context of its surroundings do not outweigh the harm I have identified, or justify granting planning permission.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR