

Agenda

Planning Committee

Date:	Wednesday, 18 May 2022 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Trevor Fiddler (Chairman) Councillor Richard Redcliffe (Vice-Chairman) Councillors Tim Armit, Gavin Harrison, Kiran Mulholland, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Heather Speak, Ray Thomas, Stan Trudgill.

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	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 27 April 2022 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
	DECISION ITEMS:	
4	Planning Matters	3 - 65
	INFORMATION ITEMS:	
5	List of Appeals Decided	66 - 67

Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

© Fylde Council copyright 2022

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

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

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

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

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

Planning Committee Agenda

18 May 2022

Item No.	Appn No.	Location	Proposal	Recommendation	Page No
1	22/0090	HAZLEHURST 11 PEEL HILL WESTBY WITH PLUMPTONS BLACKPOOL FY4 5JP	RETROSPECTIVE APPLICATION FOR SINGLE STOREY EXTENSION OF GARAGE TO FORM HABITABLE ACCOMODATION, REPLACEMENT OF PITCHED GARAGE ROOF WITH A FLAT ROOF, RAISED EXTERNAL DECKING WITH BALLUSTRADE AND STEPS TO REAR GARDEN, 2M AND 1.8M FENCING TO SIDE BOUNDARY WITH 15 PEEL HILL.	Granted	5
2	22/0136	PATHWAYS BLACKPOOL ROAD NEWTON WITH CLIFTON PRESTON PR4 3RJ	ERECTION OF STABLES FOR COMMERCIAL USE INCLUDING CONSTRUCTION OF ACCESS TRACK AND VEHICLE PARKING AREA	Granted	13
3	22/0156	FORMER PIGGERIES POOLSIDE FRECKLETON LANCASHIRE	VARIATION OF CONDITION 2 ON PLANNING PERMISSION 17/0968 (APPROVED PLANS) TO INTRODUCE MINOR MATERIAL AMENDMENT BY REVISING HOUSE TYPE, GARAGE AND LOCATION OF PLOT 3	Delegated to Officers	38
4	22/0169	THE MANSE NURSING HOME KIRKGATE KIRKHAM PRESTON LANCASHIRE PR4 2TJ	THREE STOREY EXTENSION TO FORM A TWENTY THREE BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET.	Granted	47
5	22/0189	525 CLIFTON DRIVE NORTH LYTHAM ST ANNES LANCASHIRE FY8 2QX	CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO A HOME FOR UP TO 2 YOUNG PEOPLE (BETWEEN THE AGES OF 8 AND 17) WITH CARE PROVIDED BY NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2)	Granted	56

Background Papers

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

- Fylde Local Plan to 2032 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 2021
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Item 1

Application No:	22/0090	Case Officer:	Katie Halpin Area Team 1
Applicant:	Mr Luke Devine	Agent:	Lindsay Oram
Location:	Hazlehurst, 11 Peel Hill, Westby With Plumptions, BLACKPOOL, FY4 5JP		
Proposal:	RETROSPECTIVE APPLICATION FOR SINGLE STOREY EXTENSION OF GARAGE TO FORM HABITABLE ACCOMODATION, REPLACEMENT OF PITCHED GARAGE ROOF WITH A FLAT ROOF, RAISED EXTERNAL DECKING WITH BALLUSTRADE AND STEPS TO REAR GARDEN, 2M AND 1.8M FENCING TO SIDE BOUNDARY WITH 15 PEEL HILL.		
Ward:	Warton and Westby	Parish:	Westby with Plumptions
Statutory Expiry:	31 March 2022	Earliest Decision:	10 March 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	To view application file on FBC website click here	

Officer Recommendation: Granted

Summary of Officer Recommendation

This application relates to a two storey semi-detached dwelling with a red brick exterior and traditional appearance. The property is located on Peel Hill, Peel, which is a residential cul-de-sac accessed from Preston New Road and is in an area of countryside.

The proposal seeks planning permission for the erection of a detached outbuilding to replace a previous garage to the side and rear of the property. This building is to have a rendered finish and will comprise a storage area to the front and a garden room/snug to the rear. In addition the application includes a raised outdoor platform area to the rear of the existing single storey rear extension. A screening fence, consisting of close boarded timber, along the eastern boundary with the adjoining neighbour is also proposed in the application. It is submitted part retrospectively as the development has been started but not completed.

The application is subject to an objection from Westby Parish Council relating to the lack of a justification for changing part of the garage outbuilding to habitable space. However, there is no requirement in any local planning policy that requires householders to justify why they require habitable space in residential outbuildings, especially given that lack of parking is not an issue at this property. Due to this a lack of justification for the extension cannot be considered as a reason for refusal of this application.

The proposal is of a suitable scale, design and relationship to neighbouring properties and so is considered to comply with the requirements of Policies GD4 & GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review).

Reason for Decision Level

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Site Description and Location

The application site is a two storey semi-detached dwelling with a red brick exterior and traditional appearance. The property is located on Peel Hill, Peel, which is a residential cul-de-sac accessed from Preston New Road and is in an area of countryside as designated in Policy GD4 of the Fylde Local Plan to 2032, incorporating Partial Review (adopted 6th December 2021).

The site falls within the countryside area as shown on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

Details of Proposal

Planning permission is sought for the following:

- The erection of an outbuilding measuring 7.6m in length by 3.4m in width. It is proposed to have a mono pitch roof with a slight incline towards the applicant's garden measuring 2.7m along the boundary and 2.6m at its lowest point. The outbuilding will be rendered and will comprise a storage area to the front and a garden room/snug to the rear. The storage area will benefit from a garage door to the front and a window facing the garden. The snug element features bi-fold doors.
- A raised outdoor platform to the rear of the existing single storey rear extension measuring 3.4m in length and 4.8m in width with a height of 0.5m. This will be finished in wooden decking.
- A screening fence, consisting of close boarded timber, along the eastern boundary measuring 2.5m from ground level and 2m from the raised decking for a length of 3.4m before falling diagonally to 1.8m in height at 5.4m along the boundary.

There is a recent planning history at the property, as set out below, which references an extension to the dwelling and a detached garage. The extensions has been constructed in accordance with that permission, with the platform and fence that are the subject of this application being an extension of it. The garage has not been constructed in accordance with the approved plans, and the outbuilding element of this application is effectively a replacement for it.

Relevant Planning History

Reference	Description	Decision	Decision Date
20/0172	SINGLE STOREY REAR EXTENSION, RENDERING OF EXISTING HOUSE ELEVATIONS AND REPLACEMENT GARAGE AT REAR	Granted	29/04/2020

Parish/Town Council Observations

Parish/Town Council	Observations
WESTBY PARISH COUNCIL	<i>RECOMMEND REFUSAL – this is due to a lack of justification for the habitable space for a recently approved garage space.</i>

Statutory Consultees and Observations of Other Interested Parties

There are no consultee comments to report.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	17 February 2022
Number of Responses	Total number of comments 1
Summary of Comments	<p>The comments received are in opposition to the application and can be summarised as:</p> <ul style="list-style-type: none">• No structural engineer drawings or calculations for construction on top of the party wall• The amended garage is now 250mm from rear party wall, why the change from the 600mm previously approved?• GRP trim / drip edge will overhang party wall• Does not believe that the party / garden wall footing are capable of taking the weight of new garage brickwork.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review) and other relevant Guidance:

GD4 - Settlement Boundaries

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Comment and Analysis

Principle

The application site is located in the Countryside Area as identified on the FLPPR Policies Map. In these areas the principle of residential extensions is acceptable subject to the development's design and

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

impact on the amenity of surrounding occupiers as examined below with reference to policy GD7 of the Plan, and to additional assessments of the overall scale of the extension to the property compared to the original dwelling, and then how it respects the character of the original building and the surrounding rural area as required by policies GD4 c) and H7 of the FLPPR.

Scale of Extension in Countryside

Policy H7 imposes strict restrictions on the scale and design of extensions (and replacement dwellings) compared to the original dwelling on the site with the aim of preserving the stock of smaller rural dwellings in the borough. The justification for this Policy explains that the evidence behind the preparation of the Fylde Local Plan to 2032 found that not only have many of these smaller rural dwellings been lost in recent years, but this is a type of property for which there is a strong need. The justification also highlights that the establishment of large dwellings in rural areas can often be overbearing on the landscape and can dominate it with the result it gains a suburban character. Policy H7 takes a two pronged approach to assessing applications such as this, by requiring firstly that the extensions are no more than a 33% increase in the footprint of the property compared to its original scale (criterion a)), and secondly that the appearance of the extended home respects the character of the original building and the surrounding rural area (criterion b)).

Notwithstanding the above, whilst the raised decking is technically classed as an extension as it is attached to the previously granted single storey rear extension, there is no internal habitable space provided by the decking nor does it increase the scale of the residential dwelling which Policy H7 is seeking to limit. On this basis the floor space of the raised platform is not considered to be a breach of Policy H7. The raised platform is designed in a manner that is appropriate for the original dwelling and its surroundings. Accordingly, the proposal complies with the requirements of Policy H7 of the Fylde Local Plan to 2032.

The outbuilding element does provide an element of habitable space, but as an outbuilding it is not an 'extension' of the dwelling and so does not need to be tested against the requirements of Policy H7. The more general planning implications of the development are assessed in the remainder of this report.

Design and Appearance in Streetscene

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

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

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

The property is a two storey semi-detached dwelling with a red brick exterior and traditional appearance. The replacement garage, raised decking and screen fencing would all be wholly to the rear of the property, with only the outbuilding visible from the public highway, and then only when stood directly to the front of the property. Accordingly, the proposal would have minimal impact on the character and appearance of both the main dwelling and the wider streetscape.

The works in this application are also designed to reflect the recent modernisation to the appearance of the property with the rendered appearance and flat roof to the garage following the design and materials of the extension. As such the scheme compliments the modernisation of the dwelling, without detracting from its appearance as a property.

Despite the Parish Council's objection relating to a lack of justification for the snug to the rear of the outbuilding, there is no requirement for householders to justify why they require the development requested for. On this basis the scheme is not considered to be contrary any Local Planning Policies.

Taken together the design and scale of the extension accord with the requirements of criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

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

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

The property is neighboured by the adjoining No.15 to one side and the detached No.9 to the other side. These are the only properties potentially affected by the application.

Relationship to No. 15

This property forms the other half of this pair of semi-detached dwellings and the proposed screen fencing would project along the shared boundary. However, No.15 benefits from its own single storey rear extension and raised platform which is set back from the development in this application. The fencing aspect of the application is retrospective and due to the existence of both raised platforms, this screen fencing is mutually beneficial in relation to providing privacy to occupants of both properties. The wooden fencing is considered appropriate as a material in rear gardens and so outlook is not considered to be compromised. The fencing is located to the north of No.15 and so it is unlikely to lead to any significant loss of light. Accordingly, any resulting impacts on this neighbour would not be of an unacceptable extent.

Relationship to No. 9

This is a detached dwelling that has its driveway alongside the driveway of the application property, with its garage set to the rear, and a garden that wraps around the rear of the garden to the application property. Prior to works commencing there was a brick garage in generally the location of that proposed under this application with a mono-pitch roof that sloped down to the applicant garden. The 2020 planning permission replaced that with a smaller structure with a dual pitched roof.

The outbuilding in this application is larger and has a mono-pitch roof so presents a different appearance to the previous situations. It appears to use the shared boundary as the western wall, but

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

as it is to be replacing a previously existing garage of similar siting and height it is unlikely to have any greater impact on No.9 than that previously existing garage or that previously approved.

The amendment to the design from a dual pitched roof to a mono pitch roof results in the overall height of the garage being less than previously approved, although it is higher on the boundary. It does now project further towards the rear of the garden than previously approved with the gap to the rear boundary reducing from 0.6m to 0.25m. This difference does not impact significantly on No. 9 as it is adjacent to the part of the garden that wraps around the application property and so has lesser importance as private amenity space.

It is therefore considered that the proposed garage and platform have appropriate relationships to their neighbours and so comply with criteria c) and h) of Policy GD7 of the FLPPR.

Parking and Access Arrangements

Whilst the garage does not provide any parking opportunities there is ample space on the drive to the dwelling for this and so the scheme does not compromise the access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Other Matters

Whilst a neighbouring resident has raised issues relating to their concerns relating to issues with the garage being built on or in close proximity the party wall and its structural integrity as well as the GRP trim overhanging their property, these are not material planning considerations which are relevant to the determination of a planning application. In particular, it is an established principle of the planning system that it does not exist to protect the private interests of one person against the activities of another. Instead, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

This is clarified in paragraph 008 of the 'determining a planning application' chapter to the NPPG which states that "the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

Conclusions

The application relates to the erection of an outbuilding, raised platform and screen fencing at a dwelling in the countryside area of Peel. Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF. Accordingly, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

- Location Plan - Scale plan drawn to 1:1250 scale - 11 Peel Hill
- Existing and Proposed Site Plan - Drawing No. 260-01
- Proposed Plans & Elevations - Drawing no. 260-03
- Existing & Proposed Garage Elevations - Drawing no. 260-04

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.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 1 of this permission.

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

Informative(s)

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

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Location Plan for application 22/0090



AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Item 2

Application No:	22/0136	Case Officer:	Matthew Taylor Area Team 2
Applicant:	Mr & Mrs Hannan	Agent:	Mr N Robinson
Location:	PATHWAYS, BLACKPOOL ROAD, NEWTON WITH CLIFTON, PRESTON PR4 3RJ		
Proposal:	ERECTION OF STABLES FOR COMMERCIAL USE INCLUDING CONSTRUCTION OF ACCESS TRACK AND VEHICLE PARKING AREA		
Ward:	Newton with Treales	Parish:	Newton with Clifton
Statutory Expiry:	18 May 2022	Earliest Decision:	9 May 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	To view application file on FBC website click here	

Officer Recommendation: Granted

Summary of Officer Recommendation

The application relates to a *circa* 0.5 hectare parcel of grazing land located to the north (side) and west (rear) of an existing garden centre, equestrian yard and bungalow (collectively known as 'Pathways') on the southwest side of the A583 (Blackpool Road). The site falls within the Area of Separation (AoS) between Newton and Kirkham as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR) Policies Map. The scheme proposes the erection of a rectangular stable block accommodating 10 stalls and associated storage areas to the western end of the site at the rear of an existing manège to provide a commercial livery. The application also includes the construction of a hardstanding access track and vehicle parking area to the northern edge of the site along with the provision of a continuous soft landscaped buffer flanking the adjoining field.

The proposed stable block is intended to replace an existing, U-shaped stables which forms part of a livery yard to the western end of the Pathways site and is to be demolished as part of the site's redevelopment for housing pursuant to extant planning permissions 19/0486 or 21/0667. Those circumstances notwithstanding, the proposed stable development is a use which is appropriate to a rural area and so is, in principle, capable of meeting the limitation in criterion a) of FLPPR policy GD3 where development can be permitted within the AoS, subject to its compliance with other tests relating to the development's effects upon the AoS and other local plan policies.

The stables would be discreetly located to the rear of a collection of existing buildings at the Pathways site, immediately behind a manège which is screened by a tall (*circa* 2m high) L-shaped bund along its northern and western boundaries, and to the southwest corner of the open grazing land parcel. The stable building would have a modest eaves and ridge height and would be located on lower lying land relative to Blackpool Road to ensure it is set down in the surrounding landscape. The proposed hardstanding access track and parking area, while significant in length and extent, would follow a narrow route which is closely related to adjacent development at the Pathways site, involves limited encroachment into open countryside and would be extensively screened from the adjoining open field by a continuous soft landscaped buffer along the northern site boundary. Accordingly, the scale, siting and landscaping of the development in relation to its surroundings would ensure that the scheme does not harm the effectiveness of the gap between the settlements

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

in protecting the identity and distinctiveness of settlements and, in turn, would not compromise the function of the AoS.

The stable block would be finished in materials which are sympathetic to the surrounding rural vernacular and the hardstanding areas would comprise gravel surfacing. The soft landscaping buffer to the northern edge of the site includes a mixed, native species hedgerow interspersed with tree planting. These features would combine to create a development which assimilates sympathetically with the character and appearance of the area. The proposed development would achieve a degree of spacing and screening with surrounding buildings and land uses (both existing and proposed – including the dwellings consented by applications 19/0486 and 21/0667) which, in combination with its modest scale, will ensure that it would not have any adverse effects on the privacy and amenity of surrounding occupiers due to noise generation, odours, loss of outlook, overshadowing or overlooking.

A safe and suitable means of access would be provided for the development relative to the number, size and type of vehicles likely to be generated by the stables and adequate provision would be made for dedicated vehicle parking and manoeuvring within the site. Accordingly, the proposal would not have any unacceptable effects on highway safety, nor would it severely impact network capacity. Appropriate mitigation measures can be secured to ensure that the development has no harmful effects on protected species and delivers proportionate biodiversity net gains as part of the scheme. Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLPPR and the National Planning Policy Framework.

Reason for Decision Level

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, *circa* 0.5 hectare parcel of grazing land located to the north (side) and west (rear) of an existing garden centre, equestrian yard and bungalow (collectively known as 'Pathways') on the southwest side of the A583 (Blackpool Road). The site is located within the Area of Separation (AoS) between Newton and Kirkham as defined on the Fylde Local Plan to 2032 (incorporating Partial Review) Policies Map.

The land in question falls to the southern end of a larger field parcel which wraps around the Pathways site and forms a wide, open green gap between Pathways and Church Farm to the northwest. The land is presently subdivided into a collection of paddocks enclosed by low post-and-rail fencing which are used for horse grazing in connection with an existing livery business which is operated from a U-shaped, timber-clad stable building at the western end of the Pathways site. An existing rectangular sand paddock forms a floodlit outdoor horse exercise arena (a manège) to the southeast corner of the site where it adjoins the boundary with Pathways. The northern and western boundaries of this manège are presently marked by a *circa* 2m high landscaped bund, with the southern boundary marked by a hedgerow.

The north-eastern tip of the site crosses a gravel-surfaced overspill car parking area and merges with an existing tarmac car park and access road into the site from the A583. From here, the site meanders on a narrow profile in a south-westerly direction to the north of Pathways before opening onto a wider land parcel to the west of Pathways which contains the existing manège. Ground level falls in a general

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

westerly direction across the site away from Blackpool Road. Aside from its boundaries with Pathways to the south and east, the site adjoins open grazing/agricultural land on all sides. A hedgerow and drainage ditch mark the site's western boundary with adjoining agricultural land outside the applicant's ownership. A hedgerow also marks the southern boundary with open land to the rear of Oaks Farm which is also used for horse turnout in connection with the existing stables.

On 8 October 2021, planning permission 21/0667 was granted for the re-development of the Pathways site. The approved development involves the demolition of all existing commercial buildings on the site (including the current U-shaped stables) and the subsequent construction of 4 new bungalows alongside the retention of the existing bungalow to the northeast corner. While this planning permission is yet to be implemented, it remains extant until 8 October 2024.

Details of Proposal

The application seeks full planning permission for the erection of a stable block to the southwest corner of the site. The stables would be used as a commercial livery business to replace the existing U-shaped stable block at Pathways which is to be demolished as part of planning permission 21/0667. The scheme also includes the construction of a separate track between the tarmac access road that branches into the site off the A583 and the stables, including the provision of associated hardstanding areas for vehicle parking and manoeuvring. These hardstanding areas would be flanked by a mix of hedge and tree planting along their northern edge. The specific components involved in each element of the scheme are as follows:

Stables:

The proposed stable building would occupy a rectangular footprint measuring a total of 18.4m in length and 11.3m in width. The main bulk of the stables would be contained under a dual-pitched roof reaching 2.6m to the eaves and 3.9m to the ridge. A lower lean-to measuring 2m in width, 2.1m to eaves and 2.4m to ridge would span the full length of the building on its north side.

The stables would incorporate 10 individual horse stalls within the taller section of the building, with the lean-to used for the storage of hay, straw and tack. A single opening would be located on the stable's front (east facing) elevation and would open onto a communal corridor serving each stall. Separate timber doors to the hay/straw and tack storage areas would be located on the northern elevation of the lean-to.

Externally, the stables would be finished in a blockwork plinth up to 1.6m with timber cladding above up to eaves level. The lean-to on the north side would be finished wholly in timber cladding. The roof covering would be corrugated metal sheeting.

Hardstanding access track and parking area:

The access track would cross through the southwest corner of the overspill parking area to the front of the site to flank the northern garden boundary of the existing bungalow at Pathways before turning in a south-westerly direction to meander past the western boundary of the Pathways site to meet a parking area for cars, horse boxes and trailers.

The access track would measure 3m in width and have a total length of approximately 185m. Four, 2m wide passing places are broadly equidistantly spaced along the northern edge of the track. The vehicle parking areas to the western end of the track cover a total area of *circa* 480sqm. Both the access track

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

and car parking areas would be surfaced in gravel. A manure store is proposed to the western edge of the horse box and trailer parking area.

A continuous native mixed species hedgerow interspersed with 20 trees is proposed on the outer edge of the hardstanding areas alongside the full length of the site's northern boundary with the adjoining field. This landscaping buffer would be interrupted only by a 5m wide gate to allow access into the field to the north of the stables.

Amendments to original scheme:

The originally submitted scheme has been amended during the course of the application. In summary, the following changes have been made:

- The height of the stable building has been reduced by 1m at both eaves and ridge level.
- A lean-to has been added to the north side of the stables to provide storage for hay and tack.
- A landscaped mound to the rear of the stable building has been removed.
- A continuous soft landscaping buffer comprising a native hedgerow interspersed with tree planting has been introduced along the northern site boundary to screen the access track and car parking area.

Relevant Planning/Appeal History

Planning applications:

21/0667	RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOLLOWING DEMOLITION OF EXISTING BUILDINGS	Granted	08/10/2021
19/0486	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	Granted	11/10/2019
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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

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

Appeals:

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 of the original application on 28.03.22 and of revised plans on 25.04.22 (and given 14 days to submit any further comments). At the time of preparing the report, a single response dated 07.04.22 has been received from the Parish Council. At their request, the comments in that response have been reported verbatim. Details of any subsequent response in relation to the revised plans will be provided within the late observations report.

Comments dated 7 April 2022:

The matter was considered at a council meeting held on Thursday 7th April 2022 and reference was made to policy in planning documents Fylde Local Plan to 2032 (incorporating partial review) and National Planning Policy Framework (NPPF), previous planning applications and general site history. Subsequently a resolution was adopted that council submit a representation, to Fylde Borough Council's Local Planning Authority Planning Committee (LPA), that the application should be refused planning permission by the LPA for the following reasons;

- i) The site is located within an Area of Separation (AOS) as designated on the Fylde Local Plan to 2032 (incorporating partial review) Policies Map. Referencing the most recent planning application submitted by the developer number 21/0667 the LPA has previously stated inter alia [All existing buildings and associated appurtenances falling within the red line boundary shown on drawing No. NCR/JC/PATH/02 Rev A shall be demolished in their entirety and removed from the site before any of the dwellings hereby approved are first occupied.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Planning permission was granted on the basis that it involves the complete redevelopment of the site for a new use which would have no greater impact on the AOS in comparison to existing use. Accordingly all existing building and appurtenances connected with the present use must be removed from the site to allow and justify the site's redevelopment for the replacement residential use.] Consequently, it is considered the proposed development fails to meet any of the limitations where development can be permitted in the AOS under policy GD3d of the local plan and, accordingly, does not fall properly within any of the categories of development that are appropriate within this designation.

- ii) Further referencing the last planning application 21/0667 the LPA imposed a condition that required [a scheme for the restoration of the whole of the existing overspill car parking area located to the northwest side of the site access (the extent of which is identified by dark green hatching on drawing No. NCR/JC/PATH/03 Rev B) to be submitted to and approved in writing by the LPA. The scheme shall provide for: a) 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. b) 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 c) A timetable for implementation.]
- iii) Moreover, approval of planning application 21/0667 imposed a condition that [before the dwelling on Plot 4 hereby approved is first occupied, a scheme for the retention of the existing floodlights surrounding the manège to the west of the site (the location of which is identified by yellow hatching on drawing No. NCR/JC/PATH/03 Rev B) shall be submitted to and approved in writing by the LPA. 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 4), 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 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.] It is considered that these conditions should still apply and that the proposed development fails to demonstrate how such measures will be achieved.
- iv) The proposed development is considered incongruous given the conditions imposed with previous planning permissions for development of the site.
- v) Members consider the planning statement is lacking information and the application makes inadequate provision for horse trailers, horse boxes, tack room and ancillary facilities usually associated with provision of stables, (10NO in this case) for commercial use. Members understand that a planning permission is extant for 4NO bungalows in addition to 1NO existing, the planning statement indicates 6NO plots and accordingly members consider clarification is necessary. It is reiterated that the planning permission relating to the previous application required the existing car park to revert to greenfield and the outlined parking arrangement is considered unsatisfactory. Regarding access provision members consider that the proposed new track is unacceptable due to its close proximity to rear of Plot 3 where a previous planning permission is extant for a bungalow.

Moreover, should the LPA case officer be minded to grant the proposed development planning permission members will appreciate the matter being referred to the LPA's planning committee and request an assurance that the council's observations are duly considered, recorded in full and not otherwise abridged as part of a report.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit (GMEU) – Comments 11.04.22 and 25.04.22 as follows:

- **Summary** – The developer's ecological consultant identified no significant ecological issues. Issues relating to great crested newts, nesting birds and biodiversity enhancement measures can likely be resolved via condition and or informative.
- **Proximity to SPA and SSSI** – The development will not impact on any land that is functionally linked to the Ribble Estuary SPA. No further information or measures are required on wintering birds. The development can be screened out of requiring an appropriate assessment.
- **Great Crested Newts (GCN)** – The proposed development is located closer to the ponds situated to the west than previous applications on this site. This means that if GCN were present potential impacts can no longer be ruled out. The development is still however sufficiently distant that reasonable avoidance measure could potentially be viable. This is what the consultant has concluded based on the lack of high value terrestrial habitat for amphibians on the site and lack of good habitat connectivity between the ponds to the west and the site. I have no reason to doubt the findings of the report. The recommendations of the report can be conditioned.
- **Other protected species** – No evidence or suitable habitat was located for any other protected species other than one tree that is to be retained with low bat roosting potential. No further information or measures are required.
- **Nesting birds** – Trees, shrubs and hedge are present around the site. Potential bird nesting habitat. Currently all are proposed for retention. Disturbance is however possible during construction. An informative should be attached to remind the applicant of their obligations relating to nesting birds under the Wildlife and Countryside Act 1981 (as amended).
- **Contributing to and enhancing the natural environment** – Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of nearly 0.4ha of low ecological value grassland to building and the access track. I support the ecologist's proposal that the best way of mitigating would be planting of new hedges or gapping up of existing hedges.
- I am satisfied that the proposed length of hedge and associated hedgerow trees is adequate to result in a positive impact to the Natural Environment. I would however point out that Rosa rugosa (Japanese rose) as well as being non-native is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). Therefore, I would not recommend its inclusion in a hedgerow mix in a rural location as it is an offence to introduce or cause to grow wild any plant listed under this schedule. I therefore recommend substitution with dog rose (*Rosa canina*) or field rose (*Rosa arvensis*) both native species.

Officer note: Following GMEU's comments above, the applicant provided an amended written landscaping specification on 29.04.22 which replaces the previously proposed "Japanese Rose" with "Dog Rose" as recommended by GMEU.

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.

Local Highway Authority – Comments 25.04.22 as follows:

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

- LCC Highways does not have any objections regarding the proposal 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.
- Conditions are recommended relating to the construction of the car parking and manoeuvring areas before the use becomes operational.

Neighbour Observations

Neighbours notified:	28.03.22
Site notice posted:	12.04.22
Press notice:	N/A
Amended plans notified:	25.04.22 (14 day re-consultation)
No. Of Responses Received:	One
Nature of comments made:	One representation

The appropriate neighbouring properties were notified of the application by letter on 28.03.22 and for a second time on 25.04.22 following the receipt of amended plans (and given 14 days to make any further comments). In addition, a notice was posted near the site on 12.04.22. At the time of preparing the report a single letter of representation has been received. Details of any subsequent representations in relation to the revised plans will be provided within the late observations report. The points made in the current letter are summarised as follows:

Access and highway safety:

- The width of the current access road that branches into the site off Blackpool Road is narrowed by a collection of car parking spaces on the west side of that road. If these parking bays were to remain then the access road would not be wide enough to allow manoeuvring for larger vehicles associated with stables (e.g. horseboxes) as vehicles parked in the bays would cause an obstruction.
- The proposed plans should require the removal of the existing parking bays to ensure a sufficient width for the access road where it merges with the proposed track leading to the stables. This is particularly important given the increased number of vehicles that would use this access (e.g. 10 stables with possible 10 cars two or three times a day; delivery of horse feed and hay by lorry; tractor removal of muck heap; and 3.5t/7.5t horse boxes).
- It is already difficult to manoeuvre horse boxes into and out of the driveway for Longacres due to the limited width of the current access road, parked commercial vehicles and limited views on exit. These factors need to be taken into account as part of the current application.

Relationship with approved residential development for 21/0667:

- Planning permission 21/0667 indicates that the land to the northwest side of the access road (opposite Longacres) is to be returned to greenspace and not used for the sale of commercial vehicles as is presently the case and shown to be retained on the plans for this application. It is unclear whether the current use of this land for car sales is a lawful one, but it is not suitable to retain this land for that purpose as part of this application or 21/0667 given its visual impact and conflicting use with the dwellings proposed as part of that scheme.

Future intentions for development:

- The applicant has put forward 2 planning applications for the development of the Pathways site, one of which has been granted for the development of 4 bungalows. There should be greater transparency regarding the applicant's future intentions for the development of the remainder of the site as it is clear from the submitted plans that this land is also owned by the

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

applicant. This is a great concern for privacy, the value of neighbouring property and the impact that construction will have on horses' well-being and security.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD3 - Areas of Separation
GD7 - Achieving Good Design in Development
T5 - Parking Standards
CL1 - Flood Alleviation, Water Quality and Water Efficiency
CL2 - Surface Water Run-Off and Sustainable Drainage
ENV1 - Landscape and Coastal Change Management Areas
ENV2 - Biodiversity

National Policy:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Comment and Analysis

Background and interrelationship with extant permissions for housing:

The Pathways site benefits from two extant planning permissions for residential development as follows:

- 19/0486 – Granted on 11.10.19 involving the demolition of all existing buildings on the site (including the bungalow) and a residential development of 5 dwellings.
- 21/0667 – Granted on 08.10.21 involving the demolition of all existing commercial buildings on the site (excluding the bungalow) and a residential development of 4 dwellings (alongside the retained bungalow).

With the exception of the access drive from Blackpool Road (which would provide a shared access via the A583), both these permissions are on land adjoining, but outside, the site of the current application. Accordingly, they are not reliant on one another and, if permission is granted, they could be implemented independently. While neither of the above permissions has been implemented to date, both involve the demolition of the existing U-shaped stable block to the western end of the Pathways site.

While the development's relationship with the housing schemes granted by the extant permissions is a material consideration, it is also the case that each application must be assessed on its own merits. At present, given that neither of the permissions for residential development have been implemented to date, there is no certainty that the development(s) approved by them will come forward in the future. Indeed, if those permissions are not implemented then the current U-shaped stables would not need to be demolished. Accordingly, under current circumstances the proposed stable development is not necessitated by the requirement to demolish the existing U-shaped stable block as that scenario would only arise if planning permissions 19/0486 or 21/0667 were implemented. Instead, the proposed development could be brought forward in advance and independently of the approved residential schemes, including under circumstances which would allow the operation of both the existing and proposed livery stables simultaneously.

Representations from the Parish Council and public refer to conditions imposed on planning permission 21/0667 which, among other things, require the demolition of existing buildings on the Pathways site, the existing overspill car parking area to the northwest side of the access to be returned to greenspace and the submission of an external lighting scheme for the floodlights to the retained manège to the west of the approved housing development. For similar reasons to those set out above it is, however, the case that these conditions would only come into effect in the event that planning permission 21/0667 is implemented. Aside from a short section of the access track to the stables which crosses the southwest corner of the overspill parking area to take access from the tarmac entrance drive, there is no overlap between the two sites and the limited overlap which does occur would not fundamentally prejudice the requirements or prevent any of the conditions imposed on planning permission 21/0667 from being complied with. It is not, however, necessary for any of those conditions to be repeated as part of this application.

Policy context and main issues:

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, subparagraphs 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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

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:

1. The principle of development, including whether it represents an appropriate form of development within the AoS.
2. The development's effects on the character and appearance of the area.
3. The scheme's impact on the amenity of surrounding occupiers and land uses (including those which could come forward under other, extant permissions).
4. The development's effects on the surrounding highway network.
5. Other matters relevant to the decision, including those relating to ecology and flood risk.

Principle of development:

The site falls within the AoS between Newton and Kirkham as designated on the FLPPR Policies Map. FLPPR 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**” (emphasis added). Policy GD3 indicates that development within the AoS will be limited to that falling within the following categories (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.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

It is also the case that, while not specific to the AoS (which is a bespoke designation within the local plan), paragraph 84 a) and b) of the NPPF indicate that planning 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;
- the development and diversification of agricultural and other land-based rural businesses.

Whilst the supporting planning statement refers to the allowance in criterion d) of policy GD3 being applicable in this case on the basis that the proposed stable development is needed to allow the continuation of the existing livery business within the U-shaped stables once that is demolished as part of the approved residential development, as this application has been submitted in advance of planning permissions 19/0486 or 21/0667 being implemented, it is not considered that this allowance is of specific relevance under present circumstances. Moreover, the applicant has accepted the loss of the existing stable building as part of the offsetting exercise which justified the granting of those extant permissions. Accordingly, the main issue in this case is whether the proposed stable development, when assessed on its own merits (and without prejudice to the approach taken in the granting of planning permissions 19/0486 and 21/0667), represents an acceptable form of development within the AoS.

The proposed development does not meet any of the limitations identified in criteria b) – f) of policy GD3. However, criterion a) of the policy makes an allowance for developments involving “**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” (emphasis added). It is a widely accepted principle of the planning system that stabling is a use which is, in principle, appropriate to and necessitates a rural location. In this case, as the stables are to be used as a commercial livery, they would also help to diversify the rural economy. Accordingly, the proposed stable development is a use which is capable of satisfying the limitation in criterion a) of FLPPR policy GD3 providing that it is “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”.

The proposed development involves two principal elements – i) the construction of a rectangular stable building with 10 stalls; and ii) the construction of a hardstanding track and parking area to provide access to the stables via the communal entrance from Blackpool Road.

The proposed building would be located to the southwest corner of a larger, open field parcel situated behind (west of) the Pathways site. The closest public views of the site are from Blackpool Road to the northeast, where the building would achieve a spacing distance of *circa* 215m with the highway. The footway on the south side of Blackpool Road is lined by a roadside hedgerow reaching approximately 1.25m in height. Therefore, views towards the site are available above this hedgerow. However, views of the proposed building would be extensively screened by a combination of its siting on lower lying land to the southwest corner of the field parcel, its substantial spacing with the roadside, its low height and the presence of a *circa* 2m high earth bund which flanks the northern edge of the adjacent manège. Moreover, any filtered views of the stables would be seen against the foreground of existing (and proposed) buildings at the Pathways site which extend much further north across the wider field parcel. Accordingly, the stable building would appear as a modest and discreet addition tucked away behind other, intervening development at the Pathways site. A wide area of open grazing land would be retained between the northern edge of the building and adjoining land at Church Farm in order that the development would not result in any harmful narrowing, in either spatial or visual terms, of the existing green gap. In turn, the proposed stable building is 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.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Hardstanding areas associated with the development include: i) a 185m long and 3m wide access track which widens to 5m at four broadly equidistantly spaced passing places along its northern edge; and ii) a 480 sqm parking/manoeuvring area to the western end of the track. Both the access track and car parking areas would be surfaced in gravel. Access to the track would be gained via the shared tarmac entrance drive from Blackpool Road, with a short section crossing through the overspill car parking area before the track turns in a south-westerly direction to meander down towards a wider parking and turning area to the north of the stables.

As the proposed access track and vehicle parking/manoeuvring areas would introduce urbanising features on land that is presently open and lies to the north side of existing development at the Pathways site, they would result in some narrowing of the current green gap between Pathways and Church Farm. The extent and effects of this narrowing would, however, be varied and, in overall terms, limited by the following factors:

- The part of the access track most prominently in view from the closest public vantage point on Blackpool Road would occupy a narrow (between *circa* 3.2m and 6.5m wide) strip of land flanking the northern edge of the Pathways site for a distance of *circa* 128m before opening onto the wider car parking area to the western end which would be set a minimum of approximately 150m away from the roadside viewpoint and located behind the Pathways site at this point.
- A continuous native hedgerow interspersed with 20 trees would be planted along the northern (outer) flank of the access road and car parking areas to provide an uninterrupted (save for a 5m wide access gate to the northwest corner) soft landscaped buffer between the hardstanding areas and the adjoining, open field parcel to the north.
- The green gap between Pathways and Church Farm would be preserved at a minimum width of 28.5m (compared to 35m as existing), increasing to a minimum of 49.5m adjacent to the wider vehicle parking and turning area.

The above factors, when taken in combination, would ensure that the visual and spatial narrowing effects arising from the introduction of the hardstanding areas would be limited and mitigated to a degree which avoids any unacceptable harm to the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements.

For the reasons set out above, the proposed development is considered to meet the limitation in part a) of FLPPR policy GD3 as it involves an “other use appropriate to a rural area 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”. In turn, the proposed development would not compromise the function of the AoS and so accords with the objectives of FLPPR policy GD3. Therefore, the principle of development is acceptable and accords with the provisions of the development plan.

Character and appearance:

FLPPR 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 16 guiding principles (a) – p)). In particular, criteria d), h) and i) of policy GD7 identify the following requirements:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context.

FLPPR 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. In particular, criterion a) of the policy states that:

- A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development.

Paragraph 130 of the NPPF sets out six general principles of good design (a – f) and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [contained in the National Design Guide and National Model Design Code]”. In addition, paragraph 174 b) of the NPPF requires that the intrinsic character and beauty of the countryside is recognised.

The proposed stable block would comprise a building of modest scale finished in materials which are compatible with the surrounding rural vernacular. In this respect, the stables would appear as a low rise agricultural style building and, by virtue of its siting in relation to Pathways, would not appear as an unduly prominent or obtrusive addition in the surrounding landscape. As set out in the section above, views of the stables from vantage points on Blackpool Road would be very limited and extensively screened. Potential views from other surrounding vantage points are similarly restricted and/or over long distances. In particular, any views from lower lying land on Parrox Lane to the south are restricted by a tall roadside hedgerow to the northern flank of that road and by other linear planting which extends across intervening fields. A public right of way runs in a north-south direction to the west of the site on higher ground. However, at its closest point this route is *circa* 570m away from the site, separated by a collection of intervening field parcels and distant views of the proposed stables would be seen against the backdrop of existing development at the Pathways site. Accordingly, the proposed stables, by virtue of their size, scale, height, siting, layout, materials and design, would appear as a modest and sympathetic addition to the surrounding landscape which would be compatible with its rural character and setting.

The proposed hardstanding access track and car parking/turning areas would cover a relatively extensive area of open countryside which sits beyond the boundaries of the Pathways site. However, the same factors set out above which limit this element of the scheme’s impact on the AoS also ensure that its effects on the character and appearance of the area are similarly mitigated. In particular, and having regard to the requirement in criterion a) of FLPPR policy ENV1, the inclusion of a continuous, *circa* 2m deep landscaped buffer comprising a combination of native hedgerow and tree planting along the northern edge of the hardstanding areas would provide effective screening of the hardstanding areas (and vehicles parked within the wider area to the western end of the track) from vantage points looking across the open field parcel on Blackpool Road. While it is recognised that this landscaping will take time to mature, it would be extensive in length, depth and includes an appropriate size and mix of species to fulfil its purpose. The gravel surfacing of the proposed hardstanding areas would also ensure a finish which is aesthetically sympathetic to the site’s rural character and setting, and avoids an over-engineered appearance to the hardstandings.

The proposed development, by virtue of its siting, layout, scale, materials, landscaping and design, would be sympathetically assimilated into the surrounding countryside in order that it would not

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

adversely affect the character and appearance of the area. The proposal is therefore in accordance with the requirements of FLPPR policies GD7 and ENV1, and paragraphs 130, 134 and 174 b) of the NPPF.

Effects on surrounding occupiers:

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

Paragraph 185 of the NPPF states that planning 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”. This includes, in part a) of the paragraph, a need to “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [as set out in the Noise Policy Statement for England].”

Existing occupiers:

The closest neighbouring dwellings are the existing bungalows at Pathways and Longacres. The stable block itself would be located approximately 134m and 175m away from each respective dwelling, with other buildings at the Pathways site intervening between them. Given this degree of spacing and the modest size and height of the stable block, there would be no adverse effects on the amenity of these existing occupiers through loss of outlook, overshadowing or overlooking.

Other adjacent uses include a farmhouse and collection of agricultural buildings at Church Farm to the north and another dwelling at Oaks Farm to the southeast which also has several agricultural outbuildings within its curtilage. 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, spatial relationship and screening between the proposed development 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 the occupiers at these sites.

The proposed access track to the stables branches off a tarmac drive into the site off the A583 which is presently shared between Longacres and Pathways. While an increase in vehicle movements associated with the use of this access drive and track has the potential to cause a degree of noise disturbance to neighbouring occupiers (having particular regard to the bungalow at Pathways which the track would flank to the north), the number and frequency of vehicle movements is likely to remain low and comparable with that generated by the existing livery stables on the Pathway site. These visits are also unlikely to occur at unsocial hours when residents would be sleeping.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

In addition, any noise generated by increased vehicle movements must also be considered in the context of other noise sources in the area. In this respect, the dominant noise source for occupiers of existing dwellings is likely to be from road traffic passing along the throughfare of Blackpool Road (a classified, arterial road linking Preston and Fylde). Road traffic noise will be heard throughout the day (including early in the morning and in the evening) and, given the site's proximity to the A583, any noise arising from vehicle movements to and equestrian activity at the proposed stables is likely to be secondary and inconsequential in comparison.

The objective in paragraph 185 of the NPPF is to “avoid noise giving rise to **significant adverse impacts** on health and the quality of life” (emphasis added). The presence of “significant adverse impacts” is a high bar which is more likely to occur when uses that are inherently different and/or incompatible are located in close proximity to one another (e.g. where general industry is proposed adjacent to housing). In this case, there is no reason to conclude that the siting of the proposed stables (including its associated access track) in relation to existing residential properties nearby would generate any significant adverse impacts in terms of noise which would warrant refusal of the application.

Future occupiers:

The adjacent Pathways site benefits from two extant permissions for residential development (19/0486 and 21/0667). Approval 19/0486 places a single dwelling (plot 3) to the western part of the site with its rear elevation facing towards the proposed stable development. The rear garden of plot 3 is a minimum of 24.5m deep and the approved dwelling would achieve a spacing of some 88.5m with the proposed stable building itself, with the existing manège being retained between. Conversely, approval 21/0667 places two dwellings (plots 3 and 4) with a rear (west) facing aspect towards the proposed stables with slightly shallower back gardens which have a minimum depth of 22m up to the site boundary. Accordingly, the proposed stables would be located some 86m away from those dwellings (and 64m from their rear gardens) with the retained manège forming a buffer between them.

Given the significant separation distances which would be achieved between the proposed stables and the dwellings approved under applications 19/0486 and 21/0667, combined with the modest scale of the stable building and the buffering between them afforded by intervening land uses, it is not considered that the proposed development would have any adverse effects on the privacy and amenity of future occupiers of the consented dwellings through loss of outlook, overshadowing or overlooking, regardless of which permission (if any) is implemented.

For similar reasons to those identified above with respect to occupiers of the existing bungalows at Pathways and Longacres, the siting and use of the access track would also not give rise to any significant adverse impacts on the health and quality of life of future occupiers by reason of noise disturbance. It is also noted that the proposed manure store would be located further away from the approved dwellings than the proposed stable building and, providing this is appropriately managed (a scheme for which is required by condition), there is no reason to conclude that the development would generate unacceptable odours which would harm the living conditions of future occupiers.

Moreover, by virtue of their setting in the countryside, future occupiers of the dwellings will expect to experience a degree of noise and odour associated with rural activities and recreational pursuits (including equestrian uses) and it is not uncommon to find independently occupied rural dwellings located close to stables on neighbouring land.

Accordingly, the proposed development, by reason of its use, scale, siting, spatial relationship and screening with surrounding development, both existing and proposed, would not have any adverse

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

effects on the amenity of neighbouring uses. The proposal is therefore in accordance with the objectives of FLPPR policy GD7 and paragraphs 130 f) and 185 of the NPPF.

Effects on the highway network:

Criterion r) of FLPPR policy GD7 requires developments to ensure that:

- 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).

Paragraph 110 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;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; 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 111 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.”

FLPPR Policy T5 relates to parking provision and indicates that “a flexible approach [will be applied] to the level of car parking provision, dependent on the location of the development”. Paragraph 11.61 of the local plan indicates that the Council “will prepare a Supplementary Planning Document (SPD) on parking standards”. As this SPD has not yet been adopted the parking standards contained in the Joint Lancashire Structure Plan (JLSP) remain of greatest relevance in this regard. It is, however, the case that the parking standards in Table A of the JLSP do not identify the level of parking provision required for stable developments.

The Pathways site is presently accessed via an existing priority (give way) junction onto the A583 which has a width of 10m and visibility splays of 2.4m x 80m in both directions at the junction of the site access with Blackpool Road. This access opens onto a tarmac access drive which has chamfered parking bays marked out along its western edge. A separate access to Longacres is located on the east side of the entrance drive. Accordingly, this means of access is shared between existing uses at Pathways and the neighbouring dwelling at Longacres.

Planning permissions 19/0486 and 21/0667 include modifications to the site access onto the A583 which would narrow the junction from 10m to 6m and introduce 2m wide footways wrapping around both sides. The estate road branching off the access would then narrow to 4.8m away from the junction and the existing parking spaces on its west side would be removed, along with the overspill car park beyond.

As this application has been submitted prior to planning permissions 19/0486 or 21/0667 being implemented (and so could be carried out in advance of and independently to those permissions), the submitted plans show the proposed access track’s junction with the existing (wider) tarmac driveway. It is, however, also the case that the same means of access could be achieved with the modified estate

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

road entrance to the housing developments approved by the extant permissions via a marginal, south-easterly extension of the access track to join the new estate road. Accordingly, the proposed means of access to the stables would follow substantially the same arrangement with or without the implementation of the extant permissions for residential development and there is no reason to conclude that the width of the modified estate road and junction for those permissions would not be suitable to accommodate the size and volume of traffic associated with the proposed stables.

The access track to the stables would have a width of 3m. As this is not sufficient for two-way traffic flow, four equidistantly spaced passing measuring 2m and width and 12m in length would be located along its northern edge before the access opens onto a wider vehicle parking and turning area at its western end. The length of the parking area (at 48m) would provide sufficient space for up to 19 standard (2.5m wide) car parking spaces. Additional provision for horse box and trailer parking would be made within a larger (10 m x 19m) parking and turning area to the western end of the car park.

The Local Highway Authority's (LHA) response advises that they have no objections to the proposed access and parking arrangement and, furthermore, that the development would not have any adverse effects on network capacity or safety in the vicinity of the site. Accordingly, it is considered that the proposal would achieve a safe and suitable means of access to the site for all users, would make adequate provision for parking and manoeuvring space to cater for the nature and volume of traffic associated with the use and would have no severe residual, cumulative impacts on network capacity or unacceptable effects on highway safety. The scheme is therefore in accordance with FLPPR policy GD7 and the NPPF.

The occupier of Longacres has questioned whether the width of the current access drive into the site is sufficient for the manoeuvring of larger vehicles likely to be associated with the proposed stables due to the obstruction created by cars parked within the spaces on its west side, and has suggested that these spaces should be removed as part of the scheme. It is, however, the case that the existing livery business within the U-shaped stables at the western end of the Pathways site currently utilises this means of access with the parking spaces in place. Accordingly, and in the absence of any objection from the LHA, there is no reason to conclude that similar types and sizes of vehicles associated with this proposed stable development would not also be able to access the site safely in the same way.

Other matters:

Ecology:

Section 1 of FLPPR policy ENV2 a) identifies a hierarchy of nature conservation sites falling within three tiers including International, National and Local designations. Criterion b) sets out a list of five principles that must be followed for developments within or affecting designated nature conservation sites. Criterion c) of the policy defines what will constitute damage to nature conservation sites in assessing developments. Section 2 of policy ENV2 indicates the protection that will be afforded to priority species. Paragraph 174 d) of the NPPF requires developments to minimise impacts on and provide net gains for biodiversity.

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 which would be affected by the proposal are of "very low biodiversity interest and of 'site' value only". The survey also concludes that, despite the presence of four ponds within 250m, the site is "largely unsuitable for Great Crested Newt (GCN) habitation and any adverse impacts on GCN (if present) can be avoided by reasonable avoidance measures (RAMs)". The ecology survey makes a series of recommendations with respect to: i) the implementation of RAMs for GCN; ii) the retention of existing

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

boundary hedgerows and planting of a new native hedgerow along the site boundary; and iii) any vegetation removal to be undertaken outside the main bird nesting season (March – August).

GMEU have commented on the submitted ecology survey and agree with the findings in relation to screening out impacts on designated nature conservation sites (including land which could be functionally linked to them), the implementation of reasonable avoidance measures to deal with any potential impacts on GCN and avoidance of vegetation removal during the bird nesting season (though GMEU note that none appears to be proposed as part of the development). GMEU's initial response dated 11.04.22 indicated that further details were required in relation to new planting to be introduced as part of the development which would contribute to biodiversity net gain. These details have subsequently been provided as part of the amended plans, along with a written landscaping specification which has been updated to include an altered species mix in response to GMEU's observations. GMEU's response dated 25.04.22 confirms that the "proposed length of hedge and associate hedgerow trees is adequate to result in a positive impact to the Natural Environment". Appropriate conditions are recommended to follow those suggested by GMEU in this regard. Accordingly, the development would not conflict with the requirements of FLPPR policy ENV2 and the NPPF.

Flood risk:

FLPPR policy CL1 requires that planning decisions follow the sequential, risk-based approach to the location of development required by the NPPF (paragraph 161). Policy CL1 indicates that all new development is required to minimise flood risk impacts on the environment, retain water quality and water efficiency, and mitigate against the likely effects of climate change on present and future generations in accordance with 10 criteria (a-j)).

FLPPR policy CL2 sets out a hierarchy of measures that should be used to attenuate surface water discharge from development sites. The policy indicates a preference for infiltration, followed by attenuation in open features for gradual release into a watercourse and, finally, storage in tanks. The policy also encourages surface water to be discharged direct to a watercourse in the first instance, with discharge to a surface water sewer where this is not possible and finally to the combined sewer. Policy CL2 indicates that development should make use of sustainable drainage systems whenever practical and reduce discharge to greenfield run-off rates wherever feasible.

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. It was noted during the officer's site visit that a drainage ditch runs along the western site boundary adjacent to the proposed stable block and, given the fall in land levels towards that ditch, it is anticipated that surface water from the development could be dealt with by means of soakaway into that ditch.

As the application does not involve major development, the Lead Local Flood Authority are not a statutory consultee in this case. Nevertheless, it is considered necessary to impose a condition requiring a scheme for the disposal of surface water drainage to be submitted in order to: i) clarify where surface water from the site will discharge to (in accordance with the drainage hierarchy in the NPPG); and ii) demonstrate that the rate of surface water discharge from the development will be restricted to greenfield run-off rate (to meet the objective in policy CL2). These requirements can be secured through an appropriate planning condition to ensure that the development does not increase the risk of flooding and makes appropriate provision for the disposal of surface water in accordance with the objectives of FLPPR policies CL1 and CL2, and the NPPF.

Conclusions

The application relates to a *circa* 0.5 hectare parcel of grazing land located to the north (side) and west (rear) of an existing garden centre, equestrian yard and bungalow (collectively known as 'Pathways') on the southwest side of the A583 (Blackpool Road). The site falls within the Area of Separation (AoS) between Newton and Kirkham as designated on the Fylde Local Plan to 2032 (incorporating Partial Review) (FLPPR) Policies Map. The scheme proposes the erection of a rectangular stable block accommodating 10 stalls and associated storage areas to the western end of the site at the rear of an existing manège to provide a commercial livery. The application also includes the construction of a hardstanding access track and vehicle parking area to the northern edge of the site along with the provision of a continuous soft landscaped buffer flanking the adjoining field.

The proposed stable block is intended to replace an existing, U-shaped stables which forms part of a livery yard to the western end of the Pathways site and is to be demolished as part of the site's redevelopment for housing pursuant to extant planning permissions 19/0486 or 21/0667. Those circumstances notwithstanding, the proposed stable development is a use which is appropriate to a rural area and so is, in principle, capable of meeting the limitation in criterion a) of FLPPR policy GD3 where development can be permitted within the AoS, subject to its compliance with other tests relating to the development's effects upon the AoS and other local plan policies.

The stables would be discreetly located to the rear of a collection of existing buildings at the Pathways site, immediately behind a manège which is screened by a tall (*circa* 2m high) L-shaped bund along its northern and western boundaries, and to the southwest corner of the open grazing land parcel. The stable building would have a modest eaves and ridge height and would be located on lower lying land relative to Blackpool Road to ensure it is set down in the surrounding landscape. The proposed hardstanding access track and parking area, while significant in length and extent, would follow a narrow route which is closely related to adjacent development at the Pathways site, involves limited encroachment into open countryside and would be extensively screened from the adjoining open field by a continuous soft landscaped buffer along the northern site boundary. Accordingly, the scale, siting and landscaping of the development in relation to its surroundings would ensure that the scheme does not harm the effectiveness of the gap between the settlements in protecting the identity and distinctiveness of settlements and, in turn, would not compromise the function of the AoS.

The stable block would be finished in materials which are sympathetic to the surrounding rural vernacular and the hardstanding areas would comprise gravel surfacing. The soft landscaping buffer to the northern edge of the site includes a mixed, native species hedgerow interspersed with tree planting. These features would combine to create a development which assimilates sympathetically with the character and appearance of the area. The proposed development would achieve a degree of spacing and screening with surrounding buildings and land uses (both existing and proposed – including the dwellings consented by applications 19/0486 and 21/0667) which, in combination with its modest scale, will ensure that it would not have any adverse effects on the privacy and amenity of surrounding occupiers due to noise generation, odours, loss of outlook, overshadowing or overlooking.

A safe and suitable means of access would be provided for the development relative to the number, size and type of vehicles likely to be generated by the stables and adequate provision would be made for dedicated vehicle parking and manoeuvring within the site. Accordingly, the proposal would not have any unacceptable effects on highway safety, nor would it severely impact network capacity. Appropriate mitigation measures can be secured to ensure that the development has no harmful effects on protected species and delivers proportionate biodiversity net gains as part of the scheme.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Therefore, the proposal is considered to represent sustainable development in accordance with the relevant policies of the FLPPR and the National Planning Policy Framework.

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. NCR/JC/PATH/STABLES/01 Rev B – Location plan.
- Drawing no. NCR/JC/PATH/STABLES/03 Rev C – Site layout as proposed.
- Drawing no. NCR/JC/PATH/STABLES/04 Rev A – Proposed stables floor plans and elevations.
- Document titled "Car Park Construction Details – Proposed Stables".
- Document titled "Landscaping – Planting Information – Revised" (received 29.04.22).

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

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the stables shall be constructed in accordance with the materials detailed in section 9 of the application form and illustrated on drawing no. NCR/JC/PATH/STABLES/04 Rev A.

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

4. The soft landscaping scheme for the development shown on the following plans and documents shall be carried out during the first planting season that occurs after the stables hereby approved are first brought into use.

- Drawing no. NCR/JC/PATH/STABLES/03 Rev C – Site layout as proposed.
- Document titled "Landscaping – Planting Information – Revised" (received 29.04.22).

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Reason: To ensure that the development provides a landscaped buffer of appropriate depth and species along its boundary with open countryside in order that the visual impact of the development is suitably mitigated and to provide appropriate biodiversity enhancements in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies ENV1, ENV2 and GD7, and the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaped areas of the development (including the access track, passing places and vehicle parking and manoeuvring areas) shall be constructed in their entirety and made available for use in accordance with the details shown on the following plans and documents before the stables hereby approved are first brought into use.

- Drawing no. NCR/JC/PATH/STABLES/03 Rev C – Site layout as proposed.
- Document titled "Car Park Construction Details – Proposed Stables".

The hard landscaped areas shall be maintained as such thereafter for the purposes of vehicle access, parking and manoeuvring.

Reason: To ensure a satisfactory standard of engineering works for the construction hard landscaped areas to serve the development, to provide satisfactory facilities for vehicle access, parking and manoeuvring in the interests of highway safety and to ensure a sympathetic surface treatment for hardstanding areas in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

6. Before the stables hereby approved are first brought into use a scheme for the provision of a manure store for the development and a strategy for the removal of manure from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting, size, materials and design of the manure store. The manure store shall thereafter be provided and made available for use in accordance with the duly approved scheme before the stables hereby approved are first brought into use and manure shall be removed from the site in accordance with the duly approved strategy.

Reason: In order that appropriate facilities are provided for the storage and removal of waste at the site in the interests of the amenity of surrounding occupiers and to ensure an appearance for the manure store which is sympathetic to the character of the site and its surroundings in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

7. Before the stables hereby approved are first brought into use a scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) 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;
- b) 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);
- c) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

d) details of how the drainage system will be maintained and managed after completion.

The duly approved scheme shall be implemented before the stables hereby approved are first brought into use, 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 surface water in accordance with the requirements of Fylde Local Plan to 2032 (incorporating Partial Review) policies CL1 and CL2 and the National Planning Policy Framework.

8. The development shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the method statement under the heading "Reasonable Avoidance Measures (RAMs) Method Statement" contained in paragraph 3.2.2 of the document titled "Preliminary Ecological Appraisal" by "Pennine Ecological" dated March 2022.

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

9. Notwithstanding any details contained within the application and the requirements of condition 2 of this permission, a scheme for the installation of any exterior lighting to be installed on the building(s) and/or the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is installed. The scheme shall include 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. All exterior lighting shall thereafter 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 existing and future 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 (incorporating Partial Review) policy GD7 and the National Planning Policy Framework.

Informative(s)

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

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

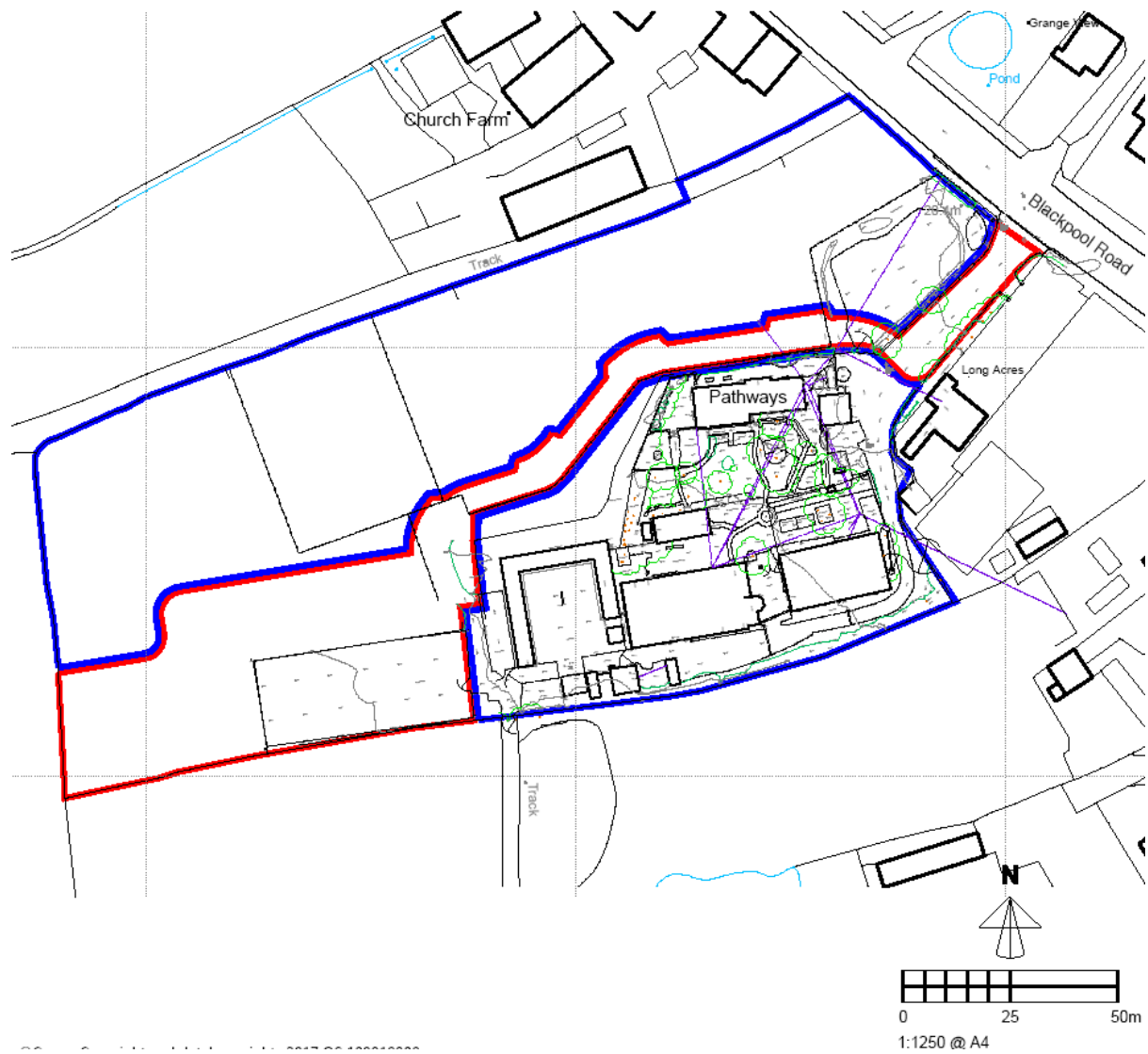
2. Nesting birds:

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Location Plan for application 22/0136



AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Item 3

Application No:	22/0156	Case Officer:	Andrew Stell Area Team 1
Applicant:	Mr Scott Parkinson	Agent:	
Location:	Former Piggeries, Poolside, Freckleton, Lancashire		
Proposal:	VARIATION OF CONDITION 2 ON PLANNING PERMISSION 17/0968 (APPROVED PLANS) TO INTRODUCE MINOR MATERIAL AMENDMENT BY REVISING HOUSE TYPE, GARAGE AND LOCATION OF PLOT 3		
Ward:	Freckleton East	Parish:	Freckleton
Statutory Expiry:	27 April 2022	Earliest Decision:	7 April 2022
Reason for any delay:	Awaiting consultation reply from key consultee		To view application file on FBC website click here

Officer Recommendation: Delegated to Officers

Summary of Officer Recommendation

The application site is an irregular area of land that is located within the settlement boundary of Freckleton, but is detached from the remainder of the village by being at a lower level alongside the Ribble Estuary. The site has planning permission for 3 dwellings which are currently under construction, with the planning permission first being granted on appeal in 2009 and subject to a series of revisions since.

The current application relates to plot 3 of the development and proposes a minor material amendment to the dwelling and garage approved on that plot. The changes relate to the location of the dwelling which is shifted slightly to the north, the height of the dwelling which is increased by around 350mm, the floor area of the dwelling which is extended slightly, and the garage which is also increased in size and height.

Whilst these changes are all increasing the scale of the dwelling they retain an appropriate level of amenity space for the property on the level part of the site, and the additional details provided have satisfied the concerns of the Environment Agency who initially objected to it. Following that objection, Freckleton Parish Council wrote to advise that they had concerns over the scale and that they supported the position of the Environment Agency. As that position has changed revised views have been sought from the Parish Council but are outstanding at this time.

Notwithstanding that it was considered appropriate to bring the application to Committee for a decision. The revisions involved in this application are considered to be acceptable and allow the scheme to accord with Policy GD7 and so Committee are recommended to support the scheme, although at this time the recommendation is to delegate the decision to officers to allow time for the conditions to be drafted and allow the outstanding comments from Freckleton Parish Council and BAE to be received and considered.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Reason for Decision Level

The Parish Council initially raised objection to the application, and whilst their revised views have been sought as part of the reason for that objection has been removed, it is considered timely to include the application on the agenda in the event that they wish to retain their objection.

Site Description and Location

The application site relates to an irregularly shaped area of land that lies between the carriageway of Poolside and Freckleton Creek in Freckleton.

Poolside is a roughly surfaced road that drops from the main level of the village at the junction of Bunker Street and Preston Road down to the estuary level where it runs northwards and serves a number of dwellings. The land at this level is generally equivalent to that on the estuary and is separated from it by Freckleton Creek which runs northwards to its outfall in the estuary.

The site is immediately to the south of the floodgates and was previously piggeries although the buildings and other elements of that development were removed several years ago. The site has planning permission for the erection of 3 dwellings and construction is well underway on plot 2 and advancing on plot 3, with plot 1 not commenced.

The site is in the settlement area of Freckleton as identified by Policy GD1 of the Fylde Local Plan to 2032. The land on the opposite side of the creek is covered by various ecological designations but there are none on this application site. The site runs to the Creek, which is set in a relatively deep cutting at that point with the banking to that identified as Flood Zone 2 and 3, although the areas of the properties and their gardens are at a higher level of so Flood Zone 1

Details of Proposal

The application proposes a minor material amendment to the existing planning permission for three dwellings with reference 17/0968, although it only actually relates to plot 3 of that development. IT was submitted alongside an application to make a minor material amendment to plots 1 and 2 and some general site matters under reference 22/0056 which is to be determined alongside this application under delegated powers as it was not subject to any adverse comments from the Parish Council.

The amendments sought to plot 4 are as below:

- The height of the dwelling has been increased
- The footprint of the dwelling has been increased with an infill extension to the rear corner, and elements of the design have been revised
- The materials are to be revised from those previously approved as a condition discharge to planning permission 17/0968. They remain as a rustic red brick and grey slated roof, but are from a different manufacturer to those previously approved.
- The garage has been increased in floorarea
- The location of the dwelling and garage have been revised on site to separate them from plot 2, with the consequence that the parking and turning arrangements include some engineering works to the bank of the river.

Further details of these elements are set out in the comments section of this report.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Relevant Planning/Appeal History

Application	Description	Decision	Date	Appeal
09/0709	OUTLINE APPLICATION FOR THE ERECTION OF THREE, TWO STOREY DWELLINGS AND ONE DOUBLE GARAGE INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE (AS AMENDED)	Refused	18 February 2010	Allowed
13/0643	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE AND LANDSCAPING FOR ERECTION OF 3 DWELLINGS AND GARAGES ASSOCIATED WITH OUTLINE PLANNING PERMISSION 09/0709	Granted	25 November 2014	
14/0882	SUBSTITUTION OF HOUSE TYPE TO PLOT 3 FROM PREVIOUSLY APPROVED RESERVED MATTERS APPLICATION 13/0643	Granted	02 February 2015	
17/0968	ERECTION OF 3 DETACHED RESIDENTIAL DWELLINGS	Granted	15 October 2018	
21/0626	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS ON PLANNING PERMISSION 17/0968 - CONDITION 3 (MATERIALS), CONDITION 4 (FOUL & SURFACE WATER DRAINAGE), CONDITION 7 (BOUNDARY TREATMENTS), CONDITION 10 (LANDSCAPING), CONDITION 15 (EXTERNAL LIGHTING STRATEGY) CONDITION 17 (VEHICLE PASSING SPACES)	Issued	14 October 2021	
21/0936	APPLICATION TO DISCHARGE REQUIREMENT OF CONDITION 1 (TIME SCALE FOR COMMENCEMENT OF DEVELOPMENT) ON PLANNING PERMISSION 17/0968	Issued	05 January 2022	
22/0056	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 17/0968 FOR: 1) REVISIONS TO DESIGN OF PLOTS 1 AND 2 AS SHOWN IN APPROVED PLANS LISTED IN CONDITION 2, 2) ALTERATIONS TO EXTERNAL FACING MATERIALS AS PREVIOUSLY APPROVED UNDER CONDITION 3, 3) ALTERATION TO DRAINAGE ARRANGEMENTS AS PREVIOUSLY APPROVED UNDER CONDITION 4 TO ADD DETAILS OF INFILTRATION TRENCH ONLY, 4) ALTERATION TO LANDSCAPING AS PREVIOUSLY APPROVED UNDER CONDITION 4	Ongoing		

Parish/Town Council Observations

Parish/Town Council	Observations
Freckleton Parish Council	<p><u>Comments received on 11 April 2022</u></p> <p><i>FPC are against this application due to it changing so much from the original application. Also, the council agree with the environment agency reasons for opposing this application due to encroachment onto the river bank. It was also noted that the works had gone far beyond any regulatory easements allowed for this application.</i></p>

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
Environment Agency	<p><u>Initial Comments dated 8 March 2022</u></p> <p><i>Based on the details submitted, it is unclear what development is proposed within 8 metres of Dow Brook, which is a statutory main river. As submitted, we may not be able grant a flood risk activity permit for the development. We therefore object to this planning application and recommend that planning permission is refused.</i></p> <p><u>Revised Comments dated 8 April 2022</u></p> <p><i>We have reviewed the above drawings and they clarify that development is proposed within 8 metres of the top of the bank of Dow Brook (statutory main river). We have considered the proposal and, in this case, we are able to withdraw our previous objection (dated 8 March 2022).</i></p> <p><i>In addition to the approval of planning permission the application will also require a separate environmental permit (flood risk activities) for the works proposed.</i></p>

Neighbour Observations

Neighbours notified:	3 March 2022
Number of Responses	Total number of comments 1
Summary of Comments	<p>The comments received object to the development on the basis that:</p> <ul style="list-style-type: none">• The submitted site plan is incorrect in its location of the brook respective to the property• The dwelling now exceeds the height specified in the original planning permission• The garage is excessive in its size and due to the proximity to the road is disproportionate for this location.

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD1 - Settlement Boundaries

H1 - Housing Delivery and the Allocation of Housing Land

CL1 - Flood Alleviation, Water Quality and Water Efficiency

CL2 - Surface Water Run-Off and Sustainable Drainage

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle of Development

With the site being the subject of an extant planning permission that has been implemented (as confirmed by 21/0936) and is under active construction as witnessed at site visit, there is no dispute over the planning history authorising the construction of the dwellings.

The matters for consideration in this application, and application 22/0056 which is submitted in a similar vein but for the other plots on site is whether the changes that are proposed to the dwellings satisfy the requirements of the appropriate planning policies. The key one of these is Policy GD7 relating to design of new development.

Alterations to the height of the dwelling

The approved planning permission that has been implemented is 17/0986, rather than the earlier outline and reserved matters approvals referenced by the neighbour, and so it is this scheme that the current proposal is to be compared against. This indicates that the dwelling on plot 3 has a ridge height of 8.25m, with the proposal being to raise this to 8.7m.

This change in height will create an imbalance with the properties on plots 1 and 2, but this is a different housetype to those properties and so is not a particular concern. It also the case that there are a range of dwelling sizes in the wider vicinity and with the topographical changes adding to this variance there is no overall uniform height of dwellings. With this lack of uniformity the increased height of the dwelling will not be at odds with the character of the area, and is not considered to be unduly harmful in the streetscene.

The site is located close to the approach end of the runway at BAE Warton, and so it is appropriate that the views of BAE Systems are available to assist the council's decision on the application, notwithstanding that this property is on the lower level of the estuary. At the time of writing those views were outstanding and so this is a matter that should be reported in the late observations or subject to officer consideration prior to the issuing of any planning permission.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Assuming that there are no air safety implications from this change it is considered that the 450mm increase in the height of the dwelling will not create any undue levels of harm and so will accord with the requirements of Policy GD7.

Alterations to footprint and design of dwelling

The approved dwelling is generally rectangular with a two storey feature positioned centrally on the front elevation, and with a 'cut out' section of the rear elevation where a first floor balcony is provided. This dwelling has general dimensions of 12.3m in width x 7.3m in depth.

The proposed dwelling retains the same rectangular form with projecting element to the front but infills the 'cut out' section and so removes the balcony element that was within it. The width increases to 12.5m and the depth to 9m. Other alterations are made to the design through the removal of the stone quoins that were to the corners of the approved dwelling and through the addition of larger feature windows to the front and rear.

The increase in size is relatively modest given that the approved dwelling is already sizeable, with the key aspect being whether it can be reasonably accommodated on the plot. This plot is unusual as it includes an area of steeply sloping banking down to the bed of Freckleton Creek which is obviously unusable as private amenity space for the dwelling. However there remains a depth of 10m – 16m between the rear elevation and the top of the bank, which is considered to be appropriate for a dwelling of this size. The previous decision removed permitted development rights for extensions and outbuildings to reflect this unusual arrangement and ensure that the amenity space and integrity of the banking can both be protected.

The revisions proposed also update the external construction materials, but retain the use of a rustic style red brick with slate roof. With the revisions to the design, windows and removal of the stone quoins the overall effect will be a modernisation of the overall appearance of the dwelling which compliments the appearance of the 2 other dwellings under construction at the site. This element of the proposal therefore also accords with the requirements of Policy GD7.

Alterations to Garage

As with the dwelling itself, the garage increases in size under the current proposal compared to the approved arrangements. The garage is a detached brick-built double garage structure located to the front of the site. The planning permission has a floor area of 6m depth x 6m width and ridge height of 3.8m. The proposal is to increase this to a depth of 8m x 6m width and 3.9m ridge, with the increased depth intended to allow space for the boiler and other plant associated with the operation of the property to be provided without compromising the space needed to park a vehicle.

As with the dwelling changes these increases are relatively modest in comparison to the overall scale of the development that has been approved. They do not compromise the character of the area or raise any other implications that could prevent their approval as part of the development. With the scale of the garage a condition to ensure that it is used for private domestic purposes is a prudent addition.

Altered position of dwelling and garage

The current application includes a proposal to move the property and the garage sideways on the plot to increase the separation between the dwelling on plot 3 and that on plot 2 from the approved 3.5m to 5.2m. This has consequential impact on the location of the garage and as that is to have an increased length then the overall width of the development on the site as a whole increases by almost 4m.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

This change has positive and negative impacts. The positive impacts are that it allows the development to appear less dense due to the increased spacing between the properties which is helpful given the edge of settlement location of the site. It is particularly helpful to the owners of a double height outbuilding on the other side of Poolside as the increased separation between plots 2 and 3 opens up a wider view over the estuary between these dwellings than is the case with the existing approvals. The negative impact is that it spreads the development along the lane to a degree.

Taking these factors together it is considered that the proposed change is overall a helpful one that will improve the quality of the development and its contribution to the Poolside streetscene. Accordingly, it does not conflict with Policy GD7. A revision to the approved boundary treatments plan will be needed as a consequence of this change to ensure that the private garden area of plot 3 is provided with some privacy without that involving any tall features to the property frontage to Poolside.

Amenity Considerations

The revisions do not have any unduly adverse impact on the level of amenity space available for the future occupiers of the property, nor the potential for them to be overlooked by neighbouring dwellings.

The amendments do create the potential for neighbouring amenity to be impacted. However, both the original and proposed dwellings on plot 3 include habitable windows to the front elevation and so the change are to introducing any new overlooking potentials. The relocation on the site slightly improves the relationship to neighbours, with a first floor above a detached garage at the foot of the gardens to one of the properties on Garden Street being the only potentially impacted property.

Accordingly the relationship to neighbours is acceptable and satisfies the requirements of Policy GD7 in that regard.

Conditions

The nature of the application means that if approved it will establish a second planning permission for the development that sits alongside the original planning permission that is being varied, which in this case is 17/0968. As such it is appropriate for the conditions that were attached to that permission to be repeated where they remain relevant. A number of these required the approval of details prior to commencement of works, with these subsequently approved under application 21/0626. Since that time work on the development has commenced meaning there is no need to repeat the time limit condition.

Therefore the decision on this application will include the conditions from 17/0968 that remain relevant, with reference to the approved details in 21/0626 where that is relevant, and incorporating the revisions included in this application to those details as needed. This includes a private use condition for the garage and a revision to the boundary treatments arrangement to reflect the changes introduced by the change in the siting of elements of the development.

This is a slightly complex arrangement, but is a legitimate and appropriate way for the decision to be progressed in the circumstances. The further application which relates to plots 1 & 2 and some of the collective details will provide a further planning permission if it is approved and so will also include some of the conditions here as well as those that are specific to that scheme.

Given this complexity and the outstanding nature of some consultee comments the work on the planning conditions has not been completed at the time of the preparation of this Committee report. It is likely that they will be available for Committee and so reported in the late observations schedule.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

However, to account for that not being the case the officer recommendation will be to delegate the authority to approve the application to officers so that the wording of the conditions can be finalised prior to the determination of the application.

Conclusions

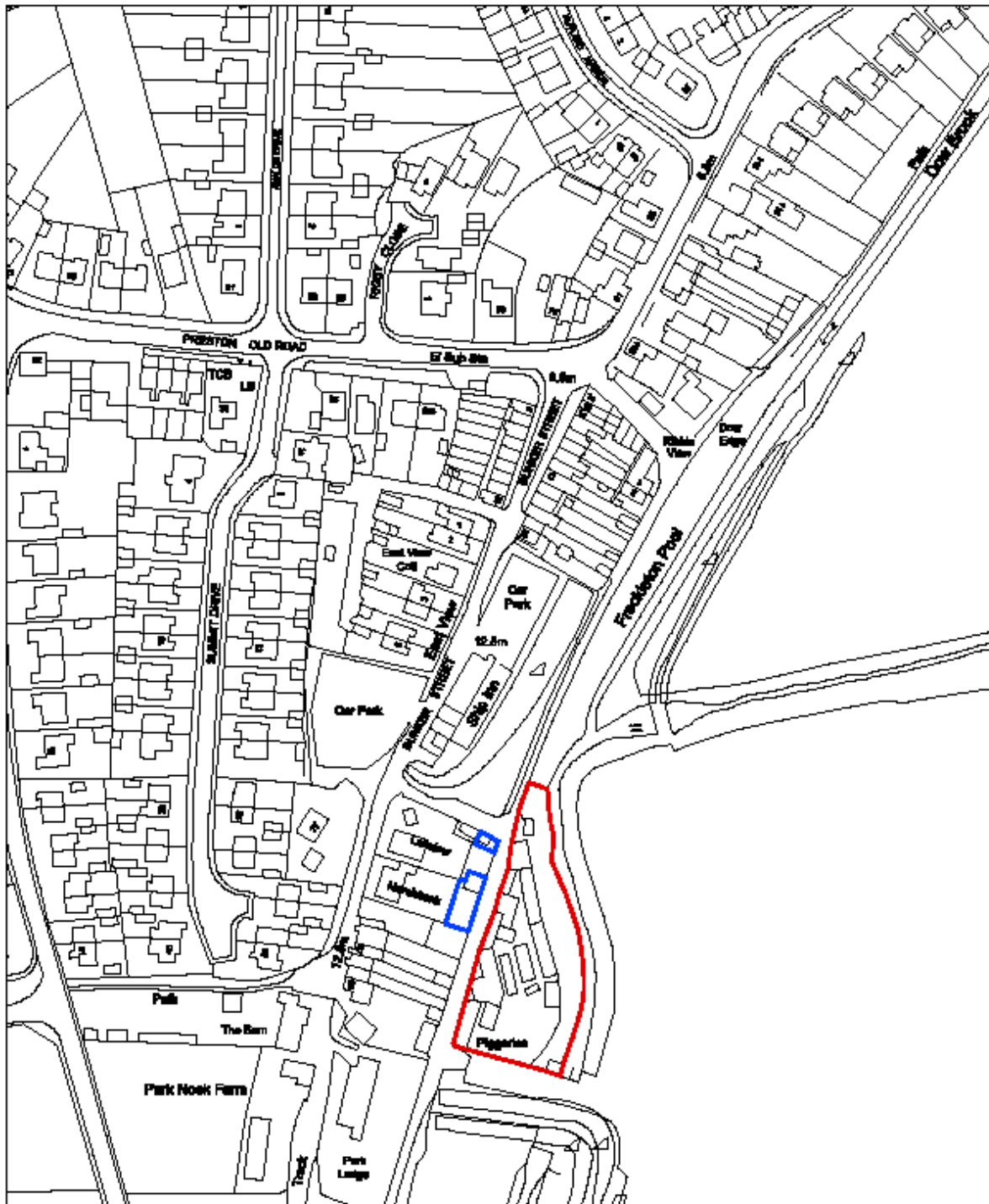
The application proposes a minor material amendment to an extant planning permission for the erection of 3 dwellings on a site in Freckleton, with the specific changes relating to plot 3 of that development. The changes that are proposed are within the scope of a minor material amendment and result in a more modern and appropriate form of development that does not lead to any planning harms. The scheme is fully in accordance with the requirements of Policy GD7 and the other relevant Fylde Local Plan to 2032 (incorporating Partial Review) policies and so it is recommended that Committee support the proposal. The actual recommendation is to delegate the authority to determine the decision to officers to allow conditions to be worked up and the final views of the Parish Council and BAE to be considered in the decision.

Recommendation

That the decision on the application be delegated to the Head of Planning to allow him to GRANT Planning Permission subject to the following matters having been concluded:

- 1) The receipt of further comments from Freckleton Parish Council and the consideration of the comments made; and
- 2) The receipt of comments from BAE Systems and the consideration of the comments made; and
- 3) The drafting of a schedule of appropriate planning conditions and reasons.

Location Plan for application 22/0156



AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Item 4

Application No:	22/0169	Case Officer:	Alan Pinder Area Team 1
Applicant:	The Manse Nursing Home	Agent:	Mr Richard Ansell
Location:	The Manse Nursing Home, Kirkgate, Kirkham, Preston, Lancashire, PR4 2TJ		
Proposal:	THREE STOREY EXTENSION TO FORM A TWENTY THREE BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET.		
Ward:	Kirkham South	Parish:	Kirkham
Statutory Expiry:	20 April 2022	Earliest Decision:	4 April 2022
Reason for any delay:	Need to determine at Committee due to Parish / Town Council request	To view application file on FBC website click here	

Officer Recommendation: Granted

Summary of Officer Recommendation

This application relates to the expansion of an existing care home that is located in a generally residential area just outside the town centre of Kirkham, but within the defined settlement. The application seeks planning permission for the demolition of a dwelling, No.70 Marsden Street, and the construction of a three storey 23 bedroom annex extension to The Manse nursing home that would bring the total number of bedrooms to 67.

The proposed development is identical in all respects to the development previously approved by the planning committee on 13 February 2019 (ref. 18/0945), albeit that permission has expired without being implemented.

The extension is not considered to have unacceptable and/or inappropriate impacts on either nearby residents or the character and appearance of the wider area. On-site parking accords with the standards set out by Lancashire County Council, and LCC Highways have raised no objections to the application.

Overall the proposal is considered to accord with the aims of policies GD7 and INF1 of the adopted Fylde Local Plan to 2032 (incorporating Partial Review). The application is therefore recommended for approval.

Reason for Decision Level

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

Site Description and Location

The application site is a dwelling at 70 Marsden Street which stands adjacent to The Manse Nursing Home, Marsden Street, Kirkham. The premises are located at the junction of Kirkgate and Marsden Street to the south side of Kirkham Town Centre. The Manse is an existing care home, originally a

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Clergyman's home within walled gardens. The original property has been greatly extended on several previous occasions over the years to provide the current level of accommodation for residents in need of nursing care.

The neighbouring land uses are predominantly residential, although there is a cemetery to the immediate south and the rear of the Kirkgate Centre and other neighbouring commercial properties to the north.

Details of Proposal

This application seeks planning permission for the demolition of a dwelling, No.70 Marsden Street, and the construction of a three storey 23 bedroom annex extension to the Manse nursing home, to bring the total number of bedrooms to 67. The extension is proposed to help the facility accommodate an increased demand for palliative care and specialised nursing. It would be located at the eastern end of the existing building, and built over the curtilage of the demolished dwelling.

The proposed development is identical in all respects to that previously approved under permission ref. 18/0945 and is a three storey extension which forms a new wing to the building with bedrooms and lounges on either side of a central access corridor. It is to be built in brick with a ridged roof and occupies the majority of the land associated with the dwelling but provides an increased width of footway around the site.

Relevant Planning/Appeal History

Application	Proposal	Decision	Decision Date
18/0945	THREE STOREY EXTENSION TO FORM A TWENTY THREE BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET.	Granted	13/02/2019
17/0295	VARIATION OF CONDITION 3 (APPROVED PLANS) OF PLANNING PERMISSION 15/0812 TO FACILITATE MINOR MATERIAL AMENDMENT TO PERMISSION INVOLVING ALTERATIONS TO WINDOWS ON GROUND FLOOR AND ALTERATIONS TO DORMER ROOF TO ALLOW 5 ADDITIONAL BEDROOMS TO BE FORMED IN EXTENSION	Granted	26/05/2017
16/0886	FIRST FLOOR EXTENSION OVER EXISTING LAUNDRY TO NORTH ELEVATION TO FORM A BEDROOM	Granted	16/12/2016
15/0812	THREE STOREY EXTENSION TO FORM AN EIGHTEEN BEDROOM ANNEX TO REAR FOLLOWING DEMOLITION OF 70 MARSDEN STREET WITH WIDENED FOOTPATH TO MARSDEN STREET	Granted	01/02/2016
14/0283	PROPOSED FIRST FLOOR EXTENSION TO REAR TO PROVIDE ADDITIONAL BEDROOMS AND STORE	Granted	20/05/2014
13/0269	FIRST FLOOR DORMER EXTENSION TO FORM EXTENDED STAFFROOM	Granted	20/06/2013
09/0628	ERECTION OF SINGLE STOREY EXTENSION	Granted	23/10/2009
07/1166	TWO STOREY EXTENSION TO FORM EXTRA BEDROOMS.	Granted	20/02/2008

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

90/0019	DORMER EXTENSION AT SIDE	Granted	25/04/1990
88/0889	EXTENSIONS TO FORM 15 ADDITIONAL BEDROOMS & ANCILLARY ROOMS	Refused	25/01/1989
88/0319	RESERVED MATTERS; DETAILS OF CONVERSION TO REST HOME	Granted	15/06/1988
87/0517	OUTLINE; C/U AND EXTENSIONS TO FORM REST HOME	Granted	02/12/1987

Parish/Town Council Observations

Parish/Town Council	Observations
KIRKHAM TOWN COUNCIL	<p><u>Comments received on 21 April 2022</u></p> <p><i>Kirkham Town Council members have considered this application. I am to tell you that the Town Council OBJECTS to the proposed development on the grounds that the application makes no provision for additional visitor and staff car parking. Existing town centre off-street car parking is at capacity and on street provision is required for residents. The implementation of pending regeneration programme will add to the problem. The proposed development is over-intensive and will overlook properties in Chestnut Close.</i></p>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<p>They have commented as follows on the merits of the application:</p> <p><i>“LCC Highways does not have any objections regarding the proposed three storey extension to form a twenty three bedroom annex to rear following demolition of 70 Marsden Street with widened footpath to Marsden Street and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i></p> <p><i>The development proposal also includes an improvement to the existing footway to the north and west of the development site on Marsden Street, the existing footway at this location is substandard in width. The proposal to provide a standard width footway, of 2m, along the site frontage is therefore welcomed.</i></p> <p><i>The applicant is requested to enter into a s278 agreement for the formation of the footway. It is recommended that the applicant engages in early discussions with the s278 team by emailing developeras@lancashire.gov.uk.</i></p> <p><i>The site is within a sustainable location with bus stops within close vicinity to the site. The proposed cycle racks are requested to be covered to support social inclusion and promote sustainable forms of transport.”</i></p>

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

	Conditions are then requested relating to agreeing the detailed design of the site access and off-site works (presumably the footway widening) and then the implementation of this, and the provision of the cycle parking facilities.
Lancashire Fire & Rescue	<i>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'.</i> <i>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.</i>

Neighbour Observations

Neighbours notified: 14 March 2022
Amended plans notified: N/A
Site Notice Date: 17 March 2022
Press Notice Date: N/A
Number of Responses Total number of comments 0

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD1 - Settlement Boundaries

GD7 - Achieving Good Design in Development

INF1 - Service Accessibility and Infrastructure

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Principle

The application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of extensions within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard to the development's effects on the character and appearance of the area arising from its design, its impact on the amenity of surrounding occupiers, and impacts on the surrounding highway network. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

Design, scale and appearance

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

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

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

Although the scale of the proposed extension is such that it would represent a substantial addition to the existing care home, its design integrates well within the existing nursing home development. The site is neighboured by many buildings in commercial use and the general surrounding area is not one of any special architectural significance with a range of building scales and designs. Within this context and setting the proposed extension is not considered to be detrimental to the appearance and character of either the existing nursing home or the wider streetscapes of the area, and accords with the requirements of criteria d), h) and i) of Policy GD7.

Neighbour amenity

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

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

The closest properties potentially affected by the proposal are Flats 1 and 2 of Britannia Court, which are located on the opposite side of Marsden Street directly opposite the driveway of No.70 Marsden Street. The proposed extension would be sited at a slightly obtuse angle relative to these flats, with a separation distance of approximately 22 metres between them. This spatial relationship together with the 22 metre separation distance are typical for built development within urban areas and it is not considered that the residential amenity of these two flats would be unduly compromised by the development.

The side elevation of No.72/74 Marsden Street (2No. residential flats) would be directly to the south of the proposed extension with a separation distance of *circa* 25 metres to the extension. No.72/74 has no fenestrations within its north facing side elevation and so the physical relationship of the extension relative to No.72/74 is considered acceptable and not to result in undue prejudice to resident amenity.

The Town Council’s comments refer to the potential for overlooking of properties on Chestnut Close. This is a terrace of properties that is located to the south of the existing Manse Home and southwest of the proposed extension. Of these properties the closest to the extension would be No.7 Chestnut Close with a separation of *circa* 32 metres from the southwestern corner of the extension. This spatial relationship of the extension relative to Chestnut Close properties is considered sufficient to ensure that resident amenity would not be unduly prejudiced.

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

Access and parking

Kirkham Town Council has objected to the application on the grounds of lack of provision for additional visitor and staff car parking, with the access and parking arrangements clearly a key element of any planning application.

The formation of 23 additional bedrooms would bring the total number of patient bedrooms to 67 which has the potential to impact on the level of car parking provision required within the site. The nursing home has provision for 15 parking spaces (4 of which are for staff) within the site.

The council is currently utilising the Structure Plan parking standards, although work has commenced on the SPD referenced in Policy T4 of the FLLPR. These standards set out that a care homes should cater for 1 parking space per 5 residents, which in this instance would relate to 14 parking spaces based on single occupancy rooms. The parking standards allow a 15% to 35% reduction in this number if the site is located in a highly accessible location. In this instance the nursing home is located in a highly accessible area just outside Kirkham Town Centre, with good access to all essential community services and public transport links. With this in mind it is clear that the existing parking arrangements satisfy the parking standards and officers consider that the existing on-site parking arrangements are adequate to meet the reasonable needs of the extended nursing home.

LCC Highways have been consulted on the application and have raised no objections, opining that whilst the development would result in additional vehicle and pedestrian movements these are not anticipated to be significant and not have a significant impact on highway safety, capacity or amenity

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

in the immediate vicinity of the site. They are also supportive of the improvements to the footpath around the site to improve it to a standard width that is an element of the application.

The proposal is therefore considered to meet the requirements of Policy GD7 and Policy T4 of the FLPPR in respect to the parking and access arrangements, with a condition relating to the provision of the widened footway to be included to secure this pedestrian benefit for all as part of the development.

Conclusions

The proposed extension to the nursing home would not have unacceptable and/or inappropriate impacts on either nearby residents or the character and appearance of the wider area. On-site parking accords with the standards set out by Lancashire County Council and so overall the proposed development is considered to accord with the aims of policies GD7 and INF1 of the adopted Fylde Local Plan to 2032. The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Location Plan - Dwg No. Manse01
- Proposed Elevations - Dwg No. Manse05 Rev A
- Proposed Site/Roof Plan - Dwg No. Manse06 Rev A
- Proposed Site & OS Data - Dwg No. Manse04 Rev A
- Proposed Lower Ground Floor Plans - Dwg No. Manse07 Rev A
- Proposed Ground Floor Plans - Dwg No. Manse08 Rev A
- Proposed First Floor Plans - Dwg No. Manse09 Rev A
- Proposed Second Floor Plans - Dwg No. Manse10 Rev A
- Footpath Layout Plans - Dwg No. Manse 11 Rev A

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

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

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

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

4. No part of the development hereby approved shall commence until a scheme for improvements to the public footpath shown on the approved Footpath Layout Plan (dwg no. Manse 11 Rev A) has been submitted to, and approved by, the Local Planning Authority. The approved works shall be completed in accordance with this scheme prior to the first use of the extended accommodation hereby approved.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, and that this highway improvements is appropriately implemented in accordance with Policy INF1 of the Fylde Local Plan to 2032 (incorporating Partial Review).

5. Prior to the first use of the extension hereby approved, the boundary treatment of the extended site to Marsden Street shall be constructed as a railing in accordance with the detail shown on the approved Proposed Elevations (dwg no. Manse 05 Rev A).

Reason To provide an appropriate boundary to the site in the interests of the character of the area as required by Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

Informative(s)

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

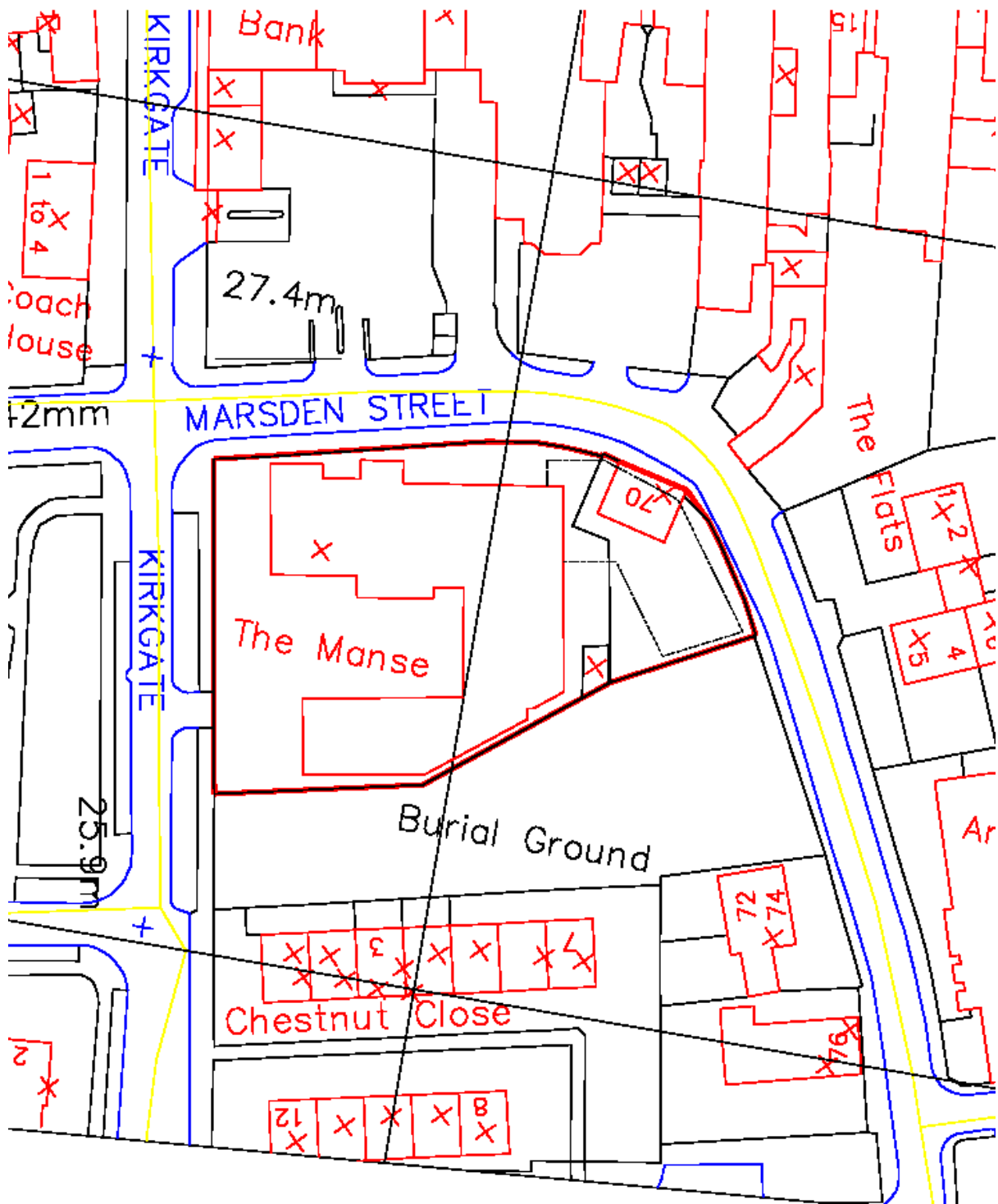
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

2. Highway Advice Note

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Location Plan for application 22/0169



AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Item 5

Application No:	22/0189	Case Officer:	Katie Halpin Area Team 2
Applicant:	Mr Daniel Raynor	Agent:	Mr David Hadwin
Location:	525 Clifton Drive North, Lytham St Annes, Lancashire, FY8 2QX		
Proposal:	CHANGE OF USE OF RESIDENTIAL DWELLING (USE CLASS C3) TO A HOME FOR UP TO 2 YOUNG PEOPLE (BETWEEN THE AGES OF 8 AND 17) WITH CARE PROVIDED BY NON-RESIDENT CARERS WORKING IN SHIFTS (USE CLASS C2)		
Ward:	St Leonards	Parish:	St Anne's on the Sea
Statutory Expiry:	27 April 2022	Earliest Decision:	29 March 2022
Reason for any delay:	Awaiting Planning Committee date to determine		To view application file on FBC website click here

Officer Recommendation: Granted

Summary of Officer Recommendation

This application relates to a detached 4 bedroomed property located on the east side of Clifton Drive North at the junction with Kilgrimol Gardens in the settlement of Lytham St Annes. Externally there is a walled front and side garden with a central lawn and path around, a double garage to the rear with a driveway accessed from Kilgrimol Gardens and a private, enclosed garden to the rear. It benefits from 4 off road parking spaces to the rear of the property.

This application relates to change of use from a residential dwelling house (Use Class C3) to a home for up to 2 young people (between the ages of 8 and 17) with care provided by non-resident carers working in shifts (Use Class C2). The proposed intention is to provide a home for up to 2 young people to live in akin to a residential dwelling with non-resident carers always on-site to care for the children.

The proposed use is considered to be an acceptable use of a residential property in a residential area and is not anticipated to cause any more noise and disturbance than the usual ebb and flow of visitors to any residential property. This is delivered through the intended scale of the use proposed, as would be controlled by condition, and the details of the management plan which has been submitted, and which can also be the subject of a condition. The site provides a good level of parking that will be able to cater for the needs of the use, with the location of the site on one of the main arterial routes confirming that the level of traffic visiting a single property will be negligible compared to the wider highway use.

As such the proposal is considered to comply with the requirements of Policy GD1 & Policy GD7 of the Fylde Local Plan to 2032, incorporating Partial Review subject to a series of conditions including those relating to a restriction to ensure the C2 use relates solely to a children's home for two children, parking provision being in place prior to use, and the management plan being adhered to.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Reason for Decision Level

The Chairman of the Planning Committee has asked for it to be presented to Committee for a decision in order to highlight the receipt of applications for this type of use and to ensure the Committee are aware of the planning issues raised.

Site Description and Location

The application property is a detached 4 bedroomed property located on the east side of Clifton Drive North at the junction with Kilgrimol Gardens to the north in the settlement of Lytham St Annes. It benefits from 4 off road parking spaces to the rear of the property along with an enclosed garden area also to the rear. It is located within the settlement boundary in accordance with Policy GD1 of the Fylde Local Plan to 2032 incorporating Partial Review (FLLPR), adopted 6 December 2022.

Details of Proposal

Planning permission is sought for the change of use of the dwelling to a home for young people aged 8-17. In planning terms this is a change of use from the residential use which is in Class C3, to a care use which is in Class C2.

No extensions or alterations to the property are proposed, other than some internal re-allocation of rooms. The proposed layout indicates that the property would comprise an entrance hall with access to an office, communal lounge/diner, bathroom and kitchen to the ground floor with an existing side extension providing a laundry and utility/ storage area. The first floor would comprise a bathroom and 3 bedrooms (1 of which would be a staff bedroom). The second floor would comprise a store and further staff bedroom/office. The application has been supported by a management plan.

Relevant Planning/Appeal History

N/A

Parish/Town Council Observations

Parish/Town Council	Observations
ST ANNES TOWN COUNCIL	<i>No specific observations</i>

Statutory Consultees and Observations of Other Interested Parties

Consultee	Comments
LCC Highways	<i>LCC Highways does not have any objections regarding the proposed change of use of residential dwelling (use class C3) to a home for up to 2 young people (between the ages of 8 and 17) with care provided by non-resident carers working in shifts (use class C2) and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</i> <i>There are four off street parking spaces provided within the garage and driveway. This provides sufficient off street parking for the proposal.</i>

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Neighbour Observations

Neighbours notified:	7 March 2022
Site Notice Date:	7 March 2022
Number of Responses	0
Summary of Comments	N/A

Relevant Planning Policy & Government Guidance

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

The Fylde Local Plan to 2032 (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. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR 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 (incorporating Partial Review):

GD1 - Settlement Boundaries (Type:)

GD7 - Achieving Good Design in Development

NPPF – National Planning Policy Framework (July 2021)

NPPG – Planning Practice Guidance

Environmental Impact Assessment

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

Comment and Analysis

Need for Planning Permission

Before a consideration of the merits of the application is made, in this case it is appropriate to consider if planning permission is actually required. The legislation relevant to this application is The Town and Country Planning (Use Classes) Order 1987 (as amended) which places uses of land and buildings into various categories or 'Use Classes'.

The premises referred to in this application is a 4 bedroomed detached dwelling. The use Classes Order defines dwellinghouses as Class C3. This class comprises of 3 parts as follows:

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

- C3(a) covers use by a single person or by people to be regarded as forming a single household
- C3(b) refers to not more than six residents living together as a single household where care is provided for residents
- C3(c) allows for not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The application refers to Class C2 which also covers 'Residential Institutions' and is defined as:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

The existing property clearly lies within a C3 use. It has a single front door that leads to a standard arrangement and nature of rooms which is evidently in use as a single dwelling within Use Class C3(a). Externally there is a walled front and side garden with a central lawn and path around, a double garage to the rear with a drive in front accessed from Kilgrimol Gardens and a private, enclosed garden to the rear.

Turning to the application, the proposal is that the property accommodates up to 2 young persons in receipt of care as required with up to 2 non-resident carers who are providing care by working in shifts on a 24-hour rota. As such the use is similar to the use described in the 'North Devon' case (North Devon District Council v. Secretary of State (2003)). In that case, it was held that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves and so the use was more consistent with a Class C2 use than a C3 use. As that is also the case with the application under consideration, then the conclusion reached is the same, i.e., the proposed use described in the application is not a Class C3 use, but is a Class C2 use. This is consistent with how other such proposals have been assessed across Fylde Borough in recent years.

The principal reason for this conclusion that there is a change of use, is that the proposed use does not involve a 'single household', as is required by Class C3b, as the household will be run by staff who work on a rota and will change on a regular basis, with all staff residing elsewhere. This means that they are not part of the 'single household' at the application property and so prevents the proposed use from falling within Class C3.

Having established that the proposal represents a change of use, it is necessary to establish if that change of use is 'material' in planning terms as only a material change of use requires planning permission.

The council has received numerous previous applications for such uses across the borough. Many of these applications have been submitted as 'Certificates of Lawful Use', a mechanism under which the council is asked to conclude whether a particular use requires planning permission, or is lawful by other means. These decisions have often concluded that whilst the use of a residential property for the provision of care in the way described here does involve a change of use from Class C3 to Class C2, that change of use is not a material one as the day to day activity at the premises would be not be significantly different to that experienced at a single family dwellinghouse.

This application is for planning permission and has been submitted, presumably, because the applicant's agent believes that the use which is to be operated is materially different from a residential

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

use. The factors that could lead to that view will be examined in the remainder of this report.

Principle of Development

Starting with the policy position, the application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of development within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

The purpose of this proposal is intended to provide a family home environment for children whose circumstances render them unable to live with the family of their own. It is considered that a residential area is the only area that this use could be considered appropriate, and as the application site is a typical residential property in an area of similar properties then it is entirely suitable for this use. The property is also located where there are good and convenient links to education, open space, transport, leisure and other facilities which are beneficial to support the development of young people. The general principle of a care use in this location use in a property in this location must therefore be appropriate.

Design and Appearance in the Streetscene

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p).

The application property is a detached 4 bedroomed dwelling with the 4th bedroom provided in an attic served by a pair of existing dormers. Externally there are gardens front and rear and parking arrangements around. There are no physical changes proposed to the property, its garden, or its parking arrangements. Internally one of the first floor bedrooms will provide staff sleeping accommodation, with the two other first floor bedrooms used for the young persons, and the converted attic providing an office.

As the property will retain the appearance of a residential dwelling there are no design conflicts to consider within this application and it must accord with the requirements of criteria d), h) and i) of Policy GD7.

Impact on Neighbouring Amenity

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

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

The property fronts to Clifton Drive North with the sand dunes opposite. To one side is Kilgrimol Gardens with a property fronting Clifton Drive North to the other side. To the rear is a neighbour on

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Kilgrimol Gardens, and to the others side is a Clifton Drive North neighbour. This means that there are two direct neighbours, both of which are detached dwellings. The vehicle access to the property is from Kilgrimol Gardens and leads to a double width garage with driveway to the front.

A use of this nature could bring impacts on neighbour amenity in two main ways: the disturbance and other activity generated within the dwelling and its garden, and the impacts of highway movements.

The property is clearly a sizeable dwelling offering accommodation over 3 floors set in a large plot. As such it is the type of property that would typically be occupied by a larger family, with the attended level of disturbance to neighbours that would potentially be created. In this case the level of occupation that is proposed is limited to no more than two young persons, and so is likely to be similar or less than the level of occupation that would normally be expected from a 4 bedroomed dwelling. There will be some 'comings and goings' from staff, but the submitted management plan explains that shift changes, and manager attendance/departure, will be at typical commuting times, so leading to a level of activity that would not be untypical for a residential property.

The management plan explains that the young persons will be subject to 'house rules' in the same way that a parent would apply to their children. The property has gardens to the front and rear to enable ample space for outdoor play within the property.

With regards the potential impact from traffic movements, in addition to the staff movements it is likely that there will be visitors to the property to provide additional care, but this is a common situation in a residential setting where occasional visitors come to many properties throughout the week. The property is very well located on the strategic road network in the borough and whilst it will bring visitors onto Kilgrimol Gardens to access the parking areas, this is also a wide road which is well suited to serve these movements with good visibility and wide pavements.

The officer assessment is that there will not be any unacceptable increase in the level of noise or disturbance, or the level of vehicle movements, that could impact negatively upon neighbouring amenity.

There are no extensions, additional windows, or other elements of development that could alter the relationship of the property to its neighbours. Taking these matters together the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria c) and h) of Policy GD7. A series of conditions are proposed to ensure that the development is undertaken as shown on the submission in terms of the compliance with the management plan, that the use is for no more than 2 children, and that the use is for C2 care only.

Highways and Car Parking Arrangements

The property has four parking spaces with two in the double width garage and two on the driveway in front of it. These are to be available for the proposed use. Given the use proposed, this is adequate to meet the needs of the proposed staff members, the daytime manager (working 09.00-17.00 Monday to Friday), and any additional needs associated with care visits and during shift handover. The applicant has stated that shift changeover will be between 08.30 & 09.00 every other day with staff working sleep ins to reduce inconvenience to close neighbours.

It is not envisaged that there will be multiple car journeys each day as the children are expected to attend mainstream education in the same way as any other family dwelling. It is not anticipated that any of the young people will have cars so the proposed use is likely to result in a lesser number of car movements than could occur with the current use of the property as a family dwelling could generate

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

with adult children.

The level of trip generation and parking demands are not envisaged to cause any noticeable impacts to the character of the property or the surrounding area, and will certainly not involve highway safety or amenity impacts to a degree that could justify a refusal of planning permission.

Lancashire County Council Highways have raised no objection to the proposed development, and from the above assessment the council's planning officers agree with their assessment. Therefore, the proposal is considered to provide an appropriate level and location of parking for the site and does not compromise access arrangements or highway safety. As such it complies with criteria j) and q) of Policy GD7.

Relationship of Planning Application to Certificate of Lawfulness

Having assessed the issues raised by this particular proposal it would be a reasonable assumption that the implications of the change of use are at such a modest scale that they would not amount to a material change of use. This means that if the applicant had submitted a Certificate of Lawfulness, rather than this planning application, it is likely that the council would have been obliged to issue the Certificate and so confirm that planning permission was not required.

It is not clear why the agent in this case has chosen not to pursue that approach as the supporting information provided with the application does not cover that aspect. However, as the application has been submitted the council has a statutory duty to determine it, and so this report is presented to allow the submitted application to be determined.

Conclusions

The application relates to the change of use from a residential dwelling house (Use Class C3) to a home for up to 2 young people (between the ages of 8 and 17) with care provided by non-resident carers working in shifts (Use Class C2). Having viewed the proposal and assessed the issues raised, it is considered that the development accords with the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF.

This conclusion is on the basis that the proposed change of use is not considered to create any unduly harmful impacts to the relevant planning considerations, which in this case relate to the character of the area, the amenity of neighbours, and highway safety. As such planning permission should be granted subject to the conditions below.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:
 - Location Plan - Mapserve produced on 2nd Mar 2022

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

- Existing & Proposed Site Plan - Drawing no. A022/022/P/02
- Proposed Elevations & Floor Plans - Drawing no. A022/022/P/01 Rev A

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

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

3. The property shall be used to provide care for no more than two young persons (aged 8-17 inclusive) at any one time, along with the appropriate care support staff as required.

Reason: To provide control over the level of occupation of the property to ensure that there are no parking or other amenity considerations established that would require further assessment to establish compliance with Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review)

4. The use hereby approved shall at all times operate in accordance with the Management Plan recorded as received by the Council on 2 March 2022.

Reason: In the interests of the residential amenity of the local area and to avoid undue pressure on local on-street parking provision in accordance with the provisions of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

5. Prior to the commencement of the use hereby approved, the 4 car parking spaces indicated on drawing A022/022/P/02 shall be made available for use, and shall be remain available for the parking of vehicles at all times that the proposed use is undertaken at the property.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of existing and future occupiers in accordance with the requirements of Fylde Local Plan to 2032 incorporating Partial Review policies GD7 and T5, and the National Planning Policy Framework.

6. The accommodation shall be used as a children's home within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose, including any other use within use Class C2 and specifically shall not be used as supported living accommodation solely for 16 – 18 year olds.

Reason: To ensure that the future use of the premises is limited to one which can be carried out in any residential area without detriment to the amenity of that area in order that it remains compatible with and does not have any adverse amenity impacts upon the occupiers of nearby dwellings; to ensure that the level of parking provided by the development remains sufficient to serve the use in the interests of highway safety; and to preserve the vitality and viability of neighbouring centres by preventing the building being changed to a main town centre use without the application of the sequential test in accordance with the requirements of policies GD7, EC5 and T5 of the Fylde Local Plan to 2032 incorporating Partial Review, and the National Planning Policy Framework.

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Informative(s)

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

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

AGENDA FOR 18 MAY 2022 PLANNING COMMITTEE

Location Plan for application 22/0189



INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	18 MAY 2022	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 decisions between 15 April and 6 May 2022.

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

SOURCE OF INFORMATION

Development Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

Index of Appeal Decisions

Appeal decisions received between 15 April 2022 and 6 May 2022.

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

App. No.	21/0693	FBC Decision:	Refusal	Level:	Delegated
Location:	RADAR STATION, NORTH HOUSES LANE, LYTHAM ST ANNES, FY8 4NU				
Description:	APPLICATION TO DISCHARGE CONDITION 1 (TIME LIMIT FOR DEVELOPMENT TO BE BEGUN) OF PLANNING PERMISSION 18/0686				
PINS Decision	Withdrawn by applicant	Date:	21 April 2022	Costs:	N/A