

# Agenda

## Planning Committee

Date:	Wednesday, 9 October 2019 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Chris Dixon, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, Michael Sayward, Heather Speak, Ray Thomas, Stan Trudgill.</p>

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">11 September 2019</a> as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 88
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Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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

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### 09 October 2019

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## Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Local Plan to 2032 Adopted Version (October 2018)
- Joint Lancashire Minerals and Waste Local Plan
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework 2019
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at [www.fylde.gov.uk/resident/planning](http://www.fylde.gov.uk/resident/planning) or for inspection by request at the Town Hall, St Annes Road West, St Annes.

# Planning Committee Schedule

## 09 October 2019

**Item Number:** 1

**Committee Date:** 09 October 2019

<b>Application Reference:</b>	18/0840	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr & Mrs Hill	<b>Agent :</b>	Cassidy + Ashton
<b>Location:</b>	BARNFIELD, NEW HEY LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3SA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF A PERMANENT RURAL WORKER'S DWELLING (ACCESS AND LAYOUT APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	49	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Awaiting further information		

**If viewing online this is a Google Maps link to the general site location:**

<https://www.google.co.uk/maps/@53.7804398,-2.8418984,668m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### Summary of Officer Recommendation

The application relates to outline planning permission for the erection of a dwelling in a rural area of the borough outside Newton. The application is intended to provide a permanent residential dwelling to be occupied by a rural worker associated with the Barnfield Stud Farm, and kennel operation which has been established on the site for over 30 years. Since 2003 there has been a residential presence on site with a mobile home that has benefited from a series of temporary planning permissions, with this being supported by a Planning Inspector in 2012 following the council's refusal of an application to retain the mobile home. Since that time the business has diversified and expanded and it is officer opinion that there is sufficient justification for the dwelling to be granted permission.

This view is reinforced by the relatively limited visual impact that the development would have in this location due to the surrounding buildings associated with the operation, and neighbouring uses and the lack of any access, ecology, drainage or other planning issues.

The proposal is therefore considered to comply with the requirements of Policy H6 relating to isolated dwellings in rural areas and so to Policy GD4 criteria d) which allows such dwellings in the countryside. A series of conditions are necessary to complete the decision with these relating to the usual planning matters for a scheme of this nature and to enforce the rural worker occupation of the property and the removal of the existing mobile home and reinstatement of that area.

### **Reason for Reporting to Committee**

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

### **Site Description and Location**

The application site is Barnfield Farm, New Hey Lane Newton. The site has an authorised use for equestrian uses and commercial boarding kennels and is located on land to the east of New Hey Lane which is located on the northern side of Blackpool Road where it is separated from the main part of Newton village.

The site contains a series of stable, equestrian and kennel buildings and associated infrastructure as part of the lawful use of the site which are arranged around a central courtyard that provides parking with the access provided along a track that leads to New Hey Lane. There is a residential caravan within the collection of buildings which was introduced on a temporary basis with planning permissions that have now expired.

The site is designated as countryside on the Fylde Local Plan to 2032 and the surrounding area is generally rural in character with sporadic dwellings and other buildings.

### **Details of Proposal**

The application is submitted in outline and proposes the erection of a permanent rural worker's dwelling. The access and layout are for consideration in this application, with scale, appearance and landscaping reserved for a future assessment.

The access is to be taken from the existing track that serves the site. This joins New Hey Lane around 80m to the south of a 90 degree bend and extends for around 130m before the entrance gate to the farm. The proposed access for this dwelling is immediately before this gate, and with the access track being outside of the application site it is assumed that no improvements to it are proposed.

The layout proposed is for a single dwelling with a rectangular footprint of around 12m x 12m to be positioned centrally within the plot to front onto the access point and so have its rear elevation facing New Hey Lane, albeit with separation distance of 80m between the rear boundary of the site and this road. The property is provided with a rear garden depth of around 10m and has a 20m deep side garden.

The application is supported with a planning statement that sets out the planning history of the site, the justification for the residential use being established on a permanent basis, and a series of accounts to indicate the strength of the business. The application has been with the council for some time as a result of on-going dialogue with the applicant and their agent over the merits of the application, which has allowed additional supporting information to be provided in response to officer queries.

### **Relevant Planning History**

Application No.	Development	Decision	Date
16/0522	TEMPORARY SITING OF MOBILE HOME IN SUPPORT OF A STUD FARM AND KENNELS	Granted	19/09/2016

12/0199	BUSINESS FOR A FURTHER TWO YEARS. CHANGE OF USE OF LAND TO ALLOW TEMPORARY SITING OF MOBILE HOME TO SUPPORT EXISTING STUD FARM BUSINESS AND PROPOSED DOG KENNEL BUSINESS,	Refused	29/08/2012
12/0197	RE-SUBMISSION OF 11/0850 - PROPOSED EXTENSION TO EXISTING STABLE BUILDING TO PROVIDE 14 NO. DOG KENNELS AND CHANGE OF USE OF LAND TO DOG EXERCISE AREA AS PART OF NEW BOARDING KENNELS BUSINESS.	Refused	28/08/2012
11/0850	EXTENSION TO EXISTING STABLE BUILDING TO PROVIDE 14 NO. DOG KENNELS AND CHANGE OF USE OF LAND TO DOG EXERCISE AREA AS PART OF NEW BOARDING KENNELS BUSINESS.	Withdrawn by Applicant	12/03/2012
10/0731	CHANGE OF USE OF LAND TO ALLOW TEMPORARY SITING OF MOBILE HOME IN SUPPORT OF STUD FARM BUSINESS	Granted	11/02/2011
07/1255	ERECTION OF COVERING AREA/BUILDING, FIVE ADDITIONAL STABLES, & SITING OF TEMPORARY CARAVAN	Granted	12/05/2008
07/0905	RENEWAL OF TEMPORARY LICENSE FOR MOBILE HOME TO REMAIN ON SITE FOR A FURTHER 2 YEARS WITH EXISTING STUD FARM	Withdrawn by Applicant	04/12/2007
06/0840	RESUBMISSION OF APPLICATION 06/253 FOR RETENTION OF EXISTING MOBILE HOME WITH STUD FARM	Refused	11/01/2007
06/0844	PROPOSED SAND PADDOCK	Granted	18/10/2006
06/0574	PROPOSED STABLES AND SAND PADDOCK (WITH 6M HIGH FLOOD LIGHTS) FOR PRIVATE USE ONLY.	Withdrawn by Applicant	17/08/2006
06/0253	CONTINUED USE OF LAND FOR SITING OF MOBILE HOME	Refused	19/07/2006
06/0258	RESUBMISSION OF APPLICATION 05/1047 FOR INDOOR TRAINING / RIDING AREA, RE-LOCATION OF EXISTING BUILDINGS, EXTENSION OF EXISTING POND AND LICENSED FISHING, RE-LOCATION OF EXISTING MOBILE HOME WITH ADDITIONAL ACCOMMODATION, LIVERY STABLES.	Refused	17/07/2006
05/1047	INDOOR TRAINING / RIDING AREA, RE-LOCATION OF EXISTING BUILDINGS, EXTENSION OF EXISTING POND AND LICENSED FISHING, RE-LOCATION OF EXISTING MOBILE HOME WITH ADDITIONAL ACCOMMODATION, LIVERY STABLES.	Withdrawn - Appeal against non-determine	03/03/2006
AG/05/0004	AGRICULTURAL DETERMINATION FOR PROFILE METAL PORTAL FRAME FOR BREEDING, SHELTER AND STORE.	Permission Required	05/07/2005
02/0378	CHANGE OF USE OF LAND AND BUILDING TO USE AS STUD FARM AND SITING OF MOBILE HOME FOR TEMPORARY PERIOD OF 3 YEARS	Refused	18/07/2002
94/0859	NEW STEEL FRAMED BARN, RE-SITING OF STORAGE CONTAINER, UPGRADE ON SITE ACCESS ROAD & NEW UNDERGROUND EFFLUENT TANK	Granted	01/03/1995

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0197	RE-SUBMISSION OF 11/0850 - PROPOSED EXTENSION TO EXISTING STABLE BUILDING TO PROVIDE 14 NO. DOG KENNELS AND CHANGE OF USE OF LAND TO DOG EXERCISE AREA AS PART OF NEW BOARDING KENNELS BUSINESS.	Allowed	20/05/2013
12/0199	CHANGE OF USE OF LAND TO ALLOW TEMPORARY SITING OF MOBILE HOME TO SUPPORT EXISTING STUD FARM BUSINESS AND PROPOSED DOG KENNEL BUSINESS,	Allowed	20/05/2013
06/0258	RESUBMISSION OF APPLICATION 05/1047 FOR INDOOR TRAINING / RIDING AREA, RE-LOCATION OF EXISTING BUILDINGS, EXTENSION OF EXISTING POND AND LICENSED FISHING, RE-LOCATION OF EXISTING MOBILE HOME WITH ADDITIONAL ACCOMMODATION, LIVERY STABLES.	Withdrawn	26/09/2007
05/1047	INDOOR TRAINING / RIDING AREA, RE-LOCATION OF EXISTING BUILDINGS, EXTENSION OF EXISTING POND AND LICENSED FISHING, RE-LOCATION OF EXISTING MOBILE HOME WITH ADDITIONAL ACCOMMODATION, LIVERY STABLES.	Withdrawn	19/12/2006
02/0378	CHANGE OF USE OF LAND AND BUILDING TO USE AS STUD FARM AND SITING OF MOBILE HOME FOR TEMPORARY PERIOD OF 3 YEARS	Allowed	30/04/2003

### **Parish/Town Council Observations**

**Newton with Clifton Parish Council** notified on 31 October 2018 and comment:

*“Council determined that the proposed development does not comply with the following Local Plan Policies:*

- *GD4 development in the Countryside – Council consider the proposed development is not essential needed for the continuation of the existing enterprise, facility or operation*
- *HL6 Isolated New Homes in the Countryside – Council consider the proposed development is not required to meet the essential needs of rural workers as any such need can be met by the existing accommodation already in situ at the business.*

*If the proposed development was granted planning permission it may lead to other similar or other applications of a type and scale which would harm the rural character of the surrounding countryside and would be difficult for the local planning authority to refuse if a precedent is created in this instance.”*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

LCC Highways does not have any objections regarding the proposed outline application



for erection of a permanent rural worker's dwelling and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### **United Utilities**

They highlight that UU does not provide waste water services in this area, and advise the applicant to contact them to make early arrangements for the provision of a water supply.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	31 October 2018
<b>Site Notice Date:</b>	14 November 2018
<b>Number of Responses</b>	1
<b>Summary of Comments</b>	Refer to the conflict with Policy H6 as they believe there are alternative properties available to support the needs of the business as there are other properties for sale in the local area. They also express concern over the approval of this application leading to other development requests in the area.

#### **Relevant Planning Policy**

##### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H6	Isolated New Homes in the Countryside

##### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

##### **Principle of Development**

##### **Policy Background**

The application site is located within the Countryside where Policy GD4 of the Fylde Local Plan to 2032 applies. This is generally restrictive of new development unless it meets one of several exemptions to that restraint. There are 3 possibilities that could apply to this scheme:

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

- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;*
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;*

Of these exemption e) is the most relevant to the determination of this proposal as it is clearly for residential proposals and this directs an assessment to Policy H6 which relates to isolated new homes in the countryside. This site is located outside of any settlement and is some distance from the edge of Newton with limited other properties in the area, and so is 'isolated'. This means that the tests in the first part of Policy H6 are to be used to assess the planning merits of the application, and this report will focus on these:

If the principle of the development is acceptable against these policy tests it is also appropriate to ensure that it meets the general design requirements of Policy GD7, with particular regard to its rural location.

### Planning History

An important aspect to any planning decision is the planning history to the site, and this is both complicated and critical in this instance. Of greatest relevance are permission 10/0731 which initially established the temporary siting of a caravan on the land to support the equestrian activities that had been undertaken at the site for some years at that time, planning permission 12/0197 which was allowed on appeal and granted permission for an additional building to broaden the business into a boarding kennel use alongside the equestrian use, and planning permission 12/0199 which was allowed on appeal at the same time and granted a temporary permission for the mobile home to be retained on site to support the broadened rural use.

Following the two appeal decisions there was a delay establishing the kennel element and so a further planning permission was granted to extend the temporary siting of the mobile home under reference 16/0522. That permission was issued on 19 September 2016 and allowed a two year siting with the current application submitted just after its expiry in October 2018.

The lawful position is therefore that there is a horse breeding use that has been in operation since approximately April 2003 by the former owner which has continued with the current owner since 2004, and a lawful boarding kennel use that is undertaken in a purpose built modern facility constructed in 2014.

### Rural Worker Need

Policy H6 requires that a proposal passes all of a series of tests, with the first of these being: "*a) there is an essential need for permanent attendance of a worker on site;*"

The application contends that the scale of the business activity undertaken at the site is such that there is a need for a dwelling. When the council considered the application in 2012 it resolved that the level of equestrian activity undertaken at that time, and the kennel facility that was a proposed element at that time to supplement the equestrian use, was not sufficient to support the erection of a permanent residential property. Accordingly that application was refused. In considering the appeal against this refusal the planning Inspector disagreed and granted planning permission. At that time the council's case, as supported by the services of the County Land Agent, concluded that the livery business that was then operating was not of sufficient scale to support a full-time worker, although that case would be proven if the kennel business was added to this but that it couldn't be considered as it was only a proposed operation at the time.

In determining the appeal the Inspector took the view that a temporary permission could be granted for the residential user to see if the kennel operation was established and if it thrived. Since that time the boarding kennel element commenced and opened for business in the summer of 2016 and is now an active operation that is licenced for 23 dogs. The applicant has provided their booking register in support of this application which covers several months and demonstrates that the kennels operate at a high occupancy rate with a 79% increase in income from August last year to August this year and this rising to over an 100% increase in takings for September 2018 versus September 2019.

The supporting statement highlights that the nature of the combined business is such that there are regular day-to-day activities that are essential to the safe operation of the business, particularly the boarding kennel use. These include practical elements such as the need to be available to feed and clean animals, but also the overnight welfare and security elements of animal care and the more occasional medical needs of a stud horse operation including the foaling and care of young horses. Whilst the council had concerns over the need for a dwelling at the time of the 2012 appeals these were not accepted as being sufficient to resist granting planning permission at that time. The Inspectors conclusion on this was:

*"29. In my opinion, although the recent profits have been less than anticipated, the existing stud farm business is financially sound and, even taking the lower estimate provided by the County Land Agent, I consider that the proposed dog kennels business has been planned on a sound financial basis. When taken together, I consider that the businesses would provide an appropriate level of income to support one full time worker at the appeal site.*

*30. I conclude, therefore, that the financial and functional arguments in support of the proposed siting of a mobile home in this location are sufficient in this case to justify an exception to policies designed to protect the countryside. As such, it would not be contrary to Local Plan Policies SP2, SP11 and SP14 or the guidance in paragraph 55 of The Framework."*

The position is that there are now active stud and kennel operations on site, which is the position that the council and County Land Agent accepted was sufficient to support a rural workers dwelling in 2012, albeit the kennel operation had not commenced then. With that previous position, and the findings of the appeal Inspector, the applicant's arguments regarding the functional need for a full-time presence on should be accepted as the business has now clearly diversified and increased in scale since that time and so it is accepted that there is an essential need for a rural worker on this site.

#### Alternative Accommodation

Criteria b) of Policy H6 requires that *"the need cannot be met by any existing home or other accommodation at the business or in the general locality"*.

This is also an issue that was examined in the appeal in 2012 and which is covered in the planning statement. This explains that the need for care is closely located to the site and that a presence in the wider locality of the site would not meet the essential needs of the business. The statement acknowledges that there are properties available in that wider area, but argues that they would not meet the functional needs of the business at a price which the business can support.

The 2012 Planning Inspector commented on this by saying *"I have considered all the other matters raised by the Council and third parties, including the location of other properties for sale and to rent*

*in the Newton area; the availability of affordable housing within easy connection to the appeal site; the impact of the proposed developments on the local highway network; and, the compatibility of the 2 businesses; but none changes by overall conclusion that the appeals should be allowed".*

A search of the internet for residential properties identifies only one property for sale on New Hey Lane, this has an asking price of £450,000 which is beyond the scope of a rural worker. In the wider area there are two properties in Newton with asking prices between £139,950 and £144,950 but these are more than the anticipated build costs of a bungalow on site which have been put at £80,000 - £100,000 with the applicants being able to carry some of the works themselves.

Given the findings of the Inspector, and the acceptance that there is a functional need for an on-site presence it is considered that a dwelling in the wider vicinity of the site be discounted from meeting that need.

#### Viability of Business

Criteria c) of Policy H6 requires that: *"the business is capable of supporting a full time worker and has a clear prospect of remaining so"*

Whilst the planning statement contends that this is not a relevant test for applications of this nature in the NPPF, it is an element of the development plan policy and so it is necessary that the proposal is examined against it. This is an area where the applicant has provided additional details whilst the application has been under consideration.

The level of profit identified by the applicant's accounts for the year ending 5th April 2019 demonstrates a modest profit in the business. However, examination of the business bookings since then confirm that the boarding kennel side of business has significantly expanded to a point where it now provides full time employment for the applicant and another worker at 30-35 hours per week, each at the minimum wage, and since July 2019 provides employment for a kennel assistant on a casual/part time basis. It is also proposed that the applicant's daughter will work at the site operating an ancillary dog grooming business and this will generate further income.

The temporary planning permission for the existing mobile home was renewed in 2016 partly as officers were not satisfied that a permanent dwelling could be supported economically as the kennel operation was barely established at that point, but since then it has become fully operational and regular bookings giving a high occupancy rates for the kennels and so adding to the viability of the business moving forward.

The scope and scale of the dog kennel business has certainly expanded over the time since the 2012 appeal, and it is now considered that the income it generates combined with the stud business is sufficient to financially support a dwelling of the scale proposed in this application.

#### Scale of Property

Criteria d) of Policy H6 requires that: *"the size of the home is appropriate to the rural worker's family size / economic need and it is located adjacent to any existing buildings."*

The 'scale' element of the application is not for consideration as part of this application. However, in discussions with the applicant it has been agreed that the proposal could only be a true bungalow to ensure that it met the requirements for a rural workers dwelling to be limited in scale to retain affordability, and to ensure that the impact on the rural landscape was minimised. A condition

would be imposed to ensure that any reserved matters submission met this requirement.

The site is located adjacent to the existing horse stable buildings which gives it a direct connection to the business, and reduces its visual impact. With a condition being imposed to ensure that the building is of the scale described the proposal would comply with this aspect of Policy H6.

### Summary

Having considered the findings of the 2012 appeal Inspector and undertaken this assessment of the merits of the application against the requirements of Policy H6 it is accepted that there is now a need for a dwelling at this site that cannot be reasonably met by existing accommodation, can be supported by the business as it develops moving forward, and that the proposal can be controlled to a scale that is proportionate for the needs of the business. Accordingly the proposal complies with the requirements of that Policy, and be extension Policy GD4 controlling the forms of development that can be acceptable in the countryside. The principle of the development is therefore acceptable, with the remainder of this report examining the other planning policy and other considerations of a proposal of this nature.

### **Visual Impact of Development**

The application is sited in a rural area that is designated as countryside in the Fylde Local Plan 2032 and is reflective of the local landscape being a relatively flat field used for grazing with hedges and trees to its boundaries. However it can only be readily viewed from New Hey Lane, and in those views the appearance of the application field is influenced by the existing stables and kennel buildings which provide a backdrop to the proposed location of the dwelling. The adjoining properties to the south have a similar appearance being in a mix of agriculture and employment uses which have become established as agricultural uses have diversified. There are no other views available of the application site as the equestrian and kennel buildings screen views from those aspects.

The proposed dwelling sites centrally in this site, and with the site being set back by around 80m from the road at New Hey Lane it is accepted that it will be possible to provide a dwelling with a design and scale at reserved matters stage that will have an acceptable visual impact. Accordingly the proposed development is considered acceptable on this basis.

### **Highway Implications**

The site has an existing well-established access point to New Hey Lane that is in regular use for the lawful equestrian and kennel activities on the site. This is positioned on a straight part of that road with a verge to either side of the road itself which allows good visibility to be provide in both directions.

The proposal will replace an existing residential unit on the site in the mobile home and so there will be no increase in vehicle movements over the existing from this proposal, and with the availability of an on-site presence to undertake the management and other operational needs of the business there will be less movements associated with these than if the management was provided by a dwelling elsewhere.

The access track is tarmac surfaced for the initial section to New Hey Lane before becoming gravel surfaced nearer the buildings and is appropriate in its construction for the nature of the use and the rural location of the site.

The local highway authority have not raised any highway safety or other adverse issues with the development and it is considered that the proposal has an acceptable impact on the local highway network.

### **Neighbour Relationships**

There is only one neighbouring dwelling in the vicinity of the application site, which is a detached bungalow that is sited immediately to the south of the access point to New Hey Lane and is in close proximity to that road. This property is well separated from the application site itself by the access track itself and fields on both sides of it, and as such there will be no impact on the amenity of its occupiers as a consequence of the proposed development.

### **Other Matters**

The site is located in a rural area and so it is possible that there will be ecological implications from development. However in this case the site is grazing land associated with the horse use and so is unlikely to be of any particular biodiversity benefit. This has been confirmed through an ecological report submitted with the application and so there are no issues which could prevent the development from proceeding on this basis.

The development will involve the loss of some of the land that is available for grazing. However, the actual application site is modest for a dwelling of this nature and the supporting information with the application confirms that there are other areas retained around the site that are sufficient to allow the business to function.

There are no drainage capacity implications from the development as the scale of the residential use of the site remains as existing with the drainage needs of the mobile home replaced with those of the new dwelling. The final details of this are an aspect that can be secured by condition at reserved matters stage.

### **Conclusions**

The application relates to outline planning permission for the erection of a dwelling in a rural area of the borough outside Newton. The application is intended to provide a permanent residential dwelling to be occupied by a rural worker associated with the Barnfield Stud Farm and kennel operation which has been established on the site for over 30 years. Since 2003 there has been a residential presence on site with a mobile home that has benefited from a series of temporary planning permissions, with this being supported by a Planning Inspector in 2012 following the council's refusal of an application to retain the mobile home. Since that time the business has diversified and expanded and it is officer opinion that there is justification for the dwelling to be granted permission.

This view is supported by the relatively limited visual impact that the development would have in this location due to the surrounding buildings associated with the operation, and neighbouring uses and the lack of any access, ecology, drainage or other planning issues.

The proposal is therefore considered to comply with the requirements of Policy H6 relating to isolated dwellings in rural areas and so to Policy GD4 criteria d) which allows such dwellings in the countryside. A series of conditions are necessary to complete the decision with these relating to the usual planning matters for a scheme of this nature and to enforce the rural worker occupation of

the property and the removal of the existing mobile home and reinstatement of that area.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

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

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before any development takes place: the scale and external appearance of the buildings; and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:

- Location Plan - Drawing no. L01
- Proposed site Plan - Drawing no. SK01 REV. A

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

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

4. That the reserved matters submissions pursuant to this planning permission shall include no more than a single dwelling and that this shall be of a scale that offers accommodation of no more than a single storey with the layout in general accordance to that shown on the indicative Cassidy & Ashton plan (ref. no. SK01 REV. A) listed in condition 3 of this permission.

Reason: To ensure the development has an acceptable visual impact that reflects its location in the countryside as designated by Policies GD4 and GD7 of the Fylde Local Plan to 2032 and in accordance with the aims of the National Planning Policy Framework.

5. Prior to the commencement of development and notwithstanding any denotation on the approved plans samples of all materials for use in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: In the interest of securing a satisfactory overall standard of development in accordance

with Policy GD7 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

6. No development hereby permitted shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into the existing foul /combined sewerage systems. The development shall be completed, retained and managed in accordance with the approved details.

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

7. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the Stud Farm and dog boarding business operated at Barnfield Farm, New Hey Lane, Newton (including any dependants of such a person residing with him / her), or a widow or widower of such a person.

Reason: The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the adjoining land for a stud farm and boarding dog kennel business and to preserve the character and nature of this rural area. In accordance with Policies GD4, GD7, H6 and ENV1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework

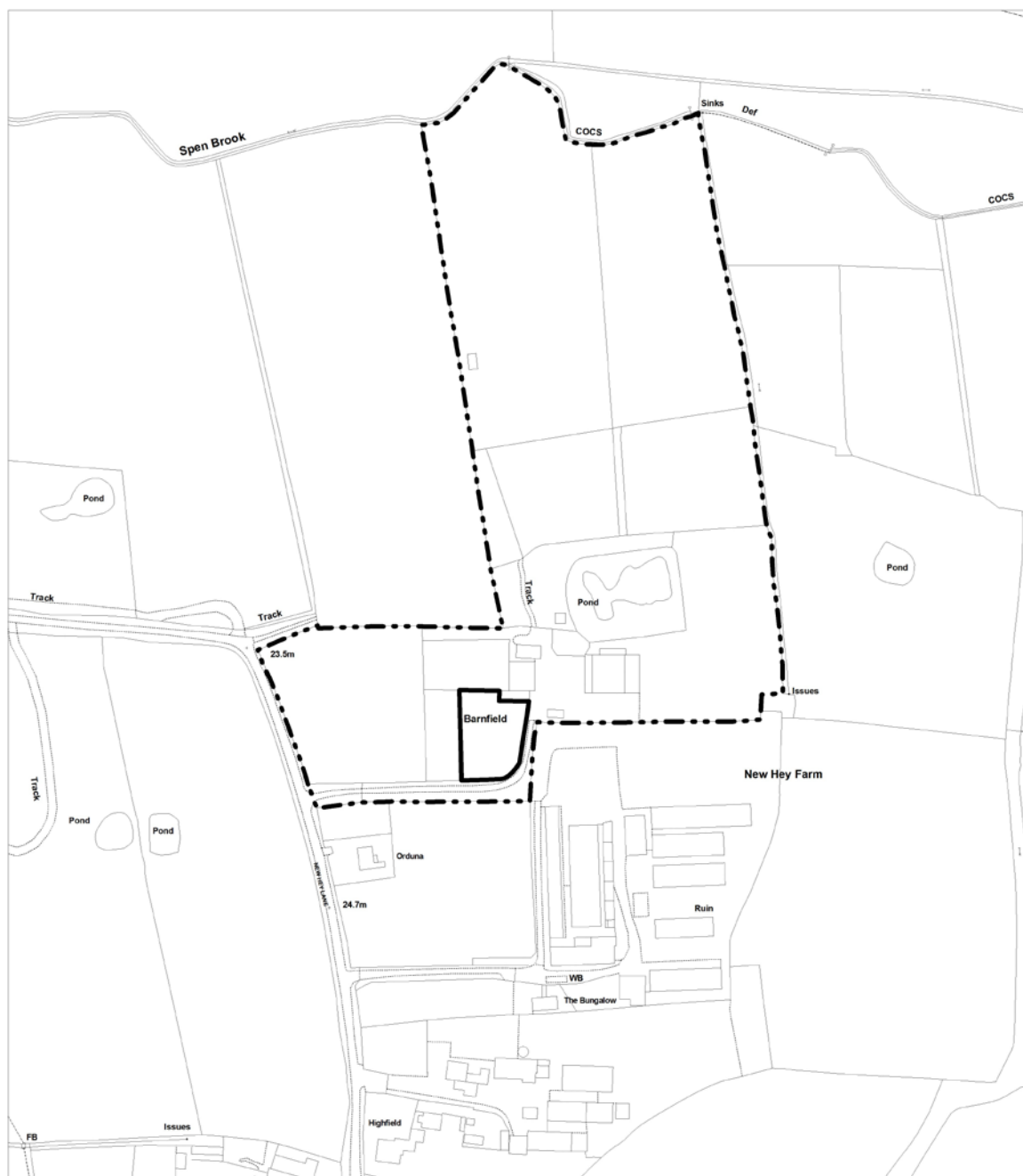
8. Within two months of the first occupation of the approved dwelling the existing residential accommodation provided in the mobile home unit on site shall cease and this shall have been removed from the site and the land re-instated to the satisfaction of the Local Planning Authority.


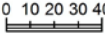
Reason: The Local Planning Authority would not be prepared to permit additional residential accommodation on the site. In the interests of preserving the character and nature of the rural area, in accordance with Policies GD4, GD7, H6 and ENV1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity in the countryside and in order to prevent overdevelopment of the site in accordance with the requirements of Policies GD4, GD7 and ENV1 of the Fylde Local Plan to 2032 and the aims of the National Planning Policy Framework.





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Application No. 5/18/0840	Address Barnfield, New Hey Lane, Newton	Grid Ref. E.3446 : N.4319	Scale 0 10 20 30 40 m 

**Item Number:** 2

**Committee Date:** 09 October 2019

<b>Application Reference:</b>	19/0167	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr McCormack	<b>Agent :</b>	PWA Planning
<b>Location:</b>	BOUNDARY ROAD INDUSTRIAL ESTATE, LYTHAM ST ANNES, FY8 5LT		
<b>Proposal:</b>	ERECTION OF 12 NO. COMMERCIAL UNITS (B1/B8 USE), ENLARGEMENT OF HARDSTANDING AREA TO PROVIDE PARKING FOLLOWING DEMOLITION OF EXISTING BUILDING		
<b>Ward:</b>	ST JOHNS	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	33	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

**If viewing online this is a Google Maps link to the general site location:**

<https://www.google.co.uk/maps/@53.7458326,-2.9360561,334m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application site is currently occupied with caravan storage and pre-fabricated office buildings and is located within an allocated employment site on Boundary Road in Lytham,

It is proposed to remove these existing buildings and clear the site of motorhome parking to construct 2 buildings that would be divided into 12 units that are available for Class B1 and Class B8 employment use. One of the buildings (containing 3 units) would occupy the area of land currently occupied by the existing office building to the front of the existing Motorlands building, with the other larger building set at a right angle to it. Each of the units has two car parking spaces with a pedestrian footpath proposed in front and within the site. Landscaping is proposed along the railway boundary and within the site.

The proposed use complies with the site's allocation for employment uses with the Fylde Local Plan to 2032 and as such is acceptable in principle. It is considered that the units are appropriately designed and will not have a detrimental impact to the visual amenity of the area and appropriate for the site's context. The provision of small units of this nature will benefit the range of employment uses available in the borough and will be suitably sized and sited to support new businesses.

There are no highways, drainage or amenity issues with the development and a landscaping scheme has been submitted that satisfies the Council's Landscape officer. The scheme is considered that the proposal complies with Policies GD1, GD7, EC1, EC2 and CL1 of the Fylde Local Plan to 2032 and the provision of the NPPF.

#### **Reason for Reporting to Committee**

The application is for 'major development' and so it is necessary to present the application to the

Planning Committee for a decision.

### **Site Description and Location**

The application site is part of the Motorlands site which is located on the western side of Boundary Road and within the allocated employment site. To the north of the site is the Blackpool South Railway line and immediately to the south and west is to main Motorlands building. The immediate surrounding area contains buildings of varying sizes and layouts which are used for varying commercial and industrial purposes. The nearest residential properties are to the west on the opposite side of the railway line.

### **Details of Proposal**

The application is for the removal of the existing buildings on site and the erection of 12 commercial units to be used for Class B1 (light industry) and Class B8 (storage and distribution) uses along with the enlargement of an area of hardstanding which is to provide parking, servicing and access arrangements. Three of the units would occupy the area of land currently occupied by a 2 storey pre-fabricated office building with the remainder to the north of the Motorlands building on an area currently used for the external storage of caravans.

The site benefits from extant permission for 7 units (17/0816) and this scheme seeks to increase the number of units on the site to those approved in that scheme. The existing office buildings to be removed have a floor area of 425sqm and the total floor area of the 12 units is 1172.4 sqm. The previously approved scheme had the seven units in a linear layout fronting Boundary Road with two parking spaces in front of each unit. The proposed layout has three units located in front of the main Motorlands building with two parking spaces in front of each unit, with the existing access to the north side of Motorlands retained and nine units set out in a right angle arrangement adjacent to the highway and within the site. Again each unit has two parking spaces per unit in front of them.

The units themselves will be constructed in facing brick on the lower sections of the walls with cladding on the roof and walls above. Their highest ridge point is 10.06m high.

### **Relevant Recent Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
18/0379	RESUBMISSION OF APPLICATION 17/0960 FOR CHANGE OF USE OF A TWO STOREY DETACHED OFFICE BUILDING (CLASS B1 USE) TO A USE AS A CHILDRENS DAY NURSERY (CLASS D1 USE) WITH PROVISION OF 16 PARKING SPACES.	Refused	06/07/2018
17/0960	CHANGE OF USE OF TWO STOREY DETACHED OFFICE BUILDING (CLASS B1) TO DAY NURSERY (CLASS D1). INCREASE IN PARKING SPACES FROM 8 TO 16.	Refused	08/01/2018
17/0816	ERECTION OF 7NO. COMMERCIAL UNITS (B1/B8 USE) AND ENLARGEMENT OF HARDSTANDING AREA FOLLOWING DEMOLITION OF EXISTING BUILDING	Granted	18/01/2018
16/0734	CHANGE OF USE OF EXISTING CLASS B1 INDUSTRIAL UNIT AND PART OF CURTILAGE TO USE FOR SALES, DISPLAY & STORAGE OF MOTOR HOMES (SUI GENERIS USE/B8 USE) AND	Granted	12/12/2016

THEIR MAINTENANCE (CLASS B2) WITH  
TWO STOREY OFFICE BLOCK TO FRONT  
RETAINED AS SEPARATE OFFICE USE (CLASS B1)

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

Not applicable as site is not in a parished area.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Regeneration Team (Landscape and Urban Design)**

The landscape officer originally objected to the scheme as the initial plans indicated that there was a very limited level of landscaping to be provided. However with the submission of revised plans he confirms that he has no objections to the revised layout and landscaping plans. Conditions are requested regarding providing tree pit details and a maintenance schedule for the approved landscaping.

#### **LCC – Local Highway Authority**

*“There are no highway objections to the proposal.*

*It should be noted that Boundary Road is not adopted and falls some distance below the standards that LCC would expect to see for an adopted highway and as such my concerns relate to whether or not safe access is provided for all.*

*The revised plans show improved pedestrian routes along the site frontage to Boundary Road and into the site. This is sufficient to address my concerns over pedestrian / vehicle conflict.*

*The swept path analysis is sufficient to satisfy me that vehicle can enter and manoeuvre around the site with minimal conflict and as such address my safety concerns.”*

#### **United Utilities**

Confirm that they have no objections. Confirm that the FRA submitted is acceptable and that a condition should be used to ensure that development is in accordance with the FRA. Also suggest a condition regarding the management and maintenance of surface water drainage systems approved.

#### **Environment Agency**

State that the application site is within FZ3 and that the proposal is for a less vulnerable use which is an appropriate use in this area. They state they are satisfied that the FRA demonstrates that the development will not increase flooding elsewhere or be in danger of flooding itself. State that the LPA need to be satisfied that the development passes the Sequential test.

#### **Lancashire CC Flood Risk Management Team**

No objections subject to conditions. Conditions related to an appropriate surface water drainage scheme to be submitted and surface water management and maintenance plan.

### **Neighbour Observations**

<b>Neighbours notified:</b>	01 March 2019
<b>Site Notice Date:</b>	02 March 2019
<b>Press Notice Date:</b>	07 March 2019
<b>Number of Responses</b>	One
<b>Summary of Comments</b>	<ul style="list-style-type: none"><li>• No direct objections</li><li>• Trees have been removed and should be replaced.</li></ul>

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities
GD7	Achieving Good Design in Development
CL2	Surface Water Run-Off and Sustainable Drainage

#### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Site Constraints**

Tree Preservation Order

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of development**

The application site is located within the Lidum Park Industrial Estate which is a designated employment area as defined in the Fylde Local Plan to 2032. As such Policy EC1 applies which allocates the whole employment site for B1, B2 and B8 use classes and expects that the site will be retained for these uses. Policy EC2 – ‘Employment opportunities’ states that when assessing development proposals for employment factors the Council will take account of the accommodation being flexible and suitable to meet changing future employment needs and meet the requirements of local businesses and small firms. Given the development proposes 12 small units and the application is described as being for start-ups the development accords with both Policies EC1 and EC2. These proposed uses are compatible with the adjacent land uses which are also employment uses and are also appropriate within this defined area. As such the principle of the development is acceptable.

#### **Layout, design and visual impact**

The proposed units are of an appropriate design and will have a superior appearance to that offered by the existing double height portacabins on the site. The materials are sympathetic to the other materials seen within the existing estate and the scale of the overall built development, whilst larger

than the existing cabins, will not have a detrimental impact on the street scene. Although they will be clearly seen from various points within the industrial estate the unit's appearance is appropriate for their context.

The layout and landscaping has been subject to various amendments throughout the course of considering the application and the scheme now benefits from a 2m wide footway in front of and within the site to aid pedestrian movements to and from the site. The parking spaces are now proposed to be finished in a contrasting materials to reduce the extent of tarmac and enhance the appearance and quality of the scheme.

Existing trees along the boundary to the railway will be retained, and to compensate for the loss of trees removed by the previous owner a series of large ornamental trees are proposed along that boundary to assist in softening views of the development from the railway and the dwellings across it. Set in front of those trees will be a shrub mix and then adjacent to parking spaces in front of the buildings are ornamental trees and area of ornamental shrubs. The consequence of these amendments is that the scheme is now considered to provide an enhancement to the area and can be supported by officers.

The proposal now meets the design and layout requirements of Policy GD7 of the Fylde Local Plan to 2032.

### **Highways and parking**

Boundary Road is a privately maintained road and serves all the businesses within the Lidum Park Industrial Estate. LCC Highways originally objected to the application as they felt that the space around buildings was inadequate for larger vehicles to manoeuvre and that some parking spaces would block access doors to the building. The layout has since been amended to address these concerns and the applicants have submitted swept path analysis for fire and refuse vehicles that demonstrates they can access the site. Consequently LCC Highways now raise no objections to the development. They do highlight that Boundary Road is not adopted and that the revised plans show improved pedestrian access along the site frontage and into the site. The additional plans mean they are satisfied that vehicles can enter and manoeuvre around the site with minimal conflict. They request conditions that the parking and manoeuvring areas are set out and retained and that a construction traffic management plan is submitted prior to the commencement of any development.

### **Drainage**

The application site is within Flood Zone 3 and so it has been necessary that the application has been submitted with a Flood Risk Assessment. None of the drainage consultees have raised any objections to the application. The FRA outlines that foul water will be discharged into the public sewer on Boundary Road and that surface water will be attenuated and then drained to the watercourse via existing private drainage. With regard to the sequential test the use is the same as existing and is for a site allocated in the Fylde Local Plan to 2032 for that purpose and as such the sequential test is not necessary. There are therefore no flooding or drainage issues with the development scheme.

### **Residential amenity**

The proposal will have not have an unacceptable impact to the amenity of the nearest residential properties. These properties are located to the north and west on the opposite side of the railway line and the resulting separation distance is considered sufficient to ensure there will be no

unacceptable detrimental impact subject to the landscaping scheme to assist with softening the visual impact and a condition relating to the hours of use.

### **Conclusions**

The application site is currently occupied with caravan storage and pre-fabricated office buildings and is located within an allocated employment site on Boundary Road in Lytham,

It is proposed to remove these existing buildings and clear the site of motorhome parking to construct 2 buildings that would be divided into 12 units that are available for Class B1 and Class B8 employment use. One of the buildings (containing 3 units) would occupy the area of land currently occupied by the existing office building to the front of the existing Motorlands building, with the other larger building set at a right angle to it. Each of the units has two car parking spaces with a pedestrian footpath proposed in front and within the site. Landscaping is proposed along the railway boundary and within the site.

The proposed use complies with the site's allocation for employment uses with the Fylde Local Plan to 2032 and as such is acceptable in principle. It is considered that the units are appropriately designed and will not have a detrimental impact to the visual amenity of the area and appropriate for the site's context. The provision of small units of this nature will benefit the range of employment uses available in the borough and will be suitably sized and sited to support new businesses.

There are no highways, drainage or amenity issues with the development and a landscaping scheme has been submitted that satisfies the Council's Landscape officer. The scheme is considered that the proposal complies with Policies GD1, GD7, EC1, EC2 and CL1 of the Fylde Local Plan to 2032 and the provision of the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

#### **Approved plans:**

- Location Plan – EAD\_001\_300
- Proposed Site Plan – EAD\_001\_303 Rev S3
- Proposed Elevations – EAD\_001\_305 Rev S1
- Proposed Plans – EAD\_001\_304
- Landscape Layout – 3120 drawing number 103 Rev B
- Planting Plan – 3210 drawing number 201 Rev B
- Swept Path Analysis – H3030/02
- Tree retention and protection plan – 3120 drawing number 102 Rev A
- Existing plan and elevations – EAD\_001\_301

- Existing site plan – EAD\_001\_302

Reason: To provide clarity to the permission.

3. No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials of construction result in a development that has a satisfactory appearance in accordance with Policy GD7 of the Fylde Local Plan to 2032.

4. The off street parking spaces and manoeuvring areas as shown on approved site plan EAD\_001\_301 Rev S3 shall be surfaced, drained, and marked out in accordance with the details on that plan prior to the units they are to serve being first available for use. These areas shall thereafter be retained as available for their intended purpose at all times.

Reason: In the interests of highway safety and amenity as required by Policy GD7 of the Fylde Local Plan to 2032.

5. Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted and approved in writing by Local Planning Authority in consultation with the Highway Authority. The CTMP shall include details of:
  - a. The parking of vehicles of site operatives and visitors;
  - b. Loading and unloading of plant and materials used in the construction of the development;
  - c. Storage of such plant and materials;
  - d. Wheel washing facilities;
  - e. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - f. Routes to be used by vehicles carrying plant and materials to and from the site;
  - g. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
  - h. Hours of demolition and construction.

Reason: In the interests of road safety and the amenities of the area.

6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 18.462, Dated January 2019, prepared by Reford Consulting Engineers Limited). Surface water will drain to the nearby watercourse via the existing private drainage. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

7. Prior to the commencement of development a scheme for the disposal of foul and surface water for the entire site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems and shall drain away from the railway line. The development shall be



implemented, maintained and managed in accordance with the approved details.

Reason: In order to ensure adequate and proper drainage of the site.

8. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by the site owners.
  - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. On-going inspections relating to performance and asset condition assessments.
    - ii. Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved units, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

9. Work shall only take place within the units hereby approved between the hours of 7am and 8pm Monday to Saturday and 9am to 4pm on Sundays.

Reason: In the interests of residential amenity.

10. The whole of the landscape works, as shown on approved landscaping layout (3120 103 Rev B) and Planting Plan (3120 201 Rev B) shall be implemented and subsequently maintained for a period of 10 years prior to first occupation of any of the units. 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 arboricultural 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.

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

11. Prior to any above ground development detail of tree planting pits and maintenance of the approved landscaping layout (3120 103 Rev B) and Planting Plan (3120 201 Rev B) shall be submitted to and approved in writing by the Local Planning Authority.

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



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Ordnance Survey (100006084).

Application No.  
5/19/0167

Address  
Boundary Road Industrial Estate,  
Lytham St Annes

Grid Ref.  
E.3381 : N.4282

Scale  
0 10 20 30 40 m

<b>Application Reference:</b>	19/0486	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Hannan	<b>Agent :</b>	PLANNING PROBLEMS SOLVED
<b>Location:</b>	PATHWAYS, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 3RJ		
<b>Proposal:</b>	RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (INCLUDING FOUL WATER TREATMENT PLANTS AND ATTENUATION POND) FOLLOWING DEMOLITION OF EXISTING BUNGALOW AND ALL OTHER BUILDINGS - RESUBMISSION OF APPLICATION 19/0205		
<b>Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	17	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Negotiations to resolve issues_		

**If viewing online this is a Google Maps link to the general site location:**

<https://www.google.co.uk/maps/@53.7757463,-2.8490608,334m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application involves the redevelopment of an existing garden and equestrian centre ('Pathways') located within the Area of Separation (AoS) between Newton and Kirkham. The scheme proposes the demolition of all existing buildings within the Pathways site and their replacement with a residential development of five bungalows.

Whilst the proposed redevelopment of the site for housing does not fall comfortably within any of the limitations in FLP policy GD3 where development will be permitted in the AoS, there are material considerations in this case which indicate that the scheme ought to be approved. In particular, the proposal involves the complete redevelopment of previously developed land for a type and scale of development that would have no greater impact on the openness of the AoS, or the effectiveness of the gap between the settlements of Newton and Kirkham in protecting their identity and distinctiveness when compared to that which already exists on the site. Accordingly the proposed development would not harm or compromise the fundamental function of the AoS, which is to preserve the effectiveness of the gap between settlements, prevent settlements coalescing and to protect the identity and distinctiveness of those settlements.

The proposed dwellings would replace: (i) an existing bungalow with detached garage; (ii) a plant nursery building; (iii) a retail sales/showroom building; (iv) a stable block; and (v) various other ancillary structures and external storage/product display areas, with five single storey 'true' bungalows which have a smaller combined footprint, reduced overall scale, low ridge height, lesser encroachment into the open countryside and deliver increased areas of soft landscaping across the site in comparison to the existing situation. Therefore, the type

and scale of development would not diminish or undermine the site's contribution to the function of the AoS.

The proposed dwellings would be compatible with the surrounding rural vernacular by virtue of their layout, size, scale, height, materials and design, and the strengthening of landscaping buffers to the edge of and within the site would ensure appropriate softening and sympathetic assimilation of the development into the surrounding landscape. The spacing, orientation, massing and fenestration arrangement of the proposed dwellings in relation to each other and neighbouring buildings and land uses would ensure that the development achieves a high standard of amenity for existing and future occupiers. A safe and suitable means of access and off-site highway improvements proportionate to the development's scale would be delivered as part of the scheme in order to ensure that it has no unacceptable impact on road safety, nor would it have a severe, residual cumulative impact on network capacity.

The development would not adversely affect the favourable conservation status of any protected species and appropriate biodiversity enhancements would be made as part of the scheme. Appropriate measures can also be put in place to ensure that the proposal would have no adverse effects with respect to flooding, contamination or impacts on hazardous installations.

Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

### **Reason for Reporting to Committee**

Newton-with-Clifton Parish Council have objected to the application and the officer recommendation is for approval.

### **Site Description and Location**

The application relates to an irregularly shaped parcel of land extending to *circa* 0.71 hectares in area on the west side of the A583 (Blackpool Road), Newton. The land is presently occupied by a series of buildings, hardstandings and a floodlit manège which, in combination, support a small garden centre and equestrian business which is known collectively as 'Pathways'. The site falls within an Area of Separation (AoS) that extends between Kirkham and Newton as defined on the Fylde Local Plan to 2032 Policies Map.

Pathways is accessed via an existing priority (give way) junction onto Blackpool Road which opens onto a formalised (tarmac) parking area to the eastern end of the site. An informal, gravel-surfaced vehicle parking area is located to the northwest side of the site access and a separate, gated access into the dwelling of Longacres branches in a south easterly direction off the access road. The internal road sweeps round the rear of Longacres before following a linear route up to the western boundary. A large bungalow with detached garage borders the northern edge of the site at the head of the entrance road and is prominently in view from Blackpool Road. The main garden area for the existing bungalow is located to the south of the dwelling and is separated from a collection of adjacent garden centre and equestrian buildings by close boarded fencing. A combination of hedging and a semi-mature tree belt front a brick wall which forms the bungalow's northern boundary.

Ground level falls in a general south westerly direction across the site away from the A583. Buildings

on lower lying ground flanking the southern boundary of the site are used in connection with an existing garden centre and equestrian business. All these building are of a single storey height and – running from east to west – include: a plant nursery with a curved ‘polytunnel’ style roof; a sales/showroom building with a pitched ‘saw-tooth’ roof; and a U-shaped, pitch-roofed stable block. The area of land to the north of the garden centre buildings up to the boundary fence with the bungalow is also used as an external sales and storage area for garden sheds and similar outbuildings. The use of the site for these purposes has been confirmed by a certificate of lawfulness (reference 05/0766). Other, smaller buildings connected with the garden centre and equestrian uses are dotted along the southern perimeter behind a hedgerow that marks the boundary. A floodlit manège enclosed by an earth bund to its north and west sides is located adjacent to the stable building at the western end of the site.

The site is bordered by open fields to the north, west and south. A collection of portal-framed agricultural buildings and brick barns are located at Church Farm a minimum of approximately 42m to the north. The site shares a boundary with a dormer bungalow at Longacres to its southeast corner. This property has a detached garage and gated entrance to the rear which open onto the access road through Pathways. A manège is also located within the rear garden of Longacres, with its rear boundary abutting the site formed predominantly by close-boarded timber fencing. Another bungalow at Oaks Farm lies further to the southeast beyond Longacres. A collection of outbuildings are located within a rectangular strip of land extending in a westerly direction to the rear of that property, with a boundary hedgerow intervening along its northern perimeter with the application site.

### **Details of Proposal**

The application seeks full planning permission for the demolition of all existing buildings on the site (including the current bungalow and garage) and their replacement with a residential development of five ‘true’ bungalows.

The proposed dwellings would follow a U-shaped layout arranged around a central cul-de-sac, with two semi-detached pairs to the northern (plots 1 and 2) and southern (plots 4 and 5) flanks linked by integral garages. A detached plot to the western end of the cul-de-sac (plot 3) would have a detached garage to the northeast corner running parallel to the side of plot 2. The bungalows would be more tightly grouped in comparison to the existing garden centre and equestrian buildings, with the replacement dwellings pulled away from the northern, southern and western boundaries to create deeper garden buffers with adjoining open land. Plots 1, 2, 4 and 5 would provide 3-bed dwellings, with the larger detached bungalow on plot 3 having 4 bedrooms.

All bungalows would be rectangular in shape and of a single storey height topped by shallow pitched roofs reaching 2.6m to the eaves and a maximum of 4.6m to ridge. There would be no living accommodation in the roof space. Externally, the dwellings would have facing gables comprising larger areas of glazing and overhanging soffits accentuating front entrances. The remainder of the elevations would be of a simpler appearance with smaller window openings framed by stone sills and headers. The buildings would be finished in red brick walls and slate roof coverings.

The existing access to the site from Blackpool Road would be modified to create a new priority junction with visibility splays of 2.4m x 80m in both directions. The existing parking areas to the side of the entrance would be replaced with landscaped verges and the road narrowed to a 4.5m wide cul-de-sac. The existing access to Longacres which presently branches off the access road would be retained and extended as necessary to ensure that the current means of access to this property is maintained. Similarly, the alignment of the new estate road and access routes branching off it would

ensure that access to the garage and an existing gated entrance at the rear of Longacres would be maintained.

The application includes the construction of a swale and attenuation pond to the southern fringe of the site as a means of disposal for surface water drainage. Foul water would be disposed of via on-site sewage treatment plants located below ground adjacent to the attenuation pond in the southwest corner.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
19/0205	RESIDENTIAL DEVELOPMENT OF SIX DETACHED DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (INCLUDING FOUL WATER TREATMENT PLANTS) FOLLOWING DEMOLITION OF EXISTING BUNGALOW AND ALL OTHER BUILDINGS	Withdrawn by Applicant	16/04/2019
07/1280	ERECTION OF HAY AND SHAVINGS STORE	Granted	16/04/2008
06/1123	RETROSPECTIVE APPLICATION FOR REMODELLING OF FACADES OF FORMER GLASSHOUSE BUILDING INCLUDING SINGLE STOREY CONSERVATORY EXTENSION.	Granted	20/06/2007
06/1124	BLOCK OF 10 LIVERY STABLES, TACK ROOM, OFFICE & STORE (RETROSPECTIVE APPLICATION)	Granted	20/06/2007
06/1122	RETROSPECTIVE APPLICATION FOR ERECTION OF NURSERY SALES SHED	Granted	20/06/2007
05/0766	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE FOR PATHWAYS NURSERIES	Approve Certificate	23/09/2005
04/0910	REMOVAL OF CONDITION 2 ON APPLICATION 3/7/3594 AND REMOVAL OF CONDITION 1 ON APPLICATION 3/7/3594/1	Granted	27/10/2004
04/0031	REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION (CONDITION 1) ATTACHED TO PLANNING PERMISSION 3/7/3594	Granted	31/03/2004
02/0080	NON ILLUMINATED, DUAL BOARDS SIGN TO EXISTING DISPLAY POSTS ADJACENT ROADSIDE	Granted	19/06/2002
98/0390	ERECTION OF TWIN POLYTUNNEL & CREATION OF CAR PARK & HARDSTANDING	Refused	07/10/1998
92/0658	SINGLE STOREY EXTENSION TO SIDE.	Granted	09/10/1992
92/0177	OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLING	Refused	15/07/1992
91/0685	TWO STOREY SIDE EXTENSION AND DORMER EXTENSIONS TO REAR	Granted	03/12/1991
89/0065	EXTENSION TO FORM EN-SUITE BEDROOM	Granted	22/02/1989
88/0906	OUTLINE; 2-HOUSES & GARAGES	Refused	21/12/1988
75/1053	OUTLINE - RESIDENTIAL DEVELOPMENT. (FIELD NO. 1836).	Refused	03/03/1976
77/0805	CHANGE OF USE - PASTURE LAND TO SITE FOR SEASONAL CARAVANS,	Refused	16/11/1977
78/0095	CHANGE OF USE - UNDEVELOPED LAND INTO SEASONAL CARAVAN SITE (7 VANS).	Refused	05/04/1978

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
06/1122	RETROSPECTIVE APPLICATION FOR ERECTION OF NURSERY SALES SHED	Withdrawn	16/01/2008
06/1123	RETROSPECTIVE APPLICATION FOR REMODELLING OF FACADES OF FORMER GLASSHOUSE BUILDING INCLUDING SINGLE STOREY CONSERVATORY EXTENSION.	Withdrawn	16/01/2008
06/1124	BLOCK OF 10 LIVERY STABLES, TACK ROOM, OFFICE & STORE (RETROSPECTIVE APPLICATION)	Withdrawn	16/01/2008
78/0095	CHANGE OF USE - UNDEVELOPED LAND INTO SEASONAL CARAVAN SITE (7 VANS).	Dismiss	28/03/1979
88/0906	OUTLINE; 2-HOUSES & GARAGES	Dismiss	10/11/1989

### **Parish/Town Council Observations**

**Newton with Clifton Parish Council:** Notified 13.06.19 and 04.09.19 following receipt of amended plans. Initial comments received 04.07.19 indicate that the Parish Council object to the application and recommend refusal for the following reasons:

- The proposed development is outside the settlement boundary and it is considered in this instance that if planning permission is granted it may create a precedent which could subsequently lead to other similar applications that will be difficult to resist and would consequently diminish existing safeguards designed to protect Areas of Separation (AOS) and the countryside from such development encroachment. It is the Council's opinion that there should continue to be optimum protection of designated AOS in terms of what development, if any, should be permitted and that the application will adversely impact on the effectiveness and function of the AOS and is contrary to policy Fylde Local Plan (FLP) GD3. Such protection should assist in safeguarding the countryside from encroachment and ensure a check on the unrestricted sprawl of large built-up areas.
- The proposed development is considered detrimental to highway safety as large emergency services/utility vehicles will have difficulty navigating the vehicle turning head of restricted dimension.
- The proposed surface water, and sewage treatment plant, will cause a run off/discharge to a pond with no gradual release into free flowing watercourse and is therefore contrary to FLP policy CL2.
- Concern was also expressed relating to the proposed elevation of properties on the development site, being much higher than existing and accordingly is therefore considered to be detrimental to visual amenity and conflicts with NPPF paragraph 127.

The Parish Council submitted an additional representation on 05.09.19 in response to the submission of amended plans which re-iterate the points made in their initial comments as summarised above.

### **Statutory Consultees and Observations of Other Interested Parties**

*Cadent Gas/National Grid* – No objections. Comments as follows:

- No objections. Cadent Gas has a Major Accident Hazard Pipeline in the vicinity. The Building Proximity Distance for this pipeline is 14.5m.
- When working in the vicinity of any Cadent Gas pipelines, the standards set out in the National Grid specification SSW22 must be strictly adhered to. From the information provided, it does not appear the proposed works will directly affect the above pipeline. It is



the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

*Environmental Health Officer* – No objections. Conditions should be imposed on any permission granted stating that: (i) hours of work are restricted to between 08:00 and 18:00 Monday to Friday, and between 08:00 and 13:00 on Saturdays; (ii) An investigation which assesses the risks associated with potential on-site contamination and ground gas migration.

*Greater Manchester Ecology Unit (GMEU)* – No objections. Comments as follows:

- **Bats** – Surveys of most of the buildings in 2018 and of all of the buildings in 2019 have found no evidence of bats. Both consultants are experienced and well known to the GMEU. I have no reason to doubt the findings of the report. The survey will remain valid for a period of around 18 months. A condition should be imposed requiring additional bat surveys to be conducted if the demolition of the existing buildings does not commence before 30<sup>th</sup> April 2020.
- **Other protected species** – All other protected species have been assessed out. I have no reason to doubt this assessment. The increase in the area of the development site beyond that covered by the ecological report is very unlikely to materially change this assessment. No further information or measures are required for other protected species.
- **Nesting birds** – The development will result in the loss of trees and shrubs and buildings all of which provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition be attached preventing any vegetation removal or demolition of buildings during the bird nesting season.
- **Invasive species** – Japanese Knotweed was recorded 20m to the west of the area surveys. A re-survey is recommended prior to any earthworks. This can be secured through condition.
- **Biodiversity enhancements** – Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The development site is primarily negligible to low ecological value habitats, though the inclusion of the dwelling and garden may add in more value. Mitigation for loss of bird nesting habitat should be provided. I am satisfied that the proposed site layout includes more than adequate soft landscaping to adequately mitigate for any loss of trees and shrubs dependent on the choice of species. The planting detail can be conditioned based on the supplied plan to any permission.

*Health and Safety Executive (planning advice web application)* – No objections. Comments as follows:

- The proposed development site which you have identified does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

*LCC Highways* – No objections. Comments as follows:

- This application is the resubmission of withdrawn application 19/0205, albeit on a slightly reduced scale.
- A Transport Statement (TS) has been produced in support of this application. The TS indicates that the number of vehicle movements that would be generated by the proposal will be lower than that from the current (permitted) use. This is not disputed.
- The collision history within the TS contains the same data as LCC's database in that there are no collisions in the last 5 years (Jan 2015 to Dec 2018) in the immediate vicinity of the site access. Due to the relatively poor accident record along the extended length of Blackpool Road Average Speed Cameras have been installed.
- The existing site is accessed via a vehicle crossing on the south-westerly side of the A583

Blackpool Road. At this point Blackpool Road has a four lane carriageway (two in each direction separated by a double white line). The speed limit is 50mph.

- **Access** – The developer is proposing to amend the access arrangements by replacing the vehicle crossing with a 6m kerb radius access. The site plan shows sightlines of 2.4m x 80m. I would expect to see minimum sight lines of 2.4m x 114m for an access where vehicle speeds are 50m, however, given that the number of vehicle movements will reduce if the proposal is permitted and the good accident record at the existing access the existing sightline are acceptable.
- **Adoption of estate road** – The developer has shown a 2m wide footway existing a short distance into the site on the south-easterly side and a tapering footway on the north-westerly side. The internal layout of the site does not meet with the standard that LCC expects in order for the roads to be offered for adoption due to inadequate service verges. However, with some relatively minor tweaking to the layout it is likely that an adoptable layout could be provided.
- **Off-site highway works** – While the TS explains the site's accessibility by sustainable means of transport, it does not fully take into account the difficulties that pedestrians are faced with in accessing public transport or making walking trips. Blackpool Road is a four lane carriageway with no formal or informal crossing facilities. Whilst the number of vehicle movements to the site will not increase as a result of the proposal the nature of pedestrian movement will change. A residential development is likely to include child, elderly and disabled pedestrians to the highway network and to ensure that walking and public transport remain viable options to travel adequate facilities for them must be provided. In order to address this, the simplest solution would be to install a pedestrian refuge. This would provide linkage to public transport and aid with walking strategies for the development. An added benefit of providing a pedestrian refuge would be that it provides the opportunity to provide a right turn facility into the site. This can be delivered through a s278 agreement with LCC and an appropriate planning condition can be imposed.
- **Conditions** should be attached to any permission granted relating to: (i) the construction of the new estate road; (ii) a Construction Management Plan; (iii) management and maintenance arrangements for the estate road; (iv) Off-site highway works to secure the provision of a pedestrian refuge and right turn facility on Blackpool Road.

*Lancashire Fire and Rescue Service* – No objections. Comments as follows:

- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

*United Utilities* – No objections. Comments as follows:

- In accordance with the NPPF and the PPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- Conditions should be imposed requiring: (i) the submission of a surface water drainage scheme; (ii) for foul water to be drained on a separate system; and (iii) for a sustainable drainage management and maintenance plan.

### **Neighbour Observations**

Neighbours notified:	13.06.19
Site notice posted:	18.06.19

**Press notice:** N/A  
**Amended plans notified:** 04.09.19 & 24.09.19  
**No. Of Responses Received:** Two  
**Nature of comments made:** Two objections (one in repeat from the same author).

The appropriate neighbouring properties were notified of the application by letter on 13.06.19 and for a second time on 04.09.19 following the receipt of amended plans. The neighbouring occupier at Longacres was notified individually for a third time on 24.09.19 following the receipt of updated plans which relate specifically to the surfacing of access routes and boundary treatments along the site's border with their property and seek to maintain existing means of access between the two. The neighbour has been given 14 days (until 08.10.19) to submit further comments, which will be reported as late observations if any are received. A site notice was posted in order to publicise the application.

To date, two letters of representation have been received in relation to the application, both from the occupiers of Longacres. The first letter, dated 27.06.19, related to the initial plans and raised the following (summarised) issues:

- The occupiers of Longacres have invested heavily in the creation of new stables, a riding arena and fencing to make these features located at the rear of the dwelling private. The amount of noise and disruption that will be created during the demolition and construction works is worrying as it will turn what is presently a quiet agricultural environment into a residential estate. This would create a more stressful environment for horses kept at Longacres.
- While the resubmission has addressed some of the queries regarding the previous application (19/0205), the following aspects remain uncertain:
  - It is unclear whether the existing access to the garage at the rear of Longacres will remain. This is also where refuse collection takes place.
  - It is essential that an access gate within the rear boundary is provided. There is an existing 2.5m wide metal gate within this boundary which provides access onto the road through Pathways. The proposed plans do not show whether this will be retained.
  - There appears to be a substantial planting border along the length of Longacres. A wooden fence would be preferred to add greater privacy and security.
  - The dwelling on plot 5 is located close to the boundary with Longacres where an open-slatted palisade fence exists. Therefore, a new solid timber fence should be erected in place of the metal fence to afford greater privacy along this boundary.
  - The gated driveway into Longacres which currently branches off the main access road is not shown on the plans. This access appears to be blocked by a planting border. It is also unclear whether the plans provide for a security gate between the new road and the driveway of Longacres.
  - Construction hours should be limited to fall between 8am and 5pm to avoid adverse noise disturbance.

The second letter, dated 15.09.19, raises the following additional (summarised) points:

- The amended plans propose to locate refuse/recycling receptacles adjacent to the garage at the rear of Longacres and in front of the re-positioned gated access. This would block access to the re-located gate which is required as an emergency exit for horses and it would not be possible to manoeuvre a horse box within this area, nor does grasscrete appear to be a practical or suitable ground covering for large vehicles. The re-located gate is now in a similar position to where it was originally, which created an acute angle that made vehicle access difficult.

- The positioning of the bin store would make this prominent in views from the balcony to the rear of Longacres, with this feature appearing unsightly from the neighbouring dwelling. It would be better to locate this within the grass verge to the side of plot 1 where it could not be easily seen from any property.
- The siting and proximity of plot 5 in relation to the stables and manège at Longacres continues to cause concern due to privacy and potential conflicts with equestrian activities.

**Officer note:** The amended plans advertised on 04.09.19 and 24.09.19 address the queries identified in both objections. In particular, they show: (i) the position of the retained (and extended) vehicle access to the front driveway of Longacres; (ii) the siting of the retained access to the garage at the rear of Longacres from the estate road; (iii) the retention of an existing 2.5m wide access gate within the rear garden boundary of Longacres to open onto a grasscrete pathway which then merges with the main estate road; (iv) the introduction of new enclosures along the shared boundary between plot 5 and Longacres; (v) the re-location of the bin collection area further away from the dwelling and garage of Longacres. Hours of construction can be limited by a planning condition as recommended by the Council's EHO.

In terms of the points in the second letter, it should be noted that:

- The bin collection area would comprise a paved, communal collection point for refuse wagons to gather bins from all 5 dwellings. As this is a bin collection rather than storage area (i.e. bins will only be placed within the area on collection day, while being kept in the gardens of the bungalows outside these times), bins will only be placed in this area for a limited period of time, one day per week, rather than this acting as a permanent store.
- The current gated access to the rear of Longacres will be retained in its present position, with a separate grasscrete access route measuring a minimum of 2m in width providing access to the reconfigured estate road. The principal means of access and substantial vehicle parking/turning area to the front of Longacres will be unaffected by the proposal. The manoeuvring area in front of the rear garage at Longacres (including both the concrete apron and grasscrete areas) will measure approximately 9.5m in width and between 4m and 8.5m in depth. As a result, there will be sufficient space in front of this garage, and within the estate road, for larger vehicles to manoeuvre (indeed, the turning head further within the site is designed to allow turning by refuse wagons, and so should also be suitable for a horse box).
- The proposed grasscrete surface in front of the retained access gate is a robust surface for vehicle parking and manoeuvring which is widely used as an alternative to hard surfacing in visually sensitive areas.

### **Relevant Planning Policy**

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

### **Fylde Local Plan to 2032:**

S1

The Proposed Settlement Hierarchy

DLF1	Development Locations for Fylde
GD3	Areas of Separation
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
INF1	Service Accessibility and Infrastructure
CL1	Flood Alleviation, Water Quality and Water Efficiency
ENV1	Landscape
ENV2	Biodiversity
CL2	Surface Water Run-Off and Sustainable Drainage

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) but does not exceed the threshold in column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development and, in turn, is not EIA development.

**Comment and Analysis**

**Policy context and main issues:**

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

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- (c) approving development proposals that accord with and up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development

plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are considered to be:

- The principle of development, including whether it represents an appropriate use of land within the AoS and, if not, whether there are any other material considerations sufficient to indicate that the development should be approved.
- The development’s effects on the character and appearance of the area.
- The scheme’s impact on the amenity of surrounding occupiers.
- The development’s effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to ecology, flood risk, contamination and hazardous installations.

#### Principle of development:

##### *Accessibility and whether the site is ‘isolated’:*

FLP policy H1 identifies a minimum housing requirement of 415 net homes per annum across the plan period (up to 2032). Policy DLF1 indicates that the Local Plan will provide sites for a minimum of 8715 new homes in locations that accord with the Development Strategy, which follows the four-tier settlement hierarchy set out in policy S1. FLP policy INF1 a) states that, in order to protect and create sustainable communities, proposals for development should “make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity”.

The site falls within the AoS between Newton and Kirkham and outside any of the settlements identified in FLP policy S1. It does, however, form part of a collection of ribbon of development fronting onto the A583 and is located approximately 370m from the settlement boundary of Newton (southeast) and *circa* 650m from the boundary of Kirkham (northwest). Having regard to the principles established by the *Braintree District Council v Secretary of State for Communities and Local Government & Others [2017]* judgement – which determined that the term ‘isolated’ should be given its ordinary objective meaning of “far away from other places, buildings or people; remote” – it is considered that the site’s relationship with surrounding buildings and its broadly central location amongst existing ribbon development on the A583 means that the proposal would not involve the creation of isolated homes in the countryside for the purposes of FLP policy H6.

Bus stops are located on both sides of the A583, a petrol filling station with a small shop, a restaurant (Ali Raj) and Pub (the Bell & Bottle) on Blackpool Road are all within comfortable walking distance of the site, as are other services in Newton and Kirkham. Accordingly, the site has reasonable access to local shops and services by modes of transport other than private car, commensurate with its rural setting for the purposes of FLP policy INF1a) and paragraphs 78 and 103 of the NPPF.

##### *Effects on the AoS:*

Although the site is outside any settlement boundary and within the AoS, it is not the case that residential development cannot be permitted in these circumstances. In particular, FLP policy S1 indicates that, within the rural areas, “development will be restricted to the Tier 1: and Tier 2: Larger and Smaller Rural Settlements, **except where [it] is allowed by Policy GD2, GD3 or GD4 as**

**applicable**” (emphasis added). In addition, the “windfalls” section of FLP policy DLF1 indicates that “small housing sites (amounting to between 1 and 9 homes) are not allocated; **they can occur throughout the borough where compliant with the other policies of the plan**” (emphasis added). Accordingly, the development strategy in FLP policy DLF1 does not confine development to the settlements identified in policy S1, nor does it restrict it to the strategic/non-strategic locations for development set out in policy DLF1, as long as it complies with other policies of the plan.

FLP policy GD3 relates to development within the AoS. The policy states that “development will be assessed in terms of its impact upon the [AoS], including any harm to the to the effectiveness of the gap between the settlements and, in particular, the degree to which the development proposed would compromise the function of the [AoS] in protecting the identity and distinctiveness of settlements. Policy GD3 indicates that development within the AoS will be limited to the following (criteria a-f):

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- b) the re-use or rehabilitation of existing permanent and substantial buildings;
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6.
- f) minor infill development, of a scale and use that does not have a material impact on the rural character of the area and does not conflict with the provisions of policy ENV3, providing that it would not result in any harm to the effectiveness of the gap between the settlements or compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements.

The proposed redevelopment of the site does not fall wholly within any of the categories set out in criteria a) – f) of policy GD3. In particular, criteria a), b), d) and e) of the policy are not applicable to the nature of development proposed in this case. Whilst criterion c) and, laterally, FLP policy H7, allow the replacement of existing homes in the countryside, that would only be applicable with respect to the replacement of the existing bungalow (i.e. with the single dwelling on plot 1). The remainder of the development could not be considered to meet this limitation. Although criterion f) of the policy makes an allowance for “minor infill development”, as the scheme involves the demolition of all existing buildings on the site, the proposal could not reasonably be considered to represent “infill” development as it is replacing existing buildings rather than filling gaps between them. Accordingly, the proposed development, when taken as a whole, does not fall comfortably within any of the categories in FLP policy GD3 where development will normally be permitted in the AoS.

The AoS is a bespoke designation in the FLP which is not referred to explicitly in the NPPF. However, paragraph 7.4 of the local plan sets out the hierarchy of designations for land located outside settlement boundaries. Specifically, paragraph 7.4 identifies that “all land outside settlement boundaries in Fylde is within either the Green Belt or the Areas of Separation or the Countryside. The greatest level of protection [will be] offered to the Green Belt, followed by Areas of Separation and finally the Countryside.” In addition, paragraphs 7.9 and 7.10 of the FLP state as follows with respect to the purpose of the AoS:

- a. In order to help maintain the openness of areas outside the Green Belt and the identity and

distinctiveness of individual settlements, policy GD3 proposes that Areas of Separation are defined. An Area of Separation is different to Green Belt, and tends to be of a significantly smaller scale and located between settlements boundaries that are relatively close and at risk of merging.

- An Area of Separation is designed to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in the coalescence of two distinct and separate settlements.

Given the above, and with particular regard to the hierarchy of protection set out in paragraph 7.4 of the local plan, it follows that development which is not inappropriate in the Green Belt must also not be inappropriate in the AoS, because the AoS is afforded a lesser degree of protection. Accordingly, while the site is not within the Green Belt, chapter 13 of the NPPF which relates to the protection of Green Belt land has relevance in establishing whether the principle of development is acceptable in the AoS. In particular, paragraph 145 of the NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” subject to seven exceptions (a-g). The exception in criterion g) provides for:

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

As the scheme does not include the provision of affordable housing (with the number of dwellings proposed being below the trigger set out in FLP policy H4), the third bullet point above is not relevant in this case. However, paragraph 145 g) of the NPPF allows developments involving “**the partial or complete redevelopment of previously development land**, whether redundant or in continuing use (excluding temporary buildings) **which would not have a greater impact on the openness of the Green Belt than the existing development**” (emphasis added).

As the AoS is afforded a lesser degree of protection than the Green Belt it must, therefore, be the case that schemes involving the complete redevelopment of previously developed land within the AoS can be permitted providing that they do not have a greater impact on its openness, the identity and distinctiveness of settlements and would not result in greater coalescence of or compromise the effectiveness of the gap between distinct and separate settlements (i.e. the purposes of including land within the AoS) than the existing development. The assessment below is based on that test.

The definition of “previously developed land” is given in Annex 2 of the NPPF as follows:

- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

In this case, the Pathways site includes a mix of residential (the existing bungalow and garage), garden centre (showroom, retail and plant nursery buildings) and equestrian (stable and tack room)



uses. Products for sale and other paraphernalia associated with the garden centre are also stored externally within hardstanding areas, specifically in the area to the north of the garden centre between the existing bungalow. All of these uses fall within the definition of “previously developed land” given in the NPPF. Accordingly, the impact of the proposed residential development is to be assessed in comparison to the effects of existing buildings and hardstandings within the previously developed areas of the site.

The figures in Table 1 provide a comparison between the scale of the existing and proposed buildings.

Parameter	Existing	Proposed	Difference (existing – proposed)
Combined building floor area (sqm)	1330	1042	-288
Maximum building height to ridge (m)	6.8	5.2	-1.6

**Table 1** – Comparison between existing and proposed buildings.

As shown in Table 1, the overall floor area of the proposed buildings would be around 21.5% less than the existing buildings and the proposed dwellings would have a lower ridge height than the tallest of the existing buildings on the site (the current bungalow) though it should be noted that the ridge height of existing buildings varies across the site, with the lowest of these (the stables) being 3.2m. So too, however, does the height of the proposed buildings (with dwellings on plots 1, 2, 4 and 5 being 4.6m to ridge). Notwithstanding those variations, it is apparent from the quantitative comparison in Table 1 that the proposed bungalows would not appear as overtly large or tall additions within the site in comparison to existing buildings. The proposal would also deliver a number of qualitative benefits that would result reduce its visual impact when compared to the existing scenario as follows:

- The proposed dwellings would be more tightly grouped to the centre of the site in comparison to the wider spread of existing buildings across the site. In particular, the dwellings on plots 1 and 2 would be offset to a greater degree from the northern boundary in comparison to the current bungalow (which is tight up to this border) and the dwelling on plot 3 would not extend as far west compared to the existing stable building.
- There would be an overall reduction in the extent of hardstanding within the site and the existing external storage areas for the garden centre and equestrian uses would be removed (and either incorporated into the estate road or restored to landscaped gardens).
- There would be a substantial increase in the coverage of soft landscaping both within and to the perimeter of the site.
- The existing informal vehicle parking area (northwest of the access) – though outside the red line boundary (but still within the applicant’s ownership) – would be removed and returned to grassland, with a gate provided from the estate road to allow its future maintenance.

Given the quantitative and qualitative comparison above, and having regard to the site’s central location between an existing ribbon of buildings fronting onto the A583, it is considered that the proposed redevelopment of the site would not have a greater impact on or compromise the purpose and function of the AoS in comparison to the existing development. In particular, it would not have a greater impact on openness, it would not narrow the gap between the settlements of Netwon and Kirkham or result in an increased sense of coalescence between them, it would not harm the effectiveness of the gap of between settlements and would not undermine the identity and distinctiveness of those settlements. Accordingly, the proposed development would not conflict with the overarching objectives of FLP policy GD3.

In order to ensure that this remains the case, and to avoid the uncontrolled expansion and suburbanisation of the development (including any increases in roof-level massing or the erection of large outbuildings within the gardens of the dwellings) which might otherwise undermine the rationale for allowing the development to go ahead in the first place, it is considered expedient to withdraw the permitted development rights conferred by Schedule 2, Part 1, Classes A, B, C and E of the GPDO for all dwellings in this case.

*Loss of existing garden centre and stabling uses:*

The existing garden centre use has been established through a certificate of lawfulness (05/0766) which allowed “the use of the land for use as nursery with retail sales for the sale of garden related products”. The equestrian use has been established by subsequent planning permissions. While the proposed redevelopment of the site for housing would result in the loss of the existing garden centre, as the land is not allocated for employment use in the local plan and the current enterprise represents an A1 (retail) use, the provisions of FLP policy EC2 relating to the retention of employment uses in classes B1, B2 and B8 – and, in turn, policy GD8 relating to the viability of these existing uses – are not applicable in this case. The existing garden centre represents a “main town centre use” involving retail development for the purposes of the definition in Annex 2 of the NPPF. Accordingly, it should normally be situated within or on the edge of a town centre rather than in the out-of-centre location it currently occupies. As a result, the garden centre is already somewhat inappropriate in its present location and given the specialist products that are sold from it, its loss would not result in any harmful diminution in the availability of shops and services to serve local needs.

Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design by taking account of the character and appearance of the local area in accordance with 15 guiding principles (a – o).

FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The requirements in FLP policy H2 relating to housing density state that “developments will be expected to make efficient use of land, whilst avoiding detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. It is expected that this will normally result in a minimum net residential density of 30 homes per hectare.”

The proposal involves a development of five bungalows arranged in a U-shaped layout around a central cul-de-sac. Each bungalow would follow a broadly rectangular footprint, with protruding

gables and larger areas of glazing accentuating main entrances, and garages set back alongside. The proposed layout would ensure a close grouping of buildings across the site, with plots set in spacious gardens enclosed by landscaped boundaries. All bungalows would be of a 'true' single storey height with shallow roof pitches that would not provide for rooms in the roof. Externally, the buildings would be finished in red brick below slate roofs, with windows framed by stone sills and headers.

As the site has an area of around 0.7ha, the development would deliver a density of *circa* 7.14 dwellings per hectare (dph). While this falls significantly below the target of 30 dph given in policy H2, the low development density is driven by the need to ensure that the development has no greater impact on the AoS in comparison to the existing scenario, and so is justified in this case to avoid any detrimental impact on the character, appearance, distinctiveness and environmental quality of the area. It is also a common characteristic of residential development in the area to find larger houses set in generous plots laid out at a low density. Therefore, when seen in this context the proposed development would not appear as an incongruous addition.

Roadside bungalows are a common feature of the Blackpool Road frontage to both the east and west of the site and form the prevailing house type along this stretch. At present, the existing bungalow and large detached garage set on the northern boundary of Pathways are prominent features when viewed across open land in a southerly direction from vantage points on the A583. Views of the southern (garden centre and stable) buildings are screened by a combination of existing tree planting and by virtue of the fall in levels to the southwest of the site away from Blackpool Road.

The proposed bungalows would be positioned more centrally within the site, with the two northern plots (nos. 1 and 2) set a minimum of around 18m (rather than the 4m presently afforded by the existing dwelling) away from the northern boundary. Plots 1 and 2 would be located broadly within the front garden of the existing bungalow, with rear garden buffers enclosed by perimeter landscaping backing onto open fields beyond. The spacing of these dwellings with the northern site boundary, combined with the additional (and retained) tree and hedge planting proposed to the site periphery and their 2.15m lower ridge height in comparison to the existing bungalow, would ensure a form of development that is less conspicuous when viewed from Blackpool Road. Bungalows on plots 4 and 5 to the southern part of the site would be set between 0.2m and 0.8m below the finished floor level of opposing plots 1 and 2, and as their ridge heights would be the same as those plots (being the same house type), they would be largely screened by the bungalows proposed to the northern part of the site. The larger house type at right angles on plot 3 would face the head of the cul-de-sac, with its narrower (side) elevations set away from the northern and southern boundaries and garage located alongside the gable end of plot 2.

The layout of the development is intended to provide a tightly-grouped collection of single storey buildings finished in traditional materials around a 'courtyard' setting with landscaped fringes bordering adjoining open countryside to the site periphery. Elevations deliberately comprise simple, smaller-sized openings intended to reflect those normally found in rural barns, alongside larger glazed entrances that emphasise these features. Shallow roof pitches would sit at a low level in the landscape.

The proposed development, by virtue of its density, layout, scale, materials, landscaping and design, would be compatible with the rural character of neighbouring buildings and would assimilate sympathetically with the surrounding countryside in order that it would not adversely affect the character and appearance of the area. The proposed development is therefore in accordance with the requirements of FLP policies GD7, ENV1 and H2, and paragraph 127 of the NPPF.

#### Effects on surrounding occupiers:

Criteria c) and o) of FLP policy GD7 require that development proposals facilitate good design by ensuring:

- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.
- All new housing developments should result in a high standard of amenity for occupiers. The standard of amenity for occupiers should not be compromised by inadequate space, poor layout, poor or lacking outlook or inconvenient arrangements for waste, access or cycle storage. Developments should include adequate outside amenity space for the needs of residents.

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 180 of the NPPF states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

#### *Existing occupiers:*

The closest neighbouring dwelling is located at Longacres to the east, which shares its northern and western boundaries with the site. Other adjacent uses include a collection of agricultural buildings at Church Farm to the north and another dwelling at Oaks Farm to the southeast. Two bungalows (Grange View and Cherry Tree Farm) are located on the northern side of the A583 directly opposite the site access.

The level of separation and screening between the proposed dwellings and neighbouring properties at Church Farm, Grange View, Cherry Tree Farm and Oaks Farm would avoid the development having any adverse effects on the privacy and amenity of occupiers at these sites. The adjacent dwelling at Longacres is a bungalow with a steep pitched roof and large flat-roofed dormer to the rear, and occupies a slightly elevated aspect in relation to the site. The bungalow has single storey extensions to the rear, including a flat-roofed protrusion that appears to form a small balcony emerging off the rear dormer. A detached garage is located further to the rear alongside the western boundary and is orientated with its garage door opening onto a concrete apron that merges with the existing Pathways access road. The shared boundary with the access road is largely composed of close-boarded timber fencing which screens a manège within the garden to the south side of the bungalow.

The closest of the proposed dwellings (plot 1) would be located a minimum of approximately 11m from the tip of the existing outrigger to the southwest corner of Longacres. The dwelling on plot 1 would be orientated with a blank side elevation (to an integral garage) facing the rear of Longacres, with a hedgerow to the side of plot 1, the estate road and the existing *circa* 1.8m high close-boarded fencing to the rear of Longacres intervening between. The second closest dwelling on plot 5 would be offset to the southwest of Longacres, some 23m away from the neighbouring dwelling and 9m from the shared boundary line. Plot 5 would also be orientated with a blank side elevation facing the shared boundary with Longacres.

Given the spacing distances achieved between the proposed dwellings and Longacres, the orientation and window arrangement of the dwellings in relation to the neighbouring property, the single storey height of the proposed bungalows and their lower level in relation to Longacres, combined with the screening provided between them, it is not considered that the proposed development would have any undue effects on the privacy and amenity of the adjoining occupiers at Longacres through loss of outlook, overshadowing or overlooking. The proposed dwellings would not appear as oppressive or overbearing features when seen from the neighbouring property, and the use of the site for residential purposes is likely to generate less activity than the existing garden centre/equestrian use in terms of the potential for noise and disturbance.

The occupiers of Longacres have raised a number of issues as part of the application which relate to how the development affects existing access arrangements to Longacres (both to the bungalow and a garage and gate at the rear), the treatment of intervening boundaries, bin storage and landscaping. These queries have been addressed through the submission of amended plans. In particular, a separate plan showing the treatment of the eastern site boundary (at the rear of Longacres) has been provided to show how existing access arrangements will be maintained, and the means of enclosure to be erected along this boundary. Vehicle access via a private driveway to the front of Longacres will also be maintained. Appropriate conditions have been imposed requiring the details shown on the approved plans to be implemented concurrently with the development.

#### *Future occupiers:*

The proposed layout would cluster dwellings in a U-shape around a central estate road. Generous gardens would be located to the front and rear of the properties. The layout of the bungalows would place pairs of semis to the northern and southern flanks of the cul-de-sac, with a detached property to the western end. The spacing and layout of the bungalows in relation to one another would avoid any adverse amenity impacts in terms of outlook, overshadowing and overlooking, and the appropriate treatment of rear boundaries would ensure adequate privacy between properties. Accordingly, the internal layout of the development would ensure a high standard of amenity for future occupiers.

There are existing land uses outside the red line boundary of the development site associated with the current garden centre and equestrian operations that have the potential to impact on the amenity of future occupiers. These include:

- A gravelled parking area to the northwest of the site access which was permitted as an overspill car park for the plant nursery and retail use pursuant to planning permission 06/1124.
- A floodlit manège adjacent to the western site boundary.

The gravel parking area is currently accessed via an opening off the vehicle forecourt to the front of the site. A large, double-sided hoarding sign advertising existing uses on the site is located to the northeast corner of this car park. The submitted plans show that the access to this car parking area would be closed off by landscaping and, following the demolition of the existing garden centre buildings, its purpose as an overspill car park in connection with this use will cease. The gravelled parking area presents a poor visual appearance to the front of the site onto Blackpool Road. Once the proposed residential development is implemented, the need for this parking area will cease and it will be necessary for it to be restored to open grassland in order to ensure an acceptable outlook for future occupiers and to improve the visual appearance at the site entrance to reflect its residential character and countryside setting. A gated access into this land will be provided off the estate road to allow future maintenance.

The floodlit manège to the western end of the site would be located adjacent to the rear garden of plot 3 and approximately 30m from its rear elevation. While the continued use of the manège itself is unlikely to cause any amenity issues in terms of noise, the use of the existing floodlighting has the potential to create light pollution for future occupiers of plot 3. Accordingly, it is considered expedient to impose a condition requiring, where shown to be necessary, the existing floodlights to be modified in order to limit potential light spillage towards the dwelling on plot 3. This could involve reducing the height of the floodlights and/or fitting shields/hoods to the lights to limit their spillage towards the proposed dwelling. Any proposed means of mitigation will, however, only be possible to establish once an assessment of the existing floodlighting is undertaken.

While the two features mentioned above do not fall within the red line boundary for the site, they are located on adjoining land that is also owned by the applicant (i.e. within the blue line). Therefore, it is possible to impose conditions requiring the cessation and/or modification of these legacy uses as part of this planning permission. Specifically, it is considered that the gravelled car park should be returned to grassland before any of the dwellings are first occupied, and that the existing floodlights to the manège be, where necessary, modified before the dwelling on plot 3 is first occupied in order to ensure that the amenity of future occupiers is not diminished by these adjoining land uses.

#### Effects on the highway network:

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that:

- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The application is accompanied by a Transport Statement (TS). The TS makes the following conclusions with respect to transport impacts:

- With reference to the TRICS database, the level of traffic generation arising from the development would result in an estimated 3 two-way vehicle trips during peak periods. This

would be significantly lower than the number of vehicle movements associated with existing uses on the site.

- There have been no recorded injury accidents on Blackpool Road, at, or within 50 metres of, the existing access during the most recent 5 year period of data and there are no capacity issues in the vicinity of the site.
- The proposed redevelopment scheme to provide 5 dwellings at the Pathways site would not have a material impact on the operation, or safety, of the local highway network and the proposed development will be accessible by means of transport other than the private car.

The site is accessed via an existing priority (give way) junction onto the A583. This access point would be narrowed to 6m, with footways wrapping round both sides at the junction with Blackpool Road. The estate road branching off the access would then narrow to 4.5m in order to create a residential cul-de-sac with two-way traffic flow along it. Visibility splays of 2.4m x 80m would be achieved in both directions at the junction of the site access with Blackpool Road. A turning head would be provided to the front of plots 1 and 5 to allow manoeuvring by larger vehicles (including refuse wagons). A minimum of two off-road parking spaces would be provided for each dwelling, with additional provision within double garages.

The Local Highway Authority (LHA) accept that the level of traffic generated by this development is likely to be less than that arising from the current use. The LHA also confirm that the accident record set out in the TS is correct, and consider the proposed visibility splays of 2.4m x 80m to be acceptable in this instance. The LHA consider that the internal highway layout would not meet with LCC's standards for adoption "due to inadequate service verges", but opine that this could be rectified through minor amendments as part of a S38 agreement. The level of parking provision is also considered to be satisfactory. The only issue raised by the LHA relates to the need to provide a pedestrian refuge to the centre of Blackpool Road in order to allow pedestrians from the development to access bus stops and travel on foot to access facilities in Kirkham and Newton that require access along the north side of the A583. The provision of a pedestrian refuge would also give an opportunity to create a right hand turn facility into the site (though the provision of this turning lane is not specifically requested in connection with the development). The LHA have requested that an appropriate condition be imposed in this regard in order to deliver the pedestrian refuge. Other conditions are recommended concerning the construction specification and future maintenance arrangements for the estate road and submission of a construction management plan.

The comments from the LHA clarify that, subject to the imposition of appropriate conditions, there are no objections to the proposal on transport grounds. Accordingly, the proposed development would achieve a safe and suitable means of access for all users, would not compromise highway safety and would not have a severe, residual cumulative impact on network capacity. The scheme is therefore in accordance with FLP policy GD7 and the NPPF.

#### Other matters:

#### ***Ecology:***

The land does not form part of any designated nature conservation site, nor are there any nearby. An ecology survey submitted with the application concludes that existing habitats within the site are of low ecological value and focusses on the potential for existing buildings to be used by roosting bats. Bat surveys were carried out at the site in May 2018 and May 2019. The surveys conclude that there is no current or historic evidence of roosting bats in any of the buildings on the site, or in any of the vegetation around it.

GMEU have commented on the submitted ecology survey and agree with the conclusions and recommendations in the reports. GMEU have indicated that the bat surveys will only remain valid for 18 months, and so consider that a condition should be imposed requiring new surveys if buildings are not demolished before 30 April 2020. Conditions are also recommended to restrict vegetation removal during the bird nesting season, additional surveys for the invasive species Japanese Knotweed and the implementation of a landscaping scheme to provide biodiversity enhancements. Accordingly, the development would not conflict with the requirements of FLP policy ENV2 and appropriate avoidance/enhancement measures can be secured through the imposition of planning conditions.

***Flood risk:***

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. An indicative drainage strategy for the site shows the installation of a storm water swale feeding an attenuation pond along the southern site boundary (the lowest point) to dispose of surface water. Foul water would be dealt with by sewage treatment plants for each dwelling. United Utilities have recommended that planning conditions are attached requiring precise details of foul and surface water drainage, and for the future management and maintenance of any surface water drainage system to ensure that these measures are appropriate in accordance with the requirements of FLP policies CL1 and CL2.

***Contamination:***

There are several historical uses on the site that have the potential to cause contamination. As no desk study or ground investigation has been submitted with the application, the Council's EHO has recommended that an appropriate condition be imposed requiring a risk assessment for contamination before any ground works commence in order to comply with the requirements of FLP policy GD9. An appropriate condition is recommended in this regard.

***Hazardous installations:***

FLP policy DLF1 states that development will not be permitted which would prevent or undermine the operation of existing land uses, including hazardous installations. Cadent Gas have indicated that there is a major accident hazard pipeline in the vicinity of the site, but HSE records show that the site does not fall within the consultation zone of any pipeline. There is, however, a low pressure gas main that runs into the site from Blackpool Road. Neither Cadent Gas nor the HSE have objected to the application on safety grounds. Accordingly, the development would not pose or be at an unacceptable risk due to the presence of hazardous installations.

**Conclusions**

The application involves the redevelopment of an existing garden and equestrian centre ('Pathways') located within the Area of Separation (AoS) between Newton and Kirkham. The scheme proposes the demolition of all existing buildings within the Pathways site and their replacement with a residential development of five bungalows.

Whilst the proposed redevelopment of the site for housing does not fall comfortably within any of the limitations in FLP policy GD3 where development will be permitted in the AoS, there are material considerations in this case which indicate that the scheme ought to be approved. In particular, the proposal involves the complete redevelopment of previously developed land for a type and scale of development that would have no greater impact on the openness of the AoS, or the effectiveness of



the gap between the settlements of Newton and Kirkham in protecting their identity and distinctiveness when compared to that which already exists on the site. Accordingly the proposed development would not harm or compromise the fundamental function of the AoS, which is to preserve the effectiveness of the gap between settlements, prevent settlements coalescing and to protect the identity and distinctiveness of those settlements.

The proposed dwellings would replace: (i) an existing bungalow with detached garage; (ii) a plant nursery building; (iii) a retail sales/showroom building; (iv) a stable block; and (v) various other ancillary structures and external storage/product display areas, with five single storey 'true' bungalows which have a smaller combined footprint, reduced overall scale, low ridge height, lesser encroachment into the open countryside and deliver increased areas of soft landscaping across the site in comparison to the existing situation. Therefore, the type and scale of development would not diminish or undermine the site's contribution to the function of the AoS.

The proposed dwellings would be compatible with the surrounding rural vernacular by virtue of their layout, size, scale, height, materials and design, and the strengthening of landscaping buffers to the edge of and within the site would ensure appropriate softening and sympathetic assimilation of the development into the surrounding landscape. The spacing, orientation, massing and fenestration arrangement of the proposed dwellings in relation to each other and neighbouring buildings and land uses would ensure that the development achieves a high standard of amenity for existing and future occupiers. A safe and suitable means of access and off-site highway improvements proportionate to the development's scale would be delivered as part of the scheme in order to ensure that it has no unacceptable impact on road safety, nor would it have a severe, residual cumulative impact on network capacity.

The development would not adversely affect the favourable conservation status of any protected species and appropriate biodiversity enhancements would be made as part of the scheme. Appropriate measures can also be put in place to ensure that the proposal would have no adverse effects with respect to flooding, contamination or impacts on hazardous installations.

Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Drawing no. 75-103 Rev B – Location plan.

Drawing no. 75-100 Rev F – Proposed site layout.

Drawing no. 75-102 Rev A – Plans and elevations, plots 1, 2, 4 & 5.

Drawing no. 75-101 Rev A – Plans and elevations, plot 3.

Drawing no. NCR/JC/PATH/Lscp 02 Rev C – Revised landscaping scheme.

Drawing no. NCR/JC/PATH/East. Prop. Rev C – Part eastern boundary extract – as proposed.

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

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

3. All existing buildings and associated appurtenances falling within the red line boundary shown on drawing no. NCR/JC/PATH/Ex. Site Rev B shall be demolished in their entirety and removed from the site before any of the dwellings hereby approved are first occupied.

Reason: The development has been permitted on the basis that it involves the complete redevelopment of the site for a new use which would have no greater impact on the Area of Separation in comparison to the existing use. Accordingly, all existing buildings connected with the present use must be removed from the site to allow and justify the site's redevelopment for the replacement residential use. The removal of existing buildings and associated appurtenances before any of the dwellings are first occupied is also required in order to avoid conflicts between the existing and proposed uses that would arise if they were to co-exist simultaneously (i.e. if the development were to be carried out in a piecemeal fashion) so as to ensure a high standard of amenity for future occupiers. The condition is required in order to comply with the objectives of Fylde Local Plan to 2032 policies GD3 and GD7, and the National Planning Policy Framework.

4. None of the dwellings hereby approved shall be first occupied until a scheme for the restoration of the whole of the vehicle parking area located to the northwest side of the site access (the extent of which is identified by blue hatching on drawing no. NCR/JC/PATH/Lscp 02 Rev C) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- The cessation of the existing land use within that area and the removal of all existing hardstanding, vehicles, advertisements and any other appurtenances connected with that use.
- The restoration of the land to open greenspace, including details of all surface treatment and landscaping works, means of enclosure and, where necessary, a schedule of the type, species, siting, planting distances and a programme of planting of any trees, hedges and shrubs; and
  - a) A timetable for implementation.

The duly approved restoration scheme shall be carried out in accordance with the details and timetable contained therein, and shall be completed in full before any of the dwellings hereby approved are first occupied.

Reason: To ensure that existing ancillary land uses connected within the current use of the site (which fall within the applicant's ownership, but outside the boundary of the development site) cease and that the affected areas are treated in a manner which is sympathetic to their countryside setting in order to provide enhancements to the landscaping of the site which would offset the development's visual impact on the surrounding landscape and Area of Separation, and to ensure that existing land uses adjoining the proposed development do not adversely affect the amenity of future occupiers of the approved dwellings as a result noise disturbance, poor outlook or any other nuisance. The condition is required in order to comply with the objectives of Fylde Local Plan to 2032 policies GD3, GD7 and ENV1, and the National Planning Policy Framework.

5. Before the dwelling on plot 3 hereby approved is first occupied, a scheme for the retention of the existing floodlights surrounding the manège to the western end of the site (the extent of which is

identified by yellow hatching on drawing no. NCR/JC/PATH/Lscp 02 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) An assessment of the effects of the existing floodlighting on surrounding occupiers (both existing and proposed, having particular regard to the future occupiers of the dwelling on plot 3) including an analysis of existing luminance levels and light spillage arising from the current floodlighting.
- b) Details of any measures to mitigate the effects of the light spillage towards surrounding land uses (both existing and proposed) including, where necessary, modifications to the height of the existing lighting columns, the angle of installation for the floodlights and any hoods or shields to be fitted to them.
- c) Details of the times when the floodlights will and will not be switched on.

The duly approved scheme shall be implemented in accordance with the details contained therein before the dwelling on plot 3 is first occupied, and all floodlights associated with the manège shall be maintained and operated as such thereafter.

Reason: To ensure that future occupiers of the dwelling on plot 3 located adjacent to the existing manège do not experience unacceptable effects on their amenity as a result of light pollution in order to ensure a high standard of amenity for future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

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

Reason: To ensure use of appropriate materials which are sympathetic to the rural character of surrounding buildings and the site's countryside setting in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, no windows or doors shall be installed in any of the buildings hereby approved unless and until details of their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile have first been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the duly approved details before any of the dwellings are first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the rural character of surrounding buildings and the site's countryside setting in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

8. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the dwellings hereby approved shall be constructed in accordance with the finished floor levels shown on drawing no. 75-100 Rev F.

Reason: To ensure a satisfactory relationship between the proposed development and surrounding buildings, and between the approved dwellings, in the interests of ensuring a high standard of amenity for existing and future occupiers in accordance with the requirements of Fylde Local Plan

to 2032 policy GD7 and the National Planning Policy Framework.

9. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:
- a) a survey of the extent, scale and nature of contamination;
  - b) an assessment of the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
    - adjoining land;
    - groundwaters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
  - c) where necessary, an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

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

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

10. No above ground works shall take place until a scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- a) separate systems for the disposal of foul and surface water;
  - b) an investigation of surface water drainage options which follow the hierarchy set out in the Planning Practice Guidance, including evidence of an assessment of ground conditions and the potential for surface water to be disposed of through infiltration;
  - c) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change);
  - d) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
  - e) details of how the scheme will be maintained and managed after completion.

The duly approved scheme shall be implemented before any of the dwellings hereby approved are first occupied, and shall be managed and maintained as such thereafter.

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

11. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, none of the dwellings hereby approved shall be first occupied until details of the siting, height, design, materials and finish of boundary treatments for each plot have been submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

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

12. All the means of enclosure and additional/extended areas of hardstanding (including those required to maintain existing means of vehicular and/or pedestrian access) to be constructed along the shared boundary with the property known as “Longacres” shall be constructed and made available for use in accordance with the details shown on drawing nos. NCR/JC/PATH/East. Prop. Rev C and 75-100 Rev F before any works to modify the existing internal access road through the site first take place. The duly constructed means of enclosure and additional/extended areas of hardstanding shall be retained as such thereafter.

Reason: To maintain a safe and suitable means of access to Longacres both during and after the construction period before any works to alter the existing internal access road take place and to provide an appropriate boundary treatment to screen the development from existing occupiers in interests of the privacy of neighbouring residents in accordance with the requirements of Fylde Local Plan to 2032 policy GD7.

13. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the soft landscaping scheme for the site set out in the following plans and documents shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the approved details:

- Drawing no. NCR/JC/PATH/Lscp 02 Rev C – Revised landscaping scheme.
- Document titled “Landscaping – Planting information”.
- Document titled “Tree planting & digging of tree pits”.
- Document titled “Proposed scheme of landscape maintenance”.
- Document titled “Planting specification & maintenance”.

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

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

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

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) arrangements for the provision of wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
- e) times when trips by heavy construction vehicles should not be made to and from the site (e.g. to avoid peak hours);
- f) routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- g) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- h) measures to control the emission of dust and dirt during construction;

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

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

15. No above ground works shall take place until a scheme for the design, construction specification and drainage of the site access (the layout of which is shown on drawing no.75-100 Rev F) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a minimum visibility splay of 2.4 metres x 80 metres in both directions at the junction of the site access with Blackpool Road. The site access shall be constructed in accordance with the duly approved scheme and made available for use concurrently with any works to modify the existing internal access road through the site, ensuring that access to the property known as "Longacres" is maintained at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure a suitable and safe means of access to the site for all users both during and after construction and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

16. No above ground works shall take place until a scheme for the siting, layout, design and construction specification of the following highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- a) The provision of a pedestrian refuge within the carriageway of Blackpool Road. The location of the pedestrian refuge should allow for the future creation of a right turn facility into the site from Blackpool Road.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the dwellings hereby approved are first occupied.

Reason: To secure appropriate and proportionate improvements to surrounding highway infrastructure that provide a safe and suitable means of access for all highway users in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Local Plan to 2032 policies GD7 and T4, and

the National Planning Policy Framework.

17. No above ground works shall take place until a scheme for the design, construction specification, surface treatment and drainage of: (i) the proposed estate road (including associated footways); (ii) the extended vehicle access into the property known as “Longacres”; and (iii) all other hard landscaped areas within the site (as shown on drawing no. NCR/JC/PATH/Lscp 02 Rev C), has been submitted to and approved in writing by the Local Planning Authority. The feature described in (ii) shall be constructed and made available for use concurrently with any works to modify the existing internal access road through the site, ensuring that access to the property known as “Longacres” is maintained at all times, and the features described in (i) and (iii) shall be constructed and made available for use before any of the dwellings hereby approved are first occupied, all in accordance with the details in the duly approved scheme.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

18. None of the dwellings hereby approved shall be first occupied unless and until a scheme for the future management and maintenance of the estate road and associated footways shown on drawing no. NCR/JC/PATH/Lscp 02 Rev C has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out arrangements for adoption of the estate road by an appropriate public body or statutory undertaker, or management and maintenance by a private management company. The estate road and associated footways shall thereafter be managed and maintained in accordance with the duly approved scheme.

Reason: To ensure that suitable arrangements are put in place for the future management and maintenance of communal areas intended to provide access to the development, to ensure that a safe and suitable means of access to the site is maintained for all users in the interests of highway safety, and to safeguard the amenity of future occupiers in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

19. The car parking spaces for each dwelling shown on drawing no. NCR/JC/PATH/Lscp 02 Rev C shall be laid out and made available for use in accordance with the details shown on the approved plan before each associated dwelling is first occupied. The duly constructed parking spaces shall be retained as such thereafter for the parking of vehicles.

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

20. If all the existing buildings on the site that are to be removed as part of the development (the locations of which are shown on drawing no. NCR/JC/PATH/EX. Site Rev B) have not been demolished by 30 April 2020 (and/or where demolition of each building in question has not already commenced), then no demolition works shall take place unless and until further survey(s) have been undertaken to establish whether the existing buildings on the site are utilised by bats and the results submitted to and approved in writing by the Local Planning Authority. If those surveys establish such a use, then no development shall take place until a comprehensive method statement indicating how bats are to be safeguarded during the construction period and how appropriate mitigation measures (including the siting and design of habitat compensation and enhancement measures) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be

implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

Reason: The existing bat surveys undertaken are valid for a limited period of time. In the event that development is delayed, further surveys are required to establish whether habitats on the site which are potentially suitable to support bats are (or have become) used by these species since the initial surveys were carried out. If the additional surveys reveal that such a presence has become established, then there will be a requirement to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Fylde Local Plan to 2032 policy ENV2, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

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

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

22. No development shall take place until a survey to determine whether any invasive plant species (as defined within the Wildlife and Countryside Act 1981, as amended) are present on or in close proximity to the site has been submitted to and approved in writing by the Local Planning Authority. If the survey identifies the presence of any invasive plant species on or within 7 metres of the site a method statement detailing avoidance, control and eradication measures for the invasive species in question shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall thereafter be carried out in full accordance with the duly approved method statement.

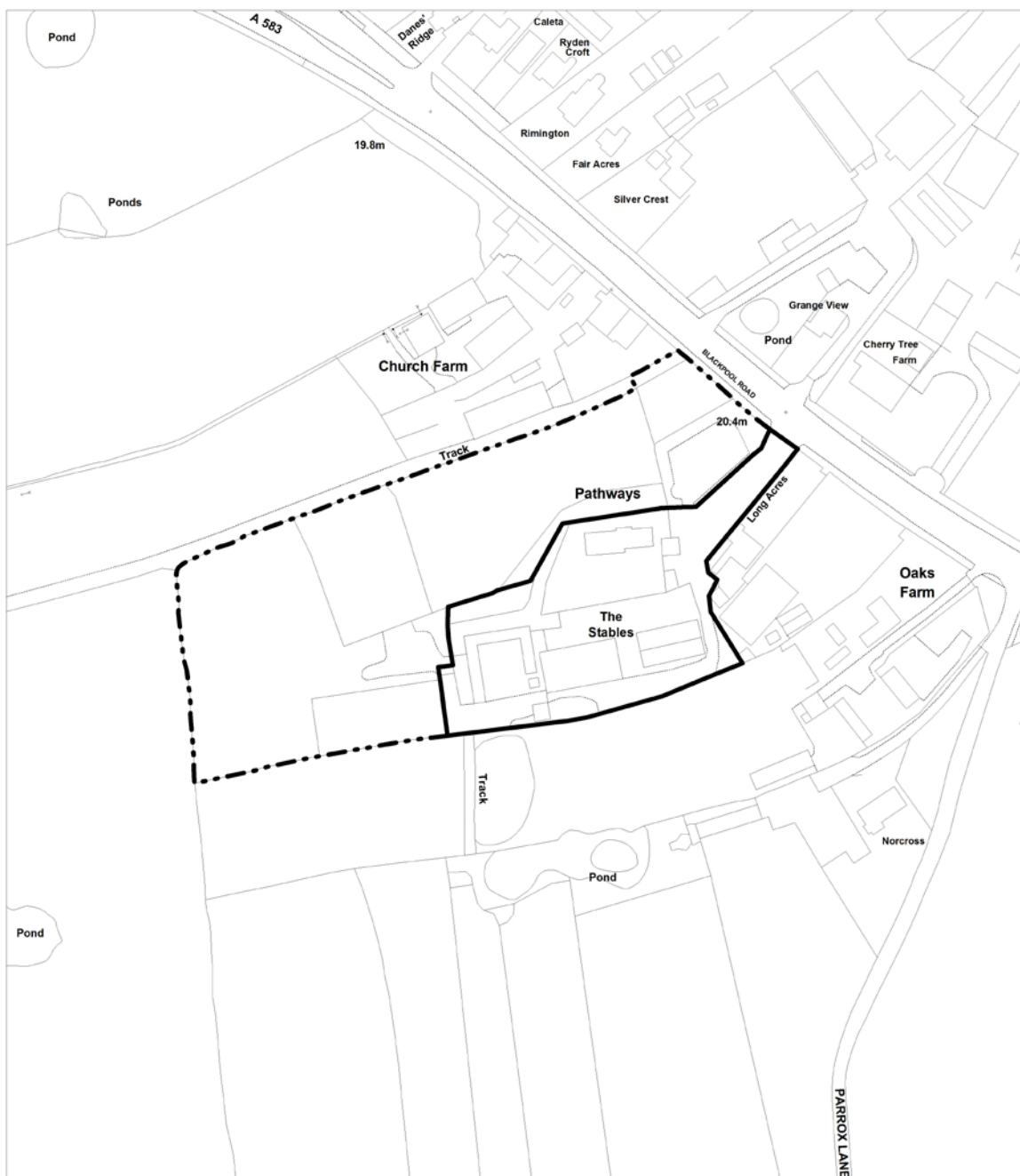
Reason: To avoid the spread and ensure the satisfactory treatment and disposal of invasive plant species during site preparation works before any development commences in accordance with the requirements of Fylde Local Plan to 2032 policies GD9 and ENV2, and the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).


23. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), none of the dwellings hereby approved shall be altered or extended, and no buildings or structures shall be erected within their curtilage.

Reason: The development has been permitted within the Area of Separation on the basis that the site's redevelopment for housing would have no greater impact on the function and purposes of designating land within the Area of Separation in comparison to the existing development. Accordingly, it is necessary to withdraw permitted development rights that would otherwise allow the construction of large extensions, alterations to roofspace and/or the erection of large



outbuildings within garden areas of the dwellings in order to ensure that such development would not undermine the function and purposes of the Area of Separation in accordance with the requirements of Fylde Local Plan to 2032 policies GD3 and H7.



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0486	Address Pathways, Blackpool Road, Newton	Grid Ref. E.3441 : N.4313	Scale 0 10 20 30 40 m

**Item Number:** 4

**Committee Date:** 09 October 2019

<b>Application Reference:</b>	19/0516	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	LYTHAM ST ANNES ISLAMIC SOCIETY	<b>Agent :</b>	ntjdesign
<b>Location:</b>	11 MOORLAND ROAD, LYTHAM ST ANNES, FY8 3TD		
<b>Proposal:</b>	CHANGE OF USE FROM SHOP (CLASS A1) WITH RESIDENTIAL FLAT ABOVE TO COMMUNITY, RECREATIONAL AND RELIGIOUS EDUCATION USE. REPLACEMENT OF EXISTING SHOP FRONT WITH UPVC AND FASCIA TO BE REPAIRED AND PAINTED WHITE.		
<b>Ward:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Additional information from applicant and associated consultations_		

**If viewing online this is a Google Maps link to the general site location:**

<https://www.google.co.uk/maps/@53.7538961,-3.0107705,167m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application site is an existing vacant shop located adjacent to the junction of Moorland Road and Curzon Road within the settlement of St Annes. The property is part of a terrace of four commercial premises, the others of which are currently occupied by a sandwich shop, hairdressers and fish and chip shop.

The proposed development is for the change of use from the existing shop and first floor flat to a 'community, recreational and education use' along with the replacement of the existing shop front, and provision of 7 parking spaces to the side of the property. The premises would be used by the St Annes Islamic Society charity as their headquarters and a place to meet and socialise. It would also be used for Friday prayers between 12pm and 2pm that day and at weekends for the education of children.

The principle of a community centre in an accessible settlement location such as this is acceptable in principle and there are no policies within the Fylde Local Plan to 2032 that prevent its use or conflict with the proposal. Accordingly, the main issue for consideration in the determination of this application is the potential impact the proposal may have on the amenities of the area.

From assessing the proposal it is clear that use of the site will be most intensive when community members meet for Friday Prayers. It is proposed that this be conditioned so that group prayers only occurs on Friday between 12pm and 2pm. At those times visitors to the site will likely exceed the number of parking spaces available and hence have to park on the surrounding streets. The local highway authority have no objections to the development with regard to safety or network capacity and state that there is sufficient parking available in the surrounding streets to accommodate the car parking from this development as well as the

existing business premises and residential dwellings in the area. There are, therefore, no highways reasons for refusal.

With regard to highways amenity and the potential impact on the adjoining businesses it is possible that during Friday prayers there may be some inconvenience to users having to park further away than directly adjacent to these premises, but it is not considered that this is so severe an impact on amenity that refusal of the application is warranted.

The proposed shop front design is acceptable and will not have an impact on visual amenities of the area. The Council's Tree Officer has no objections to the proposed removal of the tree and three are proposed to be planted in its place. As such with conditions to protect neighbouring amenity it is considered that the proposal is acceptable and complies with Policy GD7 of the Fylde Local Plan to 2032 and as such is recommended for approval.

### **Reason for Reporting to Committee**

The application has generated significant public interest, and as such the Head of Planning and Housing has resolved that it is appropriate to present the application to the Planning Committee for a decision.

### **Site Description and Location**

The application site is a currently vacant retail premises located on the west side of Moorland Road immediately south of the junction with Curzon Road in St Annes. The premises is one of a terrace of four commercial units with a large forecourt area and is surrounded by residential dwellings. To the side of the property is a small lawned area with a tree and a low brick wall boundary to the highway. The building itself is two storeys, constructed in red brick with a hipped roof and a rear two storey outrigger. The ground floor front and part side elevation contains the existing shop front. To the rear of the site is Back Curzon Street which serves the rear of these commercial properties and residential dwellings to the west.

### **Details of Proposal**

The development proposed is for the change of use from the existing shop and flat to a community centre for use by the Lytham St Anne's Islamic Society. The community centre would be used by the community members to meet, socialise, pray and provide religious education sessions to children at the weekend. The premises would also include an office for use by the charity.

During the consideration of the application the floor plans have been amended to improve the clarity of the proposed use of the building, and the plans under consideration now indicate that the ground floor will provide two rooms to be used for the community centre and prayers, and the upstairs will be meeting rooms and an office. Externally seven off street parking spaces are proposed and it is also proposed that the existing shop front will be replaced with white UPVC toughened safety glass and the existing fascia above will be made good and painted white.

In order to fully understand the scope of the intended use of the premises, officers have posed a series of questions to the applicants with their answers publicised to neighbours along with the amended floor plans and the removal of a fence that was initially proposed. Following receipt of this information officers also held a meeting with the applicant and their agent to establish further intentions over the operation of the building. The additional information and meeting clarifies the following about the community centre and how it would operate:

- The premises will not operate as a Mosque. Mosques are open 24 /7 and are exclusively used for worship and prayer and not for community uses. The premises is for community and charitable activities and Friday prayers only.
- The premises will not be used by the community during Ramadan as it does not have the facilities to organise for Ramadan and the applicants would not want to interfere with the arrangements already in place at Blackpool Mosque.
- The YMCA is currently used for Friday prayers and has been for 9 years by around 20 – 25 people. Some people walk there, some drive and some use public transport. This is anticipated to be the same for this site. The YMCA is 0.6m miles from this site. Prior to the move the applicant's state they would encourage Friday prayer attendees to travel in groups rather than individual cars.
- The premises will not operate as a Madrasa (formal Islamic education centre) as to do so would require teachers with specialist skills and training, adequate numbers and space. The site is not of adequate size so is limited to weekend religious teachings to children. This currently operates from the Scout Hut adjacent to Mayfield School and would be moved to the application site. The applicants state this can be likened to Sunday school church classes where morals and ethics are discussed and learn.
- Use of the premises will be on an ad hoc basis with the only organised gatherings being Friday prayers and weekend education classes. Friday prayers will take place between 12 noon and 2pm and weekend education between 9 and 6 on Saturday and Sundays where parents drop their children off and then leave.
- During Friday prayers and at any other time there will be no amplification for call to prayers. They do not use loud speakers or audio equipment. Prayers would take place within the two ground floor rooms.
- The charity aims to foster better relationships with other surrounding community groups, promote religious harmony and provide information and an understanding of Islam.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
08/0704	USE OF THE PREMISES AS RETAIL SHOP AND 2 PERMANENT SELF-CONTAINED FLATS	Withdrawn by Applicant	01/05/2009

#### **Relevant Planning Appeals History**

None

#### **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified on 27 June 2019, 01 August and 02 September and responded each time with the follow comments:

*No specific observations.*

#### **Statutory Consultees and Observations of Other Interested Parties**

##### **Lancashire County Council - Highway Authority**

First response dated 5/7/19

- Raise no objections and state they are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- Request that the forecourt area has a boundary treatment installed to prevent cars entering it as that is a concern for pedestrian safety.
- Request details of the height and location of boundary treatment.
- Request that the 1.8m fence adjacent to access road removed.
- Recommends conditions requiring the car parking and cycling facilities to be provided prior to first use of the premises and for any gates not to open on to the highway.

#### Second response dated 15/8/19

Following receipt of revised plans and supporting letter along with neighbour objections relating to parking around lunch times officers re-consulted highways. They made the following observations.

- They are of the opinion that the development will not have a detrimental impact on highway safety and capacity in the vicinity of the site although they recommend that the impact on highway amenity is considered.
- They acknowledge that at times such as Friday Prayer the parking area is likely to be full and that on street parking would occur. They state that there is junction protection at the Moorland Road / Curzon Road cross road in the form of waiting restrictions. Outside the site there is a limited waiting bay on both sides of the road to encourage short stay parking. They bays are 2 hours no return within 2 hours.
- There is also on street parking available that does not have any restrictions and that from site visits the surrounding streets are not at capacity and can accommodate car parking relating to the proposed site alongside the parking related to the existing business premises and dwellings within the vicinity.
- There is no safety concern in relation to on-street parking as roads are wide and parked cars on the highway on both sides of the street do not affect the safe movement of vehicles. The safety of pedestrians is also not affected. The surrounding streets are within a 20mph area.
- They recommend conditions in relation to the paving of the car parking spaces prior to the operation of premises, cycling facilities submitted for approval and provided prior to operation, and any gates to open away from the highway.

#### **Regeneration Team (Trees)**

*The tree is an Ash tree (Fraxinus excelsior). Due to the size and the location close to a boundary wall and overhangs a footpath this tree could become more of a hindrance rather than a benefit to the area. Even though it seems to look healthy Ash trees are under threat from Ash dieback (Hymenoscyphus fraxineus). In my opinion it wouldn't be worth placing a TPO on the tree. But I would like to ask if the applicant will plant another tree to replace it after they have completed the works to the site.*

#### **Environmental Protection (Pollution)**

*With reference to your memorandum dated 26th July 2019, there are no objections to the above proposals*

#### **Neighbour Observations**

<b>Neighbours notified:</b>	08 July 2019
<b>Amended plans notified:</b>	01 August 2019 and 02 September 2019
<b>Site Notice Date:</b>	
<b>Press Notice Date:</b>	
<b>Number of Responses</b>	Original 8 July notification – 32 objections received. One petition against development with 98 signatures.

1 August additional information notification – 14 objections received.

2 September revised plans notification – 6 objections received.

## **Summary of Comments**

### 8 July notification

- Lack of parking and increase in traffic.
- Highway and pedestrian safety.
- Increased take up of parking spaces would impact negatively on neighbouring businesses.
- Loss of shop/commercial premises.
- Community centres already in the area that could be used.
- Noise pollution and impact on residential amenity.
- Loss of tree.
- When YMCA used car park is full there.
- Congregation at YMCA towards 40 members.
- Fence will not be in keeping with area.
- Building is unsuitable and use is out of character with area.
- Building is not big enough.
- Area does not have a large Islamic community.
- Incorrect details on application form.
- Area is subject to flooding.
- Trade waste will be generated.
- No employment will be created by the proposed use.
- Hours of use proposed are inappropriate. Confusion over proposed hours of use.
- Local community would not benefit from this proposal.
- Development will predominately be a place of worship.
- Islamic prayers are 5 times a day and during Ramadan is prayer is at premises at those times will create disturbance.
- Inappropriate to use conditions to limit numbers of users or prayer times.
- Intensification of activity in the area.
- Potential asbestos issue.
- Not needed to regenerate area.
- Development not sustainable due to members travelling by car.

### 1 August notification

A number of the 15 representations repeat the above objections or state that their previous comments still stand. Additional comments made being;

- Intended use is a place of worship and should be described as such.
- Welcome the removal of the fence.
- Replacement trees are not adequate.
- Does not cater for disabled.
- Male and females pray apart so use will be more intense than described.
- Friday lunch time is also the busiest time for the adjoining shops.
- Cannot find charities contributions to society.
- Only limited section of community benefit from this scheme.
- A temporary permission to monitor impact should be granted if Council minded to support the scheme.
- What are the other community uses it will be used for?

#### 2 September notification

The 6 objections received re-iterate previous comments raised above.

Other matters have been raised by some residents that are not planning matters and cannot be taken into consideration when determining the application, including potential adverse effects on local property value.

#### **Relevant Planning Policy**

##### **Fylde Local Plan to 2032:**

GD7	Achieving Good Design in Development
HW2	Community Facilities
T5	Parking Standards

##### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

##### **Principle of the Development**

The application is located within the settlement boundary of St Annes. Fylde Local Plan to 2032 policy GD1 defines the settlement boundaries as those on the proposals map and states that development within the settlements will be assessed against relevant Local Plan policies. Despite being part of a small parade of non-residential uses the application property is not within an area that is specifically allocated as a Local Centre or other retail area, and simply forms part of the wider



settlement designation. Therefore there are no policy objections for the principle of the change of use from that retail use to an alternative use providing that use is appropriate for a settlement location, with a community centre use as proposed here being a use that is clearly appropriate for accessible settlement locations.

Notwithstanding the acceptability of the principle of the change of use there needs to be an assessment of the impacts that the change of use could cause, and these are examined in the remainder of this report.

### **Residential Amenity**

The application property is part of a small terrace of four properties which is currently vacant but previously contained a small convenience store. Also in the terrace is a hairdressers, sandwich shop, and a fish and chip shop. This small parade is surrounded by residential dwellings with the commercial units having flats above.

When considering the impact of the change of use the starting point is to establish the existing character of the area. Clearly this is a predominately residential area with the commercial uses mainly serving the surrounding dwellings with some footfall from the wider area. This results in a level of activity both by foot and vehicles around the application site throughout the working day. The presence of the sandwich shop and chip shop would see a larger number of visitors to the area around lunch time and tea time with the hairdresser's likely to have a smaller number of visitors spread throughout the day. The existing character is therefore not an unusual one in that it is a small commercial area serving some of the needs of the surrounding residential dwellings.

The relevant policy in the Fylde Local Plan to 2032 to assess the proposed development against is GD7 – Achieving good design in development. This policy outlines that development will be acceptable but has various requirements that need to be complied with. The most relevant criteria when assessing this proposal are:

*c) Ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed*

*h) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.*

The intended operation of the premises is outlined in full above. Essentially it is to provide the St Annes Islamic Society Charity's headquarters and so offer them a place to meet and socialise, with organised Friday prayers and weekend educational teachings. These prayer and education activities will be the times when the use of the premises will generate peak levels of activity, with visits to the premises outside of these times will be less frequent and undertaken on an ad-hoc basis.

The activities undertaken within the building will not generate significant amounts of noise outside of the premises and therefore will not create any impact on residential amenity as a result. With regards to the movements to the site, the comings and goings to and from the site either by foot or vehicles will not create any level of disturbance beyond that of the existing commercial uses or the reinstatement of a commercial use in the application property.

There are no objections from the Council's Environmental Protection Team. It is not proposed to use any amplification of any kind during Friday prayers (which can be controlled by condition) and so there is no unacceptable impact on amenity from such a noise source. Friday prayers is the only time

of the week that the community will meet to pray together. The number of the attendees will vary from week to week depending on each individual's working day. Whilst Islam has 'Salat' times, which are five prayer times throughout the course of the day, with the time of each prayer varying and is based on the sun's sky path the facility would not be used for these prayers, nor the early and late prayers observed during Ramadan. The applicants and members of their community when possible pray either at home or at work as it is simply not feasible to leave work or home at all hours of the day to meet and pray together five times a day every day. The applicants have indicated that they are in agreement to any permission granted being subject to a condition restricting when the premises can be used for group prayers and that this would be between 12 noon and 2pm on a Friday.

With regard to the weekend educational teachings, the applicants have indicated that they are in agreement with this be conditioned to take place only between 9am and 6pm on a Saturday and a Sunday. In this case the attendees would be children who would be dropped off and picked up from the premises by their parents. The numbers in the groups would vary depending on individual family's weekend plans. Given the limited extent and capacity of this it is not considered that this activity at these times will have a detrimental impact on the amenity of the area.

Considering these matters together it is accepted that the scale of the building and the limited range of uses that are proposed, along with the controls over the two uses that could generate higher visitor numbers (Friday Prayers and the educational element), would mean that any impact on neighbouring amenity would be of an acceptable level and a reason for refusal based on potential residential amenity cannot be justified.

### **Highways and Parking**

The application proposes 7 off street parking spaces as part of the development which are to be provided in the side and rear 'garden' area to the application site. The views of the local highway authority are reported above. They state that the development will not have an impact on highway safety or capacity but recommend that the potential impact on highway amenity from the use is considered by the council.

Amenity is a positive element or elements that contribute to the overall character or enjoyment of an area, therefore highways amenity can be considered to be the ease at which this area can be accessed, parked within, etc. safely and without significant inconvenience and/or user conflict. The highway authority acknowledge in their response that during Friday prayers the 7 parking spaces proposed will likely be full and that on street parking would occur. This will be the case with the existing visitors to the other shops in the terrace that have no off-street parking and will inevitably attract visitors using vehicles. With regard to this, they state that there is junction protection at the adjacent crossroads with the provision of waiting restrictions and that there are 2 hour short stay parking bays on both sides of the road. Further from the site on adjoining residential streets there is on street parking with no restrictions. The highway authority state that they have visited the site and observed that the surrounding streets are not at capacity and can accommodate car parking related to the development alongside the parking related to the existing businesses and residential properties within the vicinity. They expand on this by saying this on street parking is not a safety concern as the roads are wide and parked cars on either side of the road do not affect vehicle movements or pedestrians.

Therefore based on the comments of LCC Highways there is no justified highways reason for refusal with the proposed scheme. With regard to highways amenity it is expected that during 12-2 on Friday because of Friday prayers that the 7 parking spaces will be full and visitors will also park on

the 2 hour parking spaces adjacent to the site and utilise some of the free on street parking spaces in the surrounding area. Whilst this may mean that there are less spaces available directly adjacent or opposite the adjoining businesses at that time it is not considered that the amenity of highways users or visitors to these businesses would be so severely compromised that it would create an unacceptable situation. If a specific trip was made to those businesses on a Friday between 12 and 2 then visitors would simply park at the nearest available space to those units and walk to them.

The majority (but not all) of surrounding dwellings have off street parking spaces so the residents' ability to park at their dwellings during those hours would generally not be impacted upon. Whilst acknowledging that there may be some inconvenience to road users visiting the adjoining businesses due to having to park further away the local highway authority are clear that this will not create a highway safety issue, and it is not considered that a reason for refusal based on highway amenity and this impacting unacceptably on the adjoining businesses can be justified. At weekends the impact of the proposed use of the premises for education will be similar in character and impact as the adjoining businesses with comings and goings from the site with children getting dropped off and picked up. This scale and nature of activity will not create an unacceptable highways amenity situation.

Accordingly it is the case that the proposed change of use will not have any adverse impacts on the highway safety or capacity in the area, and the level of potential impact on highway amenity will be at a level where there is no undue harm caused. The proposal is in compliance with the relevant aspects of Policy GD7 on that basis.

### **Other issues**

As originally submitted the application proposed that a fence be erected along the side boundary. Officer opinion was that this would be detrimental to the street scene and subsequently this was removed from the application. To provide the 7 off street parking spaces the removal of a tree from the side of the site is necessary. The Tree Officer has been consulted and has no objections to its removal as due to its size and location it is likely to become a hindrance rather than a benefit to the area and therefore it would not be appropriate to place a preservation order upon it. In exchange he requests that replacement trees to be provided and three trees are now proposed for the side garden area of the property.

The application also proposes a new shop front and the making good and painting white of the fascia above. These works will improve the appearance of the property and be of benefit to the street scene.

There are no drainage, ecology or any other issues that prejudice the proposed development.

### **Conclusions**

The principle of a community centre in a location such as this is acceptable in principle and there are no policies within the Local Plan to 2032 that prevent or conflict with the proposal. Accordingly, the main issue is the potential impact the proposed use may have on the amenities of the area. As discussed above, it is not considered that the use of the building itself will create an unacceptable noise impact on surrounding dwellings, and a condition that there be no form of amplification used within the premises can ensure this. The use of the building for Friday prayers between 12 noon and 2pm would be when the premises will be used most intensely and be when there would be the most impact on the surrounding area. This impact would be that on street parking spaces are taken up by people using the premises to pray. Whilst this would create some inconvenience to motorists

wishing to park as close as possible to the existing businesses it is not considered that this impact on highways amenity for this small time period is so severe that it warrants refusal of the development proposed.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan
- Proposed Plans - Drawing no. A1027/2 B

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

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

4. There shall be no group prayers or worship at the premises hereby approved other than between the hours of 12 noon and 2 pm on Fridays.

Reason: To protect the amenities of the area in accordance with Policy GD7 of the Fylde Local Plan to 2032

5. There shall be no group education or lessons at the premises hereby approved other than between the hours of 9am to 6pm on Saturday and Sundays.

Reason: To protect the amenities of the area in accordance with Policy GD7 of the Local Plan to 2032

6. There shall be no amplified music or any other form of any amplification at any time in the premises hereby approved at a level that is audible outside the premises.

Reason: To protect residential amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.

7. Prior to the first use of the premises hereby approved the car parking spaces and manoeuvring areas shown on approved plan A1027/2 B shall be laid out and thereafter maintained.

Reason: To ensure the provision of an appropriate level and layout of parking areas as required by Policy GD7 of the Fylde Local Plan to 2032.

8. Prior to the first use of the premises hereby approved the cycle parking shown on approved plan A1027/2 B shall be provided and thereafter maintained.

Reason: To provide facilities that encourage the use of alternative forms of transport to the site other than the private car in accordance with Policy GD7 of the Fylde Local Plan to 2032.

9. Any gates and associated mechanisms shall be located outside the adopted highway and the gates shall have physical restraints to prevent the gates from opening onto the adopted highway.

Reason: To ensure the adopted highway is not obstructed by any gates which may be installed at the site as these would present a hazard to other road users

10. Notwithstanding the controls imposed by the other conditions to this permission, the premises shall only be used as a 'community, recreational and educational centre' as set out in the supporting documents with the application hereby approved, with this use only undertaken at the premises between the hours of 7am and 11pm on any day.

Reason: In the interests of preserving the residential amenity of nearby occupiers to ensure compliance with Policy GD7 of the Fylde Local Plan to 2032.


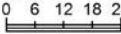
11. Prior to first occupation of the premises hereby approved full details of the replacement trees shown on approved plan A1027/2 B shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the species, specification, planting time and maintenance regime for the trees. The approved trees shall be planted and thereafter maintained in accordance with the approved schedule.

Reason: In the interests of the visual amenities of the area as required by Policy GD7 of the Fylde Local Plan to 2032.

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with Policy GD7 of the Fylde Local Plan to 2032.



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Application No. 5/19/0516	Address 11 Moorland Road, Lytham St Annes	Grid Ref. E.3334 : N.4290	Scale 0 6 12 18 24 m 

Item Number: 5

Committee Date: 09 October 2019

<b>Application Reference:</b>	19/0590	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Road Safety Services Limited	<b>Agent :</b>	Leith Planning Limited
<b>Location:</b>	BRACKENWOOD NURSERIES LTD, BRADSHAW LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HQ		
<b>Proposal:</b>	CHANGE OF USE OF LAND AND BUILDINGS FROM GARDEN CENTRE (USE CLASS A1) TO PROVIDE EXTENSION OF ROAD SAFETY SERVICES DEPOT (USE CLASSES B1 AND B8) INCLUDING DEMOLITION OF THREE EXISTING BUILDINGS AND RECONFIGURATION OF EXTERNAL PARKING AND STORAGE AREAS		
<b>Ward:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.8034132,-2.8895053,334m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The application relates to the site of the former Brackenwood Garden Centre located on the south side of Bradshaw Lane, Greenhalgh. The scheme involves the expansion of the adjacent Road Safety Services (RSS) depot across the land and buildings formerly used by the garden centre for the purpose of providing additional office (use class B1) and storage (use class B8) space to serve that use. The proposal also includes the demolition of three existing buildings on the site and the reconfiguration of the current car parking layout.

The current mixed use of the site by RSS (for B1 and B8 use) and the (now vacant) Brackenwood Garden Centre (for A1 use) was approved by planning permission 11/0124 on 28.09.11. This permission restricts the area of the site that can be used by RSS to a *circa* 0.26 hectare parcel of land to the southwest corner which comprises a 900sqm building and adjoining 1700sqm external storage area to the south of that building. The remaining buildings and external areas of the site were restricted to use by the garden centre, though vehicle access and manoeuvring areas are shared. As the garden centre is vacant (and has been for a prolonged period), the proposal seeks to increase the area of the site that can be used for B1 and B8 purposes by RSS through the extension of this use into the former garden centre buildings and expanding the area that can be used for external storage to around 0.75 hectares across the southern part of the site.

The proposed change of use of the land and buildings in question is considered to represent development that is essentially needed for the continuation of an existing enterprise and so satisfies the land use planning test in Fylde Local Plan to 2032 policy GD4 d) relating to development in the countryside. As the scheme would make use of existing buildings and hardstanding areas within the site, it would have no appreciably greater visual impact on the surrounding landscape, nor would it result in added erosion of the countryside's open

character. The site is extensively screened from surrounding vantage points to the north and west by dense vegetation and this would be supplemented through the introduction of additional planting along the southern boundary where the site adjoins open fields. A group of neighbouring industrial units are located within an allocated employment site to the east, and the proposal would be seen against the backdrop of these buildings from vantage points along a public right of way that runs to the west and south.

The scheme includes the formalisation of existing parking areas to the northern end of the site and would introduce a one-way vehicle ingress/egress system from Bradshaw Lane for HGVs. Accordingly, a safe and suitable means of access would be provided and the level of traffic generated by the development would not give rise to a severe residual cumulative impact on the surrounding highway network. Extant planning permission 11/0124 allows RSS to operate from the site without any timing restrictions (i.e. 24 hours a day, 7 days a week). The nature of the business, which can necessitate RSS to attend sites of roadworks/accidents at short notice and at any time, requires the same unrestricted operating hours in respect of the expanded use (though there is an intermittent and much reduced presence on site at unsocial hours in the late evening and early morning). Given the site's close proximity to junction 3 of the M55 and the busy thoroughfare of the A585 – which are likely to be the predominant contributors to background noise in the area – combined with the significantly reduced scale of operations at unsocial hours, it is not considered necessary to restrict the existing hours of operation that are presently afforded by planning permission 11/0124 in order to protect the amenity of neighbouring residential occupiers on Bradshaw Lane. These nearby dwellings are also extensively screened from the site by existing perimeter vegetation so as to avoid any adverse impacts to their outlook as a result of the scheme.

The development would not give rise to any other adverse effects in terms of tree impacts, ecology or flood risk. Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

### **Reason for Reporting to Committee**

The application involves major development and the officer recommendation is for approval. Greenhalgh-with-Thistleton Parish Council have also objected to the application.

### **Site Description and Location**

The application relates to the site of Brackenwood Garden Centre located on the south side of Bradshaw Lane, Greenhalgh. The site lies within the Countryside Area as defined on the Fylde Local Plan to 2032 Policies Map and is presently occupied by a series of portal-framed industrial buildings, polytunnel and glasshouse associated with a vacant garden centre to the eastern part of the site and a storage depot for Road Safety Services (RSS) to the western part. RSS use the site for the storage of highway related signs, temporary traffic signals, barriers and other roadwork-related equipment in connection with their role in marking out roadwork sites and closing roads as a result of accidents. The business is also involved in the assembly of crowd barriers and site setup for public events.

The principal means of access to the site is located to the northeast corner, with a second access point situated to the northwest corner. On entering the site from the northeast, an internal drive flanks an area of open grassland to the west side and a border of protected trees along the eastern boundary separates the site from two large industrial units at "Laleham Health & Beauty" which fall within an "Existing Employment Site" as defined on the Local Plan Policies Map. A hardstanding



forecourt to the centre of the site is presently used for a combination of external storage and car parking. Buildings on the site vary in size, scale and appearance, though they are grouped in two main areas to the southeast and southwest of the site. These buildings include a polytunnel, portal-framed industrial units clad in metal sheeting and a glasshouse. An area of scrubland flanks the southern boundary, providing a buffer between these buildings and a *circa* 2m high earth bund which marks the southern perimeter.

The land is bordered by open agricultural fields to the south and west. A buffer of dense tree and hedge planting runs alongside the western boundary, providing extensive screening from the open countryside beyond – across which runs a public footpath (5-6-FP 8) that meanders in a southerly direction to run through Mill Farm Sports Village. Similarly, the northern boundary with Bradshaw Lane comprises a dense buffer of tree and hedge planting within a wide roadside verge. This extends around the garden of a detached dwelling at “The Cedars” to the northwest of the site, the garden of which borders RSS. Other scattered dwellings form a ribbon of buildings flanking the north side of Bradshaw Lane leading up to the junction with the A585 to the east.

### **Details of Proposal**

RSS established a presence on the site in 2011 following the grant of planning permission 11/0124 which allowed the mixed use of the site as a garden centre (use class A1) along with an element of B1/B8 use for RSS within a building and adjoining external area of hardstanding to the southwest corner of the site. Planning permission 11/0124 restricts the area of the site that can be used by RSS to a *circa* 0.26 hectare parcel edged green on the approved plan and comprising a 900sqm building and adjoining 1700sqm external storage area to the south of that building. The remainder of the site was to be retained as a garden centre as part of that permission.

The application seeks permission to extend RSS operations across the land and buildings that were previously occupied by Brackenwood Garden Centre by changing the use of that part of the site from a garden centre (use class A1) to B1 (office) and B8 (storage and distribution) use. The application includes the following elements:

- The use of the existing polytunnel and portal-framed building as offices (B1) and storage (B8).
- An increase in the area of the site that can be used for external storage from 0.17 hectares to 0.75 hectares. This area would be located principally to the southern end of the site, to the side and rear of the existing buildings. A linear buffer of landscaping comprising tree and hedge planting would be introduced along the southern boundary of the site to screen these storage areas.
- The reconfiguration of the current car parking layout within the hardstanding forecourt to the front of the garden centre buildings in order to formalise this space. A total of 75 parking spaces would be provided across the site.
- The creation of a one-way access system for HGVs movements to and from the site where HGVs would enter the site via the northwest access and exit via the northeast access.
- The demolition of three existing buildings on the site – including a glasshouse and small timber-clad sheds.

It is apparent that areas of the site located outside the green line boundary shown on the plan mentioned in condition 2 of planning permission 11/0124 are being used by RSS. There are, however, other areas where this is not the case and where other works (e.g. to lay out the car park) have not yet taken place. Accordingly, the application is submitted on a part retrospective basis.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0288	REMOVAL OF CONDITION 1 ON APPLICATION 3/7/3822, WHICH RESTRICTS OCCUPANCY TO PERSONS EMPLOYED OR LAST EMPLOYED IN AGRICULTURE.	Refused	07/08/2012
11/0124	RESUBMISSION OF APPLICATION 10/0653 FOR RETENTION OF EXISTING BUILDINGS FOR MIXED USE IN CONNECTION WITH GARDEN CENTRE AND BY ROAD SAFETY SERVICES (B1/B8 USE) - RETROSPECTIVE APPLICATION.	Granted	28/09/2011
10/0653	RETENTION OF EXISTING BUILDINGS FOR MIXED USE IN CONNECTION WITH GARDEN CENTRE AND BY ROAD SAFETY SERVICES (B1/B8 USE) - RETROSPECTIVE APPLICATION.	Withdrawn by Applicant	24/01/2011
10/0122	ERECTION OF TWO AGRICULTURAL STYLE BUILDINGS FOR STORAGE AND OFFICE USE - (RETROSPECTIVE) AND ERECTION OF A FURTHER BUILDING FOR STORAGE FOLLOWING THE DEMOLITION OF A GREENHOUSE.	Refused	04/06/2010
05/1001	CHANGE OF CONDITION NUMBER ONE ON APPLICATION 3/7/3822 FOR AGRICULTURAL OCCUPANCY TO BE REMOVED	Refused	16/08/2006
05/0118	ADVERTISEMENT CONSENT TO DISPLAY INTERNALLY ILLUMINATED FASCAI SIGN.	Granted	24/03/2005
05/0046	APPLICATION FOR CONSENT TO DISPLAY ENTRANCE SIGN	Granted	16/02/2005
04/0936	ERECTION OF STEEL & POLYTHENE CANOPY WITHIN EXISTING GARDEN CENTRE	Granted	17/11/2004
03/0981	CHANGE OF USE OF NURSERY TO NURSERY AND RETAIL PLANT CENTRE INCLUDING NEW VEHICULAR ACCESS & IMPROVEMENTS TO BRADSHAW LANE	Granted	04/02/2004

### **Relevant Planning Appeals History**

There is no relevant appeal history.

### **Parish/Town Council Observations**

**Greenhalgh with Thistleton Parish Council:** notified 23.07.19 and comment 20.08.19 as follows:

*"It was resolved to recommend refusal. In principle, the PC are not averse to the development of the site, however, must object due to the highlighted access point for HGV's – local knowledge of the site highlights the lack of turning splay on the western entrance which is proposed as to be utilised by HGV's."*

### **Statutory Consultees and Observations of Other Interested Parties**

*Environmental Health Officer* – No objections. Conditions should be imposed on any permission

granted stating that: (i) construction and demolition times are restricted to between 08:00 and 18:00 Monday to Friday, and between 08:00 and 13:00 on Saturdays; (ii) some of the buildings due for demolition may contain asbestos sheeting in the roof structure. The applicant shall ensure that any asbestos containing material is removed from site, taken to a licensed waste receiving site by an approved asbestos contractor.

*Highways England* – No objections.

*LCC Highways* – No objections. Comments as follows:

- **Summary** – LCC Highways do not have any objections regarding the proposed change of use with associated alterations and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- **Access** – The site will be accessed via the two existing access onto Bradshaw Lane with cars and Light Goods Vehicles (LGVs) using the eastern access to enter and exit the site and Heavy Goods Vehicles (HGVs) would use the western access to enter the site and the eastern access to exit the site. LCC Highways are of the opinion that the existing sight lines from the eastern access over the existing adopted highway are acceptable for this size and scale of development, and the existing geometry of the eastern site access is acceptable for this size of development for all highway users. LCC Highways would have concerns and raise an objection if the western access was used to exit the site, due to the available sight lines and the geometry of the access. This is because the sight lines from the western access and geometry of the western site access are below the recommendation of Manual for Streets and, as such, the use of the access to egress the site would have a detrimental impact on highway safety. To address these safety issues the applicant has proposed a one-way system for HGV vehicles to access the site only at the western access and this is positively promoted by LCC Highways. LCC Highways are of the opinion that this detail can be provided at a later date and controlled under condition.
- **Bradshaw Lane** – Bradshaw Lane benefits from street lighting between Fleetwood Road and the eastern access to the site. The first 50m from Fleetwood Road along Bradshaw Lane benefits from a footway on its south side. Thereafter a grass verge fronts the carriageway on both sides of the road. The carriageway from Laleham Health and Beauty to the eastern site access is generally 5.5m in width with short road narrowing fronting 6 Bradshaw Lane. The carriageway then narrows to around 3.5m from the eastern site access to the western site access and acts as a traffic calming feature. Lancashire County Council carried out a full week transport study, beginning on the 26th March 2014 at lighting column 2. The traffic study indicates: -(1) The 85th percentile speed is 21mph east bound and 23mph west bound; (2) The average weekday flow of traffic passing the site is 463 east bound and 484 west bound; (3) The morning peak traffic period is 8am till 9am with 25 vehicles east bound and 84 west bound; (4) The evening peak traffic period is 5pm till 6pm with 71 east bound and 20 vehicles west bound; and (5) The average number of HGV movements is 15% east bound and 16% west bound.
- **Highway capacity** – LCC Highways agrees with the NTP "Transport Statement" conclusion that the traffic generated by the proposed development would not have a severe impact on the operation of the local highway network and off-site mitigation measures are not necessary as the impact of trips generated by the proposed development is modest increase on the existing use of Bradshaw Lane.
- **Accident record** – Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on the 25th September 2019. The data indicates there has been 1 reported incidents near the access to the development. Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and

indicates there are no underlying issue which the proposed development would exacerbate.

- **Internal highway layout and parking** – LCC Highways are of the opinion that the highway layout and car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets and the National Planning Policy Framework.
- **Conditions** – Any grant of planning permission should be subject to conditions requiring: (i) a scheme for the creation of a one-way system (including associated physical restraints, signing and lining) to ensure that cars and Light Goods Vehicles (LGVs) use the eastern access only to enter and exit the site and Heavy Goods Vehicles (HGVs) use the western access to enter the site and the eastern access to exit the site; (ii) A traffic management plan to be implemented during the construction period; (iii) the marking out of parking and manoeuvring areas in accordance with the submitted plans.

### **Neighbour Observations**

<b>Neighbours notified:</b>	23.07.19
<b>Site notice posted:</b>	14.08.19
<b>Press notice:</b>	01.08.19
<b>Amended plans notified:</b>	02.09.19
<b>No. Of Responses Received:</b>	One
<b>Nature of comments made:</b>	One objection

The appropriate neighbouring properties were notified of the application by letter on 23.07.19 and for a second time on 02.09.19 following the receipt of amended plans. In addition, as the application involves major development it has also be publicised by site and press notices. One letter has been received in objection to the application. The points of objection are summarised as follows:

- The volume of traffic from the Brackenwood Nursery site is vast. During the day they are comings and goings all day long but recently they have been in and out all night with no consideration to the residents.
- Vehicles on the site are revving engines and driving at very high speed, stopping outside houses on Bradshaw Lane to talk with their other oncoming vehicles at all times of the night.
- If this scheme is passed then these occurrences are likely to increase and become even more intolerable.

### **Relevant Planning Policy**

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

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. Therefore, the FLP should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land & Existing Empt Sites
EC2	Employment Opportunities
T5	Parking Standards

CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

**Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) but does not exceed the threshold in column 2 of the table relating to category 10(a) developments. Therefore, it is not Schedule 2 development and, in turn, is not EIA development.

**Comment and Analysis**

Policy context and main issues:

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

As outlined in paragraphs 10 and 11 of the NPPF, at the heart of the Framework is a presumption in favour of sustainable development. In terms of decision taking, criteria (c) and (d) of paragraph 11 indicate that this means:

- (c) approving development proposals that accord with and up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 12 of the NPPF makes clear that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Having regard to the nature of the development proposed, the designations applicable to the site and the responses received in respect of the application, the main issues in this case are considered to be:

- The principle of development, including whether it represents an appropriate use of land within the countryside.
- The development’s effects on the character and appearance of the area.

- The scheme's impact on the amenity of surrounding occupiers.
- The development's effects on the surrounding highway network.
- Other matters relevant to the decision, including those relating to trees, ecology and flood risk.

#### Principle of development:

The site is located within an area of countryside as defined on the FLP Policies Map. FLP policy GD4 states that development in the countryside will be limited to that falling within the following categories:

- a) that needed for purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development;
- b) the re-use or rehabilitation of existing permanent and substantial buildings;
- c) extensions to existing dwellings and other buildings in accordance with Policy H7;
- d) development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside;
- e) isolated new homes in the countryside which meet the criteria set out in Policy H6;
- f) minor infill development

FLP policy EC1 identifies a series of "Existing Employment sites". While the Brackenwood site itself is not included in this list, adjacent large-scale industrial units at Laleham Health & Beauty are listed in the policy under "Fairfield Research Station, Greenhalgh". This employment site directly adjoins the application land and is also accessed off Bradshaw Lane.

FLP policy EC2 states that "the Council seeks to retain continued employment use of current employment sites", including B1 and B8 uses. Policy EC2 indicates that the following factors will be taken into account when assessing proposals for employment uses:

- a) The accommodation should be flexible and suitable to meet changing future employment needs, and in particular provide for the requirements of local businesses and small firms.
- b) The Council will seek to ensure that employment opportunities are provided and are easily accessible for local people and, where necessary, developers will be encouraged to implement relevant training programmes.

Policy EC2 also states that "the sustainable growth and expansion of all types of business is supported where this is in accordance with other policies in the Local Plan."

In addition, paragraphs 83 a) and 84 of the NPPF identify that planning policies and decisions should:

- Enable the "sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings"; and
- Recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The use of part of the site by RSS alongside Brackenwood Garden Centre was established by

planning permission 11/0124. The applicant's supporting statement indicates that Brackenwood Garden Centre has been closed since 04.11.12 due to that business failing to be commercially viable. While the proposed extension of the RSS enterprise into the land and buildings formerly used by the garden centre would result in the loss of that business (albeit a long-term vacant one), as that enterprise represents an A1 (retail) use, the provisions of FLP policy EC2 relating to the retention of employment uses in classes B1, B2 and B8 – and, in turn, policy GD8 relating to the viability of these existing uses – are not applicable in this case.

Planning permission 11/0124 allows RSS to operate within a confined area to the southwest corner of the site which includes an existing office building and external storage area. It is, however, apparent that the use of other parts of the site for external storage has occurred since the closure of the garden centre. Although that use does not have the benefit of planning permission, it is clear that the expansion of RSS has outgrown the limited confines of the site allowed by planning permission 11/0124 and, moreover, that the current operation represents a viable use of the land for B1 and B8 purposes which is to be encouraged in accordance with FLP policy EC2. The site is also closely related to the existing industrial area at Laleham Health & Beauty which adjoins to the east. Accordingly, the expansion of existing B1 and B8 uses within the site accords with the objectives of FLP policy EC2 and paragraphs 83a) and 84 of the NPPF.

As the site is located in the countryside, the proposed development must satisfy one of the limitations in FLP policy GD4 in order for it to represent an acceptable use of land within that designation. The exception in criterion d) of the policy which allows “development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside” is of greatest relevance in this case. As the proposal seeks to expand an existing employment use into an adjoining area of land that is already largely previously developed, it is considered that the proposal represents a form of development that is essentially needed for the continuation of an existing enterprise. The visual impact test in the second part of GD4 d) is assessed in greater detail below, but given that the proposal would make use of existing buildings and hardstandings without extending these any further beyond their existing footprint, and with the additional landscaping to be introduced along the southern site boundary, it is not considered that any conflict would arise in this regard.

The principle of development is therefore in accordance with the provisions of FLP policies GD4 and EC2, and the objectives of the NPPF.

#### *Loss of existing garden centre:*

Planning permission for the use of the garden centre as a retail outlet was granted by application 03/0981 on 04.02.04. The applicant has clarified that this use ceased on 04.11.12. The vacant garden centre premises represents a “main town centre use” involving retail development for the purposes of the definition in Annex 2 of the NPPF. Accordingly, it should normally be situated within or on the edge of a town centre rather than in the out-of-centre location at Brackenwood. As a result, the garden centre is already somewhat inappropriate in its present location and given the specialist products that would be sold from it (were it to be brought back into use), its loss would not result in any harmful diminution in the availability of shops and services to serve local needs.

#### Character and appearance:

FLP policy GD7 requires that development proposals demonstrate a high standard of design by taking account of the character and appearance of the local area in accordance with 15 guiding principles (a – o).

FLP policy ENV1 requires development to have regard to its visual impact within its landscape context and type, and for an assessment to be made as to whether it is appropriate to the landscape character, amenity and tranquillity within which it is situated. Criteria a) – e) of the policy require, where necessary, that developments conserve existing landscape features and provide suitable compensation and/or strengthening of landscape planting.

Paragraph 127 of the NPPF sets out six principles of good design (a – f). Paragraph 130 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. In addition, paragraph 170 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The scheme does not involve the construction of any new buildings or the extension of existing structures – indeed, there would be an overall reduction in the massing of built development due to the demolition of three existing outbuildings. The main visual impacts would, instead, arise from the external storage of road signs, barriers, temporary traffic signals and other associated equipment across a wider area to the southern end of the site. Much of this area comprises unkempt scrubland with pockets of shale surfacing. Some equipment is already being stored in this area, though not on the same scale as is now proposed. A continuous, rounded mound of earth reaching approximately 2m in height forms a linear bund along the southern site boundary, with temporary fencing of the same height installed at the base of the bund marking the perimeter with an adjoining agricultural field beyond. Further south, a linear belt of woodland follows the banks of a stream which separates the field from Mill Farm Sports Village.

Views from surrounding public vantage points are mainly from Bradshaw Lane, towards the site’s northern and western boundaries. A public footpath cuts through open fields to the west, running in a general southeast direction from Bradshaw Lane, through Mill Farm and out onto Fleetwood Road. Views from Bradshaw Lane are extensively screened by the presence of dense, mature planting along the site’s northern, eastern and western boundaries. Views of the southern boundary from Fleetwood Road are also restricted by the woodland planting surrounding the stream adjacent to Mill Farm. There are, however, views available (albeit distant ones) from the public footpath that cuts through the field to the west/southwest.

Condition 3 of planning permission 11/0124 restricted the height of any equipment stored externally within the site to a maximum of 3m in order to prevent any visual intrusion into the countryside. It is considered expedient to attach a similar condition in this case to limit the height of equipment that can be stored on the site (including through stacking) to a maximum of 3m. In addition, a condition has been imposed to restrict the area of the site that can be used for external storage to the *circa* 0.75 hectare area that is edged purple on the submitted site plan in order that equipment stored externally is confined to the less visible areas at the southern end of the site. The applicant has also provided a landscaping scheme which shows the introduction of additional tree and hedge planting within and around the existing 2m high bund that marks the southern site boundary. Specifically, the landscaping scheme includes:

- The planting of a continuous native hedge at the base of the bund running the full length of the southern boundary.
- The introduction of woodland planting across the bund, comprising a mix of 11 species planted at a density of 4sqm (2m spacing) and including a combination of larger (standard and heavy standard) and smaller (feathered and whips) specimens.

When the above factors are considered in combination, appropriate measures can be put in place to



ensure that the proposed development would have no harmful effects on the character and appearance of the surrounding area by reason of encroachment into the countryside for the purposes of FLP policies GD4, GD7 and ENV1.

Effects on surrounding occupiers:

Criterion c) of FLP policy GD7 requires that development proposals facilitate good design by ensuring:

- That amenity will not be adversely affected by neighbouring uses, both existing and proposed.

Furthermore, paragraph 127 (f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Paragraph 180 of the NPPF states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. These include effects associated with noise and light pollution.

The closest neighbouring dwelling is a detached dormer bungalow at The Cedars located to the northwest of the site. The bungalow has garden areas to the side and rear that border buildings at RSS. The Cedars is extensively screened by mature vegetation to the perimeter of its garden (including several trees that are protected by TPO) in order that there is very limited intervisibility between the two uses. Other neighbouring dwellings are located on the north side of Bradshaw Lane and include two bungalows opposite the northwest site access and a group of two storey houses approaching the junction with Fleetwood Road.

Extant planning permission 11/0124 allows RSS to operate from the site without any timing restrictions (i.e. operations can occur 24 hours a day, 7 days a week). The nature of the business – which includes a potential requirement for RSS to attend sites of roadworks/accidents at short notice and at any time – requires the same unrestricted operating hours (though there is an intermittent and much reduced presence on site in the evenings and early morning). Accordingly, there is potential for vehicle movements to and from the site, and operations within the site, to impact on the amenity of surrounding occupiers, particularly residents of nearby houses on Bradshaw Lane.

While the site is in the countryside, it is located close to the busy thoroughfare of the A585 (Fleetwood Road) and junction 3 of the M55 – the route of which runs east-west around 250m north of Bradshaw Lane. Accordingly, traffic from the A585 and M55 is likely to be the dominant source of background noise in the area, especially in the night time and early morning periods. It should be noted that operations at RSS are scaled back significantly at these times, with demand focussed more on an emergency ‘call-out’ basis. Therefore, vehicle movements and operations at the site during unsocial hours (between 23:00 and 07:00) occur with limited frequency and, when this is taken in combination with normal background noise levels associated with traffic on the nearby A585 and M55, it is not considered that the proposed 24 hour, 7 day a week operation of RSS from the site would have an unacceptable impact on the amenity of surrounding occupiers as a result noise nuisance, light pollution or any other disturbance. A condition has been imposed requiring details of any external lighting installed on the site to be approved prior to this being erected in order to avoid undue light spillage towards neighbouring uses.

Owing to the extensive screening to the site boundaries, existing buildings and external storage areas are not prominently in view from neighbouring dwellings. Given that there would be no alterations to existing buildings on the site in connection with the scheme, and that external storage areas would be located to the southern end of the site as far as possible away from neighbouring dwellings, the proposed development would not introduce oppressive or overbearing features in the outlook of nearby occupiers.

#### Effects on the highway network:

Criteria p), q) and r) of FLP policy GD7 require developments to ensure that:

- The needs of non-motorised users, such as pedestrians and cyclists, should be prioritised over other road users, through design measures.
- The development should not prejudice highway safety, pedestrian safety, and the efficient and convenient movement of all highway users (including bus passengers, cyclists, pedestrians and horse riders).
- All development proposals will need to show that appropriate provision is made for public transport services; appropriate measures are provided to facilitate access on cycle or foot; where practicable, ensure existing pedestrian, cycle and equestrian routes are protected and extended; and the needs of specific groups in the community such as the elderly and those with disabilities are fully provided for.

Paragraph 108 of the NPPF indicates that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework stipulates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The application is accompanied by a Transport Statement (TS). The TS makes the following conclusions with respect to transport impacts:

- Bradshaw Lane is lightly trafficked, carrying around 40 vehicles per hour during the peak periods. The existing site accesses are also lightly trafficked, carrying a total of around 10 vehicles per hour during the peak periods.
- In the worst case scenario there would be a maximum increase in traffic movements of up to 15 vehicles per hour as a result of the proposed development (i.e. less than one additional vehicle movement every four minutes). Given the low level of traffic currently using Bradshaw Lane and the satisfactory design of the site accesses there is no reason to consider that the site accesses will not continue to operate safely and within capacity after development.
- Beyond the site accesses there would be a maximum increase of up to 15 vehicles per hour at the Bradshaw Lane junction with Fleetwood Road. This is not a material increase in traffic which justify further analysis – the impact on the local highway network as a result of the increase in traffic will be small, not severe.
- The total GFA of the buildings on the site is 3,015sq.m. The overall site is served by a 45

space car park, with an overflow car park of 30 spaces also being available. Access is available from Bradshaw Lane at the eastern and western ends of the site via access roads. After development the total GFA of the buildings on the site would be 2,770sq.m. The site would be served by a 49 space car park, with an overflow car park of 30 spaces also being available. Access to the site would be retained as existing. Cars and LGVs would use the eastern access to enter and exit; HGVs would use the western access to enter the site and the eastern access to exit.

The site has two existing points of access from Bradshaw Lane – one to the northeast corner (the ‘eastern access’) and one to the northwest corner (the ‘western access’). The Local Highway Authority (LHA) note that Bradshaw Lane narrows to 3.5m between the eastern and western accesses, acting as a traffic calming feature because two-way traffic flow cannot be achieved along this stretch. The LHA advise that while the existing geometry and visibility available from the eastern access is acceptable for all highway users, the geometry and visibility available from the western access would prevent the safe use of this access for exiting vehicles. While cars and Light Goods Vehicles (LGVs) can use the eastern access for both entry and exit, the LHA consider that a one-way system should be provided for Heavy Goods Vehicle (HGV) movements where vehicles enter the site via the western access and exit through the eastern access. This is the circumstances reflected in the applicant’s TS and an appropriate condition can be imposed in this regard, as recommended by the LHA. Accordingly, a safe and suitable means of access can be achieved as part of the development in order that it does not adversely affect highway safety.

The TS predicts that the expanded RSS operation (based on the additional B1/B8 floorspace which would be afforded by this development) would give rise to a maximum increase in traffic movements of up to 15 vehicles per hour as a result of the proposed development (i.e. less than one additional vehicle movement every four minutes). The LHA do not dispute this figure and consider that, given the lightly trafficked nature of Bradshaw Lane, the level of increased vehicle movements would not have any severe impact on network capacity, nor would it necessitate any off-site highway improvements.

Parking on the site is presently within unmarked bays on a shale surface to the front of the garden centre buildings. At present, this provides for approximately 71 parking spaces. The proposal seeks to formalise this parking area to provide for a total of 75 parking spaces. The LHA consider this level of parking provision to be sufficient to serve the expanded use and recommend a condition requiring these spaces to be marked out prior to the use commencing.

The LHA have recommended a condition requiring the submission of a traffic management plan to be implemented during the construction period. However, as the proposal does not involve the erection of any new buildings or other significant works associated with the laying out of parking spaces and setup of external storage areas (all of which would be within the established site), it is not considered that such a condition is necessary.

The proposed development would facilitate a safe and suitable means of access to the site, the level of additional traffic generated would not adversely affect network capacity or safety, and sufficient parking provision would be made for the extended use. Accordingly, the proposed development accords with the provisions of FLP policy GD7 and the NPPF with respect to its transport impacts.

#### Other matters:

#### ***Trees:***

There are a number of existing trees both within and to the boundaries of the site. Those along the eastern boundary (though within the grounds of Laleham Health & Beauty) are protected by a Tree Preservation Order (TPO 1990 no. 3 (Greenhalgh)). The same TPO applies to a collection of individual specimens within the site that are located along its northern boundary with Bradshaw Lane and The Cedars. None of these trees fall within the red line boundary for this application (the area of greenspace on the west side of the eastern access road having been specifically excluded from the site) and the physical works required to implement the development would not require any works to TPO trees. Accordingly, there is no need to condition measures for their safeguarding in order to allow the scheme to be carried out.

### ***Ecology:***

The land does not form part of any designated nature conservation site, nor are there any nearby. The main features of ecological value within the site comprise existing trees to its boundaries. The remainder of the site is of low ecological value and the nature of the buildings to be demolished (comprising two timber sheds and a glasshouse) would not be suitable to support roosting bats. The scheme would deliver biodiversity enhancements through the introduction of substantial additional landscaping along the southern boundary in order to ensure that the requirements of FLP policy ENV2 are satisfied.

### ***Flood risk:***

The site falls within Flood Zone 1 as indicated on the Flood Map for Planning and is, therefore, within the area at lowest risk from fluvial and tidal flooding. However, as the site is over 1 hectare in area a Flood Risk Assessment (FRA) has been submitted with the application. This focusses on matters relating to surface water drainage. The FRA includes the following provisions:

- Both surface and foul water are currently dealt with via a combined discharge to the United Utilities sewer located on the eastern boundary.
- Desk based research and a site investigation have ruled out infiltration or a discharge to a nearby watercourse/surface water sewer.
- The access road and parking areas will be laid to tanked permeable surfacing which will serve to attenuate and treat surface water runoff. Following attenuation, the surface water will discharge at 2 l/s (QBAR) to the sewer as per the existing arrangements. This provides betterment over the existing scenario in terms of the rate and quality of the discharge.

The indicative drainage strategy given in the FRA (including the drainage plan and calculations in Appendix F) would ensure that development is not itself at risk of flooding, nor would it increase flood risk elsewhere in order to ensure accordance with the provisions of FLP policy CL2. An appropriate condition has been imposed to secure the implementation of the drainage strategy.

### **Conclusions**

The application relates to the site of the former Brackenwood Garden Centre located on the south side of Bradshaw Lane, Greenhalgh. The scheme involves the expansion of the adjacent Road Safety Services (RSS) depot across the land and buildings formerly used by the garden centre for the purpose of providing additional office (use class B1) and storage (use class B8) space to serve that use. The proposal also includes the demolition of three existing buildings on the site and the reconfiguration of the current car parking layout.

The current mixed use of the site by RSS (for B1 and B8 use) and the (now vacant) Brackenwood

Garden Centre (for A1 use) was approved by planning permission 11/0124 on 28.09.11. This permission restricts the area of the site that can be used by RSS to a *circa* 0.26 hectare parcel of land to the southwest corner which comprises a 900sqm building and adjoining 1700sqm external storage area to the south of that building. The remaining buildings and external areas of the site were restricted to use by the garden centre, though vehicle access and manoeuvring areas are shared. As the garden centre is vacant (and has been for a prolonged period), the proposal seeks to increase the area of the site that can be used for B1 and B8 purposes by RSS through the extension of this use into the former garden centre buildings and expanding the area that can be used for external storage to around 0.75 hectares across the southern part of the site.

The proposed change of use of the land and buildings in question is considered to represent development that is essentially needed for the continuation of an existing enterprise and so satisfies the land use planning test in Fylde Local Plan to 2032 policy GD4 d) relating to development in the countryside. As the scheme would make use of existing buildings and hardstanding areas within the site, it would have no appreciably greater visual impact on the surrounding landscape, nor would it result in added erosion of the countryside's open character. The site is extensively screened from surrounding vantage points to the north and west by dense vegetation and this would be supplemented through the introduction of additional planting along the southern boundary where the site adjoins open fields. A group of neighbouring industrial units are located within an allocated employment site to the east, and the proposal would be seen against the backdrop of these buildings from vantage points along a public right of way that runs to the west and south.

The scheme includes the formalisation of existing parking areas to the northern end of the site and would introduce a one-way vehicle ingress/egress system from Bradshaw Lane for HGVs. Accordingly, a safe and suitable means of access would be provided and the level of traffic generated by the development would not give rise to a severe residual cumulative impact on the surrounding highway network. Extant planning permission 11/0124 allows RSS to operate from the site without any timing restrictions (i.e. 24 hours a day, 7 days a week). The nature of the business, which can necessitate RSS to attend sites of roadworks/accidents at short notice and at any time, requires the same unrestricted operating hours in respect of the expanded use (though there is an intermittent and much reduced presence on site at unsocial hours in the late evening and early morning). Given the site's close proximity to junction 3 of the M55 and the busy thoroughfare of the A585 – which are likely to be the predominant contributors to background noise in the area – combined with the significantly reduced scale of operations at unsocial hours, it is not considered necessary to restrict the existing hours of operation that are presently afforded by planning permission 11/0124 in order to protect the amenity of neighbouring residential occupiers on Bradshaw Lane. These nearby dwellings are also extensively screened from the site by existing perimeter vegetation so as to avoid any adverse impacts to their outlook as a result of the scheme.

The development would not give rise to any other adverse effects in terms of tree impacts, ecology or flood risk. Accordingly, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLP and the NPPF.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

Drawing no. GL281D – 05 – Existing and proposed 1:500 plans

Drawing no. GL281E/02 – 1:500 site plan proposed.

Drawing no. 001 C – Landscaping general arrangement.

Drawing no. GL281E/04 – 1:1250 proposed.

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

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

3. There shall be no external storage of any plant, equipment, materials or other appurtenances associated the use hereby permitted outside the area edged purple on drawing no. GL281E/04.

Reason: To limit the area of the site that can be used for external storage in order to minimise the visual effects arising from external storage on the character and appearance of the area and adjoining open countryside in accordance with the requirements of Fylde Local Plan to 2032 policies GD4 and ENV1, and the National Planning Policy Framework.

4. Any plant, equipment, materials or other appurtenances associated the use hereby permitted that are stored within the area edged purple on drawing no. GL281E/04 shall not exceed 3 metres in height (including through the stacking of equipment and/or storage in racks).

Reason: To limit the height at which equipment can be stored on the site in order to minimise the visual effects arising from external storage on the character and appearance of the area and adjoining open countryside in accordance with the requirements of Fylde Local Plan to 2032 policies GD4 and ENV1, and the National Planning Policy Framework.

5. The soft landscaping scheme shown on drawing no. 001 Rev C shall be carried out during the first planting season after the use hereby permitted first takes place and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in order that the development is adequately screened from areas of adjoining open countryside in order to minimise its visual impact and to provide biodiversity enhancements as part of the scheme in accordance with the requirements of Fylde Local Plan to 2032 policies ENV1, ENV2, GD4 and GD7, and the National Planning Policy Framework.

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

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

7. The use hereby permitted shall not take place unless and until a scheme for the creation of a site-specific access system for vehicles visiting the site has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the strategy set out in paragraph 3.2.2 of the Transport Statement by NTP (document reference jgv/19022/TS/v1) dated July 2019 by providing for:

(i) the use of the eastern access as a means of both ingress and egress for cars and Light Goods Vehicles;

(ii) the use of the eastern access as a means of egress only for Heavy Goods Vehicles; and

(iii) the use the western access as a means of ingress only for Heavy Goods Vehicles, and shall include details of any physical restraints, signage and ground markings that are to be put in place to facilitate the operation of the site-specific access system.

The duly approved scheme shall thereafter be implemented in full before the use hereby permitted first takes place, and shall be retained as such thereafter.

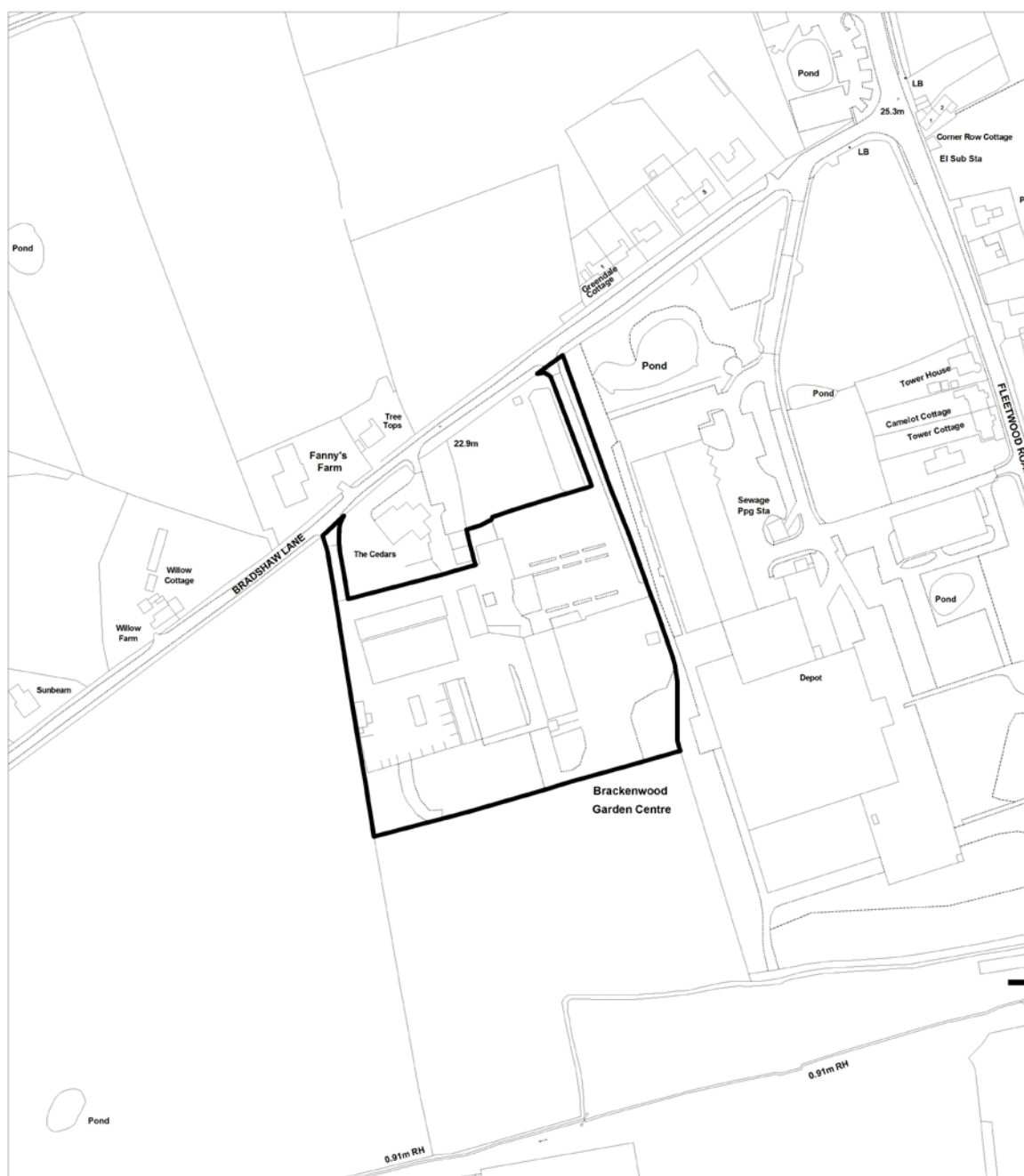
Reason: To ensure the provision of a safe and suitable means of access to the site for all users and because the geometry and limited visibility available at the western access is unsuitable to allow vehicle egress from the site. The condition is therefore required in the interests of highway safety in accordance with the objectives of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.


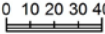
8. All car parking spaces and vehicle manoeuvring areas shown on drawing no. CL281E/04 shall be laid out and made available for use in accordance with the details shown on the approved plan before the use hereby permitted first takes place. The duly constructed parking spaces and vehicle manoeuvring areas shall be retained as such thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway and to ensure sufficient space for vehicle circulation within the site in the interests of highway safety in accordance with the requirements of Fylde Local Plan to 2032 policies T5 and GD7, and the National Planning Policy Framework.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, foul and surface water from the development shall be disposed of in accordance with the drainage strategy set out in chapters 6, 7 and Appendix F of the document titled "Level 1 FRA & Drainage Strategy" by JPC Environmental Services (document reference IE19/050/DS) dated 18.07.19. All drainage infrastructure described in the aforementioned document shall be fully installed and made available for use before the use hereby permitted first takes place, and shall be maintained as such thereafter.

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



		(c) Crown Copyright and database right (2019). Ordnance Survey (100006084).	
Application No. 5/19/0590	Address Brackenwood Nurseries Ltd, Bradshaw Lane, Greenhalgh	Grid Ref. E.3413 : N.4344	Scale 0 10 20 30 40 m 



## INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	9 OCTOBER 2019	5
LIST OF APPEALS DECIDED			

### PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The council received the following attached appeal decision between 23 August 2019 and 27 September 2019.

### SOURCE OF INFORMATION

Development Services

### INFORMATION

List of Appeals Decided attached.

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

### FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## Appeal Decisions

The council received the following appeal decisions in the period 23 August 2019 to 27 September 2019. The decision letters are attached to this report for information.

Rec No: 1			
17 June 2019	18/0459	70 COMMONSIDE, LYTHAM ST ANNES, FY8 4DJ	Householder Appeal Case Officer: CK
		DEMOLITION OF EXISTING REAR EXTENSION AND ERECTION OF A REPLACEMENT SINGLE STOREY REAR EXTENSION.	
Fylde Dec. Level	DEL		
Appeal Decision:	Allowed: 06 September 2019		
Rec No: 2			
05 July 2019	19/0113	5 THE LEYLANDS, LYTHAM ST ANNES, FY8 5QS	Householder Appeal Case Officer: KLH
		SINGLE STOREY SIDE EXTENSION	
Fylde Dec. Level	DEL		
Appeal Decision:	Allowed: 29 August 2019		



## Appeal Decision

Site visit made on 15 July 2019

**by J M Tweddle BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> September 2019**

**Appeal Ref: APP/M2325/D/19/3226533**

**70 Commonsides, Lytham St Annes, Lancashire FY8 4DJ**

- 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 Mr Steven Tye against the decision of Fylde Borough Council.
- The application Ref 18/0459, dated 14 June 2018, was refused by notice dated 4 February 2019.
- The development proposed is the demolition of an existing single storey utility building and construction of a single storey kitchen and WC.

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single storey utility building and construction of a single storey kitchen and WC at 70 Commonsides, Lytham St Annes, Lancashire FY8 4DJ in accordance with the terms of the application, Ref 18/0459, dated 14 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan (Drawing No 133-PL-06), Proposed Elevations (Drawing No 133-PL-03 Rev A) and Proposed Part Ground Floor Plan (Drawing No 133-PL-04).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 and this post-dates the Council's refusal notice. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced either party.
3. This appeal under section 78 of the Town and Country Planning Act 1990 does not convey any consent which may be required pursuant to sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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**Main Issues**

4. The main issues are (1) the effect of the proposed development on the living conditions of the neighbours at 72 Commonsides with regard to outlook and light, and (2) the effect of the proposed development on the special architectural and historic interest of the listed building.

**Reasons***Living Conditions*

5. There is an existing single storey lean-to extension to the rear of the appeal property which covers about half of its rear elevation. The proposal would see this removed and replaced with a single storey extension with a dual pitch roof and a rearward projection of approximately 5.6 metres and covering just over half the rear elevation of the host property.
6. The Council are concerned that the extension would conflict with the guidance contained within Design Note 4 of their Extending Your Home Supplementary Planning Document (the SPD). This suggests that single storey rear extensions that are to be set off a boundary shall not project more than the set off distance plus 3 metres from the main rear wall of the adjoining neighbouring property. This aims to protect neighbours from any harmful loss of outlook, overshadowing, overlooking or overbearing effects.
7. They consider that the rearward projection of the proposed extension would breach the SPD guidance by approximately 800mm and in doing so would cause undue massing and overbearing impacts to the occupiers of the neighbouring property at 72 Commonsides. The occupier of that property and several objectors have also raised concerns with the proposal suggesting that its increased length, width and pitched roof would reduce light into the ground floor rear facing windows and would have an adverse overpowering and claustrophobic effect. They are also concerned with a loss of sunlight to the rear yard area of this neighbouring property where the occupants dry washing and grow plants.
8. During my site visit I was able to view the appeal site from No 72 and was therefore able to consider the effect of the proposal from the existing rear facing windows of that property and from within its rear yard area. Whilst the appeal proposal would introduce a rear extension with greater massing and depth that would technically breach the SPD guidance, this would not have significant enclosing or shading effect to the rear of No 72 given the marginal increase in massing and adequate separation distance off the boundary. Furthermore, the rear yard area of No 72 is southwest facing and therefore any additional shadowing as a result of the proposal would be limited only to the morning period of each day. I accept that there is likely to be a slight reduction in outlook from the rear facing living room window of No 72, however, this would be minimal. There would be no loss of outlook or loss of light to the kitchen window.
9. Assessing the scheme against the existing and proposed site conditions shows that the proposal would not have an adverse effect on the living conditions of the neighbouring occupiers at 72 Commonsides with regard to outlook and light. Thus, despite a technical breach of the guidance set out in the SPD the proposal would still accord with the overall amenity protection and design aims

of Policy GD7 of the Fylde Local Plan. Therefore, the proposal also complies with paragraph 127 of the Framework which, amongst other things, seeks to ensure high standards of amenity.

#### *Effect on the Listed Building*

10. The appeal property forms part of a terraced row of 8 cottages which is a Grade II listed building (recorded as 62-74 Tambourine Cottages on the statutory list). While the effect of the proposed development on the listed building is not in dispute, I am mindful of my statutory duties in this regard.
11. From the evidence before me, including the listing description, the submitted heritage statement and my own observations, I consider that the significance of the listed building is largely derived from its age, form and fabric. A distinct feature being its cobble elevations intermittently laced by a course of red brick and flanked by red brick quoins. Its significance is also gained from its group value with the entire terrace which forms a neat symmetrical block centred with a full-height two storey gabled porch shared by No's 66 and 68.
12. The proposed development would replace a 1980s lean-to style extension with a more appropriate form of development with a pitched roof and better matching brickwork. This would be an appropriate addition to the property that due to its limited scale and sympathetic design would not cause harm to the special interest and significance of the listed building.
13. Consequently, I am satisfied that the proposed development would appropriately preserve the listed building and its features of special architectural and historical interest. As such, the proposed development would not harm the significance of the designated heritage asset and would therefore be in accordance with Policy ENV5 of the Fylde Local Plan which seeks to conserve and appropriately enhance listed buildings. The proposal is therefore also compliant with the Framework and the requirement set out at section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which together seek to conserve heritage assets in a manner appropriate to their significance and preserve any features of special architectural or historic interest.

#### **Other Matters**

14. Objectors make reference to limitations placed on the extent of the existing rear extension at No 72 when it was granted planning permission and subsequently constructed in the 1980s. However, this is not a reason to withhold consent for the appeal proposal which has instead been considered on its own merits and in light of current planning policy.

#### **Conclusion**

15. For the reasons I have set out, subject to conditions required to provide certainty and to safeguard the character and appearance of the listed building, the appeal is allowed.

*Jeff Tweddle*

INSPECTOR



## Appeal Decision

Site visit made on 29 July 2019

**by J M Tweddle BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 August 2019**

### **Appeal Ref: APP/M2325/D/19/3232386 5 The Leylands, Lytham St Annes FY8 5QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
- The appeal is made by Mr & Mrs D Cunningham against the decision of Fylde Borough Council.
- The application Ref 19/0113, dated 5 February 2019, was refused by notice dated 15 April 2019.
- The development proposed is described as a 'single storey side elevation'.

### **Decision**

1. The appeal is allowed, and planning permission is granted for a single storey side extension at 5 The Leylands, Lytham St Annes FY8 5QS in accordance with the terms of the application, Ref 19/0113, dated 5 February 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan PR-10, Proposed Site Plan PR-09, Proposed Rear Elevation PR-04, Proposed Side Elevation PR-05, Proposed Front Elevation PR-07, Proposed West Beach Elevation PR-08, Proposed Woodville Terrace Elevation PR-06, Proposed Ground Floor PR-01, Proposed First Floor PR-02, Proposed Second Floor PR-03, Roof Plan PR-11, Tree Constraints Plan 4151-01 and Tree Protection Plan 4151-02.
  - 3) No development shall commence until detailed specifications and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **Procedural Matters**

2. The original description of development, as provided on the application form, was for a 'single storey side elevation'. However, from the evidence before me it is clear that the proposal amounts to a 'single storey side extension' and this is confirmed by the appellant in their statement. Therefore, for clarity, I have considered the appeal on that basis and amended the description of development in my formal decision.
3. Throughout the evidence an interchangeable reference is made to the 'Lytham Town Centre Conservation Area' and the 'Lytham Conservation Area'. The Local Planning Authority (LPA) has provided me with the definitive map of the

conservation area which is titled 'Lytham Conservation Area' and therefore, for clarity, I will refer to it as such throughout my decision.

### **Main Issue**

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the host dwelling and surrounding area, with due regard to the location of the site in the Lytham Conservation Area.

### **Reasons**

5. The appeal property is a pseudo Georgian style three storey brick built end of terrace townhouse dating from the 1980s. The site lies within the Lytham Conservation Area (CA) which comprises Lytham Town Centre and most of the town's seafront promenade. The CA is characterised by a tight-knit pattern of development within the historic core of the town centre, comprising attractive treelined streets with terraced housing set out in a grid formation. This is pleasantly contrast by a mix of large period villas along the seafront in generous plots and framed by the large grassed expanse of Lytham Green, flanked by its West and East beaches.
6. The appeal site and its surroundings form a looser and more modern style of development that reflect the redevelopment and evolution of this part of the CA which has a more open and spacious character. As an obvious modern addition with no apparent historical or architectural value, the appeal property makes a neutral contribution to the overall significance of the CA.
7. The proposal would introduce a single storey flat roof side extension to the eastern elevation of the host property. The extension would largely be screened from the street by the existing red brick boundary wall which rises to approximately 1.8 metres in height but would be readily visible from longer range views from Lytham Green/West Beach and on the approach from the north along Woodville Terrace. In this context, the development would be seen as a subservient and lightweight addition to the property with a contrasting and contemporary appearance owing to its low roof form and large areas of glazing to its elevations. Consequently, the proposal would not appear as an incongruous addition to the host property but rather a complementary addition that, due to its limited scale, would have a neutral impact on the overall character and appearance of the CA.
8. The proposal would introduce built form into the side garden area facing onto Woodville Terrace but its limited scale would not amount to a harmful intrusion into the open space setting of the building. A sizable area of garden would be retained and therefore maintain the spacious feel of this corner location. Furthermore, the single storey scale of the proposal in contrast with the three storey scale of the host property limits any disruption to the return building line along Woodville Terrace.
9. I have found that The Leylands makes no meaningful contribution to the overall significance of the CA and therefore its unaltered state, uniform design, materials and appearance are not at all fundamental to the character or appearance of the CA. In any case, these elements would not be significantly altered by the proposal and having considered the recent grant of planning permission for an almost identical extension at 11 The Leylands<sup>1</sup> I find that the proposal would maintain the

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<sup>1</sup> LPA Ref. 17/0446

overall uniformity and symmetry of the block when viewed in its totality from the seafront. Whilst the approved development at No 11 is yet to be implemented, I find that even if the appeal proposal were to be carried out in isolation, it would not significantly alter the appearance of the host property or that of the surrounding area.

10. It is suggested that the appeal site is more visually prominent than that of No 11 and thereby providing a justification as to why that scheme was approved and the appeal proposal was refused. I accept that the appeal site is more visible from the public domain than the site at No 11, however, I am not convinced that the proposal's limited visual appearance within the street scene amounts to any harm for the reasoning I have set out above.
11. The application form suggests that the external elevations would be finished in a type of timber cladding while the proposed elevation plans show a render finish. In either case, I find that in combination with the large areas of glazing and its low profile roof, render or a suitable timber cladding would provide an acceptable and high quality contemporary finish that would not detract from the character or appearance of the area. To ensure this is the case, these details can be secured by condition.
12. I conclude that the proposed development would not harm the character and appearance of the host dwelling or that of the surrounding area and thus it would preserve the character and appearance of the Lytham Conservation Area. It follows, therefore that I find no conflict with policies GD7 and ENV5 of the Fylde Local Plan to 2032 which together seek to achieve high standards of design that conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of designated heritage assets.

### **Other Matters**

13. Objectors have raised the issue of property values and the loss of views. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property or private views. My attention is also drawn to the historical removal of some permitted development rights at the appeal site and reference is made to non-planning legislation. These matters do not provide any justification to withhold consent for the appeal proposal and therefore do not alter my conclusion.

### **Conditions**

14. I have imposed a pre-commencement planning condition to require the submission of sample materials for approval by the LPA. This will ensure an appropriate external finish is achieved. The appellant has been consulted on the wording of this condition and has provided their written agreement. The standard timescale condition for implementation and a plans compliance condition are also imposed for the avoidance of doubt and in the interests of certainty.

### **Conclusion**

15. For the reasons I have set out and subject to conditions, the appeal is allowed.

*Jeff Tweddle*

INSPECTOR